

# LEGISLATORS' HANDBOOK



**November 2018  
20th Edition**

**Prepared by the  
Office of Policy and Legal Analysis  
Maine State Legislature  
under the auspices of the  
Legislative Council**

## PREFACE

The operation of the legislative branch is complex, and there are few opportunities for those outside the process to become acquainted with its intricacies. This handbook describes the legislative process. It also provides information about the most significant activities in which legislators are involved, the resources and services available to legislators, the standards that govern legislators' conduct and other useful information for legislators.

This handbook is designed to be a practical reference manual to help newly elected legislators and others become familiar with the Maine legislative process. It is hoped that the information in this handbook will provide newly elected legislators an understanding of the process that will allow them to use their time in the Legislature efficiently and effectively. This, the 20th edition of the handbook, updates the previous edition and covers recent changes affecting the legislative process and legislator conduct. It does not, however, reflect any changes in process, committee structure and jurisdiction or other rules that may be adopted by the 129th Legislature after the printing of the handbook. Each of the legislative staff offices has cooperated in the writing of this handbook.

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**TABLE OF CONTENTS**

	Page
<b>PREFACE</b> .....	1
<b>TABLE OF CONTENTS</b> .....	i
<b>PART I LEGISLATIVE PROCEDURES</b> .....	1
<b>A. THE LEGISLATIVE SETTING</b> .....	1
1. Membership .....	1
2. Sessions .....	1
3. Terms .....	2
4. Tribal Representation .....	2
5. Legislators' Role and Responsibilities .....	2
6. Legislative Rules and Limits .....	3
<b>B. THE LEGISLATIVE PROCESS</b> .....	3
1. Bill Drafting and Introduction of Legislation .....	3
2. Legislative Instruments .....	9
3. The Committee Process .....	10
4. Enactment .....	14
5. Governor's Options for Bills Enacted by Legislature .....	18
6. Publication of Laws .....	19
7. Further Action .....	20
<b>C. THE BUDGET PROCESS</b> .....	21
1. Formulation of the Biennial Budget Request .....	21
2. Restrictions and Constraints .....	22
3. Revenue Forecasting .....	24
4. Budget Layout .....	25
5. Legislative Consideration .....	26
6. Financial Orders .....	26
7. Overview of State Expenditures for Fiscal Year 2017-18 .....	27

8. Debt .....	29
<b>D. LIMITS ON LEGISLATIVE POWER</b> .....	31
1. Constitutional Limitations .....	31
2. Other Relevant Constitutional Provisions .....	33
3. Federal Laws .....	34
4. Legislative Rules .....	34
<b>E. SENATE AND HOUSE CALENDARS</b> .....	35
1. Order of Business .....	36
2. Calendar Supplements .....	38
<b>F. LEGISLATIVE OVERSIGHT</b> .....	38
1. Legislative Studies .....	39
2. State Government Evaluation .....	39
3. Government Oversight Committee; Performance Reviews .....	40
4. Review of Agency Rules .....	40
5. Oversight of Agency Budgets .....	41
6. Review of gubernatorial Appointments .....	41
<b>PART II ADMINISTRATIVE INFORMATION</b> .....	42
<b>A. LEGISLATIVE COMPENSATION, SALARY, ALLOWANCES, EXPENSES AND OTHER BENEFITS</b> .....	42
1. Legislative Salary (estimated) .....	42
2. Session Allowances .....	43
3. Interim Expenses .....	43
4. Constituent Service Allowance .....	43
5. Out-of-State Travel .....	44
6. Group Health, Dental and Vision Insurances .....	44
7. Group Life Insurance .....	45
8. Deferred Compensation .....	45
9. Legislative Retirement System .....	46
10. Leave of Absence from Employment to Serve as a Legislator .....	46

- 11. Legislators' Federal Income Tax Liability .....46
- B. LAWS GOVERNING CONDUCT OF LEGISLATORS.....47**
  - 1. Income Reporting .....47
  - 2. Conflict of Interest.....48
  - 3. Solicitation and Acceptance of Campaign Contributions .....49
  - 4. Contracts with State Agencies .....49
  - 5. Commission on Governmental Ethics and Election Practices.....49
  - 6. Attendance .....50
- C. LEGISLATIVE EMAIL .....50**
- D. FREEDOM OF ACCESS & CONFIDENTIALITY .....51**
- E. AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATIONS.....52**
- F. LOBBYIST DISCLOSURE.....53**
- G. SMOKING POLICY .....53**
- H. HARASSMENT .....53**
- I. VIOLENCE IN THE WORKPLACE.....55**
- J. EMERGENCIES .....55**
- PART III LEGISLATIVE STAFF SERVICES .....57**
  - A. LEGISLATIVE COUNCIL.....57**
  - B. NONPARTISAN STAFF OFFICES .....58**
  - C. OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY .....66**
  - D. SENATE AND HOUSE ADMINISTRATION.....68**
  - E. OTHER STAFF SERVICES .....69**
    - 1. Leadership Office Staff .....69
    - 2. Committee Clerks.....70
  - F. NATIONAL RESOURCE ORGANIZATIONS .....70**
    - 1. National Conference of State Legislatures .....71

- 2. The Council of State Governments.....71
- G. ADDITIONAL REFERENCE MATERIALS.....72**
  - 1. Laws, Administrative Rules.....72
  - 2. Directories .....72
  - 3. Reports, Information.....74
  - 4. Periodicals, Publications.....75
  - 5. Other Materials of Interest.....75
  - 6. Internet Resources .....77
- PART IV CONSTITUTIONAL OFFICERS & STATE AUDITOR .....78**
  - A. THE ATTORNEY GENERAL.....78**
  - B. THE SECRETARY OF STATE.....79**
  - C. THE TREASURER OF STATE.....79**
  - D. THE STATE AUDITOR.....79**
- PART V GLOSSARY.....81**
- PART VI FLOOR PLANS .....100**

## **PART I LEGISLATIVE PROCEDURES**

### **A. THE LEGISLATIVE SETTING**

A basic principle of our representative form of government is the coequal status of the three branches of government: the legislative, the executive and the judicial. Although the separation of powers among the branches is not absolute, the fundamental function of the legislative branch is to consider, debate and establish public policy, provide the means and resources for its implementation and review its administration.

#### **1. Membership**

The Maine Constitution (Article IV, Part First, Section 1) states that the Maine Legislature must consist of two separate houses or chambers: the Senate and the House of Representatives. The Constitution further provides that the House consist of 151 members (Article IV, Part First, Section 2) and that the Senate consist of an odd number of members, not fewer than 31 nor more than 35 (Article IV, Part Second, Section 1). The Senate currently consists of 35 members. The presiding officer of the House is the Speaker of the House, who is elected by the members of the House. The presiding officer of the Senate is the President of the Senate, who is elected by the members of the Senate.

Rosters of the members of the House of Representatives and the Senate are available at: <http://legislature.maine.gov/house/> and at <http://legislature.maine.gov/senate/>, respectively.

#### **2. Sessions**

The Maine Constitution establishes the legislative biennium and directs the Legislature to convene in regular session on the first Wednesday in December in the first year of the biennium and on the first Wednesday after the first Tuesday of January in the second year (Article IV, Part Third, Section 1). The Legislature, by law and rule, has prescribed limits on the length of the legislative sessions and other necessary procedural requirements. The law (3 MRSA §2) requires that the first regular session adjourn no later than the third Wednesday in June and that the second regular session adjourn no later than the third Wednesday in April. The statute authorizes limited extensions, including a one-day "Veto Day" for the Legislature to deal with any bills the Governor may have vetoed after the Legislature has completed its work. The Legislature may meet in special session if called in by the Governor or if called in by the presiding officers with the consent of a majority of the members in each party

(Article IV, Part Third, Section 1). There is no statutory limit on the length of a special session.

#### **3. Terms**

Under the Constitution, the legislative term of office is two years (Article IV, Part First, Section 2 and Part Second, Section 1). Maine law prohibits legislators from serving more than four consecutive terms in either the House or the Senate (21-A MRSA §553).

The Legislature limits by law and rule the number of terms the presiding officer and floor leaders of both chambers may serve. Current law (3 MRSA §§21-A, 24, 41-A and 44) limits the President of the Senate, the Speaker of the House and House and Senate party floor leaders and assistant party floor leaders from serving more than three consecutive legislative biennia in the same office.

#### **4. Tribal Representation**

In addition to its 151 members, the House has traditionally included a member of the Penobscot Nation, a member of the Passamaquoddy Tribe and a member of the Houlton Band of Maliseet Indians elected to represent their respective tribes at the Legislature. Under the Joint Rules (Rule 316), tribal representatives are granted seats on the floor; granted, by consent of the Speaker, the privilege of speaking on pending legislation; appointed to sit as nonvoting members of joint standing committees with their positions noted and included in committee reports; and granted other rights and privileges as approved by vote of the House. Under the Joint Rules (Rule 206(3)), tribal representatives may sponsor legislation relating to Indians and Indian land claims and may offer floor amendments to such legislation; cosponsor any other legislation; and sponsor and cosponsor expressions of legislative sentiment.

#### **5. Legislators' Role and Responsibilities**

While a legislator performs a number of different tasks, the legislator's role is essentially that of proposing, considering and enacting laws. Each year, legislators consider hundreds of proposals for state laws.

Most legislators are assigned to one or more joint standing committees that are responsible for considering and making recommendations on pending legislation, conducting periodic evaluations of agency performance and structure, reviewing agency rules and reviewing certain gubernatorial appointments.

A legislator's duties also involve examination and analysis of the State's budget, oversight of public agencies, analysis of government programs, review of major substantive agency rules, review of gubernatorial appointments and assistance to constituents.

Many legislators also serve on commissions and study groups that are established to examine particular issues in depth. Typically, such studies are conducted during the interim between regular sessions and the results are reported to the following session.

## 6. Legislative Rules and Limits

In order to encourage the prompt and efficient execution of legislative duties, legislators are subject to rules governing procedure and decorum. These rules are formally adopted at the convening of each new Legislature and include Joint Rules, House Rules and Senate Rules. The presiding officer of each chamber may establish further requirements to ensure decorum and order. At the outset of each biennium, the President and the Speaker explain the rules and policies of their respective chambers on such matters as attire, conversations during floor debate, the use of electronic devices during sessions and the manner in which legislators address each other. State laws also govern a legislator's relationships with the public and lobbyists and a legislator's activities relating to personal financial interests.

## B. THE LEGISLATIVE PROCESS

The process by which an idea becomes a law is complex and involves many steps. It is designed to ensure methodical and informed decisions on matters that affect the lives of Maine citizens. Although the process may seem confusing at first, the process follows clearly defined rules and procedures.

### 1. Bill Drafting and Introduction of Legislation

Ideas for bills come from many sources, including: legislators, legislative committees, study groups, lobbyists, public interest groups, municipal officials, the Governor, state agencies and individual citizens. In some cases, the person or group requesting the legislation may have already drafted the bill. However, in most cases, the legislator turns to a legislative staff office for bill drafting assistance. All legislation, regardless of where it is initially drafted, is processed and prepared for introduction by nonpartisan legislative staff in accordance with standards established by the Revisor of Statutes.

During the first regular session of the Legislature, there are no formal limitations on the type or number of bills that may be submitted prior to cloture.

Cloture is the deadline for submitting requests for legislation. In contrast, bills introduced in the second regular session of the Legislature are limited by the Constitution of Maine (Article IV, Part Third, Section 1) to budgetary matters, the Governor's legislation, legislation of an emergency nature approved by the Legislative Council, legislation submitted pursuant to statute, legislation submitted pursuant to authorized studies and legislation submitted by direct initiative petition of the electors.

The Joint Rules (Rules 202-204) establish cloture dates for the submission of bills by state agencies and legislators during the first regular session. The Joint Rules also authorize the Legislative Council to establish deadlines and procedures for introducing bills in the second regular session.

**a. Bill sponsors.** A bill must have a legislative sponsor unless its introduction has been authorized by an act or resolve. Under the Joint Rules (Rule 206(1)) a bill may have up to 10 sponsors: one primary sponsor, one lead cosponsor from the other chamber and eight cosponsors from either chamber (the presiding officers may authorize additional cosponsors).

In addition to introducing their own ideas for legislation, legislators also may act as sponsors for bills proposed by other people or groups. Usually, legislators support bills they sponsor for other people or groups. However, a legislator may also introduce a bill "by request" as a service to a constituent when the legislator does not necessarily support the purpose of the measure.

**b. Bill drafting and signing.** The Office of the Revisor of Statutes reviews all proposed bills prior to their introduction and either drafts them or edits initial bill drafts provided to them so they conform to proper legislative form, style and usage. When a request for a bill is filed, it is assigned a Legislative Request (L.R.) number that is used to track the request until it is printed as a Legislative Document (L.D.).

The Revisor's Office is the central repository for all bill requests and administers cloture. Bill requests that do not contain enough information or direction to draft a bill are considered incomplete and may be voided (Joint Rule 208).

After drafting and processing by the Revisor's Office, a bill must be signed by the sponsor and any cosponsors prior to printing. The sponsor and cosponsors are required to sign the bill or provide changes within deadlines established by the presiding officers (Joint Rule 211). The signed bill draft is then sent to either the Secretary of the Senate or the Clerk of the House for printing, depending on whether the primary sponsor is a senator or a representative.

**c. Reference to committee.** The first step for a printed bill is reference to a committee. The suggested reference for a bill is made to the committee that seems most appropriate based on the bill's subject matter. The Secretary and the Clerk suggest the committee of reference, assign the bill a Senate Paper (S.P.) or House Paper (H.P.) number and Legislative Document (L.D.) number and place it on the next Legislative Calendar for consideration in the appropriate body. Once printed, bills are usually identified and referred to throughout the rest of the session by their L.D. numbers.

When the Secretary and Clerk disagree on the suggested committee of reference, they refer the matter to the President and the Speaker; if the President and Speaker disagree, the Legislative Council resolves the question. The vote on reference to committee is the first floor vote taken on a bill. Usually the committee chair of the suggested committee of reference is recognized to make the formal motion to refer the bill to committee. In most cases, approval of the suggested committee reference is a matter of form. Occasionally, the reference is debated and a member may then move that the bill be referred to a different committee, a motion that requires a simple majority vote pursuant to Joint Rule 308(1). If the House and the Senate cannot agree on which committee will hear the bill, the bill can go no further in the process.

When the Legislature is not in session or is in recess for more than four days, the Secretary and the Clerk, pursuant to the Joint Rule 308(2), may refer bills and order them printed; floor action is not required for reference. A notice of the action appears in the House and Senate Calendars when the House and Senate are next in session. Letters of notification are sent to the chairs of the joint standing committees and to the sponsors and cosponsors of the bills.

Joint Rule 308(3) also authorizes a joint referral to more than one committee simultaneously. The first-named committee is considered the lead committee. Another option is for the committees to jointly work a bill that crosses jurisdictional lines, although the bill is officially referred to only one of the committees. Usually, this is an arrangement approved by the presiding officers and worked out between the committees, with the committee to which the bill was actually referred seeking input from the other committee or including the other committee in its deliberations.

A bill may also be considered on the floor without reference to a committee. In this instance the bill goes directly to the floor of the appropriate body for debate and action. Joint Rule 308 provides for engrossing a bill without reference to a committee by a majority vote in each chamber. Engrossing without reference usually occurs when the time is not available for a committee to undertake a review of the bill or when the bill is submitted by a joint standing committee.

**d. Form of a bill.** Every printed bill has certain basic components: the assigned House Paper or Senate Paper number and Legislative Document number; the number of the legislative session; the date of introduction; the name of the committee suggested for reference; the sponsor and any cosponsors; the title; the introduction authority, if any; the text of the bill; and the summary.

In the bill text, existing statutory language proposed to be repealed is either shown stricken through or clearly identified as being repealed, and all proposed new statutory language is shown as underlined. When a bill proposes to repeal and replace an existing statute or create an entirely new statute, all of the proposed new statutory language is underlined.

The Joint Rule 208 permits a legislator to submit a bill as a concept draft. A concept draft is simply a summary of what the sponsor intends to accomplish with the bill; it does not contain the actual language of a proposed law and, therefore, cannot be enacted unless and until such language is appropriately substituted for the concept.

Each printed bill includes a summary: a brief, plain English explanation of the content and intent of the bill, which is prepared by nonpartisan staff.

**e. How to read a bill.** On the following pages is a copy of a bill from the 128th Legislature with a description of its various technical components.



128th MAINE LEGISLATURE  
FIRST REGULAR SESSION—2017

When bills are printed, they are assigned Legislative Document (L.D.) numbers in sequential order from the start of the biennium

Bills are assigned paper numbers by the body of the bill's sponsor (H.P. = House Paper, S.P. = Senate Paper)

Title of the bill, providing a brief description

Suggested legislative committee to review and report recommendations on the bill (suggested by the Clerk of the House and the Secretary of the Senate)

Bill's sponsor and cosponsors

Enacting clause

Amending clause and history line, showing title and section of law being amended and history of when last amended

Underscoring indicates language being added

Striking through indicates language being repealed

Sections of bills affecting a title, section, subsection or paragraph of the Maine Revised Statutes (MRS) are arranged in ascending numerical order (i.e., section amending 12 MRSA §12656, sub-§1 -A follows section amending 12 MRSA §12656, sub-§1)

Underscoring indicates language being added

Explanation of what the bill does

An L.R. (Legislative Request) number is assigned to each bill prior to the printing of the bill and its receipt of an L.D. number

Legislative Document No. 190

H.P. 146 House of Representatives, January 24, 2017

**An Act to Allow Spearfishing for Northern Pike in Sebago Lake**

Referenced to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

ROBERT B. HUNT  
Clerk

Presented by Representation ORDWAY of Standish.  
Cosponsored by Senator DAVIS of Piscataquis.

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 12MRSA §12656, sub-§1, ¶B**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9 is amended to read:

B. Except as otherwise provided, use any grapnel, spear, ~~spear gun~~ speargun, trawl, weir, gaff, seine, gill net, trap or set lines for fishing.

~~(1) A person may take suckers, eels, alewives and yellow perch in accordance with section 12506.~~

~~(2) A person may take baitfish with a baitfish trap, as defined in section 10001, subsection 7.~~

**Sec. 2. 12 MRSA §12656, sub-§1-A** is enacted to read:

**1-A. Exceptions.** Notwithstanding subsection 1, a person may:

A. Take suckers, eels, alewives and yellow perch in accordance with section 12506;

B. Take baitfish with a baitfish trap, as defined in section 10001, subsection 7; and

C. Use a spear or speargun to fish for northern pike in Sebago Lake..

**SUMMARY**

This bill allows the use of a spear or spear gun to fish for northern pike in Sebago Lake.

## 2. Legislative Instruments

In addition to acts, there are a number of legislative instruments designed for different purposes: expressions of legislative sentiment, joint resolutions, memorials, resolves, House or Senate orders, joint orders, resolutions, constitutional resolutions and bond issues.

**a. Measures expressing recognition or sympathy or requesting action.** The Legislature often passes measures expressing its recognition of a person or event, its sympathy or a request for action. These measures take the form of legislative sentiments, joint resolutions, House or Senate resolutions and memorials.

**Legislative sentiments.** Legislative sentiments are joint orders that are used to congratulate or recognize a person, group or other entity for a significant achievement or civic accomplishment or to express regret upon a person's death. The President and the Speaker, pursuant to Joint Rule 213, establish guidelines for legislative sentiments, including policies for what may be recognized by a sentiment. Requests for legislative sentiments are filed with and drafted by the Revisor's Office and sent for processing to the Clerk or the Secretary, depending on the sponsor.

**Joint resolutions.** Joint resolutions are jointly issued by the Senate and the House to express special recognition or opinion. Requests for specific joint resolutions are filed initially with the Revisor's Office. The Revisor's Office sends such requests to the President and the Speaker, who may approve or reject the request for a joint resolution or instruct the Revisor's Office to process the request as a legislative sentiment.

**Memorials.** Memorials are a type of joint resolutions used to petition individuals or entities to take some action. A typical memorial urges the United States Congress or the President of the United States to take specified action. Pursuant to Joint Rule 214, memorials require approval of the Legislative Council before they may be introduced.

**b. Other legislative instruments.** There are other legislative instruments that are designed to deal with certain special circumstances.

**Resolves.** Resolves have the same force of law as acts but do not amend the general law directly and are of very limited duration. Resolves are narrow in scope and are the proper instrument for one-time occurrences, such as legislative authorization for an individual to sue the State or the establishment of a temporary study commission.

**Constitutional resolutions.** A constitutional resolution is the instrument used to amend the Maine Constitution. A constitutional resolution must be passed by the Legislature by a two-thirds vote in both the Senate and the House and then approved by a majority of voters at a statewide election (Article X, Section 4).

**Orders:** Orders are used for administrative or organizational functions that are internal to the Legislature. An order may be used to express the Legislature's will that a certain action be taken or to convey the Legislature's sentiments or opinion. An order may be a Senate order, a House order or a joint order passed by both chambers. Joint orders also may be used to establish legislative studies or to authorize a joint standing committee to report out a bill.

## 3. The Committee Process

Almost all bills, resolves and constitutional resolutions are analyzed and discussed by one or more legislative committees before they are considered by the full Legislature. Bills typically are referred to committees by both chambers, receive a public hearing, are worked on in committee work sessions and are given a recommendation, or "report," by the committee to the whole Legislature.

Joint Rules 301-302 of the 128th Legislature authorized 16 joint standing committees, each which consisted of three Senate members and 10 House members. Pursuant to Joint Rule 354, the Legislature established the Joint Select Committee on Joint Rules, which consisted of five Senate members and five House members. Pursuant to Joint Rule 351, the Legislature also established the Joint Select Committee on Marijuana Legalization Implementation, which consisted of five Senate members and 12 House members. The President of the Senate and the Speaker of the House appoint all committee members and committee chairs. The committee's Senate chair presides, and in the Senate chair's absence, the House chair presides and, thereafter, as the need may arise, the chair shall alternate between the members from each chamber in the sequence of the members' appointment to the committee. Each committee has a Senate chair and a House chair. Under Joint Rule 316, the Passamaquoddy Tribal Representative, the Penobscot Nation Representative and the Houlton Band of Maliseet Indians Representative are appointed to serve as nonvoting members of joint standing committees.

Each joint standing committee is assigned one or more legislative analysts from the Office of Policy and Legal Analysis (OPLA) or the Office of Fiscal and Program Review (OFPR) by the respective office directors. The analysts provide nonpartisan professional staff services to the committees. Each committee also has a committee clerk who, with the exception of the clerk for the Committee on Appropriations and Financial Affairs, is appointed by the



presiding officers, with the agreement of the committee chairs, and who is responsible for maintaining official records of the committee and for providing general clerical and administrative support.

**a. Joint standing committees.** The number, names and jurisdictions of committees can change from Legislature to Legislature. The following is a list of the 16 joint standing committees established by the 128th Legislature.

- Agriculture, Conservation and Forestry
- Appropriations and Financial Affairs
- Criminal Justice and Public Safety
- Education and Cultural Affairs
- Energy, Utilities and Technology
- Environment and Natural Resources
- Health and Human Services
- Inland Fisheries and Wildlife
- Insurance and Financial Services
- Judiciary
- Labor, Commerce, Research and Economic Development
- Marine Resources
- State and Local Government
- Taxation
- Transportation
- Veterans and Legal Affairs

**b. Bill distribution.** Once a bill has been printed, it is distributed to members of the Legislature. It is also distributed to all town and city clerks who request a copy. Bills are available to the general public through the Legislative Document Room (Room 102, State House). The Clerk of the House also provides copies of all bills through a subscription service for which a fee is charged, and the Legislature provides access to bills and bill status information at <http://legislature.maine.gov/>.

**c. Public hearing.** After a bill has been referred to committee, the committee generally holds a public hearing to hear testimony on the proposed legislation. After the committee chairs set the date and place for the public hearing, notices are placed in the weekend editions of Maine's major newspapers, typically two weekends in advance of the hearing. Notice of public hearings is also published on the Legislature's website under the "Committees" tab at <http://legislature.maine.gov/>.

When the Legislature is not in session, public meetings of legislative committees are published on the Weekly Legislative Calendar, which is produced by the Clerk of the House and may be found at [http://legislature.maine.gov/house/wlc\\_list.htm](http://legislature.maine.gov/house/wlc_list.htm).

Additionally, one can subscribe to receive notifications of legislative meetings during the legislative session and interim at <http://legislature.maine.gov/news/239/subscribing-to-legislative-mailing-lists>.

Pursuant to Joint Rule 306, a quorum of seven committee members is required to hold a public hearing. The hearing provides an opportunity for legislative sponsors to explain the purpose of the bill and members of the general public, state officials and lobbyists to express their views on the bill.

Customarily, the bill's sponsor testifies first, followed by any cosponsors and other proponents, then opponents and then those persons who would like to comment on the bill but are neither for nor against the bill. At the conclusion of a person's testimony, committee members may ask questions. However, under the Joint Rule 304, a committee member who is the sponsor of the bill and any committee member who testifies on the bill ordinarily refrain from questioning.

**d. Work sessions.** The committee's formal action on a bill usually comes later at a work session. Work sessions allow committee members to discuss bills thoroughly and to vote on one or more recommendations ("reports") to the Legislature. Some bills require several work sessions before a vote. The committee works with its legislative analyst to draft amendments or review amendments proposed by others.

Work sessions are open to the public. At the invitation of the committee, representatives of state agencies, lobbyists and others may address the committee about a bill, suggest compromises or amendments and answer questions. At a work session, the committee may also ask its legislative analyst to explain certain details of a bill or to provide additional information or research. Under Joint Rule 306, in order for a committee to take a vote a quorum of seven members must be present. If a quorum is present, but there is not a Senator among those present, the committee may take a vote only with the authorization of the President.

Notice of work session schedules is published on the Legislature's website under the "Committees" tab at <http://legislature.maine.gov/>.

**e. Committee amendments.** Amendments are proposed technical or substantive changes to bills that may clarify, restrict, expand, correct or otherwise modify a printed bill. At times, proposed revisions are so extensive that the entire substance of a bill is changed by the amendment. Rarely, extensive revision of a bill may take the form of a new draft rather than that of an amendment. Under Joint Rule 310(4) the President and the Speaker must

authorize a new draft. A new draft is printed as a new L.D. and assigned a new number.

**f. Committee report.** Except in the case of a report of "leave to withdraw" (see description on next page), the committee's decisions on bills and amendments are expressed by votes on motions made during a work session. The final action is called a committee report, which is the committee's recommended action on a bill. The committee report a bill receives is often the most important influence on its passage or defeat. Several types of reports on a bill are permissible under the Joint Rule 310(2):

- Ought to pass;
- Ought to pass as amended;
- Ought to pass in new draft;
- Ought not to pass;
- Refer to another committee; and
- Leave to withdraw.

A unanimous report means all committee members agree on a recommended action. If committee members disagree on a bill, a divided report results, which usually includes a "majority" and "minority" report on the bill (e.g., a majority "ought not to pass" report and a minority "ought to pass as amended" report). Less frequently, there are more than two reports (e.g., six members vote for Report A, "ought to pass," five members vote for Report B, "ought not to pass," and two members vote for Report C, "ought to pass as amended"). Pursuant to the House Rule 525, if the committee membership includes a tribal representative, the position of the tribal representative will be noted and included in the committee report.

If a unanimous "ought not to pass" report is voted by a committee, the bill is placed in the legislative file and a letter from the committee chairs conveying this report appears on the Senate and House Calendars. No further action may be taken by the Legislature unless a joint order recalling the bill from the file is approved by two-thirds of the members voting in both chambers. If a bill is recalled from the file, it is reconsidered and may be committed to committee for further deliberation or other action may be taken on the floor.

Under Joint Rule 310(6), a sponsor may request "leave to withdraw" that sponsor's bill before the bill is advertised for a public hearing. The request may be granted only by the agreement of both chairs of the committee to which the bill was referred. When a request for leave to withdraw has been granted by the chairs, the bill must be reported out as "leave to withdraw" and placed in the legislative file and may be recalled only by a joint order approved by a vote of two-thirds of the members voting in both chambers.

Unless the committee report is a unanimous "ought not to pass," a legislator may move, at the appropriate time during floor debate, that the body consider the original bill rather than the committee report. A majority vote is required for this motion to succeed. Such a motion is typically made when no report of a divided committee has been accepted. The body can then consider the bill as printed, regardless of the committee reports.

**g. Fiscal notes.** Under Joint Rule 312, every bill that affects state revenues, appropriations or allocations or that constitutes a potential state mandate and that is reported favorably out of committee must include a fiscal note. If the bill is a potential state mandate, this is noted in the fiscal note (see discussion of state mandates in Part I, Section D). The fiscal note must accompany any floor amendment or any committee amendment reported out of committee. Any necessary appropriation or allocation is usually added by committee amendment. The Office of Fiscal and Program Review is solely responsible for preparing fiscal notes.

#### 4. Enactment

After a bill is reported out of committee, the bill must pass through at least three steps prior to enactment. An understanding of the Senate, House and Joint Rules is essential to following and influencing a bill's progress on the floor of the Senate and House.

**a. First and second readings.** Once a bill is reported out by a committee, it is returned to the chamber from which it originated. If the committee report includes amendment or a new draft, the committee's legislative analyst drafts the amendment or new draft, the Office of Fiscal and Program Review provides any required fiscal note and the Revisor's Office puts the amendment or new draft in final form and submits it to the Secretary or the Clerk, depending where the bill originated, for printing and distribution. The Secretary or the Clerk places the title of the bill and the committee report on the calendar. The first time the bill, as reported by the committee, is placed on the calendar, the body votes to accept or reject the committee report or reports. If an "ought to pass" report is accepted in either chamber, the bill then receives its "first reading" by the Secretary or the Clerk. For "ought to pass as amended" committee reports, the committee amendments must also be read and adopted. Because legislators have copies of the printed bills and committee amendments, a motion is usually made to dispense with a complete reading. After the "first reading," the bill is assigned a time for a "second reading," which is usually the next legislative day.

If a bill has received a unanimous "ought to pass" or "ought to pass as amended" committee report, the House places the bill on its Consent Calendar; this allows bills with either report to be listed and to be engrossed for passage after they have appeared there for two legislative days, as long as there is no

objection. However, upon the objection of any member, a bill can be removed from the Consent Calendar and debated. The Senate does not have a Consent Calendar.

A legislator who wishes to pause a bill at any step of the process to get more information, or for other reasons, may make a motion to “table” the bill until the next legislative day or to some other time. If a majority of members in a chamber vote in favor of the motion, no other action is taken on the bill while it is “tabled.” A legislator who strongly opposes a bill may make a motion to “indefinitely postpone” the bill. If the motion to indefinitely postpone is approved, the bill is defeated. The motion requires approval by a majority vote in both chambers to succeed.

**b. Floor debate.** A bill may be debated on the floor at several points in the process after it is reported out of committee. The floor debate may appear uncontrolled to those observing, but frequently a debating sequence has been arranged in advance. If there is debate, the chair of the committee to which the bill was referred usually speaks first in favor of the committee report or to explain the intent of the bill, followed by other committee members who support the bill, then by the sponsor and then by those who do not support the committee report.

During the floor debate, the presiding officer decides whom to recognize and keeps track of how many times a legislator has spoken on a particular issue, whether on the main motion or on a subordinate one. The rules of each chamber limit how many times a member may address the body on a particular issue.

Members may communicate with each other during floor debate by sending messages through legislative pages or by moving to the back of the chamber.

**c. Floor vote.** At any point, a legislator or the presiding officer may call for a vote on the current motion on the bill. When debate on a motion is over, a vote on the motion is in order. The vote may be a voice vote or a vote “under the hammer,” where approval is presumed unless an objection is raised before the presiding officer bangs the gavel.

Two other types of votes are a “division” and a “roll call vote.” For a division, only the total number of votes cast for and against the motion is recorded. For a roll call vote, the members’ names and how they voted are recorded. Any member may request a roll call, which requires the support of one-fifth of the members present. A roll call vote is signaled by the ringing of bells and members are given time to return to their seats. In the House, the Sergeant-at-Arms is ordered to secure the chamber. In the Senate, once a roll

call commences, all Senators must remain seated until the vote has been announced.

In the House and Senate, members vote in a division or roll call vote by pushing a button at their desks; the vote is displayed on boards on the front walls of the chamber. The Legislature maintains a record of roll call votes for the current biennium at [https://legislature.maine.gov/house/rollcall\\_list.htm](https://legislature.maine.gov/house/rollcall_list.htm) for the House and at <https://legislature.maine.gov/senate/128th-roll-calls/9420> for the Senate.

Both the House and Senate record and transcribe all the remarks that are made on the record. A complete account of all the remarks made on the record is available in the Legislative Record, which may be found in the Law and Legislative Reference Library or on the Legislature’s website. The House Legislative Record for the 128th Legislature is available at <http://legislature.maine.gov/house/records/128hrecindx.htm>, and the Senate Legislative Record for the 128th Legislature is available at <https://legislature.maine.gov/senate/128th-senate-records/9425>. The Law and Legislative Reference Library also maintains an online archive of the Legislative Record at <https://www.maine.gov/legis/lawlib/lldl/legisrecord.htm> from 1897 through the end of the previous Legislature.

**d. Floor amendments.** Floor amendments to a bill may be offered by Senate and House members at appropriate times during floor debate. Requests for floor amendments are filed with the Revisor’s Office with as much lead time as possible. Floor amendments must be signed, presented to the Secretary or the Clerk, numbered, printed and distributed to the members before they may be offered on the floor. If an amendment affects the fiscal impact of the bill, it also must include a fiscal note prepared by the Office of Fiscal and Program Review.

**e. Passage to be engrossed.** After floor debate and adoption of any amendments, a vote is taken in each chamber to pass the measure to be engrossed. “Engrossing” means printing the bill and all adopted amendments together in an integrated document for enactment. Bills “passed to be engrossed” are prepared by the Revisor’s Office and sent to the House and then the Senate for final enactment.

**f. Enactment.** After being engrossed, a bill, with the exception of certain bills described in the next section (g. Appropriations Table, Highway Table and Study Table), must be considered for enactment or for final passage, first in the House and then in the Senate. The necessary vote for enactment is usually a simple majority, but there are important exceptions. Emergency bills and bills that constitute an unfunded state mandate and contain a mandate preamble (see discussion of state mandates in Part I, Section D) under the Maine Constitution require a vote of two-thirds of the membership of each body (24 members of the

Senate and 101 members of the House of Representatives); referenda for bond issues and constitutional amendments require a two-thirds vote of those members present.

A bill that is enacted by both the Senate and House is presented by the Secretary of the Senate to the Governor for signature. If it fails to be enacted in both chambers, the bill is defeated and goes no further in the process. If the Senate and House disagree on enactment, the bill is in "nonconcurrence" and additional votes may be taken. These additional votes give each chamber the opportunity to recede and concur (back up and agree) with the other chamber or to insist on or adhere to its original vote (see glossary for definitions of "adhere," "insist," "recede" and "concur"). If the disagreement cannot be resolved, the bill fails enactment and dies between the chambers.

The Senate and House may vote to enact different versions of the same bill (e.g., with amendment or not). When this happens, a motion to establish or join in a "committee of conference" is in order. A committee of conference consists of three members from each chamber who voted on the prevailing side; members are appointed by the presiding officers. A report from a committee of conference is usually accepted by both the Senate and the House, but if it is not, or if the committee is unable to agree on a single version, the bill is defeated unless a new committee of conference is appointed and successfully resolves the disagreement.

**g. Appropriations Table, Highway Table and Study Table.** Bills that affect certain state revenues or expenditures fall into special categories and are assigned to special "tables" in the Senate after enactment. These are the Special Appropriations Table (if they involve the General Fund or Fund for a Healthy Maine), the Special Highway Table (if they involve the Highway Fund) or the Special Study Table (if they establish legislative studies). The purpose of the tables is to enable decisions to fund the legislation to be made in the context of all other legislation requiring funding (e.g., to fund according to priority among bills competing for limited funds). The bills assigned to each table are listed on the Senate Calendar and are held in the Senate for consideration later in the session.

Toward the end of the session, usually after the state budget bills have been enacted, the Joint Standing Committee on Appropriations and Financial Affairs, having received recommendations from policy committees and in conjunction with legislative leadership, reviews bills on the Special Appropriations Table to determine which bills can be considered for final enactment given available General Fund or Fund for a Healthy Maine resources. The Joint Standing Committee on Appropriations and Financial Affairs then votes either to recommend final enactment of the bill as engrossed, amend the bill, leave the bill on the Special Appropriations Table (where it would die at the

close of the session), refer the bill to a committee for carryover to the next regular or special session of the current Legislature or carry over the bill to the next regular or special session of the current Legislature as tabled. Following those decisions, motions are made in the Senate, usually by the Senate Chair of the Joint Standing Committee on Appropriations and Financial Affairs, to remove bills from the table and to enact, amend or re-refer them. Bills that the committee votes to leave on the Special Appropriations Table are not subject to further action in the Senate, unless they are included in a carryover resolution. Bills removed from the Special Appropriations Table and enacted in the Senate without amendment are sent to the Governor for approval. Bills amended in the Senate are returned to the House for concurrence. The Joint Standing Committee on Transportation follows similar deliberations for bills placed on the Special Highway Table, considering available Highway Fund resources.

All joint orders or legislation proposing legislative studies are placed on a Special Study Table. The Legislative Council reviews proposed studies and establishes priorities for allocation of money and staff to those studies. Legislative studies authorized by the Legislature or Legislative Council are budgeted and study expenses are charged to a study line in the Legislative Account, unless the authorizing legislation makes an appropriation to a study.

## 5. Governor's Options for Bills Enacted by Legislature

After a bill has been enacted by the Legislature, it is sent to the Governor. Under the Maine Constitution (Article IV, Part Third, Sections 2 and 2-A), the Governor has 10 days (excluding Sundays) to exercise one of four options: sign the bill; veto it; allow it to become law without signature; or within one day, disapprove a dollar amount by using the line-item veto described below. If the Governor approves and signs a bill, it becomes law 90 days after the final adjournment of that legislative session, unless it is an emergency measure or has a specific effective date occurring after the 90 days. Emergency measures take effect upon the Governor's signing or on a date specified in the bill (Maine Constitution, Article IV, Part Third, Section 16).

If the Governor vetoes a bill, the Governor returns it with objections in the form of a letter to the chamber of origin. A two-thirds vote of those present and voting in each chamber is required to override a veto. The Governor's veto message must include the reasons for rejecting the bill. If the Legislature overrides the Governor's veto, the bill becomes law despite the Governor's objections (Maine Constitution, Article IV, Part Third, Section 2).

If a bill is not signed by the Governor within 10 days of receipt, while the Legislature is in session, it becomes law without the Governor's signature. The Governor may choose this option if the Governor does not support a bill but does not wish to veto the bill. If the Legislature finally adjourns before the 10

days have passed, a bill on which the Governor has not acted prior to the adjournment of the session becomes law unless the Governor vetoes it within three days after the next reconvening of that Legislature. If there is not another meeting of that particular Legislature lasting more than three days, the bill does not become law. This is commonly referred to as a “pocket veto” (see glossary for definition of “pocket veto”).

The Governor also has limited line-item veto power. Within one day of having received legislation for signature, the Governor may disapprove the dollar amount appearing in an appropriation or allocation section and replace it with a different dollar amount that does not result in an increase in an appropriation or allocation or a decrease in a deappropriation or deallocation. Those portions of the bill not revised by the Governor become law; the Governor's proposed revisions to appropriations or allocations become law unless the Legislature overrides the changes by approving each original appropriation or allocation by majority vote of all elected members in each chamber (Maine Constitution, Article IV, Part Third, Section 2-A).

## 6. Publication of Laws

**a. Numbering.** Once a bill becomes a law, it is assigned a chapter number. Chapters are numbered consecutively within each law type, starting with Chapter 1 for the first law enacted in the first regular session, and continuing through all regular and special sessions of that legislative biennium. All laws are identified by the first year of the biennium. Public laws passed by the 128th Legislature are identified as chapters of the Public Laws of 2017, even though the laws of the second regular session were actually passed in 2018. Other law types, including private and special laws, resolves and constitutional resolutions, follow the same numbering convention. During each session, copies of every individual measure enacted or finally passed are available from the Engrossing Division of the Revisor's Office.

**b. Laws of Maine.** After the adjournment of each regular session, all public laws, private and special laws, resolves and constitutional resolutions passed in that year are published in the Laws of the State of Maine by the Revisor's Office. Indices are included. These are available in softbound volumes to the public on request and are found in the law libraries in each county. The information is also available through the Revisor's Office at <http://legislature.maine.gov/ros/LOM/LOMpdfDirectory.htm>.

**c. Codification.** The Maine Revised Statutes Annotated (MRSA), the codified compilation of Maine Public Laws, is updated annually by Thomson Reuters in cooperation with the Revisor of Statutes to include changes enacted by each session of the Legislature. Private and special laws and resolves are not codified in the MRSA because of their specific scope or limited duration but are

available in the Laws of Maine. The unannotated version of the statutes is also published online by the Revisor's Office at <http://legislature.maine.gov/statutes/>.

## 7. Further Action

After a bill is enacted, its implementation as law may be affected by subsequent actions outside the Legislature, including referenda, regulatory interpretations and court actions.

**a. Referenda.** If the Legislature approves a resolution proposing a constitutional amendment by the necessary two-thirds vote of the members present in both chambers, that resolution must be submitted to the people for a referendum at the next general election. Constitutional amendments do not require approval by the Governor but must be approved by a majority of the voters (Maine Constitution, Article X, Section 4).

A referendum can also result from a successful direct initiative petition by the voters to either enact or repeal a law (Maine Constitution, Article IV, Part Third, Section 18, Paragraph 1). After the Secretary of State verifies the signatures on the petitions, the measure is submitted to the Legislature, which must either enact that law as submitted or refer the initiated measure to the people for referendum vote. The Legislature may also enact an alternative version, called a competing measure, in which case both versions are referred to the people for a referendum vote (Maine Constitution, Article IV, Part Third, Section 19). A third type of referendum is triggered by a successful petition to exercise the people's veto. In this case, voters may petition for a referendum vote on any law enacted but not yet in effect. The petition must be filed within the 90 days after the Legislature adjourns. The law does not take effect until after the vote. If the law is not ratified by a majority of voters in a statewide general or special election, it does not take effect (Maine Constitution, Article IV, Part Third, Section 17).

At times, the Legislature includes a referendum provision in legislation for policy reasons. For instance, substantive amendments to water district charters customarily include a local referendum provision. If the referendum is not approved as provided in the legislation, then those portions of the legislation subject to referendum approval do not take effect.

Finally, the Maine Constitution requires that referenda be held for all general obligation bond issues, which are secured by the full faith and credit of the State of Maine (Maine Constitution, Article IX, Section 14).

**b. Agency rulemaking.** Many laws authorize state agencies to adopt rules to implement the law. These rules must be adopted in accordance with the Maine Administrative Procedure Act (MAPA, 5 MRSA c. 375). This Act requires

agencies to provide public and legislative notice of rulemaking and submit to the Legislature for review and approval those rules classified by the Legislature as major substantive rules. Once properly adopted, rules have the effect of law.

**c. Court action.** Laws may also be affected by court action. As a result of cases brought to them, the Maine courts interpret laws passed by the Legislature. Court decisions may clarify the purpose of a law or its application or the meaning of certain words in the context of the statute. The courts also may determine whether a law conforms to the provisions of the United States Constitution and the Maine Constitution.

**C. THE BUDGET PROCESS**

The starting point for the state’s biennial budget is the Governor’s biennial budget document, which is formatted and, usually, amended by the Legislature into an enacted bill. But the state budget is more than the biennial budget bill. For various reasons, including changes in economic conditions, the biennial budget is usually modified by supplemental budget bills. In addition, there are numerous other bills that may affect state revenues or expenditures. The aggregate of these bills make up the state budget. Many groups are involved in the process of developing and adopting the state budget, including the executive branch (the Governor and the departments and agencies of the State), the Legislature and the public. This section discusses the budget process and the several ways in which the process for budget bills differs from that of other types of legislation.

The state fiscal year runs from July 1st through June 30th and is usually identified by the years it covers (e.g., fiscal year 2018-19 runs from July 1, 2018 through June 30, 2019). A two-year budget (the biennial budget) for state government will be adopted during the first regular session of the 129th Legislature and will cover two fiscal years beginning on July 1, 2019, and ending on June 30, 2021. The second year of the biennial budget falls in the first year of the 130th Legislature.

The biennial budget bill process is developed in three main steps: (1) formulation of budget requests by the three branches of government, which are compiled by the executive branch and submitted to the Legislature in the form of the state budget document; (2) legislative review of the budget requests; and (3) the production and enactment of a budget bill, which, like any other legislation, is presented to the Governor for signature or veto.

**1. Formulation of the Biennial Budget Request**

On or before September 1st of even-numbered years, the judicial branch, the legislative branch and each executive branch department or agency

prepares a budget request for the next two fiscal years. The requests identify individual programs within each branch or department and their respective proposed spending levels for each of the next two fiscal years. The budget requests are submitted via the Department of Administrative and Financial Services to the Governor for review and possible revision. The requests are then compiled into the state budget document by the Department of Administrative and Financial Services. 5 MRSA §1664 outlines the form and contents of the budget document.

If a budget is to be submitted by a Governor elected to a first term of office, the deadline is the Friday following the first Monday in February. If a biennial budget document is to be submitted by a Governor elected to a second term of office, the statutory deadline for the submission is the Friday following the first Monday in January of the first regular session. Under the law, the Governor is also required to submit at the same time as the biennial budget any emergency bills that authorize additional appropriations or allocations in the current fiscal year that the Governor wishes to propose. The Governor may also submit bills at any time during the legislative session.

Most budget bills are referred to the Joint Standing Committee on Appropriations and Financial Affairs. However, programs with Highway Fund allocations and other non-General Fund programs of the Department of Transportation are addressed in a separate budget request and referred to the Joint Standing Committee on Transportation for consideration. The general budget process described in this section also applies to the Highway Fund budget unless otherwise noted.

**2. Restrictions and Constraints**

There are various constitutional restrictions relating to the state budget. In addition, there are several statutory restrictions governing the development and submission of the budget document by the Governor.

**a. Prohibition against deficit (balanced budget).** The Maine Constitution prohibits the State, with limited exceptions, from engaging in deficit financing. Article IX, Section 14 generally prohibits the State from incurring any debt or liability in an amount greater than \$2,000,000, except for extraordinary emergencies; short-term loans (paid out of money raised during the fiscal year they are made); bonded debt approved by two-thirds vote of both Houses and ratified by the voters; and certain specified types of loan guarantees. Article V, Part Third, Section 5 prohibits the use of bonded debt to fund current expenditures.

Under 5 MRSA §1664, the Governor must submit a proposed budget that shows “the balanced relationship between the total proposed expenditures

and the total anticipated revenues together with the other means of financing the budget for each fiscal year.” The Legislature must ensure that the enacted budget bill in conjunction with all other spending bills produces a balanced budget.

**b. Funding requirements.** There are various constitutional funding requirements and statutory funding provisions that may significantly affect the development of the state budget. Constitutional funding requirements are binding on a Legislature. Previously enacted statutes do not bind future Legislatures (e.g., the Legislature may repeal or modify them expressly or by implication by subsequent enactment), but they may play a significant role in legislative deliberations. There are also federal mandates, court orders and consent decrees affecting the state budget.

Some of the more significant constitutional and statutory funding provisions follow.

**Debt payments.** Article V, Part Third, Section 5 of the Maine Constitution requires the Legislature to appropriate sufficient funds to pay the interest and installments of principal on all bonded debt created on behalf of the State (general obligation or G.O. bonds) as these payments become due. If the funds are not appropriated, the State Treasurer is required to use the first General Fund revenues to make those payments.

**State employee retirement.** Article IX, Sections 18-A and 18-B of the Maine Constitution require the normal cost of retirement and ancillary benefits provided under the Maine Public Employees Retirement System to be funded annually on an actuarially sound basis. Unfunded liabilities may not be created, except those resulting from experience losses, which must be retired in 20 years or less. In November 2017, voters approved an amendment to the Maine Constitution that changed the length of time that experience losses are amortized from a 10-year period to a 20-year period. In addition, funds must be appropriated annually to retire by July 1, 2028 the unfunded liabilities that were in existence as of June 30, 1996.

**Education spending.** Maine law provides that the State will pay 55% of public education costs for K-12 and 100% of special education costs. The current state school funding formula calculates the resources required to fund what are called essential programs and services (referred to as the “EPS formula”) and then provides a state share of these requirements. The fiscal year 2018-2019 budget provides state a share of 53.35% of 100% of total EPS costs including state contributions to teacher retirement benefits.

**c. Spending limits.** In addition to the balanced budget requirements imposed by the Maine Constitution discussed above, state statute limits spending based

on the growth in average personal income (5 MRSA §1534). The statute includes various exemptions for certain extraordinary circumstances, as well as for efforts by the State to reach the 55% target for state funding for K-12 education.

**d. Restrictions on expenditures of certain revenue sources.** The state budget is funded through General Fund appropriations, which account for less than half of total state expenditures (see charts in Part I, Section C, 7. Overview of State Expenditures for Fiscal Year 2018), federal funds and other special revenue. The expenditure of federal funds, including federal block grant funds, is restricted by the applicable rules and conditions imposed by the Federal Government. Expenditure of other special revenue funds is generally restricted by statute. The Maine Constitution requires or restricts certain other appropriations and allocations.

**Maine Public Employees Retirement System Funds.** Article IX, Section 18 of the Maine Constitution requires that all contributions and payments to and the assets, proceeds and income of the Maine Public Employees Retirement System be held and disbursed as in trust for the exclusive purpose of providing retirement and related benefits. It prohibits any diversion or deappropriation of funds previously appropriated by the Legislature for the Maine Public Employees Retirement System.

**Highway Fund.** Article IX, Section 19 of the Maine Constitution limits the expenditure of certain motor vehicle and motor vehicle fuel revenues (revenues from motor vehicle excise taxes are expressly excluded) to bridge and highway construction, reconstruction, repairs, maintenance and related debt payments and administrative costs and state enforcement of traffic laws.

**Inland Fisheries and Wildlife revenues.** Article IX, Section 22 of the Maine Constitution requires that the General Fund appropriation in any fiscal year to the Department of Inland Fisheries and Wildlife from fees, fines, property rentals, etc. be no less than the total amount of revenues collected by that department pursuant to state laws administered by the department. Excluded from this calculation are revenues from the Federal Government and any revenues deposited by the Legislature into special funds, which may be allocated and expended only for the specified purposes.

### 3. Revenue Forecasting

The constitutional requirement for a balanced budget means that the proposed expenditures in the state budget cannot normally exceed estimated available funds. The available funds are made up primarily of tax revenue and other revenue sources as estimated in the revenue forecast.

The Consensus Economic Forecasting Commission provides the Governor, the Legislature and the Revenue Forecasting Committee with analyses, findings and recommendations for economic assumptions to be used in developing state revenue forecasts. The commission consists of five members who have professional credentials and demonstrated expertise in economic forecasting. The commission is required to develop two-year and four-year economic forecasts for the State. In performing this duty, the commission is required by statute to meet twice each fiscal year and report its findings with regard to the economic assumptions or adjustments to the existing economic assumptions to the Governor, the Legislative Council, the Revenue Forecasting Committee and the Joint Standing Committee on Appropriations and Financial Affairs.

The Revenue Forecasting Committee was established by the Legislature to forecast state revenues and determine the expense ceiling in the absence of subsequent revenue enhancements through changes in the law. The committee is made up of the State Budget Officer, the Associate Commissioner for Tax Policy, the State Economist, an economist on the faculty of the University of Maine System selected by the chancellor, the Director of the Office of Fiscal and Program Review and another member of the Legislature's nonpartisan staff familiar with revenue estimating issues appointed by the Legislative Council. The committee is required to use the economic assumptions and forecasts of the Consensus Economic Forecasting Commission to develop revenue projections for the remainder of the current biennium and the next two biennia and submit the analyses and findings to the Governor, the Legislative Council and the Joint Standing Committee on Appropriations and Financial Affairs. The committee's reports are due by March 1st and December 1st of each even-numbered year and May 1st and December 1st of each odd-numbered year.

#### **4. Budget Layout**

The budget document consists of two volumes: The Overview and the Draft Budget Bills (General Fund and Highway Fund). The Overview contains the Governor's budget message; economic and revenue outlooks for the budget period and beyond; the budget summary; the financial plan for the following biennium; the Governor's vision for the upcoming and following two biennia; and a debt analysis. Anticipated revenue losses resulting from statutory tax expenditures may be included in the Overview or in the draft budget bills.

Part A of the biennial budget bill lists each department's and program's "baseline" appropriation or allocation and any "initiatives" (proposed changes to the baseline). The Personal Services portions of the baseline are based on predicted expenditures for current, legislatively authorized positions. The expenditures are adjusted to reflect changes set forth in the salary schedule and

retirement and insurance rate charges. The baseline budget for other expense categories reflect the current year's appropriations and allocations excluding appropriations and allocations previously identified as "one-time spending."

An "initiative" is any proposals for changes to the baseline budgets and may include inflation adjustments; new programs; statutorily required funding increases; program cuts or eliminations; capital expenditures; headcount adjustments and transfers of personnel or expenses between programs or funds. Program totals reflecting the impact of the initiatives on the baseline are shown at the end of each program and department. Part B of a budget bill contains appropriations and allocations to provide funding for approved personnel reclassifications and range changes. The remaining parts of the budget bill include language for changes in law required to implement budget initiatives or to propose other changes determined necessary by the Governor. Supplemental budgets list initiatives in Part A without baseline information.

#### **5. Legislative Consideration**

Following receipt of the biennial budget request, the Legislature refers the bill to the Joint Standing Committee on Appropriations and Financial Affairs. Pursuant to Joint Rule 314, the Joint Standing Committee on Appropriations and Financial Affairs must hold public hearings on each department or agency's proposed budget. These hearings are held in conjunction with the policy committee having jurisdiction over the subject matter unless the policy committee elects not to participate. Under Joint Rule 314(4), the policy committees must deliberate on the budget initiatives related to their jurisdictions and report their recommendations to the Joint Standing Committee on Appropriations and Financial Affairs. The Appropriations and Financial Affairs Committee report on the budget proposals is submitted to the Legislature in the same manner as committee reports on other bills, as described in Part I, Section B and follows the same process from report to enactment.

#### **6. Financial Orders**

Appropriations and allocations are made through biennial budget bills, supplemental budgets and emergency budgets. Departments and agencies are guided in their spending by the translation of appropriations and allocations into work programs, which are established through financial orders. Work programs consist of spending allotments and are the basis upon which the State Controller authorizes expenditures (5 MRSA §1667). Financial orders may also be issued for other financial purposes as provided by law.

Financial orders affecting the executive branch departments and agencies must be approved by the State Budget Officer and signed by the Governor. Financial orders transferring funds within the judicial branch must be

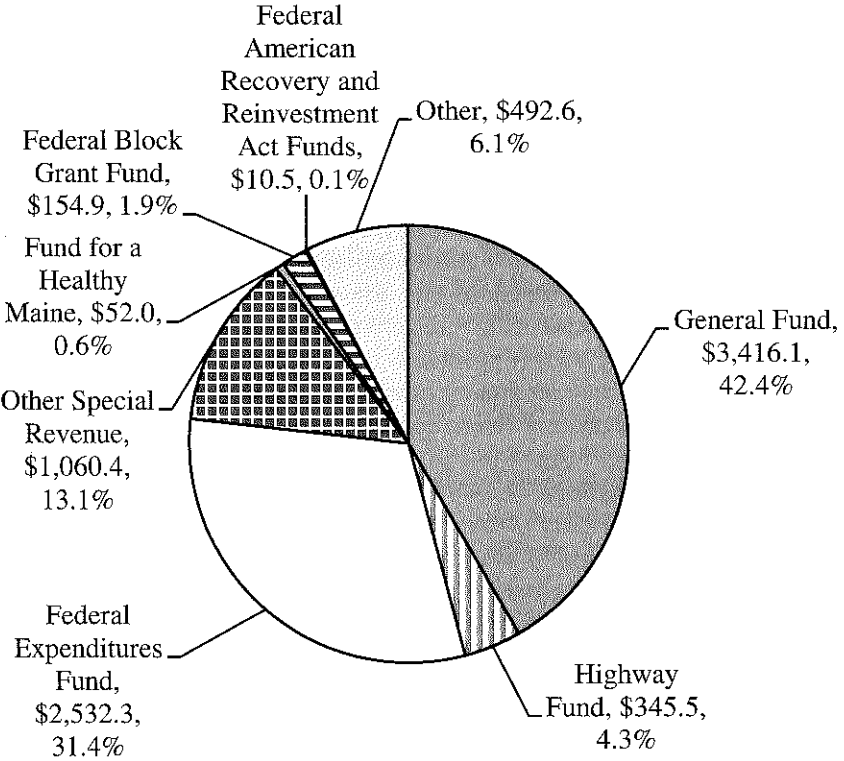


signed by the Chief Justice and forwarded to the State Budget Officer. Some types of financial orders are subject to a 30-day waiting period before taking effect and are subject to review by the Joint Standing Committee on Appropriations and Financial Affairs.

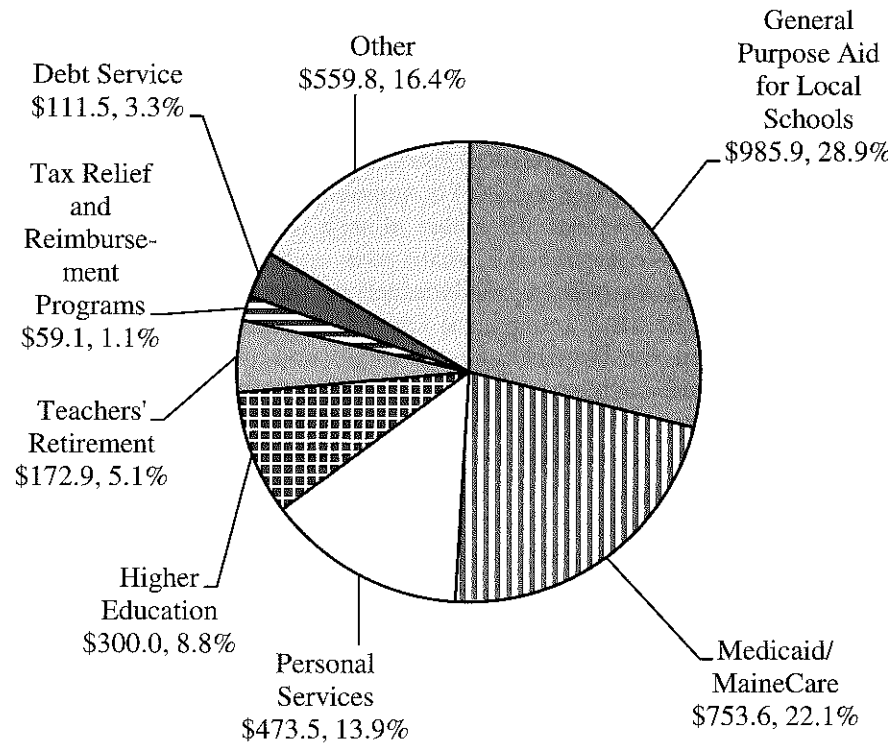
**7. Overview of State Expenditures for Fiscal Year 2017-18**

The following pie charts provide an overview of the State's total expenditures and a breakdown of the General Fund expenditures for the fiscal year ending June 30, 2018 (fiscal year 2017-18).

**FY 2017-18 ACTUAL EXPENDITURES - BY FUND**  
**Total State Expenditures = \$8,064.4 Million**



**FY 2017-18 GENERAL FUND EXPENDITURES**  
**\$3,416.1 Million**



**Total state expenditures.** Total state expenditures in fiscal year 2017-18 were \$8,064.4 million. This amount includes all state funds except bond proceeds and internal service funds (to avoid double counting expenditures). The General Fund is the largest single segment of the pie, representing 42.4% of total state expenditures. The next largest segment is the Federal Expenditures Fund (31.4%), of which over half is Medicaid matching funds. The amount of federal matching funds is largely driven by General Fund spending.

**General Fund expenditures.** In the General Fund pie chart, the expenditures are broken down into the major programs or groups of similar programs that, combined with Personal Services expenditures (salaries and fringe benefit costs), account for more than 83.6% of General Fund spending (the remaining 16.4% of expenditures appears under the category "other"). General Purpose Aid for Local Schools (school subsidies) and Medicaid/MaineCare are the largest segments and account for more than half (50.9%) of total General Fund spending.

## 8. Debt

**a. General Obligation Bonds.** Bonds issued by the State that carry the full faith and credit of the State are General Obligation (G.O.) Bonds. Such bonds are typically issued by the Treasurer of State and pledge the full taxing capability of the state to the payment of principal and interest. G.O. bonds are usually tax-exempt unless there is a private use component of the project to be funded by the bonds. G.O. bonds must be authorized by two-thirds of both the Senate and House and then ratified by the voters at a general or special election. There are no constitutional limitations on the amount of G.O. debt that may be issued. Under Article IX, Section 14 of the Maine Constitution, a bond may be issued only during the 5-year period following its ratification by the voters, except that within 2 years after expiration of the 5-year period, the Legislature may, by majority vote, extend the period another 5 years. Under Article V, Part Third, Section 5 of the Maine Constitution, bonds may not be used to fund current expenditures. Debt service can be paid by either the General Fund or the Highway Fund as determined by the bond's implementing legislation. The total amount of G.O. principal outstanding on June 30, 2018 was \$376,115,000, of which \$353,795,000 was an obligation of the General Fund and \$22,320,000 was an obligation of the Highway Fund.

**b. Debt insurance liabilities.** The Maine Constitution permits the Legislature to create certain defined state liabilities in addition to bonded debt. These are exceptions to the constitutional prohibition on loaning the credit of the state (Article IX, Section 14). Liabilities may be created without ratification by the voters. These limited powers include the following: Article IX, Section 14-A permits the Legislature to ensure the payment of certain commercial mortgage loans in an aggregate amount not exceeding \$90,000,000; Article IX, Section

14-B permits the Legislature to ensure the payment of revenue bonds of the Maine School Building Authority in an aggregate amount not exceeding \$6,000,000; Article IX, Section 14-C permits the Legislature to ensure the payment of mortgage loans on Indian housing in an aggregate amount not exceeding \$1,000,000; Article IX, Section 14-D permits the Legislature to ensure the payment of any mortgage loans to Maine veterans in an aggregate amount not exceeding \$4,000,000; and Article VIII, Part First, Section 2 permits the Legislature to loan the credit of the state to secure loans to Maine students in higher education and their parents in an aggregate amount not to exceed \$4,000,000.

**c. Temporary state loans.** As permitted under the Maine Constitution (Article IX, Section 14), state law (5 MRSA §150) authorizes the Treasurer of State to enter into certain temporary loan agreements in anticipation of revenues. The Treasurer of State, with the approval of the Governor, may negotiate temporary loans in anticipation of taxes levied for that fiscal year. These loan agreements (known as Tax Anticipation Notes or TANs) must be retired no later than the close of the fiscal year in which the loan was originally made. The constitutional annual limit on such loans is the lesser of 10% of total General Fund appropriations and total Highway Fund allocations or 1% of the total valuation of the State of Maine.

State law (5 MRSA §150) also authorizes the Treasurer of State to enter into certain temporary loan agreements (known as Bond Anticipation Notes or BANs) in anticipation of receipt of proceeds from the issuance of bonds already authorized but not yet issued. The Treasurer, with the approval of the Governor, may negotiate such temporary loans, which must be repaid from the proceeds of bonds within one year from the date of the loan and are typically paid off within the same fiscal year.

**d. Maine Governmental Facilities Authority.** The Maine Governmental Facilities Authority is established in 4 MRSA c. 33. The authority has been given statutory permission to issue up to \$645,135,000 in securities to fund construction-related projects for state agency or court facilities. Of that amount, \$234,700,000 was authorized for correctional facilities; \$76,000,000 was authorized for State House, State Office Building and other agency projects; \$33,000,000 was authorized for a new psychiatric treatment facility; \$247,600,000 was authorized for court facilities; and \$53,835,000 was authorized for capital repairs and improvements at state facilities. As of June 2018, the aggregate principal amount of bonds outstanding was \$205,735,000.

## D. LIMITS ON LEGISLATIVE POWER

There are a variety of constitutional, statutory and other limits on the Legislature's power. The following discussion provides a very brief overview of some of the types of limitations.

### 1. Constitutional Limitations

The Legislature must operate within the limits of the United States Constitution and the Maine Constitution. There are many limits on legislative power, and, in many instances, there is significant case law that defines those constitutional limitations. What follows is a brief overview of some common constitutional limitations; there are other constitutional limitations that are not discussed here. When constitutional issues arise, a detailed legal review and analysis may be required.

**a. Equal protection.** The United States Constitution, Amendment XIV, Section 1 ("Equal Protection Clause") forbids the State to deny to any person the equal protection of the laws (see also Maine Constitution, Article I, Section 6-A). Courts have developed a series of judicial tests that are applied when laws are challenged under this section. This is a very complex area of constitutional law. In general, however, laws that treat persons differently based on race or national origin or the exercise of fundamental constitutional rights are presumed to violate the Equal Protection Clause and will be found unconstitutional unless the State has a legitimate and very compelling justification for exceptions. Laws that treat persons differently based on gender, alienage or illegitimacy, while not presumed to be unconstitutional, must serve important and legitimate governmental objectives in order to withstand constitutional scrutiny. Laws that treat persons differently based on other characteristics or in the exercise of nonfundamental rights are generally presumed to be constitutional, unless there is no rational basis for the differing treatment.

**b. Interstate commerce.** The United States Constitution, Article I, Section 8, clause 3 ("Commerce Clause") grants to Congress the exclusive power to regulate interstate commerce. This provision has a number of important ramifications. One of the more important results is that it severely limits state action that burdens interstate commerce. Congress can, and sometimes does, specifically permit state regulation of interstate commerce. Without congressional permission, state regulation that burdens interstate commerce is generally impermissible. There are a number of types of regulation that can burden interstate commerce: restrictions on access by out-of-state suppliers to local markets; restrictions on access by out-of-state buyers to local commodities and resources; restrictions on interstate transportation; restrictions on personal mobility across state lines; and state taxation of interstate commerce. It is

important to note that state regulation in these and other areas affecting interstate commerce is not necessarily unconstitutional.

**c. Due process.** The United States Constitution, Amendment XIV also prohibits the State from depriving any person of life, liberty or property without due process of law (see also the Maine Constitution, Article I, Section 6-A). There are a variety of limitations that this clause imposes on state activities. Some important limitations fall under the branch of due process constitutional law called "substantive due process." In general, substantive due process requires the State to have a legitimate and very compelling need for enacting any law that affects people's exercise of certain fundamental rights, such as the right to freely associate, the right to vote, the right to interstate travel and the right to privacy.

**d. Free speech.** The United States Constitution, Amendment I (interpreted to apply to state actions through the Fourteenth Amendment) forbids laws that abridge the freedom of speech or of the press (see also the Maine Constitution, Article I, Section 4). While the prohibition appears on its face to be absolute, there are certain types of speech that may be regulated and, in some limited cases, prohibited. For instance, speech that is protected (most speech) may be restricted to some extent with regard to the time, place and manner in which the speech occurs. Additionally, courts have held that defamatory statements, statements creating a clear and present danger, fighting words and obscenity are not protected under the First Amendment.

**e. Delegation of legislative authority.** The constitutional prohibition on the delegation of legislative authority is not found in a single constitutional provision. Relevant provisions of the Maine Constitution include Article III, Sections 1 and 2; Article IV, Part Third, Section 1; and Article IX, Section 9. The basic principle is that the Legislature may not delegate to other entities powers assigned to it under the Maine Constitution. Situations in which the issue may arise include the following: granting to an executive agency unbounded discretion in adopting rules to implement broad legislative policies; making the effectiveness of legislation dependent upon some event that does not have independent significance; delegating to a subunit of the Legislature the functions of the full Legislature; and surrendering the power to tax.

**f. State mandates.** In 1992, the Maine Constitution was amended (Article IX, Section 21) to prohibit the State from requiring a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues unless the State annually provides 90% of the funding. This constitutional provision permits the Legislature to enact implementing legislation by a two-thirds vote of the elected membership of each House. Implementing legislation was enacted in 1993 by the required two-thirds vote and is codified at 30-A MRSA §5685. The constitutional provision permits the

Legislature to exempt legislation from this funding requirement by a two-thirds vote of the elected membership of each chamber of the Legislature. Whether a proposal falls within the terms of Article IX, Section 21 is sometimes the subject of debate in the Legislature. Joint Rule 312 requires that any bill or resolve that falls within the provision and has a committee recommendation other than "leave to withdraw," "ought not to pass," or "referral to another committee" must include a fiscal note. The Office of Fiscal and Program Review identifies potential state mandates in the fiscal note, thus flagging the matter for further legislative consideration.

If a proposal requires a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues, the Legislature has various options it may pursue, including: amending the proposal to eliminate the requirement (for instance, making the expanded or modified activity optional); funding 90% of the necessitated additional local expenditures; or exempting the legislation from the funding requirement by a two-thirds vote of the elected members in each chamber of the Legislature. To accomplish this third option, a Mandate Preamble is added to the legislation stating that the legislation is being enacted as an exception to Article IX, Section 21.

Under 30-A MRSA §5685, sub-§4, if the Legislature passes legislation that constitutes a state mandate and does not create an exception for that mandate or provide the required state funding, affected local units of government are not bound by the state mandate.

**g. Property tax exemptions.** The Maine Constitution, Article IV, Part Third, Section 23 provides that the Legislature must annually reimburse each municipality for at least 50% of the property tax revenue loss suffered by the municipality as a result of statutory property tax exemptions or credits enacted after April 1, 1978.

**h. Equal taxation.** The Maine Constitution, Article IX, Section 8 requires that all taxes on real and personal property be assessed equally and according to just value.

## 2. Other Relevant Constitutional Provisions

**a. Opinions of the justices.** On occasion, the Senate or the House will seek an opinion of the Justices of the Maine Supreme Judicial Court on an important question of law. The Maine Constitution (Article VI, Section 3) provides that the Justices of the Maine Supreme Judicial Court must give their opinion on "important questions of law, and upon solemn occasions" when requested by the Senate, the House or the Governor. Typically, such opinions interpret provisions of the Maine Constitution as they apply to pending legislation or other proposed legislative action. Opinions of the justices are only opinions, have no legal force

or effect and are not binding on the requesting body or on the court in future cases. However, when requested, they are commonly relied upon by the Legislature in assessing the appropriate course of action.

**b. Binding future Legislatures.** It is a commonly accepted principle of law that one Legislature may not, by enactment of a law, restrict the actions of a future Legislature. Such restrictions, if they are to be binding, must be found in the Maine Constitution, the United States Constitution or federal law. This does not mean an attempt to bind may not be enacted, only that it lacks a legal mechanism for enforcement. Enactment of a statute purporting to require a future Legislature to take a specific action is no more than an advisory expression of legislative intent. A future Legislature is not bound by the previous enactment.

## 3. Federal Laws

Congressional acts limit the actions of state legislatures in two ways. Under the "Supremacy Clause" of the United States Constitution (Article VI, Section 2), the State may not pass a law that contradicts or interferes with the operation of legislation passed by Congress. In case of a conflict, the federal law is said to preempt state law. Also, Congress may place limits on how the State administers federally funded programs.

## 4. Legislative Rules

Legislative rules govern the legislative process, establish duties for certain legislative officers, establish and govern the conduct of legislative subunits, such as the joint standing committees, and otherwise provide for the orderly conduct of the Legislature's business. There are four sets of rules with which each legislator should be familiar: Senate or House Rules, Joint Rules, Mason's Manual of Legislative Procedure and committee rules. Each Legislature adopts its own versions of these rules (except Mason's rules) at the beginning of the legislative biennium. Because the 129th Legislature had not adopted its rules when this handbook was prepared, some references to rules and rule numbers may change. Legislators should seek the advice and guidance of presiding officers, the Secretary of the Senate, the Clerk of the House, party leaders and committee chairs on issues relating to the rules. Copies of rules, other than committee rules, are available from the Secretary and the Clerk. Committee rules may be obtained from the clerk of each committee.

**a. Senate and House Rules.** The Senate and House Rules establish procedures, offices and restrictions in each body. In the case of a conflict, Senate and House Rules take precedence over the Joint Rules in governing the procedures of each respective body.

**b. Joint Rules.** The Joint Rules establish procedures and restrictions governing the transactions of business by both chambers.

**c. Mason's Manual of Legislative Procedure.** Mason's Manual is a standard text of parliamentary rules and is published by the National Conference of State Legislatures under the auspices of the American Society of Legislative Clerks and Secretaries. Senate Rule 520 and House Rule 522 describe when Mason's Manual applies. Mason's Manual of Legislative Procedure 2010 Edition provides the following order of precedence:

- 1st Constitutional provisions and judicial decisions thereon;
- 2nd Adopted rules;
- 3rd Custom, usage and precedents;
- 4th Statutory provisions;
- 5th Adopted parliamentary authority; and
- 6th Parliamentary law (meaning general parliamentary law).

**d. Committee rules.** The Joint Rules require that at the beginning of each legislative biennium committees adopt procedures to govern public hearings, work sessions and confirmation hearings. Committee rules may not conflict with Senate or House Rules or the Joint Rules and must be approved by the presiding officers.

## E. SENATE AND HOUSE CALENDARS

A matter may be taken up in either chamber only if it appears on that chamber's calendar or a supplement to that calendar. For the legislator, the Senate and House Calendars are strategic documents. The calendar provides an agenda, a list of newly introduced bills, a record of the committee reports received that day, a list of measures that have been tabled and a host of other facts the legislator needs to know.

The Senate Calendar is prepared by the Secretary of the Senate. Its order and content are governed by the Senate Rules, particularly Senate Rule 512. To consider an item out of the established order, it is necessary to suspend the rules, which requires a two-thirds vote of the members present. The Senate Calendar may be found <http://legislature.maine.gov/senate/senate-calendar/9398>.

Similarly, the Clerk of the House publishes the House Calendar. Order and content are determined by the House Rules, particularly House Rule 501. An item may be taken out of order only by unanimous consent of the House. The House Calendar may be found at <http://legislature.maine.gov/house/hcalfr.htm>.

The following discussion summarizes the features of the calendars. In most respects, the Senate and House Calendars proceed in the same manner; differences are indicated where they exist.

### 1. Order of Business

Matters are taken up according to Rule 512 in the Senate and Rule 501 in the House. The major matters are as follows.

**a. Papers from the other body.** The first order of business in each chamber is to address matters that have been forwarded from the other chamber. For example, papers that have been referred to committees by the House or engrossed without reference to a committee by the House will appear first on the Senate Calendar.

Within this category, nonconcurrent matters (e.g., where the two bodies have taken conflicting actions) are the first to be considered. On questions of concurrence, Senate Rule 502 and House Rule 503 set out the priority in which motions may be considered:

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

**b. Messages and documents.** Also referred to as "Communications," are letters and announcements from the Governor or others. They include gubernatorial nominations and veto messages.

**c. Reference of bills and other matters to committees.** Generally, the first appearance of a bill or other measure on the calendar is under this category with a suggested committee of reference.

Once an item in this category has been acted upon (e.g., a Senate Paper referred in the Senate to Committee X), it goes to the other body and appears on its calendar under the first order of business.

**d. Orders.** The fourth order of business is orders originating in that body. In the Senate, it includes Senate orders and joint orders, and in the House it includes House orders and joint orders.

**e. Expressions of legislative sentiment (House only).** The Special Sentiment Calendar exists only in the House; similar expressions in the Senate are made by order. These are generally congratulatory messages for outstanding

achievements or expressions of condolence. Unless there is objection, they are considered passed or adopted.

**f. Committee reports.** The fifth item of business in the Senate and the sixth in the House is the receipt of reports of committees. Senate or House consideration of a committee report on a bill is the first step a bill takes after a committee has issued its report. The committee report appears first in the originating chamber (e.g., the chamber of the primary sponsor). After that body has taken action on it, the bill and its accompanying report are sent to the other body for action.

When a committee report first appears in the body, the body may vote to accept the committee's report (or one of the reports, if the committee is divided), to substitute the bill for the report, to table the matter or to indefinitely postpone the matter, which defeats the bill. If an affirmative committee report is accepted, the bill receives its first reading and is assigned for second reading, usually the next legislative day.

Unanimous committee reports to defeat a measure ("ought not to pass") are summarily disposed of and sent to the legislative files and do not appear on the calendar. Notice of "ought not to pass" reports is made to the Senate and House through a communication from a legislative committee. No further action is permitted unless the measure is recalled for reconsideration by a vote of two-thirds of both chambers.

**g. Consent Calendar (House only).** In the House, but not the Senate, bills that received unanimous favorable committee reports appear in the House Calendar under the category of Consent Calendar. If there is no objection, after its second day on the Consent Calendar the measure is considered passed to be engrossed, without the House having formally accepted the report or having given the bill its first or second reading (House Rule 519).

If a representative objects to any bill on the Consent Calendar, the first order of business with respect to that bill is acceptance or rejection of the committee report. Regardless of the outcome of that vote, the bill is no longer treated as a Consent Calendar bill.

**h. Bills in second reading.** The second reading of a bill is a crucial step in the process. This is the time when amendments to those portions of the bill not amended by any committee amendment may be offered on the floor. Floor amendments to committee amendments are offered at the time of adopting the committee amendment. After a bill receives its second reading and is approved, it is passed to be engrossed and sent to the other body.

As previously indicated, bills on the Consent Calendar in the House do not go through this stage unless there is objection to their placement on the Consent Calendar.

**i. Enactors.** After a bill has had its first and second readings and has been passed to be engrossed in identical form in both chambers, it always goes first to the House and then to the Senate for enactment or final passage no matter which chamber first considered the bill. This is the final step before a bill is sent to the Governor for approval. Further changes to the bill at this point require backing it up through its previous stages by a series of reconsideration votes.

It is at this stage, before a vote on enactment is taken in the Senate, that bills with General Fund impact are placed on the Special Appropriations Table, bills affecting the Highway Fund go to the Special Highway Table and bills proposing legislative studies are placed on the Special Study Table. Bills on these tables are usually considered late in the session after review by the Appropriations and Financial Affairs Committee, the Transportation Committee and the Legislative Council, respectively.

**j. Orders of the day.** This category of item on the calendar includes all other papers (i.e., tabled items). Any document that is tabled may be assigned a day for its consideration or may be "tabled unassigned." Unfinished business from the time of the last adjournment takes precedence in the orders of the day.

## 2. Calendar Supplements

Very often during a legislative day, supplements to the calendars are distributed in each chamber. Early in the legislative session, supplements are frequently used to refer committee bills that were not on the printed calendar, whereas late in the session, supplements are often used to consider matters in both the House and the Senate to expedite the legislative process.

## F. LEGISLATIVE OVERSIGHT

The Legislature, through its joint standing committees, joint select committees, the Government Oversight Committee and special study commissions, carries out formal and informal inquiries, investigations, audits, reviews and studies on a variety of subjects. Some of the work, especially review of agency budgets and rules, is undertaken during the session, but studies and lengthier investigations usually take place during the interim between the sessions. The reviews and performance audits overseen by the Government Oversight Committee are conducted year-round.

## 1. Legislative Studies

Some studies are specifically designed to review executive branch implementation of legislatively-created programs. Others are designed to inform legislators on various complex and changing issues; studies are often undertaken to review controversial problems and seek reasoned solutions. Studies may also address issues for which there was insufficient time or information for a committee or the full Legislature to consider during the session.

When expertise from more than one committee or from outside the Legislature is necessary, the Legislature may pass legislation (generally a resolve or joint order, although an Act may be used as well) establishing a special study commission or task force. The authorizing legislation establishes the membership, outlines the study and provides funding. If a study committee is to be a joint select committee, composed of legislators only, it is usually established by joint order (Joint Rule 353).

With approval of the Legislative Council, joint standing committees may study problems and proposed solutions to issues that are or are expected to be before the Legislature. Individual legislators may also submit requests for study committees to the Legislative Council. Occasionally, committees seek approval for studies to be conducted by the nonpartisan staff of the Legislature. These are generally information-gathering studies that do not generate policy recommendations.

Legislative study groups review pertinent information and testimony, which may be received through public hearings and from staff, and report their findings and recommendations to the Legislative Council, legislative committees or the Legislature. The reports frequently include suggested legislation. The nonpartisan legislative staff assigned to the study by the Legislative Council drafts the reports and legislation.

## 2. State Government Evaluation

Maine's "State Government Evaluation Act" (GEA) establishes a system of periodic legislative review of state agencies that receive support from the General Fund (3 MRSA c. 35). The reviews are conducted by the joint standing committee having jurisdiction over the agency being reviewed according to a schedule contained in the GEA. The committee's review includes an evaluation of each agency's management and organization, program delivery, goals and objectives, statutory mandate and fiscal accountability.

## 3. Government Oversight Committee; Performance Reviews

The nonpartisan legislative Office of Program Evaluation and Government Accountability (OPEGA) conducts independent performance reviews of state government agencies and programs to determine effectiveness, efficiency and economical use of resources. The Government Oversight Committee (GOC), a 12-member committee established pursuant to Joint Rule 371, determines the subject of the reviews performed by OPEGA. The office is also required to conduct reviews of tax expenditures pursuant to 3 MRSA §§997 to 1001.

The performance reviews result in formal written reports, information briefs or other documents published by OPEGA and presented to the GOC. Reports may also be presented to a particular joint standing committee having jurisdiction over the matter subject to the review. Reports are made available to all legislators, and reports and other OPEGA documents are available at <http://legislature.maine.gov/opega/opega-reports/9149>.

## 4. Review of Agency Rules

Executive agencies adopt administrative rules to implement laws and ensure uniform enforcement and compliance with those laws. In adopting a rule, an agency must comply with the provisions of the Maine Administrative Procedure Act, (MAPA, 5 MRSA c. 375), which ensures openness, fairness and opportunity for public participation in the rulemaking process.

Since MAPA was originally enacted in 1978, the Legislature has acted to further strengthen the Legislature's oversight of the rulemaking process by:

- Enacting the Legislative Review of Agency Rules Law (5 MRSA c. 377-A) in 1981, which provides for review of agency rules by joint standing committees of the Legislature upon petition of 100 or more people with a substantial interest in the subject of the rule or upon petition of an individual who is adversely affected by the rule;
- Amending MAPA (5 MRSA §8053-A) in 1986 to require that agencies provide joint standing committees of the Legislature notices of regulatory agendas and copies of proposed rules prior to their adoption;
- Amending MAPA in 1995 to require legislative review of "major substantive rules" before they may be finally adopted and implemented by an agency (5 MRSA c. 375, subchapter 2-A). Under this amendment agencies must file provisionally adopted major substantive rules with the Legislature. The appropriate joint standing committee reviews the

rule and makes a recommendation to the full Legislature on whether the rule should be finally adopted; and

- Amending MAPA in 2012 to require the Secretary of State to submit a list of all rules adopted by each agency in the previous calendar year. Each committee may report out legislation to adjust rulemaking authority.

## 5. Oversight of Agency Budgets

Most executive agency budgets are reviewed by the Joint Standing Committee on Appropriations and Financial Affairs, which holds joint public hearings with other legislative committees on each department budget and reports its decisions to the Legislature in the form of a bill. The Highway Fund is a special case. The budget for that fund, in the form of a bill, is usually reviewed and reported out by the Joint Standing Committee on Transportation.

Pursuant to Joint Rule 314, the joint standing committees play a role in reviewing the budgets of agencies over which they have oversight and that are within their subject matter jurisdiction. The committees hold joint public hearings with the Appropriations and Financial Affairs Committee; participate, through subcommittees, in the Appropriations Committee deliberations on relevant portions of the budget; and report their recommendations to the Appropriations and Financial Affairs Committee. A more detailed description of the budget process is found in Part I, Section C. The Budget Process.

## 6. Review of Gubernatorial Appointments

The joint standing committees of the Legislature are responsible for reviewing gubernatorial appointments as provided by law. Following a public hearing on each nomination, a committee's recommendation on the nominee is reported to the Senate for confirmation or denial. The requirements of this process are established by the Maine Constitution (Article V, Part First, Section 8) and statutory law (3 MRSA c. 6). The process followed by the committees is outlined in Joint Rules 501 through 508.

## PART II ADMINISTRATIVE INFORMATION

### A. LEGISLATIVE COMPENSATION, SALARY, ALLOWANCES, EXPENSES AND OTHER BENEFITS

Legislators' salaries and expense allowances are governed by statute (3 MRSA §2). Payments are based on information legislators provide on expense vouchers submitted weekly to the Office of the Executive Director of the Legislative Council when the Legislature is in regular session and after each authorized meeting during the legislative interim. The President of the Senate or the Speaker of the House must approve all reimbursements for attendance at meetings that have not been specifically authorized by the Legislative Council. When incurring and reporting expenses, legislators should keep in mind that all expense vouchers are a matter of public record and are available for review by the public in the State Controller's office.

3 MRSA §2 provides that the member of the Penobscot Indian Nation, the member of the Passamaquoddy Indian Tribe and the member of the Houlton Band of Maliseet Indians elected to represent their respective tribes at the Legislature receive a salary equal to the salary of members of the Senate and the House and the same allowance for meals, constituent service, housing and travel expenses as any other member of the House for attendance at each legislative session or authorized committee meeting. For the duration of any special session of the Legislature, they receive the same per diem payment and allowances, including housing, meal and travel expenses, as any other member of the Senate or House.

#### 1. Legislative Salary (estimated)

\$14,862.48	First Regular Session
\$10,612.96	Second Regular Session

The salary is paid in equal installments during each legislative session on a schedule determined by the presiding officers at the outset of each regular session.

The salary for each legislative session must be adjusted each December 1st by the percentage change in the Consumer Price Index for the most recently concluded fiscal year, not to exceed 3% in any year, beginning with the fiscal year ending June 30, 2014. The amounts reflected in the estimated legislative salary represent the projected salary for the 129th Legislature.



Legislators who receive retirement benefits from the Social Security Administration may file a written request with the Executive Director of the Legislative Council to equalize their salary for each year of the biennium.

Legislators receive per diem (daily salary) payments when they are in special session, as provided by law and for their attendance at authorized committee meetings as follows: \$55/day, only for authorized committee meetings during the Legislative interim; and \$100/day for special session only.

## 2. Session Allowances

In addition to their legislative salary, legislators receive allowances during the session for legislatively-related transportation, lodging and meal expenses. Payments are not necessarily reimbursement of actual expenses and therefore are subject to income taxes as provided by law. Allowances are as follows: \$70/day for meals and lodging; or \$32/day for meals and \$.44/mile in lieu of lodging, not to exceed \$38/day (tolls are reimbursed at actual cost).

## 3. Interim Expenses

During the legislative interim, legislators receive reimbursement of actual expenses for authorized travel or attendance at meetings in accordance with standards established jointly by the President and Speaker. These standards are available from the Office of the Executive Director. Legislators must submit a properly completed travel and expense account voucher in order to receive reimbursement.

Lodging:	Actual cost incurred (receipts required)
Meals:	Actual cost incurred (up to \$32/day)
Mileage:	\$.44/mile
Tolls:	Actual cost incurred

## 4. Constituent Service Allowance

In addition to legislator salary, allowance and expense payments, legislators receive a constituent service allowance to partially offset expenses incurred in providing services to their constituents, as follows:

For Senators: \$2,000/year: \$1,300 in January of the first and second regular sessions; \$700 following the first and second regular sessions; and

For Representatives: \$1,500/year: \$1,005 in January of the first and second regular sessions; \$495 following the first and second regular sessions.

During the first regular session only of each legislative biennium, legislators may elect to receive the first installment of the constituent service

allowance in December rather than January, upon timely written request to the Executive Director. The constituent service allowance is taxable in the year in which payment is made.

## 5. Out-of-State Travel

All out-of-state travel by legislators must be authorized in advance by the President or the Speaker and is subject to budgetary constraints. After obtaining approval from their presiding officer, legislators are encouraged to seek assistance from the Office of the Executive Director in making travel arrangements, including event registration and transportation.

It is the Legislature's policy to reimburse legislators for the actual expenses they incur in the course of approved out-of-state travel and in-state travel during the legislative interim, as long as the expenses are reasonable and are within the allowable limits. Receipts are required. The President and the Speaker have established written standards for reimbursement of expenses; these standards are available from the Office of the Executive Director.

## 6. Group Health, Dental and Vision Insurances

Legislators are eligible for health, dental and vision insurance coverage under the group health insurance plan available to state employees. Health insurance coverage is provided through a point-of-service managed-care plan with comprehensive benefits, including preventative care, hospital and medical services and prescription drug payment. Deductibles and co-insurance may be required for certain services. Co-payments are required for certain office visits to health care providers and for prescription drugs, and deductibles may apply for certain services.

The Legislature pays 100% of the health insurance premium for legislators who have completed the health assessment, 95% for those who have not and 50% of the premium for their eligible dependents. The health insurance provider will bill the legislator directly for dependent premiums and the legislator's share of the health insurance premium, if applicable, with billing mailed to the legislator's home address. In addition, legislators are assessed a premium charge and are billed directly for those costs by the insurer. The legislator is responsible for the prompt payment of premiums. If premiums are not paid in a timely manner, the insurance provider will cancel the entire policy, terminating both the legislator's and dependents' coverage.

Following their legislative service, legislators who are of retirement age may be eligible to continue to participate in the group health insurance plan. The State's premium contribution is prorated based on the legislator's first date of hire into state service and years of coverage under the plan; the legislator is

responsible for any portion of the premium not paid by the State and for 100% of the premium for their dependents.

Dental insurance is available to legislators and their dependents. The Legislature pays 100% of the dental insurance premium for legislators; legislators are responsible for paying 100% of dependent premiums. The dental insurance provider will bill the legislator directly for dependent premiums, with billing sent to the legislator's home address. The legislator is responsible for the prompt payment of premiums. If premiums are not paid in a timely manner, the insurance provider will cancel the entire policy, terminating both the legislator's and dependents' coverage.

In addition, the legislator may purchase a vision insurance plan to provide certain coverage for eye exams and corrective lenses. The Legislature does not pay any portion of the vision insurance coverage.

Questions about health, dental or vision insurance coverage, benefits or premiums can be answered by the Office of the Executive Director (287-1615) or the Bureau of Human Resources Office of Employee Health and Benefits (624-7380 or 1-800-422-4503).

## **7. Group Life Insurance**

Legislators may purchase life insurance coverage through one or more of the following group life insurance plans: (a) basic coverage (annual legislative salary averaged over the biennium); (b) supplemental coverage (up to three times the value of basic coverage); and (c) two dependent coverage options (coverage varies depending on the legislator's coverage under plan (a) or (b)). The Legislature does not pay any portion of the life insurance coverage. Questions about life insurance coverage, benefits or premiums can be answered by the Office of the Executive Director (287-1615) or the Maine Public Employees Retirement System (512-3100 or 1-800-451-9800).

## **8. Deferred Compensation**

Legislators are eligible to participate in the deferred compensation program offered to state employees (Section 457 plan). Deferred compensation is a way of investing money and deferring income taxes on that money until retirement when the legislator may be in a lower income tax bracket. Money placed in a deferred compensation plan may be withdrawn before retirement only under limited circumstances. For more information about the deferred compensation plan and how to contact companies who offer the investment services, contact the Office of the Executive Director (287-1615) or the Office of Employee Health and Benefits (624-7380 or 1-800-422-4503) or go to

Maine's voluntary retirement savings plan website: <http://www.mainesaves457.com/>.

## **9. Legislative Retirement System**

The Maine Public Employees Retirement System (3 MRSA c. 29) provides a defined benefit retirement plan for legislators similar to the retirement plan administered by the Maine Public Employees Retirement System for state employees, judges and teachers. The legislative retirement system is administered by the Board of Trustees of the Maine Public Employees Retirement System. Legislators' retirement benefits are determined by a formula based on length of legislative service and average compensation. Disability retirement and death benefits are also available.

The system is funded by legislator (employee) and Legislature (employer) contributions. Legislator contributions are set by statute as a percentage of employee compensation. The employer contribution is determined on an actuarial basis by the Board of Trustees of the Maine Public Employees Retirement System and is expressed and paid as a percentage of each employee's compensation.

Generally, membership in the legislative retirement system is mandatory for all legislators. However, there are some exceptions for legislators who are already members of the Maine Public Employees Retirement System. In addition, under limited circumstances, the President or the Speaker may, upon a legislator's request, waive the membership requirement if the legislator participates in social security or another retirement plan.

Questions regarding membership, contributions or benefits under the Maine Legislative Retirement System can be answered by the Office of the Executive Director (287-1615) or by the Maine Public Employees Retirement System (512-3100 or 1-800-451-9800).

## **10. Leave of Absence from Employment to Serve as a Legislator**

State law (26 MRSA §§821-824) requires an employer to grant an employee who is a legislator a leave of absence to serve in the Legislature, if certain conditions are met. The leave is for a single two-year legislative term and may be without pay. Following the leave, the employee is entitled to be restored to the same or a similar position, if still qualified.

## **11. Legislators' Federal Income Tax Liability**

Under prior law, state legislators could deduct travel expenses while away from their "district home" if the district home was more than 50 miles

from the State Capitol. In addition, some nonreimbursable expenses were able to be claimed as deductible "business expenses" if detailed receipts and logs documenting mileage were maintained. The Tax Cuts and Jobs Act of 2017 suspended miscellaneous itemized deductions, including unreimbursed travel expenses, for taxable years 2018-2025.

## **B. LAWS GOVERNING CONDUCT OF LEGISLATORS**

In 1975, the Legislature enacted ethics laws regarding standards of conduct for legislators (1 MRSA §§1011-1023). That legislation recognizes that the increasing complexity of state government makes conflicts of interest almost inevitable for part-time public officials, particularly for legislators who vote on measures affecting almost every resident of the State. In the statement of purpose accompanying the statutory provisions dealing with legislative ethics (1 MRSA §1011), the Legislature declared:

If public confidence in government is to be maintained and enhanced, it is not enough that public officers avoid acts of misconduct. They must also scrupulously avoid acts which may create an appearance of misconduct. The Legislature cannot legislate morals, and the resolution of ethical problems must indeed rest largely in the individual conscience. The Legislature may and should, however, define ethical standards, as most professions have done, to chart the areas of real or apparent impropriety.

Each legislator should carefully review the statutory provisions and not rely exclusively on the following summary.

### **1. Income Reporting**

Maine law (1 MRSA §1016-G) requires legislators to file a report with the Commission on Governmental Ethics and Election Practices on financial matters such as honoraria and gifts, liabilities and positions held as director or officer of a business or nonprofit entity and all sources of income of \$2,000 or more for the legislator and members of the legislator's immediate family. These reports must be filed annually by February 15th and any change must be reported not more than 30 days after the change occurs. Late filings are subject to a daily fine, and intentionally filing a false statement is a Class E crime. A legislator must also disclose offices, trusteeships, directorships or positions of any nature, whether compensated or not, held by the legislator or a member of the legislator's immediate family during the previous calendar year.

### **2. Conflict of Interest**

To help define ethical standards, 1 MRSA §1014 lists several activities that constitute a violation of legislative ethics, including conflict of interest, undue influence and abuse of office.

The law defines a conflict of interest to exist where a legislator or a member of that legislator's immediate family:

- Has or acquires a strong and direct financial interest in a business, or derives a direct financial benefit from an association with a person with a direct financial interest in a business that the legislator knows will be benefited by a proposed law;
- Accepts gifts, excluding duly reported campaign contributions, from someone whose personal or business interests are likely to be affected by a proposed law, if the legislator knows or should know that the reason for the gift was to influence the legislator's vote or to reward the legislator's action;
- Accepts gifts, excluding duly reported campaign contributions, from someone whose personal or business interests are likely to be affected by a proposed law, if the legislator knows or should know that the reason for the gift was to influence the legislator's vote or to reward the legislator's action;
- Receives compensation not authorized by law for the legislator's assistance and services as a legislator, or for appearing on behalf of someone with a claim pending before the Legislature;
- Takes a job where there is a strong possibility that the job was given to the legislator or a family member to influence the legislator's vote; or
- Would receive special benefit in the legislator's business or profession under proposed legislation.

A legislator may not vote on a question in connection with a conflict of interest in committee or in either body of the Legislature and may not attempt to influence the outcome of such a question, unless a presiding officer in accordance with the Joint Rules of the Legislature requires a legislator to vote or advises the legislator that no conflict exists.

It is presumed that a conflict of interest occurs when a legislator's actions create a substantial risk of undue influence. This occurs when a legislator receives compensation for representing someone before a state agency, except as a lawyer or other professional acting within the scope of that profession, or when representing someone in the sale of goods or services to the State or a state agency unless that transaction is subject to competitive bidding. When acting in a professional capacity and not as a legislator, a legislator must

refrain from using legislative stationery or making threats of implications relating to legislative action.

It is a violation of legislative ethics for a legislator to engage in conduct that constitutes abuse of office or position. The law (1 MRSA §1014, sub-§3) defines abuse of office or position to include situations in which:

- The legislator or a family member has a direct financial interest in a contract for goods or services with the State that was not subject to competitive bidding;
- The legislator grants or obtains a special privilege for self or another by use of the legislator's position; or
- The legislator uses or discloses confidential information obtained because of the legislator's office or position for the benefit of self or another.

These are examples of conflict of interest and violations of legislative ethics, not an exhaustive list. Legislators are urged to consult their respective presiding officer, the Office of the Attorney General or the Commission on Governmental Ethics and Election Practices with specific questions.

### **3. Solicitation and Acceptance of Campaign Contributions**

1 MRSA §1015, sub-§3 prohibits legislators and their staff from soliciting or accepting contributions from a lobbyist, lobbyist associate or employer at any time during a legislative session. The law also applies to the Governor and the constitutional officers and their staff.

### **4. Contracts with State Agencies**

In general, 1 MRSA §1014, sub-§4, prohibits a legislator from entering into a contract with a state governmental agency that is paid using governmental funds unless the contract has been awarded through a process of public notice and competitive bidding.

### **5. Commission on Governmental Ethics and Election Practices**

To ensure adherence to the ethical standards it incorporated into law, the Legislature also created the Commission on Governmental Ethics and Election Practices (1 MRSA §§1002- 1009). The general duties of the commission are to investigate and report any apparent violations of the ethical standards set by the Legislature and to investigate any violations of the requirements for campaign reports, financing and practices. The commission also has the authority to issue written advisory opinions and guidance on problems or questions involving possible legislative conflicts of interest, to

investigate complaints alleging conflict of interest against a legislator and to administer the financial disclosure requirements imposed on legislators.

If the commission finds that a legislator has voted or acted in violation of legislative ethics, it is required to report its findings in writing to the chamber of which the legislator is a member for appropriate action.

Legislators seeking further clarification of the provisions governing legislative ethics and income reporting may consult their respective presiding officer, the Office of the Attorney General or the Commission on Governmental Ethics and Election Practices.

## **6. Attendance**

Members of the Senate or House of Representatives may not be absent without leave for more than 5 legislative days in the first regular session or for more than 3 legislative days in the second regular session. A member who violates this provision will have that member's salary reduced by an amount as determined by the Legislative Council for each legislative day of absence without leave. At the beginning of each Legislature, the Legislative Council establishes policies and procedures to record attendance for each legislative day and set the salary reduction for members who have unexcused absences above the threshold amounts each session. A copy of the policy governing legislator attendance is available in the Office of the Executive Director and at <http://legislature.maine.gov/execcdir/legislative-council-policies-and-procedures/9280>.

## **C. LEGISLATIVE EMAIL**

Each legislator is assigned a legislative email address in the format: [firstname.lastname@legislature.maine.gov](mailto:firstname.lastname@legislature.maine.gov).

The Legislature uses legislative email as its official method of communication for all correspondence related to legislative business, activities and issues. At this legislative email address legislators will receive:

- The daily calendar from that legislator's appropriate chamber;
- Notice of public hearings and committee work sessions on bills that the legislator sponsors;
- Weekly committee schedules for committees on which the legislator serves;
- Agency rulemaking notices;
- Notices of confirmation hearings;
- Payroll and benefits information from Human Resources;

- Notices of emergency office closures, postponements of hearings and other legislative meetings;
- General legislative announcements; and
- Communications from all legislative staff (e.g., OPLA and OFPR analysts, ROS, LIO, the Secretary of the Senate and the Clerk of the House).

All correspondence related to legislative activities is subject to the Freedom of Access Act (FOAA). The Legislature maintains an archive of all emails that originate from or are sent to the “@legislature.maine.gov” addresses, but legislators are solely responsible for compliance with FOAA for their legislative communications, whether in electronic or paper format.

#### **D. FREEDOM OF ACCESS & CONFIDENTIALITY**

Issues surrounding the confidentiality of legislative documents arise frequently. Members of the media want to know what bills particular legislators may be sponsoring, lobbyists want to be prepared to represent the interests of their clients and legislators are interested in knowing about upcoming legislation.

Maine’s Freedom of Access Act (1 MRSA c. 13, subc. 1) grants the public the right to obtain access to governmental records but provides that records, working papers, drafts, and interoffice and intraoffice memoranda “used or maintained by any legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees” are not public records during the sessions in which they are considered. The statute provides that the records become public records after adjournment of the legislative session or sessions in which the records are considered. Thus, for example, when the first regular session of the 129th Legislature adjourns sine die, all legislative files from that session, other than those carried forward to the next session, are open for public inspection. Bills that are carried over to the next session are in the possession of the Legislative Information Office until the start of the next regular session. All other bill files are transferred to the Law and Legislative Reference Library and are available for public inspection.

Files maintained for legislators by the nonpartisan staff offices are confidential during the legislative session, though any legislator may make public at any time any portion of that legislator’s own file.

Because committee and most subcommittee meetings are public proceedings under the freedom of access laws, they are open to the public and public notice is required. According to Legislative Council policy, materials presented during public proceedings become available to the public. Materials

presented to committee members outside of public meetings, however, are considered confidential until they are discussed in a public forum, presented to the Legislature or released by a member of the committee.

Legislators seeking further clarification of the provisions of the Freedom of Access Act may consult the Public Access Ombudsman within the Office of the Attorney General at 626-8577 or <https://www.maine.gov/foaa/ombudsman/index.htm>.

#### **E. AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATIONS**

The Legislature is committed to making reasonable accommodations for persons with disabilities. For the deaf or hard-of-hearing, assistive listening equipment is available for use in the Senate and House chambers, in legislative hearing rooms and in other areas where audio systems are available. American Sign Language (ASL) interpreters are available on specific days during the session and can be scheduled to interpret committee public hearings and work sessions and to help legislators communicate with constituents visiting the State House during the session. Computer-assisted real-time transcription (CART) may be arranged for those who need visual communication access. Upon request, resized and large print versions of many documents may be obtained in the Law and Legislative Reference Library on the second floor of the State House.

Public TTY phones are located on the second and fourth floors of the State House near the north elevator. Public courtesy phones, pay phones or video phones are located on the first floor of the State House near the south elevator, on the fourth floor of the State House by the north elevator and on the second floor of the Cross Building by the kiosk. Emergency evacuation chairs are located on the third floor of the State House. Wheelchairs are available on the third floor of the State House near the men’s room.

To secure assistive listening equipment, to schedule an ASL interpreter for a public hearing or meeting or to request CART services or TTY services contact:

Casey Milligan, Manager  
 Legislative Information Office  
 Room 132, State House  
 287-1692, fax 287-1580, TTY 287-6826  
<http://legislature.maine.gov/lio>

## F. LOBBYIST DISCLOSURE

The Lobbyist Disclosure Procedures Act (3 MRSA c. 15) recognizes the legitimacy of lobbying and establishes registration and reporting requirements to ensure it is carried out openly. The law requires lobbyists and their employees to register and to file annual reports with the Commission on Governmental Ethics and Election Practices. In addition, each lobbyist must file a monthly report during the legislative session showing for whom the lobbyist worked, what issues the lobbyist lobbied for, how much compensation the lobbyist received for lobbying and how much money was spent for lobbying activities.

A lobbyist who fails to register or to file a report may be subject to a \$100 fine or suspension of the right to lobby.

As defined in the Lobbyist Disclosure Procedures Act (3 MRSA §312-A), "lobbying" in the legislative context means to communicate directly with any official in the legislative branch or the executive branch or with constitutional officers for the purpose of influencing legislative action when compensation is made for that activity. "Legislative action" is defined as virtually any aspect of the legislative process - drafting, amending or defeating a bill, report or nomination - and includes approving or vetoing legislation by the Governor. A lobbyist is any person who is specifically employed by another person to lobby and who engages in lobbying. "Lobbyist" also means any person in the regular employment of another who spends more than eight hours in any calendar month lobbying. A state employee or independent agency employee who serves as the primary legislative designee for a department or agency must register with the commission as a legislative designee.

## G. SMOKING POLICY

Smoking is prohibited in the State House, the Cross Building and all other locations in the State House campus, except areas on the grounds that have been specifically designated for smoking. The designated areas are at the concrete table located on the lawn near the north wing of the State House and in the parking lot area west and south of the Cross Building. For information about the Legislative Council smoking policy, please see <http://legislature.maine.gov/doc/603> or contact the Office of the Executive Director at 287-1615.

## H. HARASSMENT

At the time of printing, the Legislative Council's harassment policy was under review. The following is the policy in effect at the time of printing.

The Legislative Council affirms the right of all legislative employees to work in an environment that is free from unlawful intimidation and harassment, including sexual harassment. Intimidation based on race, color, sex, sexual orientation, marital status, physical or mental disability, religion, age, ancestry or national origin, genetic information, whistleblower activity or a previous assertion of a claim under the Maine Workers' Compensation Act is a violation of Legislative Council policy. Any form of retaliatory action or threat or suggestion of retaliation by either employees or supervisors against any person filing a complaint under this policy or assisting in an investigation is a violation of this policy. The Legislative Council prohibits harassment of any employee by a supervisor, co-worker, legislator, lobbyist, contractor or vendor and prohibits retaliation against any employee for making a complaint or cooperating in the investigation of a complaint of sexual harassment. The Legislative Council has adopted a policy to provide a work environment that is free from harassment.

Harassment is unacceptable conduct and will not be condoned or tolerated in the workplace. It undermines the integrity of the employment relationship, destroys morale, interferes with performance and demeans victims. Harassment by an employee or a legislator is unlawful and is grounds for disciplinary action, in accordance with the Legislative Council's policies on employee discipline and the Legislature's policies for legislators.

Examples of harassment, which may be a series of incidents or a single occurrence, include but are not limited to: (1) unwelcome sexual advances, gestures, comments or contact; (2) threats; (3) offensive jokes; (4) ridicule, slurs or derogatory actions; (5) refusal to cooperate with employees in performing work assignments; and (6) basing employment decisions or practices on submission to harassment.

Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment." Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome.

Examples of sexual harassment may include, but are not limited to: (1) repeated offensive sexual flirtations, advances or propositions; continued or repeated verbal abuse of a sexual nature; (3) graphic or degrading verbal comments about an individual or his or her appearance; (4) the display of sexually suggestive objects or pictures; and (5) any offensive or abusive physical conduct.

A legislator who feels subjected to any form of harassment should notify the legislator's caucus leader, presiding officer or the Secretary of the Senate or Clerk of the House. The Legislature has established procedures to facilitate a prompt resolution of complaints of harassment. A copy of the harassment policy is available in the Office of the Executive Director and at <http://legislature.maine.gov/execcdir/legislative-council-policies-and-procedures/9280>.

## **I. VIOLENCE IN THE WORKPLACE**

The Legislature, acting through the Legislative Council, is committed to providing a safe and secure work environment and expressly prohibits all violent acts, threats and other potentially violent behavior, either in or related to the workplace, among employees, legislators and constituents. If an employee is the target of such behavior in the workplace or by another employee or legislator, or is witness to such behavior, the improper conduct should be reported immediately to the chair or vice-chair of the Legislative Council, the Executive Director or the Legislature's human resources director. An investigation of the report will be undertaken immediately. A copy of the policy governing violence in the workplace is available in the Office of the Executive Director and at <http://legislature.maine.gov/execcdir/legislative-council-policies-and-procedures/9280>.

## **J. EMERGENCIES**

Emergency procedures and evacuation plans are in place for both the State House and the Cross Building in case of a fire or other emergency. The buildings are protected by sprinkler systems, fire alarms systems and smoke and heat detection systems. Evacuation plans include established building emergency teams (Capitol Police, building coordinators, emergency wardens, floor leaders, and special-needs "buddies") that work in concert with incident commanders (e.g., the on-scene fire officer). In the event of an emergency, building emergency teams will provide guidance and instructions for evacuation. An evacuation map is conspicuously posted in each committee room showing the evacuation route from that room. Automated external defibrillators (AEDs) are located in the State House in the House Sergeant-at-Arms office (room 314), third floor west wing adjacent to the men's restroom, third floor in Senate

Chamber, first floor in the Welcome Center and in the Cross Building outside the entrance to the Cross Café. In addition, a first aid kit and an eye wash station are located in the Welcome Center in the State House.

In case of medical or other emergency dial 911 from any legislative office telephone or cell phone.

To obtain copies of evacuation plans and emergency procedures or if you have questions about such plans and procedures, contact:

Office of the Executive Director  
Room 103, State House  
287-1615  
<http://legislature.maine.gov/execcdir/>

For security concerns contact:

Bureau of Capitol Police  
Room 111, Cross Building  
287-4357  
<https://www.maine.gov/dps/capsec/cappolice.htm>

**PART III  
LEGISLATIVE STAFF SERVICES**

**A. LEGISLATIVE COUNCIL**

The Legislative Council is the administrative body of the Legislature. The Legislative Council consists of the 10 elected members of leadership: typically, the President of the Senate, the Speaker of the House, the Republican and Democratic Floor Leaders for both the House and Senate, and their Assistant Floor Leaders. The council members elect the Council Chair and Vice-Chair at the beginning of each legislative biennium. By tradition, the chair alternates every two years between the House and Senate.

The council is responsible for the overall management of the entire Legislature. Its powers and duties are set forth in statute (3 MRSA §162) and in the Joint Rules that the Legislature adopts at the beginning of each legislative biennium.

The council's responsibilities include preparing legislative budget requests and overseeing all legislative funds; appointing directors of the nonpartisan staff offices; establishing salary and benefit schedules for all legislative employees, except as otherwise provided by law; approving employment policies and practices; and planning and overseeing projects designed to improve the organization, operation and physical facilities of the Legislature. The council also screens and considers all requests to introduce bills after cloture (after-deadline bills) and all bills requested prior to their introduction in the Legislature's second regular session and in all special sessions and assigns work to legislative committees when the Legislature is not in session. The Executive Director, appointed by the Legislative Council, acts as the executive officer of the Legislature when it is not in session and is responsible for implementing policies adopted by the council.

The Legislative Council generally meets once a month, unless the chair determines that a meeting is not necessary, and at such other times as the membership or chair determines necessary. Information concerning meeting agendas is available from the Office of the Executive Director. A summary of each council meeting is distributed to all members of the Legislature. A summary of each council meeting is posted online after approval at <http://legislature.maine.gov/execcdir/legislative-council/9071>.

**B. NONPARTISAN STAFF OFFICES**

The Legislative Council provides professional, nonpartisan staff support services to the Legislature and its officers, members, committees and commissions through nonpartisan staff offices operating under the direction of the Executive Director. The organization, purposes and responsibilities of the nonpartisan staff offices are established by law (3 MRSA §163 et seq.). The responsibilities of the nonpartisan staff offices include:

- General administrative services;
- Bill and amendment drafting;
- Policy, legal and fiscal research and analysis;
- Committee staffing;
- Public information services;
- Information technology and computer support services; and
- Library and reference services.

The nonpartisan employees of these offices are prohibited from engaging in political activity or taking a public position with regard to any matter that is or may be under consideration by the Legislature. In their work, nonpartisan staff must maintain their neutrality.

All communications between legislators and nonpartisan staff members concerning legislation and reports prepared for committees are confidential during the legislative session in which they are prepared and until distributed and discussed in public (see discussion under Part II. Administrative Information, D. Freedom of Access and Confidentiality).

State law provides that certain nonpartisan legislative employees have the right to collectively bargain with the Legislative Council with regard to wages, benefits and other terms and conditions of employment (26 MRSA c. 9-B).

The following sections briefly describe the personnel, services and contact information for the nonpartisan staff offices.

- 1. Office of the Executive Director of the Legislative Council**  
Room 103 and 120, State House  
287-1615, fax 287-1621  
<http://legislature.maine.gov/execcdir/>

Grant T. Pennoyer, Executive Director  
Dawna J. Lopatosky, Legislative Finance Director  
Jackie Little, Human Resources Director



The Office of the Executive Director is the nonpartisan office that serves as the central administrative and management agency for the Legislature and staffs the Legislative Council.

## **Functions and Services**

### **Central Administration**

- Coordinates and oversees the activities of the nonpartisan offices consistent with policies established by the Legislative Council
- Recruits and appoints nonpartisan staff
- Supervises all legislative administrative functions; provides administrative services to the Legislature, including legislator and employee payrolls, expense reimbursements, budgeting and accounting functions; and provides human resources and facility access and security services
- Enters into and administers contracts for goods and services, approves accounts and vouchers for payment and purchases equipment for the Legislature

### **Legislative Council Staffing**

- Prepares agendas for the Legislative Council meetings and its committees; staffs the meetings of the Legislative Council, its committees and subcommittees; and implements policy decisions of the council
- Prepares the legislative budget for the Legislative Council's review and administers the approved budget

### **Facilities Management**

- Oversees maintenance and improvement of the State House, State House grounds and other legislative facilities
- Coordinates and supports authorized use of legislative facilities

### **Rulemaking Notifications**

- Provides notice of agency rulemaking to legislative committees

## **2. Legislative Information Office**

Room 132, State House  
287-1692, fax 287-1580, TTY 287-6826  
<http://legislature.maine.gov/ljo/>

Casey Milligan, Manager

The Legislative Information Office (LIO), a division of the Executive Director's Office, is a nonpartisan public information office serving the Legislature and the

public. The office is a primary resource for information regarding the legislative process, the status of bills, committee meetings and schedules and legislative studies. The office also provides administrative support to the Legislature's joint standing committees and has responsibility for coordinating the public hearing process for gubernatorial nominations to boards and commissions, to commissioners and to State courts.

## **Functions and Services**

### **Public Information**

- Records, compiles and provides information on the current status of bills and other matters before the Legislature and its committees
- Compiles information about boards, commissions and legislative studies
- Schedules the use of legislative committee rooms for committee meetings and other public meetings; posts meeting information on the display boards in the State House and Cross Building and on the Legislative Activities Calendar on the Legislature's web page

### **Legislative Members and Committees**

- Supervises the work of committee clerks and provides other general administrative support to legislative committees
- Coordinates the legislative confirmation process for gubernatorial nominations
- Provides notification to committee members with regard to agency rulemaking
- Advertises public hearings and confirmation hearings
- Provides meeting notification to bill sponsors

### **Special Accommodations**

- Schedules ASL interpreter services for legislative meetings and responds to requests for other services with regard to the ADA

### **Major Publications**

- History and Final Disposition (updated annually following adjournment of each legislative session)

## **3. Office of Revisor of Statutes**

Room 108, State House  
287-1650, fax 287-6468  
<http://www.legislature.maine.gov/ros/>

Suzanne M. Gresser, Revisor  
Edward A. Charbonneau, Deputy Director

The Office of the Revisor of Statutes (ROS) is a nonpartisan office established to provide drafting assistance in an independent, accurate and objective manner to members of the Legislature and to serve as the Legislature's central production office.

## **Functions and Services**

### **Drafting, Review and Production of Legislative Instruments**

- Performs initial intake of all legislative instruments, including bills, amendments, joint resolutions and sentiments
- Drafts legislative instruments, including bills and floor amendments
- Reviews and edits all legislative instruments for proper form, style and usage
- Processes all legislative instruments in final form prior to introduction

### **Maintenance and Update of Maine Revised Statutes, Constitution and Laws**

- Maintains, in conjunction with the Office of Information Technology, the online text of the Maine statutes, the Maine Constitution and the Laws of the State of Maine
- Coordinates the State's role in maintaining the Maine Revised Statutes Annotated and Maine Revised Statutes Compact Edition, including annual updates and revisions
- Maintains and updates the Maine Constitution

### **Committee on Second Reading and Engrossing**

- Serves as clerk of the Committee on Bills in the Second Reading for both the Senate and the House of Representatives and prepares any necessary amendments to resolve conflicts
- Engrosses all bills passed to be engrossed, which is the process of integrating a bill and any adopted amendments physically into one document prior to their enactment, and prepares bills for final enactment

### **Administrative**

- Administers cloture and related deadlines established by statute, joint rule and the Legislative Council
- Identifies duplication and conflicts in legislation and takes necessary steps to resolve them
- Indexes legislative documents and publications
- Chapters and publishes session laws

### **Major Publications**

- Maine Revised Statutes (updated annually)
- The Laws of the State of Maine (updated annually)
- The Maine Legislative Drafting Manual (updated periodically)

## **4. Office of Policy and Legal Analysis**

Room 215, Cross Building  
287-1670, fax 287-1275

<http://legislature.maine.gov/opla/>

Marion R. Hylan Barr, Director

Jon P. Clark, Deputy Director

The Office of Policy and Legal Analysis (OPLA) is a nonpartisan office established to provide independent and impartial information, legal and policy analysis and other professional staffing services to joint standing and joint select committees of the Legislature, legislative study commissions and individual legislators.

## **Functions and Services**

### **Committee Staffing**

- Provides direct staff services to all joint standing and select committees except the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Taxation, the Joint Select Committee on Government Oversight and the Joint Select Committee on Joint Rules
- Provides policy and legal analysis on legislation and issues before legislative committees
- Collects, researches, analyzes and organizes relevant information related to legislation and issues before committees
- Prepares and drafts committee papers, including committee bills, amendments and reports
- Assists in organizing committee workloads and facilitating the committee decision-making process
- Assists committees in developing budget recommendations
- Assists committees in processes related to oversight of agency rulemaking and the periodic review of agency programs and operations

### **Interim Legislative Study Staffing**

- Provides direct staff and legal services, including administrative support, to legislative study commissions between legislative sessions

- Collects, analyzes and organizes relevant information related to issues before legislative study commissions
- Assists in facilitating study commission decision making
- Drafts study commission reports, including suggested legislation

#### **Mandatory Legislative Review**

- Facilitates mandatory legislative review process of proposed changes in the Fund for a Healthy Maine, proposed public records exceptions, proposed changes to judicial proceeding priorities and proposed changes to crimes and criminal penalties

#### **Legislative Drafting**

- Assists ROS with initial intake and drafting of bills

#### **Provision of Workload Management Reports**

- Prepares status reports of bills and amendments in committee and status reports of legislative studies and other interim committee meetings

#### **Major Publications**

- Legislative Digest of Bill Summaries and Enacted Laws (updated annually after each legislative session)
- Legislators' Handbook (updated biennially prior to each First Regular Session)

### **5. Office of Fiscal and Program Review**

Room 226, State House  
287-1635, fax 287-6469

<http://legislature.maine.gov/ofpr/>

Christopher W. Nolan, Director  
Marc A. Cyr, Principal Analyst  
Maureen S. Dawson, Principal Analyst

The Office of Fiscal and Program Review (OFPR) is a nonpartisan office established to provide independent, accurate and objective information and analysis to members of the Legislature with respect to historical, current, projected and proposed appropriations and allocations, expenditures, taxes, revenue, and other fiscal information as requested.

#### **Functions and Services**

#### **Committee Staffing**

- Staffs the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Taxation

- Staffs the Transportation and Health and Human Services committees during budget deliberations and provides fiscal and budget assistance to other committees upon request
- Staffs the Revenue Forecasting Committee (two OFPR staff serve on the committee as members)
- Staffs various study groups and task forces as assigned by the Legislative Council

#### **Fiscal Tracking of Legislation**

- Analyzes bills and amendments for fiscal impact and produces fiscal notes
- Tracks and provides reports on bills that are pending placement or are on the Special Appropriations Table and the Special Highway Table

#### **Fiscal Monitoring, Analysis and Reporting**

- Provides regular reporting on budgeted and actual fund balances, revenue performance, cash balances and spending of major state programs
- Responds to inquiries from legislators, legislative staff and the general public regarding the financial position of the State and state programs
- Tracks and reviews the many reports required to be provided to the Appropriations and Taxation Committees by various departments and agencies
- Assists the Appropriations Committee in fulfilling its statutory obligation to review certain financial orders generated by the executive branch and approved by the Governor

#### **Major Publications**

- Compendium of State Fiscal Information (updated annually)
- Summary of Major State Funding Disbursed to Municipalities and Counties (updated annually)
- The Budget Process (updated periodically)
- The Fiscal Note Process: An Overview (updated periodically)

### **6. Office of Legislative Information Technology**

Floor 2½, Room 262, State House  
287-1625, fax 287-2557

Nicholas M. Rende, Director

The Office of Legislative Information Technology (LIT) is a nonpartisan office responsible for the technology infrastructure for the Legislature and for

providing equipment, maintenance and technical help for all legislative offices, staff and legislators.

## **Functions and Services**

### **Networking, Security and Internet**

- Provides and maintains networking and server infrastructure, including firewalls and backup systems
- Provides and maintains secure Internet infrastructure
- Provides access to web and legislative information and systems, including audio and video broadcasts of legislative proceedings
- Provides and maintains wireless access (public, non-secure WiFi hotspots identified as “LegisAir”) in the legislative offices, chambers, committee hearing rooms and public spaces in the State House and on the second floor of the Cross Building

### **Computing Services**

- Provides and maintains network security, logon credentials, antivirus, desktop and laptop computing and both wired and wireless printing
- Develops, acquires and maintains software solutions used in support of the Legislature and legislative process
- Provides computers in each of the legislative retiring rooms exclusively for legislator use and provides login credentials at the start of session
- Provides and maintains email archiving and retrieval system
- Maintains nightly backups and supports off-site full disaster recovery site for legislative systems and data

### **Email and Protection Services**

- Provides electronic mail services and maintains virus and spam protection for all legislator and staff email

### **Audio and Video Broadcasts**

- Supports the broadcast of audio and video from both chambers and audio from the committee rooms of legislative proceedings over the legislative network and the Internet

### **Telecommunication Technology**

- Provides and maintains telephone services in State House and associated areas

## **7. Law and Legislative Reference Library**

Room 204, State House

287-1600, fax 287-6467

<http://legislature.maine.gov/lawlibrary/>

John R. Barden, Director

Elaine Apostola, Deputy Director

The Law and Legislative Reference Library serves the public interest by providing legal and governmental information services to state government entities, the legal community and the public.

### **Functions and Services Legislative and Statutory History**

- Tracks prior attempts to enact Maine legislation on specific topics
- Researches changes in statutes over time

### **State House Information**

- Maintains records of legislators’ service
- Provides access to current State House-related news through the Front Page news service

### **Issue-Related Research**

- Provides background information on policy issues and other states’ legislative actions
- Identifies and obtains books, reports, studies and articles
- Provides prompt and confidential responses on a wide range of reference topics

### **Constituent and Patron Services**

- Responds on legislator’s behalf to constituent questions
- Facilitates access to online resources
- Provides instruction and assistance with information technologies
- Assists with recreational reading or listening needs through interlibrary loan and audiotape collection

## **C. OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY**

### **Office of Program Evaluation and Government Accountability**

Room 107, Cross Building

287-1901

<http://legislature.maine.gov/opega>

Danielle D. Fox, Director

The Office of Program Evaluation and Government Accountability (OPEGA) is an independent, nonpartisan legislative office established and governed by 3 MRSA §§991-1001. With a focus on effectiveness, efficiency, accountability and economical use of resources, OPEGA conducts independent, objective reviews of state agencies, programs and activities to support the Legislature in monitoring and improving the performance of state government. OPEGA serves, and is overseen by, the Government Oversight Committee (GOC) that reviews and approves the office's annual work plan, directs the office to conduct program evaluations and receives reports produced by the office.

## **Functions and Services**

### **Performance Audits, Program Evaluations**

- Conducts independent and objective performance audits, evaluations and assessments of state agencies, programs and activities; reviews other entities receiving public funds administered by the State or expending private monies for public purposes
- Produces and presents final written reports of performance reviews and program evaluations which detail findings and results and may offer recommendations for improvements
- Monitors the status of government actions taken in response to report findings and recommendations
- Reports on the status of those actions to the GOC and other policy committees as directed or required by statute
- Assists the committee in initiating action when the committee determines the response has been inadequate

### **Special Projects**

- Assists joint standing committees, special task forces and other committees established by the Legislature by providing expertise in performance auditing and program evaluation

### **Committee Staffing**

- Provides direct staffing to the Government Oversight Committee, with the office's administrative secretary serving as the committee clerk
- Coordinates committee meetings, including preparing meeting materials and providing requested research
- Assists in the development of committee processes and procedures
- Provides thorough, public presentations of OPEGA reports

## **Major Publications**

- Reports and information briefs from OPEGA performance reviews and program evaluations
- Annual reports on OPEGA activities and performance

## **D. SENATE AND HOUSE ADMINISTRATION**

### **1. Secretary of the Senate**

Room 327, State House  
287-1540, fax 287-1900

<https://legislature.maine.gov/senate/office-of-the-secretary-of-the-senate/9339>

The Secretary of the Senate is the chief administrative officer of the Senate. Elected by the Senate at the beginning of each biennium, the Secretary performs a variety of tasks necessary for the efficient operation of the Senate. Among other duties, the Secretary keeps a journal of proceedings and a verbatim record of floor debate; prepares the Advance Journal and Calendar of the Senate; reads bills, messages and documents; is responsible for all papers, bills and documents in possession of the Senate; and transmits messages and papers to the Governor, the Clerk of the House and the Secretary of State. The Secretary also maintains a record of votes and other actions by the Senate.

Aided by the Assistant Secretary of the Senate and staff, the Secretary performs a variety of additional duties, including selecting and hiring office staff and maintaining personnel files, ordering necessary equipment and supplies, supervising the work flow of the office, providing information for individual senators and supervising the printing of all Senate papers. The Secretary approves expense reimbursement vouchers for officers and employees of the Senate.

The Secretary, in conjunction with the Clerk of the House, is responsible for suggesting committee references for bills. The Secretary also processes the various nominations by the Governor that require Senate confirmation.

Additional staff, appointed by the President of the Senate and supervised by the Secretary, also serve the Senate: a sergeant-at-arms, chamber staff and daily honorary pages.

### **2. Clerk of the House**

Room 300, State House  
287-1400, fax 287-1456

[http://legislature.maine.gov/house/clk\\_main.htm](http://legislature.maine.gov/house/clk_main.htm)

The Clerk of the House is the chief administrative officer of the House of Representatives. The Clerk is elected by House members at the beginning of each biennium. Among other duties, the Clerk keeps a journal of House proceedings; reads bills, messages and papers before the House; notifies committees of their membership and refers business to them; certifies expense reimbursement vouchers for the officers and employees of the House; has charge of all papers and documents in the possession of the House; and transmits messages and documents to the Governor and Secretary of the Senate.

The Clerk, in conjunction with the Secretary of the Senate, is responsible for suggesting committee references for bills. They also jointly edit the House and Senate registers.

The Clerk's office keeps copies of each House roll call vote and directs all House printing. In addition to preparing each day's House Calendar and the House portion of the Legislative Record, the Clerk issues the Weekly Legislative Report which lists all bills printed and all bills enacted. The Weekly Legislative Calendar, which is published year-round, lists meetings of legislative committees, commissions and other groups of interest to legislators.

The Clerk schedules school bands for concerts before the convening of House sessions. The Clerk also schedules the services of a member of the clergy to provide an opening prayer on each day of the session. The Clerk is assisted by the Assistant Clerk, who is also elected by the House.

Additional staff also serve the House: a sergeant-at-arms, an assistant sergeant-at-arms, a document clerk (who serves all legislators and the public), two doorkeepers, a House reporter, a courier, five pages and daily honorary pages. Each of these positions is filled by appointment of the Speaker of the House, unless the House otherwise directs.

## E. OTHER STAFF SERVICES

### 1. Leadership Office Staff

3rd and 4th floors, State House	
Office of the President of the Senate	287-1500
Office of the Speaker of the House	287-1300
Senate Democratic Office	287-1515
Senate Republican Office	287-1505
House Democratic Office	287-1430
House Republican Office	287-1440

The President, the Speaker and the floor leaders of both houses hire staff to assist them in their legislative and partisan functions. Partisan staff provides a

variety of services to the legislative members of the respective parties, including:

- Assisting with constituent services that involve issues related to state government;
- Producing press releases and newsletters, arranging media interviews and providing media training;
- Assisting in developing and presenting legislation, including gathering information, conducting research and preparing testimony;
- Monitoring legislation; and
- Providing research for committee review of gubernatorial nominations.

The President and the Speaker may also employ legal counsel to aid them in their review of legislation.

## 2. Committee Clerks

Committee clerks are session employees who provide general administrative support to each joint standing and joint select committee of the Legislature. Clerks are appointed by and serve at the pleasure of the presiding officers, with the agreement of the committee chairs. The Legislative Information Office organizes, coordinates, supports and oversees the work of the committee clerks.

Committee clerks are responsible for scheduling rooms for public hearings and other committee meetings, preparing public notices for upcoming public hearings and committee work sessions, keeping lists of persons who provide testimony at hearings, maintaining custody of a committee's bills from the time the bills are referred to committee until the bills are reported out of committee, obtaining the signatures of committee members on "jackets" of committee reports and performing other administrative services for the committee chairs and committee members.

The mailing address for all joint standing committees and committee clerks is 100 State House Station, Augusta, Maine 04333. Contact information for individual committee clerks is available at <http://legislature.maine.gov/committee/#Committees>.

## F. NATIONAL RESOURCE ORGANIZATIONS

The National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG) are both prominent national organizations that

serve as resources for state legislatures and state governments. The Legislature is a member of both organizations.

## 1. National Conference of State Legislatures

The National Conference of State Legislatures is funded by all 50 states, and the legislators and legislative staff of each state are entitled to use its services. NCSL provides information, technical assistance and, at the federal level, lobbying services.

NCSL's Washington, D.C. office, which specializes in state/federal relations and congressional relations, may be reached at 202-624-5400. NCSL's Denver, Colorado office, which specializes in activities in the states, may be reached at 303-364-7700. News and information about NCSL and links to state government sites may be found at [www.ncsl.org](http://www.ncsl.org).

NCSL publishes several periodicals including the following: Capitol to Capitol (issued every two weeks, focuses on current state and federal issues and state events); State Legislatures (published monthly, describes major issues that confront state legislatures); Legislative Guide (in-depth guide to specific issues); and Legisbrief (publication appears about four times per month. Each brief is a one-page summary of a timely issue and its status in the states). The Law and Legislative Reference Library collection includes NCSL reports and a current index of Legisbrief titles.

## 2. The Council of State Governments

The Council of State Governments is an information agency created and supported by all state legislatures. CSG conducts research on state programs and issues, maintains an information library, assists in state and federal relations and helps coordinate state and regional cooperative efforts. CSG headquarters is in Lexington, Kentucky, and may be reached at 859-244-8000. The eastern office of CSG is in New York City and may be reached at 212-482-2320. The CSG website is [www.csg.org/](http://www.csg.org/).

The CSG publishes a number of books and periodicals including: The Book of the States (biennial work contains many tables of information about state government and essays on current issues); directories (three directories are published every two years covering state elected officials, state administrative officers and state legislative leadership and staff); State News (monthly publication provides news and discusses issues of interest to state government); and Suggested State Legislation (annual publication identifies contemporary policy issues and emerging trends in state legislative proposals). The Law and Legislative Reference Library collection includes selected CSG publications.

## G. ADDITIONAL REFERENCE MATERIALS

The reference materials outlined below may also be useful to legislators.

### 1. Laws, Administrative Rules

#### a. Maine Revised Statutes Annotated (MRSA) and Maine Revised Statutes Compact Edition (without annotations)

Published by: Thomson Reuters (in cooperation with the Office of the Revisor of Statutes)

Contains: Codified version of all statutes currently in force in Maine, the Maine and U.S. Constitutions, notes on court decisions and other annotations included in the MRSA

Availability: Law and Legislative Reference Library, most staff offices, leadership offices, Office of the Clerk of the House, Office of the Secretary of the Senate and many committee hearing rooms (codified but unannotated version of the statutes and the Maine Constitution is also available at <http://legislature.maine.gov/>)

Purchase: Legislators may purchase (at cost) a set of unannotated or annotated Maine Revised Statutes through the Office of the Executive Director

#### b. Laws of Maine (each session)

Compiled by: Office of the Revisor of Statutes

Contains: Public laws, private and special laws, constitutional resolutions, resolves, select joint resolutions and other significant legislative papers passed each session

Availability: Distributed to legislators and subscribers; historical runs are available from the Law and Legislative Reference Library; Laws for sessions dating back to the 117th Legislature are available at <http://legislature.maine.gov/ros/LawsOfMaine/#Law> and Laws for sessions dating back to 1820 are available in the Law and Legislative Reference Library's collection at <http://www.maine.gov/legis/lawlib/lld/open.htm>

#### c. Maine Department and Agency Rules

Compiled by: Secretary of State

Contains: All state agency and department rules

Availability: Secretary of State's website at <http://maine.gov/sos/cec/rules/rules.html>; Law and Legislative Reference Library Notices of proposed rules are distributed by the Office of the Executive Director to applicable joint standing committees

### 2. Directories

#### a. Senate and House Registers

Edited by: Secretary of the Senate and Clerk of the House

Contains: Maine Constitution; directories of Senate, House, committees, staff and leadership; Joint, Senate and House Rules; phone numbers; members of State House Press; Legislative Code of Ethics  
Availability: Distributed early in the First Regular Session; previous editions available for reference in the Law and Legislative Reference Library

**b. Maine State Telephone Directory**

Contains: Electronic version of the tele phone directory for State Government, including departments

Availability: <https://www.maine.gov/phone/>

**c. State House Station Directory**

Compiled by: Department of Administrative and Financial Services, Division of Purchases

Contains: Alphabetical listing of station numbers (mailing addresses) used for correspondence with state agencies

Availability: <https://www10.informe.org/portal/government/state-agencies.php>

**d. Maine Municipal Directory**

Compiled by: Maine Municipal Association  
60 Community Drive  
Augusta, ME 04330

Contains: Annual directory of municipal officials, regional planning commissions, community action agencies and county officers

Availability: Law and Legislative Reference Library, Office of the Clerk of the House and Office of the Secretary of the Senate

**e. Maine Register**

Compiled by: Tower Publishing Co.  
588 Saco Road  
Standish, ME 04084

Contains: Directory of federal, state and government officials; clubs; associations; societies and organizations; businesses; and manufacturers

Availability: Law and Legislative Reference Library, Office of the Secretary of the Senate and Office of the Clerk of the House

**f. Maine Business and Professional Directory**

Compiled by: Tower Publishing Co.  
588 Saco Road  
Standish, ME 04084

Contains: Directory of more than 41,000 Maine businesses and professionals by alphabet, geography and business type

Availability: Law and Legislative Reference Library

**3. Reports, Information**

**a. Legislative Digest of Bill Summaries and Enacted Laws**

Compiled by: Office of Policy and Legal Analysis and Office of Fiscal and Program Review

Contains: Summaries of bills considered by the Legislature arranged by committee; includes summaries of bills and resolves, amendments adopted and the law or resolve if enacted or passed

Availability: Office of Policy and Legal Analysis and its website at <http://legislature.maine.gov/opla/>; Office of Fiscal and Program Review and its website at <http://legislature.maine.gov/ofpr/>

**b. History and Final Disposition**

Compiled by: Legislative Information Office

Contains: Summary of the history and final disposition of all legislative documents in each session

Availability: Distributed to legislators following each session; Legislative Information Office website at <http://legislature.maine.gov/ljo/>; back issues available from the Law and Legislative Reference Library

**c. Compendium of State Fiscal Information**

Compiled by: Office of Fiscal and Program Review

Contains: Annual expenditures, revenues, comparisons and tables of the General Fund, Highway Fund and special revenue funds as well as tax and revenue sources

Availability: Office of Fiscal and Program Review and its website at <http://legislature.maine.gov/ofpr/>; Law and Legislative Reference Library

**d. Summary of Major State Funding Disbursed to Municipalities and Counties**

Compiled by: Office of Fiscal and Program Review

Contains: An historical analysis of state funding that is disbursed to municipalities and counties

Availability: Office of Fiscal and Program Review and its website at <http://legislature.maine.gov/ofpr/>; Law and Legislative Reference Library

**e. Maine State Government Annual Report**

Compiled by: Department of Administrative and Financial Services

Contains: Organization charts, appropriations, program information, publications and histories of all branches and agencies of state government

Availability: Distributed for current biennium; past editions in Law and Legislative Reference Library and some staff offices

**f. Articles, Clippings (various subjects)**

Collected by: Law and Legislative Reference Library; Maine State Library



Contains: Articles and clippings on items of general legislative interest  
Availability: Law and Legislative Reference Library; Maine State Library

#### **g. Study Reports**

Compiled by: Office of Policy and Legal Analysis and Office of Fiscal and Program Review

Contains: Findings and recommendations of studies assigned to legislative committees and commissions

Availability: Office of Policy and Legal Analysis and its website at <http://legislature.maine.gov/opla/>; Office of Fiscal and Program Review and its website at <http://legislature.maine.gov/ofpr/>; Law and Legislative Reference Library; Maine State Library

### **4. Periodicals, Publications**

#### **a. Weekly Legislative Calendar**

Compiled by: Clerk of the House

Contains: Schedule of meetings of interest to legislators, notices and committee meetings and hearings during the period between sessions

Availability: Distributed weekly; online at <http://legislature.maine.gov/house/wlclist.htm>

#### **b. Weekly Legislative Report**

Compiled by: Clerk of the House

Contains: List of bills recently printed or laws enacted

Availability: Distributed weekly during session; online at [http://legislature.maine.gov/house/wlr\\_list.htm](http://legislature.maine.gov/house/wlr_list.htm)

#### **c. Fiscal News**

Produced by: Office of Fiscal and Program Review

Contains: News and information about state fiscal matters

Availability: Distributed by the Office of Fiscal and Program Review and its website at <http://legislature.maine.gov/ofpr/>

### **5. Other Materials of Interest**

#### **a. Maine Legislative Drafting Manual**

Produced by: Office of the Revisor of Statutes

Contains: Specific instructions and examples for drafting various legislative documents and general back-ground information on many aspects of the legislative process

Availability: Office of the Revisor of Statutes and its website at <http://legislature.maine.gov/ros/>

#### **b. The Fiscal Note Process: An Overview**

Produced by: Office of Fiscal and Program Review

Contains: A summary of the fiscal note process, the implementation of the State Mandate Law, the Special Appropriations Table and the Special Highway Table, and the relationship of the fiscal note process to the budgetary and revenue forecasting processes

Availability: Office of Fiscal and Program Review and its website at <http://legislature.maine.gov/ofpr/>

#### **c. Budget Process**

Produced by: Office of Fiscal and Program Review

Contains: Overview of budget process, including formulation, legislative review, budget monitoring and adjustments

Availability: Office of Fiscal and Program Review and its website at <http://legislature.maine.gov/ofpr/>

#### **d. List of Registered Lobbyists**

Compiled by: Commission on Governmental Ethics and Election Practices

Availability: Commission on Governmental Ethics and Election Practices 287-6221 or online at <http://www.maine.gov/ethics/disclosure/lobbyists.htm>; Law and Legislative Reference Library

#### **e. The Maine State House: A Brief History and Guide**

Authors: Earle G. Shettleworth, Jr., and Frank A. Beard

Publisher: Maine Historic Preservation Commission

Contains: Historical overview and self-guided tour of the State House

Availability: Law and Legislative Reference Library and various other locations in the State House

#### **f. Presidents of the Maine Senate from 1820 (1979)**

Author: James H. Mundy

Contains: Portrait and biography of each Senate President since Maine became a state

Availability: Law and Legislative Reference Library, Maine State Library and Office of the Secretary of the Senate

#### **g. Speakers of the Maine House of Representatives from 1820 (1981)**

Author: James H. Mundy

Contains: Portrait and biography of each Speaker of the House since Maine became a State

Availability: Law and Legislative Reference Library, Maine State Library and Office of the Clerk of the House

#### **h. Senate Journal**

Contains: Record of actions taken by the Senate

Availability: Office of the Secretary of the Senate and Law and Legislative Reference Library

**i. Senate Legislative Record**

Contains: Verbatim record of Senate actions and debate

Availability: Law and Legislative Reference Library and at <http://www.maine.gov/legis/lawlib/lld/legisrecord.htm>; Office of the Secretary of the Senate and Office of the Clerk of the House

**j. House Journal and House Legislative Record**

Contains: Record of actions taken by the House and verbatim record of House actions and debate

Availability: Office of the Clerk of the House and Law and Legislative Reference Library

**6. Internet Resources**

**a. Maine State Government Website**

Contains: Links to many agencies and other Internet sites related to State Government

Availability: <http://www.maine.gov> and through terminals in the Law and Legislative Reference Library

**b. Maine Legislature Website**

Contains: Links to legislative offices, bill status, publications and schedules

Availability: <http://legislature.maine.gov/>

**PART IV  
CONSTITUTIONAL OFFICERS AND STATE AUDITOR**

There are three officers of State Government established in the Maine Constitution: the Attorney General, the Secretary of State and the Treasurer of State. However, the term "constitutional officer" is often used to refer to another officer of State Government, the State Auditor, because the selection process for the State Auditor is similar to that of the constitutional officers and the State Auditor enjoys a similar status to those officers. The following briefly describes these officers and the process for electing them to provide a basic understanding of the unique position of these officers in State Government.

**A. THE ATTORNEY GENERAL**

Pursuant to the Maine Constitution (Article IX, Section 11), the Attorney General is chosen biennially at the first session of the Legislature in joint convention by secret ballot of senators and representatives. In the case of a vacancy, the Legislature elects a new Attorney General or if the Legislature is not in session, the Governor may fill the office by appointment, subject to confirmation by the Legislature.

The Attorney General is the chief legal officer of the State and has wide-ranging powers to initiate, conduct and maintain actions necessary for the protection of public welfare and individual rights. Specific statutory duties of the Attorney General include providing all legal services for state offices, agencies, boards and commissions unless otherwise provided by law; appearing on behalf of the State in all civil actions in which the State is a party or interested in the action; and overseeing public charities (5 MRSA §191 et seq.). Several state agencies, such as the Finance Authority of Maine and the Public Utilities Commission, have attorneys on staff and do not generally rely on the legal services of the Attorney General. Legislators may also seek opinions from the Attorney General on issues raised by legislation.

**B. THE SECRETARY OF STATE**

Pursuant to the Maine Constitution (Article V, Part Second), the Secretary of State is chosen biennially at the first session of the Legislature in joint convention by secret ballot of senators and representatives. In case of any vacancy, the Maine Constitution provides that the first Deputy Secretary of State shall act as Secretary of State until a successor is elected by the Legislature.

The Secretary of State is required to maintain and preserve all records of all official acts and proceedings of the Governor, state agencies, the Senate and the House of Representatives and administers state election laws. The Secretary of State's office is the repository for important financial papers such as articles of incorporation and Uniform Commercial Code filings. The State Archives are within the Department of the Secretary of State. All rules adopted by all agencies are required by the Maine Administrative Procedure Act to be filed with the Secretary of State. The Secretary of State appoints notaries public and administers the laws relative to the registration of motor vehicles and the licensing of motor vehicle operators.

### **C. THE TREASURER OF STATE**

Pursuant to the Maine Constitution (Article V, Part Third), the Treasurer of State is chosen biennially at the first session of the Legislature in joint convention by secret ballot of senators and representatives. In case of a vacancy, the Constitution provides that the Deputy Treasurer shall act as Treasurer until a new Treasurer of State is elected by the Legislature.

The Treasurer of State oversees all funds in the State Treasury and manages the State's funds in accordance with various statutory guidelines (5 MRSA §135). With the concurrence of the State Controller or the Commissioner of Administrative and Financial Services, and with the consent of the Governor, the Treasurer of State may invest excess money not required to meet current obligations.

### **D. THE STATE AUDITOR**

The State Auditor is not a Constitutional officer but is often referred to as such because the State Auditor is elected in a manner similar to the Constitutional officers. Pursuant to statute (5 MRSA c. 11), the State Auditor is elected at the first session of the Legislature in joint convention by secret ballot of senators and representatives for a term of four years. In the case of a vacancy, the President of the Senate appoints a successor or, if that office is vacant, the Speaker of the House appoints a successor, until a new State Auditor is elected by the Legislature.

The State Auditor's duties include performing audits of all accounts of State Government, county governments and, under certain circumstances, municipal and quasi-municipal governments; reviewing departmental budgets and capital programs for efficient management; and serving as a staff agency to the Legislature or any legislative committee for the investigation of any phase of

the State's finances. The Office of the State Auditor also includes the position of fiscal administrator for the unorganized territories of the State.

## PART V GLOSSARY

The following terms are commonly used in the legislative process in Maine. References to rules are to the rules adopted by the 128th Legislature.

**act:** A bill passed or enacted by both chambers that becomes a public law or private and special law. An act does not include resolves, constitutional resolutions, orders or other papers.

**adhere:** A parliamentary action whereby, in response to conflicting action on a bill by one chamber, the other chamber of the Legislature votes to stand adamantly by its previous action. It is not proper for the adhering body to request a "committee of conference," and a vote to adhere to a negative vote kills a bill. This motion is stronger than the motion to "insist" and is opposite of the motion to "recede."

**adjournment:** The end of the legislative day. The time for reconvening is generally part of the motion to adjourn. A motion to adjourn is not debatable.

**adjournment sine die:** Literally, "adjournment without a day"; the final adjournment of the legislative session when legislative business has been completed.

**after deadline bill:** A bill, resolve or Constitutional resolution filed after the applicable "cloture" date. After deadline bills must be approved by a majority of the Legislative Council before they may be introduced.

**allocation:** A legislative authorization to spend funds, other than from the General Fund (e.g., federal funds, funds in dedicated accounts), for a specific purpose (see also "appropriation").

**amend:** To alter or modify a law, bill or instrument.

**amendment:** A modification of the Constitution ("constitutional amendment") or the modification of a legislative document. ("committee amendment," "floor amendment," "bill" and "law").

**appropriation:** A legislative authorization to spend funds from the General Fund for a specific purpose (see also "allocation").

**bicameral:** Literally, "having two rooms." The term is used to refer to Legislatures having two chambers.

**biennium:** The two-year cycle of a Legislature or the two-year period of the state budget.

**bill:** A proposal for a law; strictly speaking, it refers only to proposed public or private and special laws. Other types of proposals include "resolve," "resolution" and "constitutional resolution." Any such proposal is generally referred to as an L.D. or Legislative Document.

**Blaine House:** The residence of Maine's Governors since 1920, named after James G. Blaine (1830-1893), presidential candidate, U.S. Secretary of State and Governor of Maine. The Blaine House is located north of the State House on the corner of Capitol and State Streets.

**body:** One chamber of the Legislature; the term used in a floor debate to refer to the chamber where the debate is occurring ("this body") or to the other chamber ("the other body").

**bond issue:** Issuance of a certificate of indebtedness by a governmental entity in return for the money it borrows (see "certificate of participation," "lease appropriation bond" and "revenue bond").

**budget:** An estimate of receipts and expenditures for a fiscal year or a biennium.

**budget document:** Governor's publication of estimated receipts and expenditures.

**Budget Stabilization Fund:** General Fund program to reserve funds to be used primarily to offset General Fund revenue shortfalls. The fund is capped at 18% of General Fund revenue in the immediately preceding fiscal years (see 5 MRSA c. 142, §1532).

**by request:** Manner of introducing a bill or other proposal, indicating that the legislator sponsoring the proposal does so to honor the request of some person (e.g., a constituent). Many proposals are in fact introduced on behalf of another person; the designation "by request" on a proposal generally implies that the sponsor is not a strong supporter of the measure.

**calendar:** The agenda of each chamber; it is printed daily during the session and is also referred to as the Advance Journal and Calendar.

**caucus:** Conference of members of a legislative group, most commonly a political party, to decide on policies or strategies.

**censure:** Formal statement of disapproval made by the Legislature against one of its members.

**Certificate of Participation (COP):** Financing arrangement in which an entity enters into a commitment to lease equipment or facilities and to purchase the equipment or facilities at the expiration of the term of the lease. The revenue stream for the payment of this debt instrument is subject to appropriation or allocation by the Legislature. This arrangement is different from a lease-purchase agreement in that investors hold fractional shares of the lease.

**chair:** Presiding officer of a group. The chair of the Senate is the President; the chair of the House is the Speaker. Joint standing committees have both a House chair and a Senate chair.

**chamber:** Either the Senate or the House of Representatives. (see “house” and “body.”)

**Clerk of the House (“Clerk”).** Chief administrative officer of the House of Representatives; elected by the members of the House. The clerk is responsible for preparing the calendar, referring papers, taking votes, reading papers and performing other duties.

**cloture:** Deadline for submitting completed requests for bills, resolves and Constitutional resolutions to be considered in a legislative session.

**code:** A compilation of laws in force, arranged by subject matter. The Maine Revised Statutes Annotated (MRSA) is the codified version of Maine’s public laws. Within the MRSA, there are codes relating to single subjects (e.g., the Uniform Commercial Code (UCC, Title 11), Maine Criminal Code (Title 17-A) and Maine Probate Code (Title 18-A)). The annual volume entitled Laws of the State of Maine is not codified.

**commit:** Action whereby a bill reported out of committee is returned to that committee or to another committee for further consideration.

**committee:** A group of people delegated to examine a certain subject or certain proposals. Legislative committees can take several forms, but the term commonly refers to joint standing committees.

**committee amendment:** An amendment of a legislative document proposed by all or part of the joint standing committee to which it was referred.

**committee clerk:** Administrative assistant to a committee who maintains custody of bills referred to the committee, prepares notices for committee

hearings and work sessions and reports bills out to the House or Senate after final committee action is taken.

**committee of conference:** A legislative committee established pursuant to the joint rules and composed of three members of each chamber. The purpose of a committee of conference is to attempt to reconcile differences between the chambers with respect to a proposal.

**committee of the whole:** The entire membership of a chamber when sitting as a committee.

**committee report:** A recommendation by a committee that some action be taken on a measure before the committee for consideration. Possible committee reports are:

- Ought to pass;
- Ought to pass as amended by committee amendment;
- Ought to pass in new draft;
- Ought not to pass;
- Refer to another committee; or
- Leave to withdraw.

**communication:** A letter or other written message made to one or both chambers and appearing in the calendar.

**concur:** Agree. When both chambers have acted similarly on a proposal, it is a concurrent matter; if different actions are taken, it is a nonconcurrent matter. A motion to recede and concur calls for that chamber to agree with the action taken by the other chamber (see “recede”).

**concurrence:** Agreement; typically, between the chambers.

**conference committee:** See “committee of conference.”

**confirmation:** Approval of an appointment; typically, the procedure whereby a committee holds a public hearing on a gubernatorial appointment and makes a recommendation on the appointment to the Senate. The Senate votes whether to accept or reject the recommendation.

**confirmation session:** A session of the Senate alone when decisions are made regarding the confirmation of gubernatorial appointments.

**conflict of interest:** See Conflict of Interest in Part II of this handbook.

**Consent Calendar:** In the House, a bill that has received a unanimous “ought to pass” or “ought to pass as amended” committee report is placed on the Consent Calendar. If there is no objection, after two legislative days, the bill is considered passed to be engrossed.

**constitutional resolution:** A proposal for a change to the Maine Constitution that, if passed, goes to the voters for their approval (see “resolution”).

**debate:** Formal argument and discussion in a chamber following rules of order.

**division:** A vote whereby the number of proponents and opponents is counted. It differs from a roll call vote (also known as a vote by “yeas and nays”) in that a division does not attribute a particular vote to a certain person. A division differs from “unanimous consent” (or under the gavel or under the hammer) in that a count is made and unanimity is not presumed. In the Senate and House, members use the electronic voting system used for roll calls, but the individual votes are not recorded.

**doorkeeper:** The employee in each chamber who controls the entrances to the chambers. The doorkeeper of each chamber is appointed by the presiding officer of the chamber.

**effective date:** The date on which a law goes into effect: 90 days after “adjournment sine die,” unless a different date is specified in the law (see also “emergency bill”).

**emergency bill:** Generally this is a measure that, due to some exigency, is passed to take effect immediately upon signing by the Governor or to take effect on some other date specified in the bill that is earlier than 90 days following final adjournment. Emergency bills require an affirmative vote of two-thirds of the elected members in each chamber to be enacted. In order to introduce a bill in the second regular session (except bills containing certain budgetary matters, etc.), it must be determined to be of an emergency nature (Maine Constitution, Article IV, Part Third, Section 1); however such a measure, while it addresses an emergency, is not generally referred to as an emergency bill and does not require a two-thirds vote for enactment.

**emergency clause:** A clause, usually inserted at the end of emergency legislation that sets the effective date of the measure. That date may be the date the Governor approves the measure, the date a veto is overridden or some other date.

**emergency preamble:** The preamble to emergency legislation that sets out the reasons why the Legislature considers the measure to merit emergency treatment.

**enacting clause:** Formal language required in order for a bill to be enacted. Under the Maine Constitution (Article IV, Part First, Section 1), the words that must precede the substance of the bill are: “Be it enacted by the People of the State of Maine.”

**enactment:** The process whereby a measure becomes an act. Enactment is the legislative action after engrossment and is the last step before a measure is signed by the President and Speaker and sent to the Governor for approval. Resolves that pass this stage are referred to as finally passed. Bills that pass this stage are referred to as passed to be enacted.

**engrossed:** Literally, printed. An engrossed bill is a document that physically incorporates the bill and all adopted amendments to the bill. The engrossed bill may be passed to be enacted and subsequently approved by the Governor.

**errors bill:** A bill generally introduced each year to remedy nonsubstantive, technical errors in enacted laws. Generally, the term refers to a bill entitled “An Act To Correct Errors and Inconsistencies in the Laws of Maine,” which is typically reviewed by the Joint Standing Committee on Judiciary. There are special procedures associated with the amendment of this bill.

**ex officio:** A person who is a member of a board or committee by virtue of the office the person holds, as opposed to a regularly appointed member. The person may or may not be a voting member.

**failure of enactment:** The status of a measure that, on a vote, fails to garner enough votes for passage, such as an emergency measure that receives a vote of less than two-thirds of the elected membership of a chamber.

**first reading:** The initial reading of a measure on the floor of a chamber.

**fiscal note:** Brief description of the effect of a bill or amendment on the finances of State Government prepared the Office of Fiscal & Program Review. In accordance with Joint Rule 312, any bill affecting state revenues, appropriations or allocations or requiring local units of government to expend additional local funds must have a fiscal note attached to a favorable committee report or floor amendment.

**fiscal year:** For State Government, the 12-month period from July 1st through June 30th. Municipal and county governments may operate on different 12-month fiscal years.

**floor:** Figuratively, the chamber while that chamber is in session, as in “floor amendment” or “floor debate.” Floor actions are distinguished from actions taking place elsewhere (e.g., in committee).

**floor amendment:** An amendment offered to a legislative document by a legislator while the document is on the floor of that legislator’s chamber. A floor amendment is either a senate amendment or a house amendment. A further distinction may be made between an amendment to a committee amendment and an amendment to the original language of the bill, which are taken up at different times in the enactment process.

**floor leader:** The Democratic and Republican leadership positions in either house.

**general obligation (G.O.) bond:** A bond that is repaid out of the general assets of the State.

**germane:** Relevant. Unlike congressional practices allowing all manner of riders to bills, Maine’s legislative rules (Senate Rule 504 and House Rule 506) limit amendments to those that are relevant to the proposition under consideration.

**Governor’s bill:** A proposal for a law put forth introduced by the Governor. A Governor’s bill has a legislative sponsor or sponsors.

**grandfather clause:** A provision in a proposal that exempts some party from the proposal’s coverage on the basis of the party’s present status (e.g., a provision that current license holders are not required to comply with additional licensing requirements imposed by the proposal).

**Government Evaluation Act (GEA):** Law (3 MRSA c. 35) establishing the system for periodic review of executive branch agencies and independent agencies of State Government by joint standing committees of the Legislature. Reviews under the GEA are separate from evaluations conducted by the Office of Program Evaluation and Government Accountability (OPEGA). For a description of OPEGA see Part III, Section C of this handbook.

**House:** Refers either to the Senate or the House of Representatives. In certain contexts, “House” is used to refer specifically to the latter (see “chamber” and “body”).

**House of Representatives:** One of the two chambers of the Maine Legislature that is vested with the legislative power of the State. The House is composed of 151 representatives elected for two-year terms.

**House or Senate Reporter:** The employee in each chamber who transcribes all floor debate for insertion into the “legislative record.”

**House Rules:** Rules adopted by the House of Representatives that govern procedures in that body, the duties of officers and the rights and duties of members.

**indefinite postponement:** A motion made on the floor of a chamber to defeat a measure. The motion frequently takes the form, “I move that the bill and all its accompanying papers be indefinitely postponed.”

**initiative:** The procedure established in the Maine Constitution (Article IV, Part Third, Section 18) whereby citizens originate a legislative proposal. Unless the Legislature enacts the measure as proposed, it is submitted to the voters for approval at a vote or “referendum.” The Legislature may propose a competing measure, which is then submitted with the initiative at the referendum. Bills introduced through the initiative process are assigned an Initiated Bill (I.B.) number and a L.D. number (see “people’s veto”).

**insist:** A parliamentary procedure whereby a chamber, in response to conflicting action on a bill by the other chamber, votes to stand by its previous action. It is generally accompanied by a request for a committee of conference. Insist is similar but less adamant than an action to “adhere” and the opposite of an action to “recede.”

**introduction:** The presentation of a measure for consideration by the Legislature.

**joint committee:** A committee composed of legislators from both the House and the Senate.

**joint convention:** A gathering of the members of both bodies in one chamber for a particular purpose (e.g., to receive the Governor).

**joint order:** An order approved jointly by the House and Senate. Typical joint orders include study orders, an order for adjournment sine die, an order to amend the Joint Rules, an order to print additional documents or an order to a committee to report out a bill.

**joint rules:** Rules adopted by both the House and Senate at the outset of a first regular session. The rules govern the procedures to be followed in all areas of joint legislative activity, including filing of bills, cloture dates, committee composition and actions, studies and confirmations. The rules appear in the booklet entitled "Senate and House Registers" that is distributed to all legislators early in the first session and are also distributed separately by the Clerk of the House and Secretary of the Senate. In order to take any action contrary to the procedures set forth in the Joint Rules, each chamber must agree to a suspension of the rules. The Joint Rules may be amended by a two-thirds vote in each chamber after the third Friday in January of the First Regular Session. Prior to that, the rules may be amended by a majority vote.

**joint select committee:** A committee of legislators established pursuant to the joint rules and convened for a specific, finite purpose. A joint select committee consists of three senators and seven house members, unless otherwise specified by the order creating the committee.

**joint standing committee:** A legislative committee established pursuant to joint rule to consider legislative measures in specific policy areas. It is comprised of three Senators, 10 members of the House of Representatives and in some cases a tribal representative appointed by the House. The number and jurisdiction of the joint standing committees may vary in each biennium.

**journal:** The record of daily proceedings published by the Clerk of the House and the Secretary of the Senate pursuant to the Maine Constitution (Article IV, Part Third, Section 5). The journals do not contain debate. A transcript of floor debates may be found in the "legislative record."

**law:** Measure passed by both chambers and approved by the Governor or otherwise finally approved (e.g., by overriding a Governor's "veto").

**Laws of the State of Maine:** The bound collection of all public laws, private and special laws, constitutional resolutions, resolves, selected joint resolutions and other significant legislative papers passed in a session. Also includes the Revisor's report. The Laws of the State of Maine is published by the Office of the Revisor of Statutes.

**lease appropriation bond:** A bond, similar to a revenue bond that finances the construction or renovation of the physical plant of a facility. The revenue stream to pay off the bond is subject to appropriations or allocations by the Legislature to operating funds for the lease payments associated with the use of the physical plant or facilities.

**legislative aides:** Professional partisan staff assistants to the Legislature, responsible to members of their respective parties for constituent work, media relations and other duties.

**Legislative Council:** The legislative body having authority over operation of the Legislature, including approval of bills for introduction and administrative and personnel matters other than personnel matters under the separate control of the House or the Senate. See Part III, Section A of this handbook for a further discussion of the Legislative Council. The composition of the Council is as follows.

#### Senate

President

Democratic Floor Leader

Republican Floor Leader

Assistant Democratic Floor Leader

Assistant Republican Floor Leader

#### House

Speaker

Democratic Floor Leader

Republican Floor Leader

Assistant Democratic Floor Leader

Assistant Republican Floor Leader

**legislative day:** A day on which one or both chambers convene to conduct official business. At times business may be conducted by committees, leadership or other groups when the Legislature has not convened; those days are not considered legislative days.

**Legislative Document (L.D.):** A legislative measure in its official printed form that is given a number by the Clerk of the House or the Secretary of the Senate and is referred to as "L.D. XXX." Some measures, such as orders, do not become legislative documents in this sense. Types of L.D.s include those that would create public laws (see "laws, public"), private and special laws (see "laws, private and special") and resolves (see "laws, resolve"). A "constitutional resolution" is a form of L.D. that does not become effective upon enactment because it is subject to "referendum." There are other types of legislative papers that are not legislative documents (see "bill," "amendment" and "order;" see also Form of a bill and How to read a bill in Part I, Section B of this handbook).

**legislative document clerk:** The officer appointed by the Speaker of the House to operate the Document Room on the first floor of the State House,