

THE LEGISLATIVE PROCESS

While a legislator performs a number of different tasks, the legislative function is essentially that of proposing, considering and enacting laws. Each year, legislators consider hundreds of ideas for state laws.

The process by which an idea becomes a law is complicated, involving many steps. It is designed to prevent hasty or uninformed decisions on matters that can affect the lives of every Maine citizen. Although that process may seem confusing at first, rules and procedures clearly define the steps that apply to every bill.

1. Bill Drafting and Introduction of Legislation

Ideas for bills come from many different sources: 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. In most cases, however, the legislator turns to a legislative staff office for bill drafting assistance. All legislation, regardless of where 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. Bills introduced in the second regular session of the Legislature are limited by the Constitution of Maine to budgetary matters, the Governor's legislation, legislation of an emergency nature approved by the Legislative Council, legislation submitted pursuant to authorized studies and legislation submitted by direct initiative petition of the electors.

The Joint Rules establish cloture deadlines 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. Unless a bill is introduced pursuant to authorizing law or resolve it must have a legislative sponsor. A bill may have up to ten sponsors: one primary sponsor, one lead cosponsor from the other chamber and eight co-sponsors from either chamber.

In addition to introducing their own legislation, legislators also may act as sponsors for bills proposed by other people or groups. Usually, legislators support bills they sponsor. They may, however, introduce a bill "by request" as a service to their constituents when they do not fully support the purpose of the measure. A legislator should clearly indicate that a bill is to be identified as "by request" when filing the bill drafting request.

b. Bill drafting and signing. The Revisor of Statutes reviews all proposed bills prior to their introduction and either drafts them or edits initial bill drafts so they conform to proper 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 serves as the central registry for all bill requests and administers the cloture deadlines established by the Joint Rules. The Joint Rules provide that bill requests that do not contain enough information or direction to draft a bill are not considered complete and may therefore be voided.

After processing by the Revisor's Office, a bill must be signed by the sponsor and any cosponsors. The Joint Rules require the sponsor and cosponsors to sign the bill or provide

changes within deadlines established by the presiding officers. The signed bill draft is then sent up for printing to the Secretary of the Senate or the Clerk of the House, depending on whether the presenter (usually the prime sponsor) is a senator or a representative.

c. Reference to committee. The Secretary and the Clerk assign the bill a Senate Paper (S.P.) or House Paper (H.P.) number and L.D. number and place it on the next Calendar for consideration in the appropriate legislative body. Bills are usually identified and referred to throughout the rest of the session by their L.D. numbers.

The Secretary and the Clerk also suggest the committee to which a bill should be referred. When they disagree on the suggested committee of reference, they refer the matter to the President and the Speaker; if the latter disagree, the Legislative Council resolves the question. When the Legislature is not in session or is in recess for more than 4 days, the Secretary and the Clerk, pursuant to the Joint Rules, refer bills and order them printed. Floor action is not required. A notice of the action appears in the House and Senate Calendars.

The suggested reference is made to the committee that seems most appropriate based on the bill's subject matter. For example, most bills that deal with utilities are reviewed by the Committee on Utilities and Energy. However, a bill making tax changes for utilities might be referred to either the Committee on Utilities and Energy or the Committee on Taxation. On rare occasions, a special committee is temporarily established to consider a bill or bills that cross committee jurisdictional lines. The Joint Rules also authorize a joint referral to two committees simultaneously. The committee first named is the lead committee. Another option is for the two committees to jointly work a bill that crosses jurisdictional lines, although the bill is officially referred to only one of them. Usually, this is an arrangement worked out between the committees, with the committee to which the bill was actually referred including the other committee in its deliberations.

The vote on reference is the first floor vote taken on a bill. In most cases, approval of the suggested committee reference is a matter of form. Occasionally, the reference is debated and the House and the Senate may vote against the suggested reference and refer the bill to a different committee. If the House and the Senate cannot agree on which committee will hear the bill, it can go no further in the process.

In unusual circumstances, a bill may be engrossed without reference to a committee. That means that the bill goes directly to the floor of the appropriate body for discussion 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 bill is of minor impact or the time is not available for the committee to undertake its review of the bill.

d. Form of a bill. Every bill has certain basic components in addition to the assigned House Paper or Senate Paper number and L.D. number. These components include 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 text of the bill and the summary.

In the text, any existing statutory language proposed to be repealed is either crossed out or clearly indicated as being repealed and all new statutory language is 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 Rules also permit a legislator to submit a bill as a concept draft. The text of a bill drafted in concept form is simply a summary of what the sponsor intends to accomplish with the bill; it contains no statutory language and, therefore, is usually not intended to be enacted without eventual inclusion of appropriate statutory language.

Following the text of the bill is the summary, a 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 118th Legislature with

a description of its various technical components. The example provides a good overview of the major components of bills and is designed to assist new legislators in reading and understanding legislation.

2. Other Legislative Instruments

In addition to bills, there are a number of different types of House Papers and Senate papers designed for different purposes. There are expressions of legislative sentiment, memorials, House or Senate orders, joint orders, resolutions, resolves, constitutional resolutions and bond issues. They are described more fully below.

a. Special 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 take notice of an important statewide event. The President and the Speaker, pursuant to the Joint Rules, establish policies for the types of events that can be recognized by a sentiment. Requests for legislative sentiments must be filed in the Revisor's Office, where they are drafted and sent for processing to the Clerk of the House or the Secretary of the Senate, depending on the sponsor. A sponsor may designate up to three cosponsors; additional cosponsors are permitted only with special approval of both the President and the Speaker. Legislative sentiment requests are processed year round and may be submitted to the Revisor's Office by telephone, mail, FAX or in person.

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

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

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

- **Resolves.** Resolves have the force of law but are of very limited duration. Resolves 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.** The only way to amend the Constitution of Maine is by constitutional resolution, which must be passed by the Legislature, by a two-thirds vote in both the Senate and the House and then approved by the voters.

- **Orders: Senate, House, Joint.** 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).

3. The Committee Process

Virtually all bills, resolves and constitutional resolutions are reviewed, analyzed and discussed by one or more legislative committees before they are considered on their merits by the full Legislature. Bills 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 of the 118th Legislature authorized 17 joint standing committees, each consisting of three Senate members and ten House members. The President of the Senate and the Speaker of the House appoint all committee members and committee chairs. Each committee has a Senate Chair and a House Chair.

Each 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 analyst provides nonpartisan staff services to the committee. Each committee also has a committee clerk who is responsible for maintaining official records of the committee and for providing general clerical and administrative support.

a. Committee subject matter. The following is a brief description of the jurisdiction of each joint standing committee established by the Joint Rules of the 118th Legislature. Since the number and jurisdiction of committees can change from Legislature to Legislature, these descriptions should be taken as indicative and not definitive of committees in subsequent Legislatures. Certain issues inevitably cross jurisdictional lines; precise delineation of jurisdictional lines is not possible in brief descriptions.

Agriculture, Conservation and Forestry. Department of Agriculture, Food and Rural Resources; agricultural products and marketing; animal welfare; food inspection; dairy industry; pesticides regulation; soil and water conservation; farmland preservation; harness racing; public access to lands; forest practices; fire control and forest management, marketing and utilization; Department of Conservation, including state parks, memorials and historic sites, public lands and coastal islands registry, Maine Land Use Regulation Commission (LURC); Baxter State Park Authority and geological surveying and mapping.

Appropriations and Financial Affairs. General Fund appropriations and general fiscal policy; federal funds allocations; special revenue and block grant allocations; Rainy Day Fund; unappropriated surplus; bond issues; collective bargaining funding; review of revenue estimates; performancebased and zerobased budgeting; general fiscal policy; and financial evaluation of agencies of state government.

Banking and Insurance. Banking; financial institutions; credit unions; consumer credit; Uniform Consumer Credit Code; Bureau of Banking; Officer of Consumer Credit Regulation; securities; Bureau of Insurance; credit, automobile, life, property and casualty insurance; health insurance; health maintenance organizations; mandated health benefits; insurance rating, regulation and practices; agents and brokers; licensing; Maine Employers Mutual Insurance Company; self-insurance; and workers' compensation insurance.

Business and Economic Development. Corporations; business regulation, including automobile and fuel sales; professional and occupational licensing; retail pricing; franchising; advertising; returnable containers; real estate practices; insulation; credit law (business related); consumer protection; Maine State Housing Authority; affordable housing; homelessness; Finance Authority of Maine (FAME); economic planning and development agencies; venture capital and trade programs; opportunity zones; import competition; product marketing; public services; technology transfers (Maine Science and Technology Foundation); tourism; and defense facility conversion.

Criminal Justice. Criminal law; criminal procedure, sentencing, law enforcement; Department of Public Safety; Criminal Justice Academy; victims' rights; corrections system; intensive supervision; probation and parole; county jails; adult and juvenile corrections; community corrections; Criminal Justice Commission; Department of Corrections; operating under the influence; motor vehicle habitual offenders; fire safety and arson; firearms; private investigators; and security guards.

Education and Cultural Affairs. State Board and Department of Education; University of Maine System; Maine Technical College System; Governor Baxter School for the Deaf, Maine Education Policy Research Institute; elementary and secondary schools; teachers; vocational and special education; Maine State Library and Maine State Museum; curriculum, including gifted and talented programs; school finance, budgets and governance; charter schools, funding of educational services at the Maine Youth Center; Maine Public Broadcasting System and Maine Arts Commission.

Fisheries and Wildlife. Department of Inland Fisheries and Wildlife; hunting; fishing; trapping; recreational and hunter safety; fisheries and wildlife research; fish hatcheries; wardens; licensing; ATVs; snowmobiles; boat safety registration; and white water rafting.

Health and Human Services. Department of Human Services and Department of Mental Health, Mental Retardation and Substance Abuse Services; Maine Health Data Organization; public health and disease control; smoking; health care facilities; social and rehabilitation services; substance abuse; mental health; mental retardation; public assistance; nursing facilities and boarding homes; and elderly and aging.

Judiciary. Courts; civil procedure; civil actions and property law; probate; family law; guardianship; child support; adoptions; legal services; trustees; attorneys; errors and inconsistencies in laws; judges; Attorney General; Uniform Commercial Code; human rights; civil rights; Indian Land Claims Settlement Implementing Act; and child protection.

Labor. Wage and hour laws; employment security; job service; unemployment compensation; workers' compensation; labor relations; collective bargaining; workers' health and safety; job training; retirement eligibility and benefits for state and municipal employees, including teachers; and judicial and legislative retirement systems; Workers' Compensation Board; Maine State Retirement System

Legal and Veterans' Affairs. Claims against the State; liquor laws; lottery; gambling; games of chance (beano, fairs, raffles, machines); off-track betting; nonprofit corporations; notary publics; election laws; campaign financing; voter registration; governmental ethics; lobbyist registration; landlord-tenant laws; veterans' programs; Department of Defense, Veterans and Emergency Management Services; Bureau of Alcoholic Beverages and Lottery Operations; sale and furnishing of cigarettes to minors; and National Guard.

Marine Resources. Department of Marine Resources; commercial marine fisheries management, licensing and enforcement; processing and sale of marine fish and shellfish; aquaculture; and anadromous fish.

Natural Resources. Air and water quality; natural resource protection; site location and development laws, shoreland zoning, subdivisions, and growth management; management and disposal of solid, hazardous, biomedical and special wastes; hydropower and dams; energy facility siting; waste-to-energy facilities; mining; and general environmental policy, including oversight of the Department of Environmental Protection.

State and Local Government. State contracts and fiscal procedures; state government organization; oversight of state officials; state employees and property; administrative procedures; boards and commissions; capitol area planning; constitutional amendments; county and regional government; county budgets; Legislature; and municipal and local government.

Taxation. Bureau of Revenue Services; taxes; tax exemptions and credits; Maine Residents Property Tax Program; property valuation and assessment; tax increment financing; municipal revenue sharing; and unorganized territories and tree growth tax issues.

Transportation. Department of Transportation; Bureau of Motor Vehicles; motor vehicle registration and license plates; driver licenses; Maine Turnpike Authority; Highway Fund;

transportation policy; aeronautics; highway and bridge construction and maintenance; highway safety; waterways; railroads; and motor vehicles.

Utilities and Energy. Public Utilities Commission; Public Advocate; regulated public utilities (electric, gas, water and telephone); electric industry restructuring; telecommunications; E911; cable television; water, sewer and utility district charters; nonutility power generation (power purchase contracts); energy efficiency and conservation; alternate energy sources; nuclear power; energy policy; and energy production and transmission.

b. Bill distribution. Once the bill has been printed and the committee of reference has been established, it is distributed to members of the Legislature and to all town and city clerks who so request. Bills are available to the general public through the Legislative Document Room (Room 315, State House). The Clerk of the House provides copies of all bills through a subscription service for which a fee is charged. The Legislature provides access to bills on the Internet at www.state.me.us/legis/homepage. The Legislature also offers a remote computer information service known as the Legislative Information Network (LINK). Subscribers to LINK have access to, among other things, the texts of bills and amendments, public hearing schedules and work session schedules. For more information about LINK, contact Legislative Information Services (207-287-1625) or the Legislative Information Office (207-287-1692).

c. Public hearing. After a bill has been referred to committee, the committee holds a public hearing, usually within the State House or the State Office Building. After the committee chairs set the date and place for the public hearing, notices are placed in advance in the weekend editions of Maine's major newspapers, typically two weekends in advance of the hearing. Notice is also published in the weekly Advanced Notice of Public Hearing schedule available at the State House, courtesy of the President of the Senate.

The Senate or House chair presides at the 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 a bill.

Customarily, the bill's sponsor testifies first, followed by any cosponsors and other proponents. In general, opponents testify next and, finally, those persons who would like to comment on the bill, but not as opponents or proponents. In most cases, testimony given at a hearing is not required to be sworn. At the conclusion of a person's testimony, committee members may ask questions, although the sponsor, if a member of the committee, and any members of the committee who testify, generally refrain from questioning. The committee's formal action on a bill comes later at what is called a work session.

d. Work sessions. The purpose of work sessions is to allow committee members to discuss bills thoroughly and to vote on the committee's recommendation, or report, to the Legislature. The committee works with its legislative analyst to draft amendments or review amendments proposed by others. Some bills require several work sessions.

Work sessions are open to the public and, at the invitation of the committee, department representatives, lobbyists and others may address the committee about bills being considered, suggest compromises or amendments and answer questions. The committee may also ask its legislative analyst to research and explain certain details of the bill or to provide additional information.

e. Committee amendments. Amendments are suggested changes that may clarify, restrict, expand, correct or otherwise modify the bill as printed. Proposed amendments may be technical or substantive. At times, revisions are so extensive that the entire substance of the bill is changed by the amendment. On rare occasions, extensive revision of the bill may take the form of a new draft rather than that of an amendment. A new draft is then printed as a new L.D. and assigned a new number. The President of the Senate and the Speaker of the House must authorize a new draft.

f. Committee report. 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." The report a bill receives is often the most important influence on its passage or defeat. Several types of unanimous and divided reports on a bill are permissible under the Joint Rules.

A unanimous report means all committee members agree. Possible unanimous committee reports are: “ought to pass,” “ought to pass as amended,” “ought to pass in new draft,” “ought not to pass” and “refer to another committee.”

If committee members disagree on a bill, they may issue a divided report, which usually includes a "majority" and "minority" report on the bill, e.g., a majority “ought not to pass” report and a minority report of “ought to pass as amended.” 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.”

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. When that occurs, 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, it is reconsidered and may be recommitted to committee for further deliberation and report.

Unless the committee report is a unanimous “ought not to pass,” a legislator may move, at the appropriate time during floor debate, to substitute the bill for the report. A majority vote is required for the motion to succeed. Such a motion is usually made only when neither report of a divided report has been accepted. The members can then consider the bill as printed, regardless of the committee action.

g. Fiscal notes. Prior to reporting out a bill, the committee must indicate whether the bill will increase or decrease state revenues or expenditures as well as whether the bill constitutes a State Mandate under the Constitution of Maine. The Office of Fiscal and Program Review determines whether the bill will have a fiscal impact. If it does, that office must produce a fiscal note, which describes the fiscal impact. If the bill constitutes a State Mandate, this fact is also noted in the fiscal note (see discussion of State Mandates under Constitutional Limitations). If the bill does have a fiscal impact, the committee must amend the bill to add the fiscal note. Any necessary appropriation or allocation is also added by committee amendment.

4. Enactment

To be enacted, bills must pass through at least four steps on the floor of both the Senate and the House: first reading, second reading, engrossment and enactment. An understanding of the Senate, House and Joint Rules is essential to following and influencing a bill’s progress on the floors.

a. First and second readings. Once a bill is reported out by a committee, it is returned to the chamber in which it originated. If there is a new draft or committee amendment reported by the committee, it is drafted by the committee’s legislative analyst, prepared by the Revisor’s Office and submitted to the Secretary of the Senate or the Clerk of the House for printing and distribution. If a fiscal note is required it will be prepared by the Office of Fiscal and Program Review and included in the committee amendment. The Secretary or the Clerk places the title of the bill and the committee report on the printed 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. 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 the bill has received a unanimous “ought to pass” or “ought to pass as amended” committee report, the House of Representatives uses a “Consent Calendar,” which allows bills with either report to be listed and to be engrossed for passage after they have appeared there for two legislative days, provided there is no objection. However, on the objection of any member, a bill can be removed from the Consent Calendar and debated. There is not a Consent Calendar in the Senate.

A legislator who wishes to delay 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 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 and all its

accompanying papers.” 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 its merits at several points in the process after it is reported out of committee. The debate may appear uncontrolled to those looking on, but frequently a debating sequence has been arranged. 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 answer questions, followed by other committee members who support the bill, by the sponsor and by those who may not support the committee report.

The presiding officer decides who 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 question.

During floor debate, members communicate with each other by sending messages delivered by the pages, or by moving to the back of the chamber to discuss strategies.

c. Voting. 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 are 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 a few minutes to return to their seats. The Sergeant-at-Arms is ordered to secure the chamber and no one is permitted to leave until the vote is recorded.

In the House, members vote in a division or roll call by pushing a button at their desks; the vote is displayed on two large boards on the front walls. In the Senate, members rise to be counted for a division. When there is a roll call in the Senate, Senators vote by pushing a button at their desks, and the vote is displayed on a board behind the President’s rostrum.

The Legislature records and transcribes all the remarks that are made on the record. A complete account of all the arguments made on bills is available in the Legislative Record, which is generally available within a few days of the debate.

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 should be filed with the Revisor’s Office with as much lead time as possible. Floor amendments must be presented to the Secretary of the Senate or the Clerk of the House, printed, numbered and distributed to the members before they may be offered on the floor. If an amendment affects an appropriation or increases or decreases state revenues, it must also include an amended appropriation or fiscal note.

e. Passage to be engrossed. After the debating and amending processes are completed, a vote is taken in both chambers 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, all bills must be considered 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 excepted from the State Mandate provision of the Constitution of Maine require a two-thirds majority of the membership of each body; referenda for bond issues and constitutional amendments require a two-thirds vote of those present.

When a bill is enacted by both the Senate and House, it is presented to the Governor for signature. If it fails enactment in both chambers, it goes no further in the process. If the Senate and House disagree on enactment, 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 and recede and concur). If the disagreement cannot be resolved, the bill is said to have failed enactment and died between the chambers.

The Senate and House may develop and pass different versions of the same bill. When this happens, a special “committee of conference” is in order and may be appointed by the presiding officers. A committee of conference consists of three members from each chamber who voted on the prevailing side. A report from a conference committee is usually accepted by both the Senate and House, but if it is not, or if the committee is unable to agree, the bill is defeated unless a new conference committee is appointed and successfully resolves the disagreement.

g. Appropriations Table. Bills that affect state revenues or expenditures fall into a special category. Once those bills have been passed to be engrossed in the Senate and enacted in the House they are assigned in the Senate to the special Appropriations Table (if they involve the General Fund) or to the special Highway Table (if they involve the Highway Fund). They are listed on the Senate Calendar and are held in the Senate for consideration late in the session.

At the end of the session, after the budget bills have been reported out by the Appropriations Committee, and usually after the budget bills have been enacted, the Appropriations Committee and legislative leadership, having received recommendations from committees, review bills on the special Appropriations Table to determine which bills can be enacted given available General Fund resources. The Transportation Committee follows similar deliberations for bills on the special Highway Table, considering available Highway Fund resources. Following those decisions, motions are made in the Senate, usually by the Senate chairs of the Appropriations and Transportation Committees, to remove bills from the special tables and to enact, amend or indefinitely postpone them. If enacted in the Senate, these bills are sent to the Governor for approval, as are all other enacted bills. Any of these bills that fail to be enacted or require amendment in the Senate are returned to the House for concurrence.

5. Governor’s Options for Bills Enacted by the Legislature

After a bill has been enacted by the Legislature, it is sent to the Governor, who has ten days (excluding Sundays) to exercise one of four options: sign the bill; veto it; allow it to become law without signature; or, available since 1995, disapprove a dollar amount by using the line-item veto, described below.

If the Governor approves a bill, the Governor shall sign it, and it ordinarily becomes law 90 days after the final adjournment of that legislative session, unless it is an emergency measure. Emergency measures take effect upon the Governor’s signing or on a date specified in the bill.

If the Governor does not approve a bill, the Governor vetoes the bill by returning it with objections 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 comments on particular aspects of the bill and the reasons for rejecting it, possibly raising new issues for legislators to debate. If the Legislature overrides the Governor’s veto, the bill becomes law in spite of the Governor’s objections.

If a bill is not signed and returned to the Legislature within ten days, it becomes law without the Governor’s signature. This option may be chosen if the Governor does not support a bill but does not wish to veto it. If the Legislature finally adjourns before the ten-day time limit has expired, 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.

The Governor may exercise line-item veto power as follows. Within one day of having received legislation for signature, the Governor may disapprove the dollar amount appearing in an appropriation section or allocation section, or both. The Governor must propose a decrease in the appropriation or allocation or an increase in the deappropriation or deallocation. Those portions not revised by the Governor become law; the Governor’s proposed revisions 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.

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. Thus, public laws passed by the 118th Legislature are identified as Chapters of the Public Laws of 1997, even though the laws of the Second Regular Session were actually passed in 1998. Other law types, including Private and Special Laws, Resolves and Constitutional Resolutions, are numbered consecutively as well. After each session, copies of every individual measure enacted 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 by the Office of the Revisor of Statutes in the Laws of the State of Maine. Helpful indices are included. These softbound volumes are available to the public on request and are found in the law libraries in each county. The information is also available on the Legislature's web page: <http://www1.maine.gov/legis/ros/homepage.htm>

c. Codification. The Maine Revised Statutes Annotated, the codified compilation of Maine Public Laws, is updated annually by West Publishing Company in cooperation with the Revisor of Statutes, to include changes enacted by each session of the Legislature. Private and Special Laws and Resolves are available in the Laws of Maine, but are not codified in the MRSA.

7. Further Action

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

a. Referenda. If the Legislature approves by the necessary two-thirds vote of both chambers a resolution proposing a constitutional amendment, 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.

A referendum can also result from a successful direct initiative petition by the voters to either enact or repeal a law. After the Secretary of State verifies the signatures on the petitions, the measure is submitted to the Legislature, which may 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.

A third type of referendum is triggered by a successful petition to exercise the people's veto. Voters may petition for a referendum to approve or disapprove any law enacted, but not yet in effect. If the law is not ratified by a majority of voters in a statewide general or special election, it does not take effect.

At times, the Legislature inserts referendum provisions 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 Constitution of Maine requires that referenda be held for all bond issues.

b. Agency rulemaking. Many laws authorize state agencies to adopt rules to implement laws. These rules must be adopted in accordance with the Maine Administrative Procedure Act (the MAPA). This Act requires, among other things, agencies to provide public and legislative notice of rulemaking and submit major substantive rules to the Legislature for review and approval. Once properly adopted, rules have the effect of law.

c. Court action. Another way in which laws may be affected is 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, 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 Constitution of Maine.

While a legislator performs a number of different tasks, the legislative function is essentially that of proposing, considering and enacting laws. Each year, legislators consider hundreds of ideas for state laws. The process by which an idea becomes a law is complicated, involving many steps. It is designed to prevent hasty or uninformed decisions on matters that can affect the lives of every Maine citizen. Although that process may seem confusing at first, rules and procedures clearly define the steps that apply to every bill.

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