



NEW YORK STATE SENATE

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BIPARTISAN OPERATING AGREEMENT: MAINE

FOR TIED LEGISLATURES IN OTHER STATES

AND THE U.S. SENATE

JUNE 17, 2009



BIPARTISAN OPERATING AGREEMENT MAINE

STATE OF MAINE

In Senate December 6, 2000

Ordered, the President is authorized to hire a Chief of Staff, Special Assistant, Legislative Aide, and a Senior Executive Secretary. The salary for each of these positions is to be agreed upon by the mutual consent of the President and the President Pro Tem and will serve at the pleasure of the President; and be it further

ORDERED, the President Pro Tempore is authorized to hire a Chief of Staff, Special Assistant, Legislative Aide, and a Senior Executive Secretary. The salary for each of these positions is to be agreed upon by the mutual consent of the President and the President Pro Tem and will serve at the pleasure of the President Pro Tempore; and be it further

ORDERED, Judith M. DelFranco of Fairfield is employed to serve as the Senior Technology and Systems Support Coordinator at a pay rate no less than she received as of December 5, 2000 to serve in accordance with Senate Rule 301.8; and be it further

ORDERED, the following positions will be established in the Office of the Secretary, a Chief Calendar Clerk, Journal Clerk, Senate Reporter, Senior Executive Secretary, and Assistant Reporter/Board Operator. These positions are to be filled pursuant to Senate Rule 301.8.

In Senate December 6, 2000

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ORDERED, that the ~~following~~ Senate Rules of the 120th Legislature are as follows:

SENATE RULES

120TH LEGISLATURE

Part 1

General Provisions

Rule 101. Title of Senator. The President, when speaking to any member of the Senate, and the members, when referring to each other in debate, shall use in their addresses the title of Senator, and by way of distinction name the county in which the Senator resides.

Rule 102. Lobbyists banned from member's desk. At no time may a registered lobbyist be at the desk of any member. A registered lobbyist may not directly initiate communication with any member in the Senate chamber while the Senate is in order, except that a registered lobbyist may send a note to a member through the Senate chamber staff requesting that the member meet with the lobbyist at the back row of chairs in the Senate.

Rule 103. Election of Senate Officers.

1. Officers of Senate. The Senate shall elect the officers of the Senate: the President, President Pro Tempore, the Secretary, and the Assistant Secretary.

2. Term of President. The President elected in December of 2000 shall serve in that office through December 5, 2001, at which time he or she will become the President Pro Tempore.

3. Term of President Pro Tempore. The President Pro Tempore elected in December of 2000 shall serve in that office through December 5, 2001, at which time he or she shall be sworn in and assume the office of President.

4. **Replacement of President and President Pro Tempore.** If the President is unable to serve, then the Senate shall elect a replacement pursuant to a joint agreement of December 6, 2000. If the President Pro Tempore is unable to serve, then the Senate shall elect a replacement pursuant to a joint agreement of December 6, 2000.

5. **Term of Secretary.** The Secretary elected in December of 2000 shall serve in that office through December 5, 2001, at which time he or she will become the Assistant Secretary of the Senate.

6. **Term of Assistant Secretary.** The Assistant Secretary of the Senate elected in December of 2000 shall serve in that office through December 5, 2001, at which time he or she shall assume the office of Secretary of the Senate.

7. **Replacement of Secretary and Assistant Secretary.** If the Secretary is unable to serve, then the President of the Senate shall appoint a replacement. If the Assistant Secretary is unable to serve, then the President Pro Tempore of the Senate shall appoint a replacement.

Part 2

President and President Pro Tempore

Rule 201. Duties and powers of the President.

The President shall:

1. **Take the chair; reading of journal.** Take the chair at the time to which the Senate has adjourned and, after the appearance of a quorum, cause the journal of the preceding day to be read;

2. **Address the Senate.** Address the Senate when speaking;

3. **Authenticate enacted bills and resolves finally passed.** Authenticate by the President's signature bills that have passed to be enacted and resolves that have finally passed;

4. **Enforce order and decorum.** Enforce the observance of order and decorum;

5. **Decide questions of order.** Decide questions of order without debate within 7 legislative days;

6. **Questions and declaration of votes.** Rise to put a question and declare all votes, but if any Senator doubts the

vote, all those voting in the affirmative, when called upon by the President, shall indicate electronically how they wish to be recorded or rise and stand until they are counted, and also those in the negative, in like manner, as directed by the President, to make the vote certain;

7. **Vote.** Vote in all cases, unless excluded by interest;

8. **Name temporary chair in absence of President Pro Tempore.** Name a Senator to perform the duties of the Chair when the President Pro Tempore is unable to serve;

9. **Appoint legal counsel.** Appoint legal counsel;

10. **Make appointments required by law.** Make appointments as required by law; in making appointments to boards and commissions, the President shall consult with the President Pro Tempore; and

11. **Name Secretary of Senate when Secretary unable to serve.** Name a person to assume the duties of the Secretary of the Senate in the event the Secretary is unable to serve.

Rule 202. Duties of the President Pro Tempore. The President Pro Tempore shall:

1. **Preside over the Senate.** Preside at the time to which the Senate has adjourned when the President is absent;

2. **President assumes office of Governor.** When the President assumes the office of Governor, assume the office of President until a successor can be chosen as provided in Rule 103, section 4;

3. **Legislative Council.** Serve as President of the Senate on the Legislative Council established by the Maine Revised Statutes, Title 3, section 161; and

4. **Assistant Secretary of the Senate.** Name a person to assume the duties of Assistant Secretary of the Senate in the event that the Assistant Secretary of the Senate is unable to serve.

Rule 203. Selection of Committees. The President and President Pro Tempore shall by agreement:

1. **Select committee chairs and members.** Apportion the party make up and Senate chairs of all joint standing and joint select committees in accordance with their agreement. The

President shall fill the positions allotted to his or her political party and the President Pro Tempore shall fill the positions allotted by the agreement to his or her political party;

2. **Appoint other positions.** According to the agreement, appoint a sergeant-at-arms, a postmaster and session staff who shall perform their duties under the supervision of the Secretary of the Senate;

3. **Appoint Committee on Bills in Second Reading and Engrossed Bills.** Appoint the Committee on Bills in the Second Reading and the Committee on Engrossed Bills. Each committee consists of 4 members. Any one member of either committee constitutes a quorum of that committee. The Revisor of Statutes is the clerk of the Committee on Bills in Second Reading;

4. **Appoint Committee on Conduct and Ethics.** Appoint the Committee on Conduct and Ethics, which is comprised of 5 members, no more than 2 of which can be from the same political party; and

5. **Rescission of Appointments.** The President may rescind appointments that he or she made at any time. The President Pro Tempore may rescind appointments that he or she made at any time.

Part 3

Secretary

Rule 301. Duties of the Secretary. The Secretary shall:

1. **Presiding officer.** Preside when the President and the President Pro Tempore are absent until a temporary presiding officer is chosen;

2. **Numbering of bills and resolves.** Number any bills and resolves in the order in which they are reported by the Committee on Bills in the Second Reading, and enter them upon the calendar in that order;

3. **Messages.** Carry all messages from the Senate to the House and to the Governor unless the Senate directs some other mode of transmission. All papers must be transmitted to the Governor, the House, and the Secretary of State under the direction of the Secretary or the Assistant Secretary;

4. **Senate order or joint order.** Forward a copy of each Senate order or joint order requiring action by any department, bureau, commission, board or agency of the State that is used

by both chambers of the Legislature to the department, bureau, commission, board or agency immediately after the adjournment of the legislative day in which the order was passed by the concurring chamber of the Legislature;

5. **Questions of order.** Enter on the journal the decision on a question of order; and

6. **Salary and benefits of Senate employees.** Certify vouchers of the officers and employees of the Senate to the Executive Director of the Legislative Council.

Salary and benefit information regarding Senate employees is public information and when requested must be provided within a reasonable time by the Secretary of the Senate.

Rule 302. Duties of Assistant Secretary of Senate. The Assistant Secretary of the Senate shall perform the duties of the Secretary when the Secretary is not present at a legislative session and assist in the management of the Secretary's office.

Rule 303. Staffing office of the Secretary. The Secretary of the Senate and the Assistant Secretary shall, consistent with any joint agreements, jointly fill the positions so as to carry out the responsibilities of the office in an expeditious and professional manner. Staff in the Secretary's office may be dismissed by joint action of the Secretary and the Assistant Secretary.

Part 4

Members

Rule 401. Rights and duties of members. Members of the Senate have the following rights and duties.

1. **Member may not speak.** A Senator may not address the Senate until recognized by the President. When a Senator speaks, the Senator shall stand in the Senator's place and address the President.

2. **Speak more than 3 times.** If there is objection, a Senator may not speak more than once on a question to the exclusion of any other Senator without leave of the Senate. If the Senator is the mover of the matter under debate, then the Senator may speak 3 times without leave.

3. **Duty to vote.** Every Senator who is present shall vote unless excused by the Senate, or excluded by interest. The President may excuse from voting members who are absent from the chamber to conduct legislative business or for other extraordinary occasions.

4. **Roll call.** Once the Secretary of the Senate commences with a roll call, all Senators must remain seated until the vote has been announced.

5. **Question put to vote.** A Senator may not speak on a question after it is put to vote.

6. **Pairing of votes.** A member who is absent by leave of the presiding officer and who has notified the presiding officer of the member's intent to pair the member's vote may join in voting for or against a measure with another member present at the time of the vote who stands on the opposite side of the question, provided that the absent member has submitted in writing the request for pairing and has received approval in writing by the President. The vote of the absent member and the member with whom that member is paired does not become part of the total number of votes causing passage or rejection of the measure.

7. **Present bill.** Members or members-elect who present a bill, resolve or a petition shall place their signatures on the bill, resolve or petition and a brief descriptive title of its contents.

8. **Exchange seats.** Members of the Senate may exchange seats with permission of the President.

9. **Absent from Senate.** A member may not be absent from the Senate without leave, unless there is a quorum left present.

10. **Paid representative.** A member of the Senate may not act as a paid representative for any party before the Legislature or any legislative committee.

Part 5

Proceedings and Debates

Rule 501. Motion to adjourn. A motion to adjourn must always be first in order, and it must be decided without debate.

Rule 502. Motions and concurrence. The following rules apply to motions and questions of concurrence with the House.

A. When a question is under debate, a motion may not be received except a motion:

- (1) To adjourn;
- (2) To reconsider;
- (3) To lay on the table;
- (4) To commit;
- (5) To amend; or
- (6) To postpone indefinitely.

These motions have precedence in the order in which they are arranged.

Questions of concurrence or otherwise with the House have precedence over each other in the following order:

- 1st. To recede;
- 2nd. To concur;
- 3rd. To insist; or
- 4th. To adhere.

Rule 503. Consideration of motion. A motion must be reduced to writing, if desired by the President or any Senator, and is then considered to be in possession of the Senate, to be disposed of by the Senate, but the mover may withdraw it at any time before a decision or any amendment is made to it.

Rule 504. Germaneness. An amendment must be germane to the proposition under consideration. An amendment proposing to establish a general provision of law upon a private and special bill or beyond the second degree is not in order.

Rule 505. Printing and distribution of amendments. An amendment to a bill or resolve may not be acted upon by the Senate until the same has been printed and distributed to the members under the direction of the Secretary of the Senate, unless the amendment bears the recommendation of the Committee on Bills in the Second Reading that the printing be dispensed with. All amendments filed with the Secretary of the Senate for printing must bear the signature of the member filing the amendment.

Rule 506. Reconsideration. A proposed amendment may be amended before it is adopted, but not afterwards, unless the vote adopting it is first reconsidered.

When a motion has been made and carried in the affirmative or negative, it is in order for any member of the Senate who voted with the prevailing side, or in the negative on a tie vote,

to move to reconsider on the same or succeeding day. A motion to reconsider may not be tabled unassigned. When a motion for reconsideration has been decided, the vote may not be reconsidered. A motion to reconsider is not in order more than once on the same question. Notwithstanding the provisions of this rule, any member may move for reconsideration of a committee reference on the floor. A majority vote is necessary to overturn the original committee of reference.

When a member of the Senate moves or gives notice of intention to move a reconsideration of any vote, the papers to which the motion relates remain in possession of the Secretary until the question of reconsideration has been decided, or the right to move the question is lost. All matters acted upon must be held in the Senate for at least 30 minutes after adjournment unless sent forthwith or held for reconsideration by a member.

A motion to reconsider takes precedence over all other questions except a motion to adjourn. However, if a motion to reconsider is made while another question is pending, the motion to reconsider may only be entered and may not be put until the other question is disposed of.

Rule 507. Questions of order. If an appeal of a decision of the President on a question of order is taken, the question of order may be debated like other questions.

Rule 508. Question divided. A question containing 2 or more propositions, capable of division must be divided whenever desired by any member.

Rule 509. Papers read once. Every paper must be read once at the table before any Senator is obliged to vote on the paper. If a Senator objects to a reading of a paper that has already been read to the Senate, the Senate must determine the question.

Rule 510. Second reading. All bills and resolves in their second reading must be committed to the Committee on Bills in the Second Reading to be examined and corrected.

After the Committee on Bills in the Second Reading has reported to the Senate that its examination and correction of a bill or resolve has been completed and that bill or resolve has been read by the Secretary, any member of the Senate may request that the bill or resolve be read and considered by paragraphs. This request may only be made before the question is put on passage of that bill or resolve. A bill or resolve may not have a second reading unless a time not less than one hour after the first reading is assigned for the second reading.

A resolve of any kind, or an order making any grant of money, lands, or other public property may not be passed without being read on 2 several days; the time for the second reading must be assigned by the Senate.

Rule 511. Enactment of engrossed bills. A bill or resolve may not pass to be engrossed until the bill or resolve has had 2 readings. All bills and resolves, immediately after being engrossed, must be committed to the Committee on Engrossed Bills to be examined; if found by the committee to be truly and strictly engrossed, and before any bill is passed to be enacted or any resolve is finally passed, the title of the bill or resolve must be read. The President of the Senate may order any bill or resolve to be engrossed upon its introduction to the Senate.

Rule 512. Order of business. After the reading of the journal, the following is the order of business:

- 1st. House Papers. House papers;
- 2nd. Messages and documents. Messages and documents from the Governor, heads of departments and others;
- 3rd. Documents requiring reference to committee. Reception of petitions, bills and resolves requiring reference to any committee;
- 4th. Orders. Orders;
- 5th. Reports of Committees. Reports of committees;
- 6th. Second readings. Bills and resolves reported by the Committee on Bills in the Second Reading;
- 7th. Bills and resolves; enactment or passage. Bills on their passage to be enacted, and resolves on their final passage; and
- 8th. Orders of the day. Orders of the day.

Rule 513. Calendar. Bills and resolves are taken up for their second reading and passage to be engrossed, or other disposition, in the order that they stand on the calendar. If a bill or resolve, after it is put on the calendar, is laid on the table, and no time is assigned for its further consideration, then the bill or resolve must go to the foot of the calendar. Papers from the House, concerning which there has been a disagreeing vote of the 2 chambers, must be disposed of before commencing with the calendar. This rule does not apply to or

interfere with motions to reconsider, or special assignments or other privileged questions.

Rule 514. Transact business. Business may not be transacted after the hour of 9:00 p.m. without the affirmative vote of 2/3 of the members present and voting.

Rule 515. Roll call. A roll call must close no more than 30 minutes after the call was commenced. When the yeas and nays are taken, the names of the Senators must be called alphabetically.

A roll call may be requested while the result of a division is being announced.

Rule 516. Unfinished business. The business that was unfinished in the Senate at the time of the last adjournment has precedence in the orders of the day.

Rule 517. Notice to Senate. The President shall give the Senate notice before an engrossed bill or resolve may be sent to the House.

Rule 518. Dispensation of rule or order. A rule or order may not be dispensed with, except by the consent of 2/3 of the members present.

Rule 519. Amendment, adoption or repeal of rule. Notwithstanding Rule 518, after the convening of a first regular session and before the 3rd Friday in January and after the convening of a second regular session and before the second Wednesday after the first Tuesday of January, any amendment to the Senate Rules proposed by a Senate order may be adopted by a majority vote of the members present, except that if the amendment has already failed to be adopted during that session, it may be adopted only if, upon reconsideration, it receives the approval of 2/3 of the members present.

Rule 520. Amendment to certain rules. Notwithstanding Rules 518 and 519, Rules 103, 201, 202, 203, 301, and this rule may not be repealed, amended or suspended except by 2/3 vote of the elected membership of the Senate.

Rule 521. Rules of parliamentary practice. The rules of parliamentary practice comprised in "Mason's Manual of Legislative Procedure" or any other standard authority, govern the Senate in all cases in which they are applicable and in which they are not inconsistent with the standing rules of the Senate or of the joint rules of the 2 chambers.

Rule 522. Impeachment. Prior to final action by the Senate on any paper initiating any impeachment proceeding under the Constitution of Maine, Article IV, Part First, Section 8; Article IV, Part Second, Section 7; and Article IX, Section 5, and prior to final action by the Senate on any paper initiating any address proceeding under the Constitution of Maine, Article IX, Section 5, the Secretary of State shall furnish members of the Senate with copies of the 1986 report to the 112th Legislature on impeachment and address.

Rule 523. Committee of the whole. The Senate may at any time, upon motion, by a vote of a majority of the members present, resolve itself into a committee of the whole for the purpose of considering any subject named in the motion. The President shall appoint a chair. If a message is announced while the Senate is in this committee, the President shall resume the chair for the purpose of receiving the message; immediately after which the committee shall proceed, until dissolved in the usual manner.

Rule 524. Line-item veto. When a bill or resolve is returned by the Governor with any dollar amount disapproved pursuant to the Governor's line-item veto power, the Senate shall act upon the disapproved item or items within 5 calendar days, excepting Sundays, of receiving the bill or resolve from the Governor or within the remaining balance of time available after receiving the bill or resolve from the House.

SPONSORED BY: _____
(Senator DAGGETT)

COUNTY: Kennebec