LEGISLATORS' HANDBOOK

125th Maine Legislature

A GUIDE FOR MAINE LEGISLATORS:
Procedures, Services & Facts

LEGISLATORS' HANDBOOK

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

PREFACE

The operation of state government, especially 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 16th 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 125th 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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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 members of the Legislature are available on the legislative web page: http://www.maine.gov/legis/

2. 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 law applies to terms beginning on or after December 3, 1996.

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 to no more than three consecutive legislative bienniums in that office.

3. Tribal Representation

In addition to its 151 members, the House seats a member of the Penobscot Nation and a member of the Passamaquoddy Tribe elected to represent the respective tribes at the Legislature. Pursuant to Public Law 2009, Chapter 636, beginning with the second regular session of the 125th Legislature, a member of the Houlton Band of Maliseet Indians will be elected to represent that Band 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 of Representatives. Under the Joint Rules (Rule 206 (3)), tribal representatives may sponsor legislation relating to Indians and Indian land claims and offer floor amendments to that same legislation; cosponsor any other legislation; and sponsor and cosponsor expressions of legislative sentiment.

4. 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. Title 3 MRSA section 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.

5. Legislators' Role and Responsibilities

A legislator is expected to become well-versed in a number of complex subject areas and familiar with a vast array of issues raised by pending legislation. 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.

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

Many legislators also serve on commissions and study groups that are established to examine 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. The presiding officers 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

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 proposals 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 life 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 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 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. Bills introduced in the second regular session of the Legislature, in contrast, 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 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 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 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 serves as the central repository for all bill requests and administers cloture. The Joint Rules (Rule 208) 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 unless the sponsor decides to withdraw the request. The Joint Rules (Rule 211) 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 for printing to the Secretary of the Senate or the Clerk of the House, depending on whether the primary sponsor is a senator or a representative.

c. Reference to committee. 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 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.

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 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. From the floor, a member may then move that the bill be referred to a different committee, a motion that requires a simple majority vote. If the House and the Senate cannot agree on which committee will hear the bill, it 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 Rules (Rule 308(2)), may refer bills and order them printed. Floor action is not required. A notice of the action appears in the House and Senate Calendars. Letters of notification are sent to the chairs of the joint standing committees and to the sponsors and cosponsors of the bill.

The suggested reference for a bill 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 Joint Standing Committee on Utilities and Energy. (Note: The names of committees are subject to change from biennium to biennium.) However, a bill relating to environmental permitting of utilities might be referred to the Committee on Natural Resources. The Joint Rules (Rule 308 (3)) also authorize a joint referral to more than one committee simultaneously. The committee first named 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 only to one of them. 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 including the other committee in its deliberations.

In unusual circumstances, a bill may be considered on the floor without reference to a committee. That means that the bill goes directly to the floor of the appropriate body for debate and action. The Joint Rules (Rule 308) provide 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 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 Legislative Document 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 co-sponsors, the title, the introduction authority, if any, the text of the bill and the summary.

In the text, any 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 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 (Rule 208) 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 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.

Following the text of the bill is the 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 124th Legislature with a description of its various technical components.

2. Other Legislative Instruments

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

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; to take notice of an important statewide event; or to express regret upon a person's death. The President and the Speaker, pursuant to the Joint Rules (Rule 213), establish guidelines for legislative sentiments, including policies for the types of events that may be recognized by a sentiment. Under the guidelines, a sponsor may designate up to three cosponsors; additional cosponsors are permitted only with special approval of both the President and the Speaker. Requests for legislative sentiments

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

124th MAINE LEGISLATURE
First Regular Session-2009

Legislative Document **No. 1050**

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

H.P. 725 House of Representatives, March 17, 2009

Title of the bill, providing a brief description

An Act to Establish a Waiting Period for MaineCare Participants

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

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland, Clerk

Bill's sponsor and co-sponsors

Presented by Representative STRANG BURGESS of Cumberland. Cosponsored by Senator MILLS of Somerset.

Enacting clause

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

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

Sec. 1. 22 MRSA §3174, sub-§2, as enacted by PL 1973, c. 790, §2, is amended to read:

Striking through indicates language being repealed

2. Residence. Is living in the State at the date of the application; ~~and~~

Sec. 2. 22 MRSA §3174, sub-§3, as amended by PL 1983, c. 178, is further amended to read:

3. Inmate. Is not an inmate of any public institution, except as a patient in a medical institution or an inmate during the month in which ~~he~~ the applicant becomes an inmate only to the extent permitted by federal law, but an inmate of such an institution may file application for aid and any allowance made ~~thereon shall~~ takes effect and ~~be~~ is paid upon ~~his~~ that inmate's ceasing to be an inmate of such institution~~.~~; and

Sections of bills affecting a title, section, subsection or paragraph of the Maine Revised Statutes (MRSA) are arranged in ascending numerical order (e.g. section amending 22 MRSA §3174, sub-§4 follows section amending 22 MRSA §3174, sub-§3)

Sec. 3. 22 MRSA §3174, sub-§4 is enacted to read:

Underscoring indicates language being added

4. Waiting period. Except in an emergency, has waited a period of 30 days after the filing of the application. For purposes of this section, "emergency" means not having sufficient resources to provide one or more basic necessities.

SUMMARY

Explanation of what bill does

This bill establishes a waiting period of 30 days before a person may receive assistance except in an emergency situation.

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

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. Legislative sentiment requests are processed year round and may be submitted to the Revisor's Office by telephone, mail, fax, e-mail or in person.

• ***Joint resolutions.*** Joint resolutions are jointly issued by the Senate and the House of Representatives to express special recognition 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 memorial urges the United States Congress or the President of the United States to take specified action. Pursuant to the Joint Rules (Rule 214), 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 do not amend statutes 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.*** The only way to amend the Maine Constitution 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 a majority of voters at a statewide election (Article X, Section 4).

• ***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). 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 of the 124th Legislature (Rule 301) authorized 17 joint standing committees, each consisting of three Senate members and 10 House members. In addition to the 17 joint standing committees, the Joint Rules of the 124th Legislature (Rule 354) established the Joint Select Committee on Joint Rules, which consists of five Senate members and five 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. Under the Joint Rules (Rule 316), the Passamaquoddy Tribal Representative and the Penobscot Nation Representative are appointed to serve as nonvoting members of joint standing committees.

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 analysts provide nonpartisan professional staff services to the committee. Each committee also has a committee clerk, appointed by the presiding officers, 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 subject matter handled by each joint standing committee established by the Joint Rules of the 124th Legislature. It is based on bills referred to the committees during the 124th Legislature. The number, names and jurisdiction of committees can change from Legislature to Legislature. These descriptions should not be taken as definitive and may not describe committees established by subsequent Legislatures.

Agriculture, Conservation and Forestry. Department of Agriculture, Food and Rural Resources; agricultural fairs, products and marketing; animal control and welfare; food safety, inspection and labeling; dairy industry; pesticides regulation; nutrient management; farmland preservation; Department of Conservation; state parks, historic sites, public lands, submerged lands and coastal islands registry; Maine Land Use Regulation Commission (LURC); geological surveying and mapping; forest management, marketing, utilization, health and fire control; the Land for Maine's Future Program; and Baxter State Park.

Appropriations and Financial Affairs. General Fund appropriations and general fiscal policy; federal funds allocations; special revenue and block grant allocations; Budget Stabilization Fund; unappropriated surplus; bond issues; col-

lective bargaining funding; review of revenue estimates; budgeting methodologies, review of financial orders; and financial evaluation of agencies of state government.

Business, Research and Economic Development. 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; research and development; technology commercialization; technology transfers; tourism; and defense facility conversion.

Criminal Justice and Public Safety. Maine Criminal Code; Maine Juvenile Code; Maine Bail Code; criminal law and criminal procedure; sentencing; Criminal Law Advisory Commission; Department of Public Safety; law enforcement; Criminal Justice Academy; victims' rights; Department of Corrections; adult and juvenile corrections; intensive supervision; probation and parole; county jails; community corrections; Board of Corrections; operating under the influence; operating after suspension; habitual offenders; fire safety and arson; firearms; concealed firearms permits; private investigators; security guards; and Maine Emergency Management Agency.

Education and Cultural Affairs. Department of Education; State Board of Education; school finance, governance and administration; school budgets; school facilities; curriculum, instruction and assessment; teachers and administrators; special education and child development services; education of deaf and hard-of-hearing students; career and technical education; alterna-

tive education, school choice and home schooling; truancy and dropouts; educational services at juvenile correctional facilities; adult education; Maine Education Policy Research Institute; University of Maine System; Maine Community College System; Maine Maritime Academy; postsecondary education finance and governance; student assistance programs at Finance Authority of Maine; and cultural affairs, including Maine Arts Commission, Maine State Library, Maine State Museum and Maine Public Broadcasting Corporation.

Health and Human Services. Department of Health and Human Services; Parts of the Dirigo Health Act, including the State Health Plan, the Maine Quality Forum and Advisory Council on Health Systems Development; Maine Health Data Organization; health and medical data; MaineCare, Medicaid, and Medicare Part D; children's welfare and mental health services; childcare; public health and disease control; tobacco addiction prevention and control; sale of tobacco; prescription drugs; health care facilities and health care workforce; social and rehabilitation services; state health system planning; substance abuse; mental health; developmental and other disabilities; poverty, homelessness and public assistance; home and community-based long-term care; aging, elderly and disability issues; medical use of marijuana; maternal and infant health; and nursing facilities and residential care.

Inland Fisheries and Wildlife. Department of Inland Fisheries and Wildlife; inland fisheries and wildlife research and management; hunting; fishing; trapping; hunter safety; fish hatcheries; game wardens; guides; taxidermist licensing; ATVs; snowmobiles; watercraft registration and boater safety; and white water rafting.

Insurance and Financial Services. Banking; financial institutions; credit unions; consumer credit; Uniform Consumer Credit Code; Bureau

of Financial Institutions; Bureau of Consumer Protection; mortgage lending; foreclosure prevention; Office of Securities; stocks, mutual funds, bonds and other securities; financial services; Bureau of Insurance; credit, automobile, life, property and casualty insurance; health insurance; health maintenance organizations; mandated health benefits; health care reform; Dirigo Health Agency; State Employee Health Commission and state employee group health plan; insurance rating, regulation and practices; insurance producers; licensing; Maine Employers Mutual Insurance Company; workers' compensation insurance; self-insurance; and viatical and life settlement contracts.

Judiciary. Judicial system organization and budget; criminal procedure; civil procedure; civil actions, including torts and medical malpractice; Maine Tort Claims Act; liability; immunity; child protection; family law; domestic relations; child support; adoption; legal services; attorneys; Attorney General; District Attorneys; abortion and reproductive rights; civil rights; medical rights; human rights; Maine Human Rights Commission; protection from harassment; protection from abuse; guardianship and conservatorship; probate law; property law; property rights; unclaimed property; business and nonprofit organizations; Uniform Commercial Code; laws relating to Maine's Indian Tribes, including the Maine Indian Land Claims Settlement Act; Maine Indian Tribal-State Commission; freedom of access, confidentiality and privacy laws; and errors and inconsistencies.

Labor. Department of Labor; wage and hour laws; working conditions, including health and safety; workforce development; unemployment compensation; workers' compensation; labor relations; collective bargaining; retirement eligibility and benefits for state and municipal employees, including teachers; judicial and legislative retirement systems; Workers' Compensation

Board; Maine Public Employees Retirement System; and Maine Labor Relations Board.

Legal and Veterans' Affairs. Claims against the State; liquor laws; lottery; non-profit and for-profit gambling games of chance, beano, raffles, slot machines, gaming devices); harness racing; off-track betting; election laws; campaign practices; campaign financing and the Maine Clean Election Act; voter registration; initiatives and referenda; governmental ethics; lobbyist registration; landlord-tenant laws; veterans' programs; Department of Defense, Veterans and Emergency Management Services (except the Maine Emergency Management Agency); Bureau of Alcoholic Beverages and Lottery Operations; and Maine National Guard.

Marine Resources. Department of Marine Resources; commercial marine fisheries management, licensing and enforcement; marine fish species; diadromous fish, mollusks; crustaceans; seaweed; sea urchins; sea cucumbers; processing and sale of marine fish and shellfish; and aquaculture.

Natural Resources. Air and water quality; natural resource protection; site location of development laws, shoreland zoning, subdivisions and growth management; management and disposal of solid, hazardous, biomedical and special wastes; hydropower and dams; 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; notaries public; capitol area planning; county and regional government; county budget process; Legislature; and municipal and local government.

Taxation. Bureau of Revenue Services and State Property Tax Review Board; taxes; tax exemptions and credits; Maine Residents Property Tax Program; property valuation and assessment; tax increment financing; municipal revenue sharing; taxation of unorganized territories; and tree growth and other current use 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 and motor carriers.

Utilities and Energy. Energy policy, including energy resources, efficiency and conservation; electric industry, including supply, transmission and distribution; natural gas industry; telecommunications industry, including mobile, telephone, Internet, broadband and cable television services; E-9-1-1; water and sewer utilities, including district charters; Public Utilities Commission; Office of the Public Advocate; Governor's Office of Independence and Security; and Efficiency Maine Trust.

b. Bill distribution. Once a bill has been printed, it is distributed to members of the Legislature and 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 provides copies of all bills through a subscription service for which a fee is charged. The Legislature provides access to bills and specific bill status information on the Internet at http://www.mainelegislature.org/lawmakerweb/search.asp/.

c. Public hearing. After a bill has been referred to committee, the committee generally holds a

public hearing, usually in the State House or the Cross Building. 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 is also published in the weekly Advanced Notice of Public Hearing schedule available at the State House and on the Senate website. Notice may be found at http://www.maine.gov/legis/senate/Documents/hearing/ANPHFrame.htm.

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 on the web at:
http://www.maine.gov/legis/house/wlc_list.htm.

The Senate or House chair presides at the public hearing. According to the Joint Rules (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 it.

Customarily, the bill's sponsor testifies first, followed by any cosponsors and other proponents. In general, opponents testify next followed by 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. However, under the Joint Rules (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. The committee's formal action on a bill usually comes later at the work session.

d. Work sessions. Work sessions allow committee members to discuss bills thoroughly and to vote on one or more recommendations ("reports") 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. Under the Joint Rules (Rule 306), a Senate member of the committee must be present in order for the committee to vote unless the President of the Senate authorizes an exception.

Work session schedules may be found on the web at:
http://www.mainelegislature.org/legis/bills/

e. Committee amendments. Amendments are suggested changes that may clarify, restrict, expand, correct or otherwise modify the printed bill. 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. Under the Joint Rules (Rule 310 (4)) the President of the Senate and the Speaker of the House must authorize a new draft.

f. Committee report. Except in the case of a report of "leave to withdraw," 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 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 Rules (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, or
Leave to withdraw.

A unanimous report means all committee members agree on a recommended action. 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 "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").

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 the Joint Rules of the 124th Legislature (Rule 310), a sponsor may request leave to withdraw that sponsor's bill or resolve before the bill or resolve is advertised for a public hearing. The request may be granted only by the agreement of both chairs of the joint standing committee to which the bill or resolve was re-

ferred. When a request for leave to withdraw has been granted by the chairs, the bill or resolve must be reported out as "leave to withdraw" and placed in the legislative files and may be recalled only by joint order approved by vote of two-thirds of 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 neither report of a divided committee has been accepted. The body can then consider the bill as printed, regardless of the committee report.

g. Fiscal notes. Under Joint Rule 312, bills and resolves that affect state revenues, appropriations or allocations or that constitute a state mandate must include a fiscal note. If the bill or resolve constitutes a state mandate, this fact is noted in the fiscal note (see discussion of state mandates under **Constitutional Limitations** in Part I, Section D, below). The fiscal note must be incorporated in the bill or resolve or any committee amendment before it is reported out of committee. Any necessary appropriation or allocation is usually added by committee amendment. The Office of Fiscal and Program Review has the sole responsibility for preparing all fiscal notes.

4. Enactment

After a bill is reported out of committee, a 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 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, the Office of Fiscal and Program Review provides any required fiscal note, the draft is put in final form by the Revisor's Office and it is submitted to the Secretary of the Senate or the Clerk of the House for printing and distribution. 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. 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 the bill has received a unanimous "ought to pass" or "ought to pass as amended" committee report, the House of Representatives places the bill on its 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, 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 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 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 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 explain the intent of the bill, followed by other committee members who support the bill, by the sponsor and finally by those who do not support the committee report.

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 question.

During floor debate, members communicate with each other by sending messages through legislative 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 re-

corded. 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 in the Senate no one except a member is permitted to leave or enter until the vote is recorded.

In the House and Senate, 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. A record of roll call votes on the current biennium's bills may be found on the web by clicking on the "Bill Status" option on the Legislature's homepage then selecting the "advanced search" link.

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 bills is available in the *Legislative Record*, which may be found in the Law and Legislative Reference Library in the State House and is now available on the Internet. The House Legislative Record is available on the web at: http://www.maine.gov/legis/house/records/hserecindx.htm. The Senate Legislative Record is available on the web at: http://www.maine.gov/legis/senate/Documents/SenateDocumentLinks.htm.

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 signed, presented to the Secretary of the Senate or the Clerk of the House, 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, then it also must include a fiscal note prepared by the Office of Fiscal and Program Review.

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 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 (see discussion of state mandates under **Constitutional Limitations** in Part I, Section D, below) 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.

After a bill is enacted by both the Senate and House, it is presented by the Secretary of the Senate 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, 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 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 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 and are appointed by the presiding officers. A report from a committee of conference is usually accepted by both the Senate and 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 state revenues or expenditures fall into a special category. Once those bills have been enacted in the House they are assigned in the Senate to the Special Appropriations Table (if they involve the General Fund), to the Special Highway Table (if they involve the Highway Fund), or to the Special Study Table (if they establish legislative studies). They are listed on the Senate Calendar and are held in the Senate for consideration later in the session. The purpose for establishing the tables is so that decisions whether to fund legislation are made in the context of all other legislation requiring funding; i.e. to fund according to priority among bills competing for limited funds.

Toward 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 amendments in the Senate are returned to the House for concurrence.

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 the Legislature

After a bill has been enacted by the Legislature, it is sent to the Governor, who, under the Maine Constitution (Article IV, Part Third, Section 2 and 2-A), has 10 days (excluding Sundays) to exercise one of four options: sign the bill; veto it; allow it to become law without signature; or disapprove a dollar amount by using the line-item veto, described below.

If the Governor approves and signs a bill, it ordinarily becomes law 90 days after the final adjournment of that legislative session, unless it is an emergency measure or has a specific effective date. Emergency measures take effect upon the Governor's signing or on a date specified in the bill (Article IV, Part Third, Section 16).

If the Governor vetoes a bill, he or she returns 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 specific comments on the bill and the rea-

sons for rejecting it, possibly raising new issues for legislators to debate. If the Legislature overrides the Governor's veto, the bill becomes law despite the Governor's objections (Article IV, Part Third, Section 2).

If a bill is not signed and returned to the Legislature within 10 days while the Legislature is in Session, it becomes law without the Governor's signature. The Governor may choose this option if he or she does not support a bill but does not wish to veto it. 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."

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 section or allocation section, or both. The Governor must then 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 (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. Thus, public laws passed by the 124th Legislature are identified as Chapters of the Public Laws of 2009, even though the laws of the second regular session were actually passed in 2010. Other law types, including private and special laws, resolves and constitutional resolutions, are numbered consecutively as well. 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 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 through the Office of the Revisor of Statutes at http://www. mainelegislature.org/ros/Lom/ LomDirectory.htm.

c. Codification. The *Maine Revised Statutes Annotated (MRSA)*, 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 not codified in the MRSA because of their specific scope or limited duration but are available in the Laws of Maine.

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 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. Voters may petition for a referendum to approve or disapprove any law enacted but not yet in effect. 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 19).

At times, the Legislature includes 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 Maine Constitution requires that referenda be held for all general obligation (GO) 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 laws. These rules must be adopted in accordance with the Maine Administrative Procedure Act (MAPA). This Act requires, among other things, agencies to provide public and legislative notice of rulemaking and submit to the Legislature for review and approval rules classified by the Legislature as major substantive rules. 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 Maine Constitution.

C. THE BUDGET PROCESS

The starting point for the biennial budget is the Governor's biennial budget document which is transformed by the Legislature into an enacted biennial budget 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 supplement budget bills. In

addition, there are numerous other bills that may affect state revenues or expenditures. The aggregate of all these bills make up the State budget. This section discusses the budget process and the several ways in which the enactment of budget bills differs from 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 2010-11 runs from July 1, 2010 through June 30, 2011. A two-year budget (the biennial budget) for state government is adopted during the first regular session of the Legislature and covers two fiscal years beginning on July 1st in the first year of the legislative biennium and ending on June 30th during the first year of the following legislative biennium. That means the 125th Legislature will consider adoption of the 2012-2013 biennial budget during the first regular session.

The biennial state budget bill is developed in three main steps: (1) formulation of budget requests by the 3 branches of government (these are compiled by the executive branch in the form of the state budget document and submitted to the Legislature); (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. 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.

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 prepare a budget request for the next two fiscal years. The requests identify in-

dividual programs within each branch or department and their respective proposed spending levels for each for 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.

Because the biennial budget document for 2012-2013 will be submitted by the Governor-elect elected to a first term, the statutory deadline for this submission (5 MRSA §1666) is the Friday following the first Monday in February of the first regular session (February 11, 2011). The statutory deadline for a sitting Governor would be the Friday following the first Monday in January. Under the law, the Governor or Governor-elect is also required to submit at the same time any emergency bills that authorize additional appropriations or allocations in the current fiscal year that the Governor or Governor-elect may wish to propose.

The state budget document is a four year financial plan for State Government for each fiscal year of two ensuing biennia. 5 MRSA §1664 outlines the form and contents of the budget document.

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 process described in this section would apply 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 Deficits (Balanced Budget Requirement)

The Maine Constitution prohibits, with limited exceptions, the State 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 then 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 goals that may significantly affect the development of the state budget. While future Legislatures are not bound by previously enacted statutes (i.e., the Legislature may repeal or modify them expressly or by implication by subsequent enactment), they may play a significant role in legislative deliberations. There are also federal mandates, court orders and consent decrees that, while often significant, are beyond the scope of this handbook. Some of the more significant funding requirements and goals include the following.

Debt Payments - Article V, Part 3rd, 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 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 requires 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 and those must be retired in 10 years or less. 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 (20-A MRSA §15752). 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. Current law (20-A MRSA §15671(7)(B)) sets fiscal year 2011-2012 as the target date for achieving the 55% state-share goal. The fiscal year 2010-11 budget provides a state share of 46% of 97% of total EPS costs.

c) Spending Limits

In addition to the balanced budget requirements imposed by the State Constitution discussed above, the Legislature established a statutory spending limit in 2005. The current statutory provision (5 MRSA §1534) provides

that the legislature limit the growth in total General Fund appropriations according to a formula based on the State's tax-burden ranking among all states. The current law includes various express 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. Maine's ranking in terms of state and local tax burden among all states is, under the current statute, to be determined by the State Tax Assessor.

d) Restrictions on Expenditures of Certain Revenue Sources

General Fund appropriations account for less than half of total State expenditures (see Subsection 7. Total State Budget and General Fund Budget for fiscal year 2009-10). The rest of the state budget is made up of federal funds and other special revenue. The allocation and expenditure of federal funds and federal block grant funds is restricted by the applicable rules and conditions imposed by the federal government. The State Constitution governs the allocation and expenditure of certain other revenues.

Maine Public Employees Retirement System Funds – Article IX, Section 18 of the Maine Constitution requires that all contributions and payments to (as well as assets, proceeds and income of) the Maine state 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 Legislatures for the Maine state 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 – 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 (or successor agency) be no less than the total amount of revenues collected by that department pursuant to state laws administered by the department (or successor agency) from fees, fines, property rentals, etc. 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 specific purposes of the special funds.

3. Revenue Forecasting

The constitutional requirement for a balanced budget means that the proposed expenditures 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 was established to provide the Governor, the Legislature and the Revenue Forecasting Committee with analyses, findings and recommendations for state economic assumptions to be used in developing state revenue forecasts.

The commission consists of five members having professional credentials and demonstrated expertise in economic forecasting. It 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 for the State of Maine to the Governor, the

Legislative Council, the Revenue Forecasting Committee and the Joint Standing Committee on Appropriations and Financial Affairs.

The Revenue Forecasting Committee, established by the Legislature, is responsible for forecasting state revenues and determining the expense ceiling in the absence of revenue enhancements. The committee is made up of the State Budget Officer, the State Tax Assessor, 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 four-year revenue projections and to submit recommendations for state revenue projections for the next two fiscal biennia and analyze revenue projections for the current biennium to the Governor, the Legislative Council and the 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 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, debt analysis, and prioritized public improvement estimates. 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 bill lists each department's and program's "baseline" appropriation or allocation and any "initiatives" (proposed changes to the baseline). In the baseline, Personal Services expenditures for current, legislatively authorized positions are adjusted to reflect salary schedule, retirement and insurance rate changes. Funding for other expense categories reflect the previous year's on-going program cost levels excluding one-time costs associated with new initiatives of the previous biennium and capital expenditures. Initiatives (proposals for changes to these baseline budgets) may include inflation adjustments, new programs, statutorily required funding increases, program cuts or eliminations, and transfers of personnel or expenses between programs or funds. Program totals reflecting the impact of the initiatives are shown. Part B of the budget bill contains appropriations and allocations to provide funding for approved 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 budget request, the Legislature refers the matter to the Joint Standing Committee on Appropriations and Financial Affairs. Under the Joint Rules (Rule 314), the Appropriations Committee 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 has elected not to participate. Under the Joint Rules (Rule 314(4)) the policy committees are required to deliberate on the budget initiatives related to their jurisdictions and report their recommendations to the Appro-

priations Committee. The Appropriations 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, above.

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 these 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 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 Budget Officer. All Financial Orders are subject to review by the Joint Standing Committee on Appropriations and Financial Affairs.

7. Overview of State Expenditures for Fiscal Year 2009-10

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, 2010 (fiscal year 2009-10).

Total state expenditures. Total State expenditures in fiscal year 2009-10 were $7,726 million. This amount includes all state funds except bond proceeds and internal service funds (to avoid double counting expenditures). The

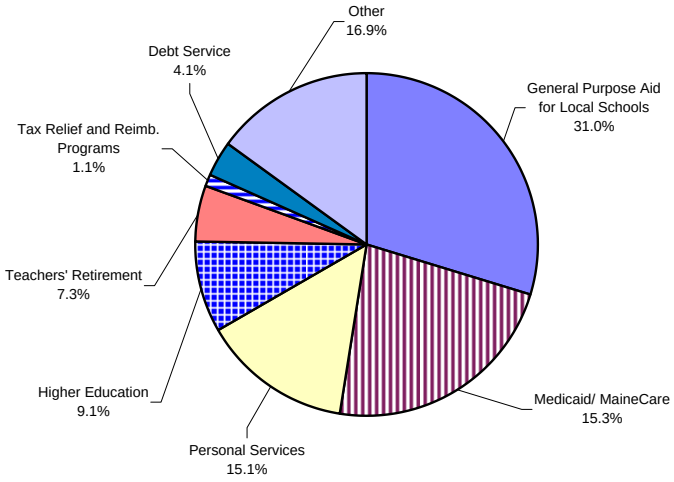
General Fund is the largest single segment of the pie, representing 37.1% of total State expenditures. The next largest segment is the Federal Expenditures Fund (29.9%), of which over half are Medicaid matching funds. The amount of federal matching funds is largely driven by General Fund spending.

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% of General Fund spending (the remaining16.9% of expenditures appears under the category "other").

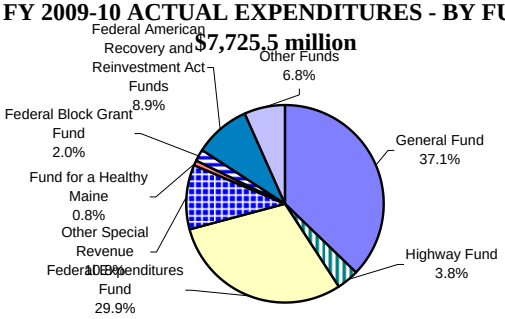
General Purpose Aid for Local Schools (school subsidies) and Medicaid/MaineCare are the largest segments and account for 46.3% of total General Fund spending in fiscal year 2009-10 (a decrease from over 50% of the total General Fund spending in previous fiscal years mainly due to the effect of federal funding under American Recovery and Reinvestment Act of 2009).

GENERAL FUND EXPENDITURES AND TOTAL EXPENDITURES (ALL FUNDS) FISCAL YEAR 2009-10 (All Amounts in Millions)

FY 2009-10 ACTUAL EXPENDITURES
GENERAL FUND
$2,886.4 million



FY 2009-10 ACTUAL EXPENDITURES - BY FUND
$7,725.5 million



8. Debt

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 G.O. 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 the House of Representatives 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 3rd, 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 and is determined by the bond's implementing legislation. The total amount of G.O. principal outstanding on June 30, 2010 was $500,100,000, of which $365,775,000 was an obligation of the General Fund and $134,325,000 was an obligation of the Highway Fund.

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). These liabilities may be created without ratification by the voters. These limited powers include the following: Article IX, Section 14-A permits the Legislature to insure the payment of certain commercial mortgage loans in an aggregate amount not ex-

ceeding $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 loan the credit of the State to secure loans to Maine students in higher education and their parents in an aggregate amount not exceeding $4,000,000.

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.

Maine Governmental Facilities Authority. The Maine Governmental Facilities Authority is established in 4 MRSA Ch. 33.

Pursuant to that law, the authority may issue up to $263,485,000 in securities to fund construction-related projects for state agency or court facilities. Of that amount, $85,000,000 is authorized for correctional facilities; $53,000,000 is authorized for State House, State Office Building and other agency projects; $33,000,000 is authorized for a new psychiatric treatment facility; $76,000,000 is authorized for court facilities; and $16,485,000 is authorized for capital repairs and improvements at state facilities. As of June 2010, the aggregate principal amount of bonds outstanding was $189,080,000.

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 various types of limitations.

On occasion, the Senate or the House will seek an opinion of the Justices of the Maine Supreme 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.

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 are significant amounts of case law that define those constitutional limitations. Consequently, a comprehensive discussion in this handbook is not possible. 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. It 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, e.g., 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; detailed analysis is often required to determine whether the regulation actually violates the Commerce Clause.

c. Due process. The Fourteenth Amendment to the United States Constitution 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. This is a highly complex area of constitutional law; a detailed legal analysis may be required to determine whether a law would actually violate the Due Process Clause.

d. Free speech. The First Amendment to the United States Constitution (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. Of course, determining what actually falls within these categories of "unprotected" speech is not a simple matter. This is a highly complex area of constitutional law; a detailed legal analysis may be required to determine whether a law actually violates 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 Constitution of Maine 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 has no independent significance; delegating to a subunit of the Legislature the functions of the full Legislature; and surrendering the power to tax. The doctrine of delegation of legislative authority is complex; a detailed legal analysis may be required to determine whether a law violates the prohibition on delegation of legislative authority.

f. 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. That 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.

g. 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. The provision permits the Legislature to enact implementing legislation by a 2/3 vote of the elected membership of each House. Implementing legislation was enacted in 1993 by the required 2/3 vote and is codified at 30-A MRSA §5685. The constitutional provision permits the Legislature to exempt legislation from this funding requirement by a 2/3 vote of the elected membership of each chamber of the Legislature. Whether a proposal falls within the terms of the 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(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.

h. 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.

i. 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. 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.

Examples:

- (Supremacy Clause) Congress has established a comprehensive regulatory framework governing the safety of nuclear power plants. As a consequence, the State is preempted from establishing safety regulations for nuclear power plants.

- (Federal Funding) Congress provides funds for the national unemployment insurance program. If the State were to make certain employees of nonprofit organizations ineligible for coverage, Maine could be found to be "out of conformity" with federal program requirements. The State could then lose substantial federal funds.

3. 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 undertaking 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. Since the 125th 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 at the Offices of the Secretary of the Senate and the

Clerk of the House. 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 a conflict, Senate and House Rules take precedence over the Joint Rules in governing the procedures of the respective bodies. A sampling of Senate and House Rules follows.

- The Senate and House Rules prohibit the introduction of amendments that are not related to the original bill (Senate Rule 504, House Rule 506).

- Senate Rule 301 establishes certain duties of the Secretary of the Senate. House Rule 301 establishes certain duties of the Clerk of the House.

- House Rule 201 describes certain duties and powers of the Speaker of the House. The authority of the President of the Senate is established in Senate Rule 201.

- The precedence of motions during debate is set forth in Senate Rules 502 and 506 and House Rules 503 and 511.

b. Joint Rules. The Joint Rules establish procedures and restrictions governing the transactions of business by both chambers. For example, the Joint Rules:

- Establish cloture, the deadline by which legislators and others must submit bill requests (Joint Rules 202, 203 and 204);

- Establish the joint standing committees, establish committee membership among senators and representatives, outline procedures for the hiring of committee clerks, and impose requirements for public hearings (Joint Rules 301 through 305);

- Establish committee reporting requirements and define the types of reports that may be issued by committees (Joint Rules 309 and 310);

- Outline the procedures for confirmation of gubernatorial appointments (Joint Rules 501 through 508);

- Prohibit the reintroduction of measures in any biennium in which they have already been rejected, except on approval of two-thirds of both chambers (Joint Rule 217); and

- Require that all expressions of legislative sentiment conform to guidelines issued by the President of the Senate and the Speaker of the House (Joint Rule 213).

c. Mason's Manual of Legislative Procedure. *Mason's* 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. The rules address all aspects of legislative procedure, but they come into play only if a body's own rules or the Joint Rules do not cover the issue raised.

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. Questions regarding committee procedures should be discussed with committee chairs.

E. SENATE AND HOUSE CALENDARS

A matter may not be taken up in either chamber unless it appears on that chamber's calendar or a supplement to that calendar. For the legislator, the Senate and House Calendars are strategic documents. They provide 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 at http://www.maine.gov/legis/senate/Documents/calendar/htframe.htm.

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://www.maine.gov/legis/house/hcalfr.htm.

The following discussion summarizes the features of the calendars. In most respects, the Senate and House 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 with-

out reference to a committee by the House, will appear first on the Senate Calendar.

Within this category, there is a further set of priorities. Nonconcurrent matters, i.e., 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.
4th	To adhere.

b. Messages and documents. Also referred to as "Communications," these 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 this 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, i.e., 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 it's 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. 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, matters 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, the bill is no longer treated as a Consent Calendar bill.

h. Bills in second reading. This is a crucial step in the process for bills that have survived thus far. It is the time when amendments to the bill 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 House Consent Calendar 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 goes first to the House and then to the Senate for enactment or final passage. 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 impacts are placed on the Special Appropriations Table in the Senate, bills affecting the Highway Fund go to the Special Highway Table and bills proposing legislative studies are placed on the Special Study Table.

j. Orders of the day. This category includes all other papers, e.g., tabled items. Any document that is tabled may be assigned a day for its consideration or "tabled unassigned." Unfinished

business from the time of the last adjournment takes precedence in the orders of the day.

2. Calendar Supplements

Very often, supplements to the calendars are distributed in each chamber. Early in the session, supplements are frequently used to refer bills that were not on the printed calendar to committees; 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, 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 designed specifically 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.

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. The council determines which of the proposed studies to approve, and may provide budgets for them.

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.

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) 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, comprised of legislators, it is usually established by joint order (Joint Rule 353).

There are also other opportunities for legislative studies. The Legislative Council may conduct or initiate a study and direct a committee to report its findings to the council. Laws, resolves or orders may also require routine legislative review of particular provisions, such as the sales tax and income tax exemptions.

Study groups review pertinent information and testimony, which may be received through public hearings and from staff, and report their findings to the Legislative Council or the Legislature. The reports can be narrative or in the form of suggested legislation. Frequently, the reports include both narrative and 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" (3 MRSA c. 35) establishes a system of periodic legislative review of state agencies that receive support from the General Fund. The reviews are conducted by the joint standing committee having jurisdiction over the agency being reviewed according to a schedule contained in the act. 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. Performance Audits

The nonpartisan legislative Office of Program Evaluation and Government Accountability conducts independent performance audits of State government agencies and programs to determine effectiveness, efficiency and economical use of resources. The subject of the audits is determined by a 12-member bi-partisan, bi-cameral Government Oversight Committee established in Joint Rule 371 to oversee the activities of the Office. The statutory duties and authority
of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee can be found in 3 MRSA, c. 37 (§ 993 et seq.).

The performance audits result in formal written reports or other documents that are presented to the Government Oversight Committee, provided to the appropriate joint standing committees of jurisdiction and made available to all legislators.

Legislators with requests or suggestions for performance audits can direct them to the chairs of the Government Oversight Committee or the director of the Office of Program Evaluation and Government Accountability.

4. Review of Agency Rules

Executive agencies adopt administrative rules to help 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 adoption process.

The Legislature has taken a series of actions since MAPA was originally enacted in 1978 to further strengthen the Legislature's oversight of the rule-making process.

- Legislative Review of Agency Rules Law (5 MRSA c. 377-A), passed in 1981, provides for review of 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.

- An amendment to MAPA (5 MRSA §8053-A) passed in 1986 requires that agencies provide joint standing committees of the Legislature notices of regulatory agendas and copies of proposed rules prior to their adoption.

- A 1995 amendment to MAPA requires legislative review of major substantive rules before they may be finally adopted and implemented by the agency (5 MRSA c. 375, subchapter 2-A). Agencies file provisionally adopted major substantive rules with the Legislature. The appropriate joint standing

committee reviews the rules and make a recommendation to the full Legislature on whether the rule should be finally adopted.

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 Transportation Committee. A more detailed description of the budget process is found in Part I, Section C, **The Budget Process**.

Pursuant to the Joint Rules (Rule 314), the various joint standing committees play a role in reviewing the budgets of agencies within their subject matter jurisdiction. These committees hold joint public hearings with the Appropriations Committee, report their recommendations to the Appropriations Committee and participate, through subcommittees, in the Appropriations Committee deliberations on relevant portions of the budget.

6. Review of Gubernatorial Appointments

The joint standing committees of the Legislature are responsible for reviewing gubernatorial appointments as provided by law. Their recommendations on nominees are 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, 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.

The member of the Penobscot Indian Nation, the member of the Passamaquoddy Indian Tribe and, beginning with the second regular session of the 125th Legislature, 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 of Representatives in accordance with statute (3 MRSA §2) and the same allowance for meals, constituent service, housing and travel expenses as any other member of the Senate or House for attendance at each legislative session. For the duration of any special session of the Legislature, they receive the same allowances, including housing, meal and travel expenses, as any other member of the Senate or House.

1. Legislative Salary (estimated)

$13,852	first regular session
$10,082	second regular session

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

Note 1: 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 5% in any year. The salary outlined above reflects the projected adjusted amounts for the 125th Legislature.

Note 2: 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:

Per Diem	$55/day, only for authorized committee meetings during interim;
	$100/day for special session only

2. Session Expense Allowance

In addition to their legislative salary, legislators receive expense payments 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. Expense payments are as follows:

A. $70/day for meals and lodging; or

B. $32/day for meals and $.44/mile in lieu of lodging, not to exceed $38/day.

Tolls are reimbursed at actual cost.

3. Interim Expense Allowance

During the legislative interim, legislators receive reimbursement of actual expenses for authorized travel or attendance at meetings. Legislators must submit a properly completed expense 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 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 first regular and second regular sessions; $700 at end of first and second regular sessions

For Representatives: $1,500/year: $1,005 in January of first and second regular sessions; $495 at end of first and second regular sessions

Note: 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 of the Legislative Council. 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 of the Senate or the Speaker of the House and is subject to budgetary constraints. After obtaining approval from their presiding officer, legislators are encouraged to seek assistance in making travel arrangements, including event registration, hotel reservations and transportation, from the Office of the Executive Director of the Legislative Council.

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

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 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 and 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. 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 continue to participate in the group health insurance plan. The State's premium contribution is prorated based on the legislator's years of participation in 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. Additional information is available in the Office of the Executive Director.

Questions about health, dental or vision insurance coverage, benefits or premiums can be answered in the Office of the Executive Director of the Legislative Council (287-1615) or the Office of Employee Health and Benefits in the Department of Administrative and Financial Services (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 in the Office of the Executive Director of the Legislative Council (287-1615).

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 putting money aside 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 of the Legislative Council (287-1615).

9. Legislative Retirement System

The Maine Legislative 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 of the Senate or the Speaker of the House 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 in the Office of the Executive Director of the Legislative Council (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, provided 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

The federal Economic Recovery Tax Act of 1981 (PL 97-34) provides that state legislators whose "district home" is 50 miles or more from the state capitol may designate their district home as their home for tax purposes and deduct a flat per diem rate for each authorized legislative day, including regular session days and authorized committee meetings during the interim. The general effect of this provision is to reduce the total taxable income for many legislators. The Internal Revenue Service (IRS) has adopted regulations that clarify the amount of travel expenses that a state legislator may deduct under IRS Code, Section 162(h). The final regulations apply to expenses paid or incurred or deemed

expended under Section 162(h), in taxable years beginning after April 8, 2010. Each legislator should consult with a tax advisor about these regulations before filing an income tax return.

The Office of the Executive Director of the Legislative Council provides each legislator with a calendar-year summary of legislative meeting days and total reimbursed expenses to aid legislators in completing their federal tax returns. This information is distributed in late January of each year.

Legislators incur many nonreimbursable expenses in carrying out their duties. For income tax purposes, legislators are responsible for keeping records of these expenses. Some of these expenses may be claimed as deductible "business expenses" if detailed receipts and logs documenting mileage are maintained, as provided under IRS regulations.

Further information concerning these special federal tax provisions is available from the Office of the Executive Director of the Legislative Council.

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, 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-A) requires legislators to file a reports 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 non-profit entity and all sources of income of $1000 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. Beginning February 15, 2010, 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;

- 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.

The law 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 officers, 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, subsection 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, Title 1, section 1015, subsection 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 com-

plaints 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 officers, the Office of the Attorney General, or the Commission on Governmental Ethics and Election Practices.

C. FREEDOM OF ACCESS AND 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 laws (1 MRSA §401 et seq.) acknowledge the right of the public to obtain access to governmental records but provide 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 125th 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 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.

D. 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 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. Computer-

assisted real-time transcription (CART) may be arranged for those who need visual communication access. 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. Wheel chairs are located on the third floor of the State House and the first floor of the Cross Building.

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

Teen Ellen Griffin, Manager
Legislative Information Office
100 State House Station
Room 121 State House
Tel: 287-1692
Fax: 287-1580
TTY: 287-6826

Public TTY (telecommunications device for the deaf) pay phones are located on the first floor of the State House (near the south elevator), on the fourth floor of the State House (near the north elevator) and on the second floor in the Cross Building. Emergency evacuation chairs also are located throughout the State House.

For more information, contact the ADA Coordinator:

Debra E. Olken, Human Resources Director
Office of the Executive Director
of the Legislative Council
115 State House Station
Room 120 State House
Tel: 287-1615
Fax: 287-6419
TTY: 287-6826

E. LOBBYIST DISCLOSURE

Many lobbyists regularly work in Augusta and can provide significant information and assistance to the Legislature. However, lobbyists can also use their skills of analysis and counsel to advocate one particular viewpoint in a very concentrated way.

The Lobbyist Disclosure Procedures Act (3 MRSA c. 15), enacted in 1975, 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 he or she lobbied for, how much compensation the lobbyist received for lobbying and how much money was spent for lobbying activities.

Failure to register or to file a report could subject the lobbyist 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, the executive branch or 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. State employees and independent agency employees who serve as the primary legislative designee for that department or agency must register with the Commission as legislative designees. .

F. SMOKING POLICY

Smoking is prohibited in the State House, the Cross Building and all other locations in the State House complex, except areas on the grounds that have been specifically designated for smoking. The designated area is 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 near Jackson Street.

G. SEXUAL HARASSMENT

The Legislative Council affirms the right of all legislative employees to work in an environment that is free from unlawful intimidation, hostility and offensiveness. Sexual harassment in the workplace is unlawful, and it is unlawful to retaliate against an employee for making a complaint of sexual harassment or for cooperating in an investigation of such a complaint. The Legislative Council prohibits sexual 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 sexual harassment.

Sexual harassment is unacceptable conduct and will not be condoned or tolerated in the workplace. Sexual harassment by an employee is grounds for disciplinary action, in accordance

with the Legislative Council's policies on employee discipline.

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; (2) 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 sexual harassment should notify his or her 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 sexual harassment.

A copy of the sexual harassment policy is available in the Office of the Executive Director.

H. VIOLENCE IN THE WORKPLACE

The Maine 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 of the Legislative Council 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.

I. 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 Sergeant-at-Arms office (third floor, 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 eye wash station are located in the Welcome Center in the State House.

In case of medical or other emergency dial:

9-911 from any state telephone or
911 from a cell phone

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

Office of the Executive Director
of the Legislative Council
Room 103, State House
(207) 287-1615
http://www.maine.gov/legis/execdir

For non-emergency security concerns contact:

Bureau of Capitol Police
Cross Building (first floor)
68 State House Station
Augusta, ME 04333
Phone: (207) 287-4357

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 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 ses-

sion and is responsible for implementing policies adopted by the council.

The Legislative Council is required by statute to meet at least once monthly. Information concerning meeting agendas is available from the Office of the Executive Director of the Legislative Council. A summary of each council meeting is distributed to all members of the Legislature.

B. LEGISLATIVE COUNCIL NONPARTISAN STAFF OFFICES

The Legislative Council provides professional, nonpartisan staff support services to the Legislature and its officers, members, committees and commissions through six 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.

As nonpartisan employees of the Legislature, members of these staff 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 or until distributed and discussed in public (see discussion under **Freedom of Access: Confidentiality** in Part II).

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 Chapter 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, State House
287-1615, fax 287-1621
http://www.maine.gov/legis/execdir/

David E. Boulter, Executive Director
Rose Marie Breton, Legislative Finance Director
Debra E. Olken, Human Resources Director

Legislative Information Office
Teen Ellen Griffin, Manager
Room 121, State House
287-1692, fax 287-1580, TTY 287-6826
http://www.maine.gov/legis/lio/

Primary Services:

- Direct and supervise the activities of the nonpartisan offices consistent with policies established by the Legislative Council

- Recruit and appoint nonpartisan staff

- Prepare agendas for the Legislative Council meetings and its committees; staff the meetings of the Legislative Council, its committees and subcommittees; and implement policy decisions of the council

- Prepare the legislative budget for the Legislative Council's review and administer the approved budget

- Provide notice of agency rulemaking to legislative committees

- Supervise all legislative administrative functions, provide administrative services to the Legislature, including legislator and employee payrolls, expense reimbursements, budgeting and accounting functions, human resources and facility access and security services

- Enter into and administer contracts for goods and services, approve accounts and vouchers for payment, and purchase equipment for the Legislature

- Oversee maintenance and improvement of the State House, State House grounds and other legislative facilities

- Record, compile and provide information on the current status of bills and other matters before the Legislature and its committees

- Compile information about boards, commissions and legislative studies

- Coordinate work of committee clerks and provide other general administrative support to legislative committees

- Coordinate the legislative confirmation process for gubernatorial nominations

- Index legislative documents and publications

- Schedule use of legislative committee rooms for public hearings, committee meetings and other legislative matters

- Staff information kiosks to assist members of the public visiting State House Complex

2. Office of Revisor of Statutes
1st Floor, Room 106, State House
287-1650, fax 287-6468
http://www.maine.gov/legis/ros/

Suzanne M. Gresser, Revisor

Primary Services:

- Draft legislation, joint resolutions, memorials, orders and amendments

- Review and edit all legislative instruments for proper form, style and usage prior to introduction

- Administer cloture and related deadlines established by statute, joint rule, and the Legislative Council

- Identify duplication and conflicts in legislation and take necessary steps to resolve them

- Review legislation at second reading in each house and prepare any necessary amendments

- Engross all documents passed to be engrossed and prepare bills for final enactment

- Maintain the text of the Maine statutes, the Maine Constitution and the *Laws of the State of Maine* online

- Coordinate the State role in maintaining the *Maine Revised Statues Annotated* and *Maine Revised Statutes Compact Edition,* including annual updates and revisions

- Maintain and update the Maine Constitution

- Publish various publications, including the *Laws of the State of Maine* and *the Maine Legislative Drafting Manual*

3. Office of Policy and Legal Analysis
Room 215, Cross Building
287-1670, fax 287-1275
http://www.maine.gov/legis/opla/

Patrick T. Norton, Director
Jon P. Clark, Deputy Director
Darlene Shores Lynch, Senior Legislative Researcher

Primary Services:

- Provide policy and legal research and analysis on pending bills, agency major substantive rules and Government Evaluation Act review of agencies to legislative committees

- Staff 15 joint standing committees (and other legislative committees as assigned), including helping organize and facilitate the committee decision-making process, preparing committee amendments and assisting committees in formulating study requests, preparing management reports of bills in committees and committee studies

- Staff interim study subcommittees and commissions, including providing policy and legal research and analysis, helping organize and facilitate study group decision-making process and drafting final reports and associated legislation

- Conduct approved staff studies, including researching and analyzing background information on assigned topics and defining options for addressing issues suggested or utilized by others

- Draft bills in cooperation with the Revisor of Statutes

- Assist committees in review of budget bills and preparation of reports to the Appropriations Committee in cooperation with the Office of Fiscal and Program Review

- Prepare general policy and legal background materials and respond to legislators' requests for information

- Produce various legislative publications, including the *Legislative Digest of Bill Summaries and Enacted Laws* for each session and the *Legislators' Handbook*

4. Office of Fiscal and Program Review
Room 226, State House
287-1635, fax 287-6469
http://www.maine.gov/legis/ofpr/

Grant T. Pennoyer, Director
Marc A. Cyr, Principal Analyst
Maureen S. Dawson, Principal Analyst

Primary Services:

- Staff the committees on Appropriations and Financial Affairs, Taxation, Transportation (fiscal matters only) and other legislative committees as assigned

- Collect and analyze fiscal and program information related to the finances and operation of State Government, prepare general fiscal background materials and monitor agency financial status, including transfers of funds

- Analyze the Governor's budget and all other appropriation requests and provide fiscal research upon request from legislators, legislative committees or commissions

- Conduct special budget studies, including revenue and expenditure projections and trends

- Review all bills and amendments for fiscal impact and prepare fiscal notes for those having a projected fiscal impact

- Draft bills in cooperation with the Revisor of Statutes

- Provide staff assistance to approved interim study subcommittees and commissions and draft final reports and associated legislation

- Represent the Legislature on the Revenue Forecasting Committee (5 MRSA §1710-E) which provides policymakers with General and Highway Fund revenue projections for the current and ensuing two fiscal bienniums

- Produce various publications including the *Compendium of State Fiscal Information* and the *Summary of Major State Funding Disbursed to Municipalities and Counties* and produce with the Office of Policy and Legal Analysis the *Legislative Digest of Bill Summaries and Enacted Laws* for each legislative session

5. Office of Legislative Information Services
Floor 2½, Room 262, State House
287-1625, fax 287-2557

Scott W. Clark, Director

Primary Services:

- Provide and maintain computer hardware used in support of the Legislature

- Provide, maintain and secure the legislative intranet and Internet services over wired and wireless networks

- Develop or acquire software solutions used in support of the Legislature

- Provide audio and video broadcasts of legislative proceedings over the legislative network and the Internet

- Support legislative telephone services

- Provide, administer and secure legislative databases, data backups and archiving services

- Provide IT helpdesk for legislators and staff

- Provide electronic mail services, including virus protection and SPAM filtering

- Provide technical support for legislative Internet sites

- Provide technology services to legislators, including legislative email, access to the legislative wireless network and helpdesk services

6. Law and Legislative Reference Library
Room 204 (North Wing), State House
287-1600, TDD 287-6431, fax 287-6467
http://www.maine.gov/legis/lawlib/

John R. Barden, Director
Sheila Bearor, Principal Law Librarian
for Technical Services
Elaine Apostola, Principal Law Librarian
for Public Services

Primary Services:

- Provide reference and information services to legislators, legislative staff and the public
- Acquire and make available resources on current legislative topics
- Maintain library holdings in Internet accessible catalog URSUS
- Borrow needed titles from other libraries throughout the country
- Provide website access to governmental and legal resources
- Search electronic databases including Lexis, Westlaw and Marvel
- Compile legislative histories for the collection and on request
- Provide access to electronic information at a public computer network
- Collect and maintain extensive primary legislative materials, including: Maine statutes and session laws from 1820; legislative record from 1897; House and Senate jour-

nals from 1854; legislative study reports from 1941; roll calls and sponsor lists; joint standing committee master files from 1983; agency testimony and budget information for the Appropriations Committee from 1991

- Collect and maintain newspaper clipping files with articles selected from over 25 Maine and national newspapers and arranged by subject with some years searchable electronically

- Create and maintain biographical files of state legislators, other political figures, attorneys and judges

- Provide access to written materials and other resources on legal topics for the general public

- Provide access to lending collection of state and federal documents

C. OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY

1. Office of Program Evaluation and Government Accountability

Room 107, Cross Building
287-1901, fax 287-1906
http://www.maine.gov/legis/opega/

Beth L. Ashcroft, Director
Jennifer Henderson, Principal Analyst

The Office of Program Evaluation and Government Accountability (OPEGA) is a nonpartisan independent legislative office that is overseen by the Government Oversight Committee, a joint legislative committee. The director of

OPEGA is appointed by Legislative Council. OPEGA was created for the purpose of providing program evaluation of agencies and programs of State Government and ensuring that public funds are expended for the purposes for which the funds were allocated, appropriated or contracted (3 MRSA §991).

Primary Services:

- Conduct objective and independent performance audits of State government programs and activities

- Staff the Government Oversight Committee, including coordinating and maintaining records of committee meetings, preparing committee communications and other documents, assisting in the development of committee processes and procedures and providing information and performing research as requested

- Present findings of performance audits to legislative policy committees

- Develop legislative guides on relevant topics to assist legislators in their government oversight role

- Monitor status of government actions in response to findings and recommendations from performance audits on behalf of Government Oversight Committee

- Prepare annual report to the Legislature

D. SENATE AND HOUSE ADMINISTRATION

1. Secretary of the Senate

3rd Floor, Room 327, State House
287-1540, fax 287-1900
http://www.maine.gov/legis/senate/

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. For example, 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, Clerk of the House and the Secretary of State. Also, the Secretary 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.

Suggesting a committee reference for bills in conjunction with the Clerk of the House is another of the Secretary's responsibilities. In addition, the Secretary processes the various nominations by the Governor that require Senate confirmation.

Additional chamber staff, appointed by the President and supervised by the Secretary of

the Senate, also serve the Senate: a sergeant-at-arms, postmaster, pages and daily honorary pages.

Courtesy of the Secretary of the Senate, a weekly schedule of committee public hearings is prepared and distributed by the Secretary and staff.

2. Clerk of the House
3rd Floor, Room 300, State House
287-1400, fax 287-1456
http:/www.maine.gov/legis/house/

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 Senate.

The Clerk, in conjunction with the Secretary of the Senate, is responsible for suggesting committee references for bills. They 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 the 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 serves 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, unless the House otherwise directs.

E. OTHER STAFF SERVICES

1. Leadership Office Staff

Office of the President of the Senate	287-1500
Office of the Speaker of the House	287-1300
Senate Majority Office	287-1515
Senate Minority Office	287-1505
House Majority Office	287-1430
House Minority Office	287-1440

3rd and 4th floors, State House

The President of the Senate, the Speaker of the House 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 (federal issues are generally handled by the offices of the congressional delegation);

- 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 Senate 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. The Legislative Information Office organizes, coordinates 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.

F. OTHER SOURCES FOR LEGISLATIVE INFORMATION IN OTHER STATES

The National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG) are both prominent national organizations that serve as a resource for state legislatures and state governments. The Legislature is a member of both these 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.

The Washington, D.C. office, which specializes in state/federal relations and congressional relations, may be reached at 202-624-5400. The Denver, Colorado office, which specializes in activities in the states, may be reached at 303-364-7700. NCSL's website, www.ncsl.org, provides news, information about NCSL and links to state government sites.

NCSL publishes several periodicals including:

- *Capitol to Capitol*. This report, issued every two weeks, focuses on current state and federal issues and state events;

- *State Legislatures*. This monthly publication describes major issues that confront state legislatures;

- *Legislative Guide*. This is an in-depth guide to specific issues; and

- *Legisbrief*. This 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 (also available at the library's website).

2. 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.

The CSG publishes a number of books and periodicals available to legislators and their staffs. Of particular use are the following:

- *The Book of States*. This biennial work contains many tables of information about state government and essays on current issues;

- Directories (titles vary). CSG publishes three directories every two years covering state elected officials, state administrative officers and state legislative leadership and staff;

- *State News*. This monthly publication provides news and discusses issues of interest to state government; and

- *Suggested state legislation.* This annual publication identifies contemporary policy issues and emerging trends in state legislative proposals.

The Law and Legislative Reference Library collection includes CSG publications.

G. REFERENCE MATERIALS

The reference materials outlined below may 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 West (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. A codified but unannotated version of the statutes is also available through a link on the legislative web site at http:/www.maine.gov/legis

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; back issues are available from the Law and Legislative Reference Library; available in most staff offices and some committee rooms. Laws for sessions dating back to the 118th Legislature are available on the legislative web site:
http://www.mainelegislature.org/ros/lom/lomdirectory.htm

c. Legislative Documents (prior years)

Contains: Bills and amendments from prior years; indexed through "History and Final Disposition" books prepared by the Legislative Information Office

Availability: Bound volumes available in Law and Legislative Reference Library, some staff offices; documents from most recently completed session at legislative web site:
http://www.maine.gov/legis/lio/history_and_final_disposition.htm

d. Pamphlets of Laws or Rules Pertaining to Specific Subjects

Compiled by: Various departments

Contains: Current law on a subject, e.g., election laws (Secretary of State), liquor laws (Bureau of Alcoholic Beverages and Lottery Opera-

tions), and in some cases agency rules

Availability: Request from department; some are available on the web

e. Laws of other States; Federal Laws

Contains: Codified or session law versions of laws of each state and the federal government, and regulations in some cases

Availability: Law and Legislative Reference Library

f. Maine Rules

Compiled by: Secretary of State

Contains: All State agency and department rules

Availability: Secretary of State's website: www.maine.gov/sos/cec/rules/; Law and Legislative Reference Library. Notice 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 telephone directory for State Gov-

ernment, including departments (printed copy no longer available)

Availability: On-line: www.maine.gov/phone/

c. State House Station Directory

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

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

Availability: Distributed; online at www.maine.gov/bgs/centralserv/centralserv_postal.htm

d. Maine Municipal Directory

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

Contains: Annual directory of municipal officials, regional planning commission, 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: Copies in 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

g. Maine Manufacturing Directory

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

Contains: Annual directory of more than 1800 Maine manufacturing and processing firms, by alphabet, geography, key executives and product description (includes gross sales, average number of employees and imports and exports)

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, any amendments adopted and the law or resolve if enacted

Availability: Office of Policy and Legal Analysis and its website, http://www.maine.gov/legis/opla; Office of Fiscal and Program Review and its website, http://www.maine.gov/legis/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; back issues available from the Law and Legislative Reference Library; at Legislative Information Office website, http://www.maine.gov/legis/lio/

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, http://www.maine.gov/legis/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; Law and Legislative Reference Library; at legislative website of Office of Fiscal and Program Review http://www.maine.gov/legis/ofpr

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: Libraries

g. Nonpartisan Staff Issue Briefs (Various subjects)

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

Contains: Research and analysis on issues of general legislative interest

Availability: Office of Policy and Legal Analysis and Office of Fiscal and Program Review

h. Partisan Staff Issue Briefs (Various subjects)

Compiled by: Partisan staff

Contains: Research and analysis on various issues of legislative interest

Availability: Partisan staff offices

i. 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, http://www.maine.gov/legis/opla; Office of Fiscal and Program Review and its website, http://www.maine.gov/legis/ofpr;

Law and Legislative Reference Library and Maine State Library.

4. Periodicals, Publications

a. Advanced Notice of Public Hearings

Compiled by: Secretary of the Senate
Contains: Weekly schedule of hearings to be held by joint standing committees
Availability: Distributed weekly; online at: http://www.maine.gov/legis/schedules

b. Weekly Legislative Calendar

Compiled by: Clerk of the House
Contains: Schedule of meetings of interest to legislators, notices and committee meetings, hearings, etc. during the period between sessions
Availability: Distributed weekly; online at: http://www.maine.gov/legis/schedules

c. Weekly Legislative Report

Compiled by: Clerk of the House
Contains: List of bills recently printed or laws enacted
Availability: Distributed weekly during sessions

d. Fiscal News

Produced by: Office of Fiscal and Program Review
Contains: News and information about state fiscal matters
Availability: Distributed monthly by email; Office of Fiscal and Program Review and its website: http://www.maine.gov/legis/ofpr

5. Other Materials of Interest

a. Maine Legislative Drafting Manual

Produced by: Revisor of Statutes

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

Availability: Revisor of Statutes and its website: http://www.maine.gov/legis/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: http://www.maine.gov/legis/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: http://www.maine.gov/legis/ofpr

d. Person to Person: Legislating Maine (Video) (1999)

Produced by: Maine Legislature in cooperation with Southern Maine Technical College, and State Cable Company with the support of Maine businesses

Contains: A 28-minute video with teacher's guide depicting the role of legisla-

tors and the legislative process in Maine

Availability: Law and Legislative Reference Library

e. 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 www.maine.gov/ethics/lobbyists/index.htm; Law and Legislative Reference Library

f. 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

g. Presidents of the Maine Senate from 1820 (1979)

Author: James H. Mundy

Publisher: President of the Senate

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 Senate

h. 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

i. Senate Journal

Contains: Record of actions taken by the Senate

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

j. House Journal

Contains: Record of actions taken by the House

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

k. Legislative Record

Contains: Verbatim record of House and Senate actions and debate

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

6. Internet Resources

a. Maine State Government Website

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

Availability: www.maine.gov and through terminals in Law and Legislative Reference Library

b. Maine Legislature Website

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

Availability: http://www.maine.gov/legis

PART IV
CONSTITUTIONAL OFFICERS

There are three officers of State Government established in the Maine Constitution: the Attorney General, the Secretary of State and the State Treasurer. 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 section 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. 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. The Secretary of State also administers state election laws.

C. THE TREASURER OF STATE

Pursuant to the Maine Constitution (Article V, Part Third), the Treasurer of State is cho-

sen 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 guidelines set forth in statute (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 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 chapter 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 Department of Audit 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 124th Legislature.

act: A bill passed or enacted by both chambers that becomes a public law or private and special law. 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 action 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 all 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.

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

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 "APPROPRIATION.")

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

amendment: A modification of the Constitution (a CONSTITUTIONAL AMENDMENT) or the modification of a legislative document. (See "AMENDMENT, COMMITTEE" and "AMENDMENT, FLOOR.") (See also "BILL" and "LAW.")

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

amendment, floor: 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.

appropriation: A legislative authorization to spend funds from the General Fund for a specific purpose. (See "ALLOCATION.")

Appropriations Table, Special: Most bills affecting General Fund revenues or requiring an appropriation are placed on the Special Appropriations Table prior to enactment in the Senate. All such bills are then reviewed by the Appropriations

Committee and leadership, who, in the closing days of the session, recommend passage, amendment or defeat of a bill. Bills on the appropriations table are listed on the Senate Calendar.

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 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 floor debate to refer to the chamber where 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 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 12% of General Fund revenue in the immediately preceeding fiscal years. (See 5 MRSA c. 142)

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 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; in the House, the chair 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, committee: Clerical 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.

Clerk of the House: 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 17A) and Maine Probate Code (Title 18A). 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 consid-

eration. Sometimes informally called "re-commit."

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

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

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

committee, joint standing: A legislative committee comprised of three Senators and 10 members of the House of Representatives established pursuant to joint rule to consider legislative measures in specific policy areas. The number and jurisdiction of the joint standing committees may vary in each biennium.

committee, standing: A legislative committee established pursuant to Senate or House rules that carries on a continuous course of business within the Senate or House. The standing committees are as follows:

Standing Committees of the Senate

On Bills in the Second Reading
On Engrossed Bills
On Conduct and Ethics
On Senatorial Vote

Standing Committees of the House

On Bills in the Second Reading

On Engrossed Bills
On Ethics
On Leave of Absence
On Rules and Business of the House
On Elections

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: See "REPORT, COMMITTEE."

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.

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

consent calendar: In the House, a bill that does not involve a gain or loss of revenue and 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.")

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

day, legislative: A day on which 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.

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 House, members use the electronic voting system used for roll calls, but the individual votes are not recorded. The

Senate has an electronic voting system and the capability to conduct a division electronically but, generally, prefers to hold a division by having the members rise in their seats and be counted.

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). 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 is usually the date the Governor approves the measure but it may be 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. Measures that pass this stage are by convention referred to as finally passed.

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 the elected membership of a chamber.

first reading: The initial reading of a measure on the floor of a chamber; it is followed by a second reading. There is no floor debate on a bill in its first reading if a favorable committee report has been accepted.

fiscal note: Information on the fiscal impact of a measure that is incorporated into a measure after the substantive provisions. The fiscal note is removed from the text of the measure at engrossment. 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 to 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 leader: The Democratic and Republican leadership positions in either house.

general obligation 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 (see Senate Rule 504 and House Rule 506) limit amendments to those that are relevant to the proposition under consideration.

Governor's bill: A measure proposed 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 Chapter 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 II of this handbook).

hearing, public: The procedure whereby interested members of the public are invited to testify before a committee on a proposal. A public hearing is distinguished from a WORK SESSION in that while the public is allowed to attend a work session, testimony is generally not solicited or accepted.

Highway Table, Special: Most bills affecting Highway Fund revenue or requiring an allocation from the Highway Fund are placed on the Special Highway Table

prior to enactment in the Senate. Bills on the Highway Table are reviewed by the Transportation Committee, which, in the closing days of the session, recommends passage, amendment or defeat of those bills. Bills on the Highway Table are listed on the Senate Calendar.

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 are vested with the legislative power of the State. The House is composed of 151 representatives elected for two-year terms.

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. (See "SENATE RULES" and "JOINT RULES.")

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 also "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 order: An order approved jointly by the House and Senate. (See "ORDER.") 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 and 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 pamphlet entitled "House and Senate 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.

journal: The record of daily proceedings published by the Clerk of the House and the Secretary of the Senate pursuant to Article

IV, Part Third, Section 5 of the Maine Constitution. The journals do not ordinarily 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, private and special: Laws that are enacted to address particular persons or institutions and that, due to their limited scope, are not codified in the *Maine Revised Statutes Annotated* (MRSA). An example of a private and special law is the creation of a water district charter.

laws, public: Laws of general scope and application, codified in the *Maine Revised Statutes Annotated* (MRSA). Most laws are public laws. Some portions of public laws are not, however, codified in the MRSA. Appropriations clauses, transition clauses and some other provisions are unallocated, i.e., they are not assigned places in the MRSA.

laws, resolve: Law having a temporary or limited purpose that does not amend the general public laws (e.g., a resolve to allow an individual to sue the State).

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 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 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: See "DAY, LEGISLATIVE."

L.D. (Legislative Document): 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 legis-

lative 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 II, 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, where copies of legislative documents are provided to legislators, staff and the public.

legislative record: See "RECORD, LEGISLATIVE."

L.R. (Legislative Request): A request for drafting of a legislative instrument for later introduction as a legislative document, resolve or order. A legislative request (L.R.) number is assigned by the Revisor of Statutes and is used to track instruments through the legislative process, beginning with initial drafting. Until an instrument is assigned an L.D. number, the L.R. number is used to identify it. (See "L.D.")

lobbyist: Generally a person or group who, as the agent of another person or group, opposes or supports the enactment of bills. The Lobbyist Disclosure Procedures law (3 MRSA §311 et seq.) provides a fairly detailed definition. Representing another

person or a group at a public hearing does not, in itself, constitute lobbying.

majority leader: A member of either chamber selected by the members of the majority party in that chamber to act as their spokesperson and CAUCUS leader.

mandate, state: An action by the State that requires a local unit of government to expand or modify its activities so as to necessitate expenditures of additional local revenues. The Maine Constitution (Article IX, Section 21) requires the State to fund 90% of the local cost of state mandates. The Maine Constitution provides that the Legislature may exempt specific expenditures from this requirement by a two-thirds vote of all members of each chamber.

Mason's Manual of Legislative Procedures: The standard reference manual of legislative rules regarding parliamentary procedures. These rules govern legislative procedures in situations not addressed by the House or Senate rules and the Joint Rules.

memorial: See "RESOLUTION."

minority leader: A member of either chamber selected by members of the minority party in that chamber to act as their spokesperson and "CAUCUS" leader.

nonconcurrence: Situation where the other chamber has voted in a manner inconsistent with the chamber in which the matter now lies.

order: Document requiring some legislative action (e.g., a JOINT ORDER) or expressing some legislative sentiment (e.g. a RESOLUTION). Common orders include congratulatory orders that recognize the

accomplishment of some person, orders in memoriam expressing the Legislature's regret at the death of some person, study orders, orders to committees to report out bills, orders to recall bills from the legislative files or from the Governor's desk prior to signature and orders to print additional documents.

out of order: Departing from parliamentary procedure or in violation of rules. Unless done under suspension of the rules, an action out of order is prohibited.

override: A shorthand way of referring to the legislative act of overriding a Governor's VETO.

page: A floor assistant appointed by the presiding officer, who acts as messenger, distributes documents and keeps legislators' document books up to date. Honorary pages, sponsored by individual legislators, are appointed from time to time by the presiding officer of each chamber.

pair (vote): A procedure whereby a member who is present, instead of voting, "pairs" his or her vote with a member who is absent and who, had that member been present, would have voted on the opposite side of the question. A paired vote does not count toward the number required for a vote; thus, if a two-thirds vote of elected membership is necessary, a paired vote will not be counted toward fulfilling the two-thirds. Pairing is currently authorized by Senate Rule 401.6 with the consent of the President of the Senate. Pairing is not permitted under the House rules (House Rule 401.2).

paper: A document before the Legislature, i.e., "Senate Paper" or "House Paper."

peoples' veto: The procedure established in the Maine Constitution (Article IV, Part Third, Section 17) by which the voters may petition for a REFERENDUM on the question of whether legislation passed by the Legislature but not yet in effect should take effect. (See "INITIATIVE.")

performance-based budgeting: Budgeting method used by State Government from the 2002-'03 biennium to the 2006-'07 biennium that allocated resources based on the achievement of measurable objectives derived from an agency's strategic plan and consistent with an agency's statutory responsibilities.

pocket veto: A common term to describe the failure of a bill to become law as a result of the Governor's taking no action on the bill. This only occurs under very specific circumstances (see **Governor's Options For Bills Enacted By The Legislature** in Part I of this handbook).

point of information: A request from a legislator to the presiding officer for clarification of a procedural matter.

point of order: An objection raised by a legislator that one of the rules is being or has been violated.

President of the Senate: The presiding officer of the Senate, elected by the members of the Senate.

President pro tempore: The presiding officer of the Senate appointed by the President of the Senate to preside when the President is absent or leaves the podium for any reason.

private and special law: See "LAW, PRIVATE AND SPECIAL."

public hearing: See "HEARING, PUBLIC."

public law: See "LAW, PUBLIC."

quorum: The minimum number of members of a chamber, committee or other group that must be present before that group may conduct official business.

quorum call: A parliamentary procedure in either chamber to determine whether a quorum exists. Under the Constitution (Article IV, Part Third, Section 3) each chamber may compel the attendance of absent members in the manner it sees fit. Usually accomplished by a command from the presiding officer for all members within the sound of the bell to take their seats.

Rainy Day Fund: This fund has been replaced by the BUDGET STABILIZATION FUND. See description of that term.

recede: Action whereby, in the face of a conflicting action on a bill by the other chamber, one chamber elects to revoke its prior action. Frequently, this action is coupled with the decision to agree with the other chamber, i.e., to recede and concur. (See "CONCUR", "ADHERE" and "INSIST.")

recess: A period during which the Legislature, while not adjourned to another day, is not convened for doing business. For example, a chamber may recess for party caucuses or until a certain time later in the day.

recommit: See "COMMIT."

reconsideration: An action whereby a chamber or committee returns to revote on a prior

action in order to amend or reverse that decision. The motion must be made by a legislator who voted on the prevailing side of the previous vote and requires majority approval. If made after the legislative day following the original vote in a chamber, a two-thirds vote to suspend the rules is necessary for reconsideration. The paper must be in the possession of the chamber voting for reconsideration.

record, legislative: The transcript of legislative actions and debates, prepared by the Secretary of the Senate and the Clerk of the House. Copies are available to legislators and the public.

redistricting: The decennial redrawing of legislative district lines following a census.

refer: The common expression for the committee recommendation to COMMIT a bill to another committee for further consideration. Sometimes informally called "re-refer."

reference: The procedure whereby bills are sent to committees for consideration.

referendum: Popular vote on proposals that may be initiated by the people (see "INITIATIVE" and "PEOPLE'S VETO") or by the Legislature. Referenda may be binding or advisory, statewide or restricted to a lower level of government.

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

- Ought to pass
- Ought to pass as amended by committee amendment

- Ought to pass in new draft
- Ought not to pass
- Referred to another committee
- Leave to withdraw

report, study: A report presented by a group directed to study or investigate a particular subject or problem; frequently includes proposals for legislation.

Reporter, (House or Senate): The employee in each chamber who transcribes all floor debate for insertion into the LEGISLATIVE RECORD.

re-refer: See "REFER."

repeal: To revoke or annul an existing law by statutory enactment.

resolution: An expression of the will of the Legislature that does not have the effect of law. The Legislature sometimes expresses its views on federal matters through a resolution directed to the U.S. Congress. Other examples include expressions to commemorate an event and expressions of regret due to the death of a prominent individual. A resolution is similar to an order, but generally is reserved for the most solemn occasions. A resolution should not be confused with a RESOLVE. (See "CONSTITUTIONAL RESOLUTION.")

resolve: See "LAW, RESOLVE."

revenue bond: A bond that is to be paid off by revenues produced by the facility it finances, e.g., user fees for a parking garage or room fees for a dormitory.

Revisor's report: An annual report of the Revisor of Statutes that makes technical cor-

rections (such as corrections of misspellings and typographical errors) that the Revisor has made to the statutory database pursuant to 1 MRSA chapter 4.

roll call vote: A vote in either chamber in which the result is a list of the members and the vote each one cast, also called a vote by YEAS AND NAYS. A roll call vote may be requested by any legislator, but must have the approval of one-fifth of the membership. In the Senate and the House, votes are registered electronically and exhibited on the large panels in each chamber. Compare DIVISION and UNANIMOUS CONSENT.

rules: In reference to legislative rules, "rules" may refer to the Joint Rules, the rules of either chamber, committee rules, *Mason's Manual of Legislative Procedure*, *Reed's Rules* or any other standard authority.

seat number: The number corresponding to the number of each representative's seat in the House. Seat numbers can be used as an address for interoffice mail. This number relates only to seating placement and not to district number. Seats are assigned by the Speaker, taking into consideration the seniority and physical needs of the members. (In the Senate, seats are assigned by the majority leader in consultation with the President based on seniority and are not designated by number.)

second reading: The reading of a measure, after which, if approved, it is passed to be ENGROSSED. (See "CONSENT CALENDAR.")

Secretary of the Senate: The chief administrative officer of the Senate, elected by the members of the Senate. The secretary is responsible for preparing the calendar, re-

ferring papers, taking votes, reading papers and other duties.

Senate: One of the two chambers of the Maine Legislature. The Senate is required under the Maine Constitution to consist of an odd number of members, from 31 to 35. Currently, it has 35 members who serve two-year terms.

senate rules: Rules governing procedure in the Senate, including provisions regarding the powers and duties of the Senate officers and floor procedure in the Senate. (See "HOUSE RULES" and "JOINT RULES.")

Sergeant-at-Arms: The officer in each chamber who is responsible for maintaining order in the chamber and who serves as escort to the committee named to deliver messages to the Governor or the other body. The Sergeant-at-Arms supervises the distribution of materials to legislators.

session: Period during which the Legislature assembles and carries out its business. The three basic types of sessions are Regular Session, Special Session and Special Confirmation Session (see next three definitions).

session, regular: A session of both chambers, during which the Legislature carries on its customary business. There are two regular sessions in each biennium. Statutory adjournment for the first regular session is the third Wednesday in June in odd-numbered years. For the second regular session, statutory adjournment is the third Wednesday in April in even-numbered years. The statutory adjournment dates may be extended by vote of the Legislature (3 MRSA §2). During the first regular session, a legislator may submit legis-

lation on any topic before cloture. In the second regular session, the Maine Constitution limits bills to budgetary matters, bills in the Governor's call, direct initiatives, legislation derived from committee studies during the interim and legislation of an emergency nature. The Legislative Council reviews each legislator's requests for legislation in the second regular session to determine whether it meets constitutional requirements.

session, special: A session of both chambers, called by the Governor or on the Legislature's own initiative, when the Legislature meets to carry on certain pressing business. In the event of a special session called by the President of the Senate and the Speaker of the House, the first order of business is ratification of the call by a majority of the members of each political party. Typically, the Legislature considers a limited number of proposals, and the session may last only a few days.

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

session laws: See "LAWS OF THE STATE OF MAINE."

sinking fund: A fund arising from particular taxes or other sources of revenue that is appropriated towards the payment of a government debt. Normally used in the issuance of revenue bonds or non-general obligation debt.

Speaker of the House: The presiding officer of the House of Representatives elected by the members of the House.

Speaker pro tempore: The temporary presiding officer of the House of Representatives, appointed by the Speaker of the House to preside in the Speaker's absence or whenever the Speaker leaves the podium for any reason.

sponsor: A legislator who proposes an L.D. or other measure to the Legislature.

statute: Acts of the Legislature. Statutes are distinguished from other bodies of law, such as constitutional provisions and common law developed by the courts. Statute may also refer to the bound codified laws of the *Maine Revised Statutes Annotated* (MRSA).

study: In the Legislative context, legislative "study" refers to interim work conducted by a group or committee of legislators (and, in some cases, other parties) to provide a more thorough knowledge of a subject than is usually possible during the regular session. Legislative studies may be authorized by the Legislative Council. Generally, studies result in a study report that often includes proposed legislation. (See "REPORT, STUDY.")

substitution of bill for report: Action whereby a chamber chooses to accept the original bill instead of any report of a committee modifying the bill.

summary: A brief description of the content of a measure appearing at the end of a legislative document or amendment. By Joint Rule, a summary is required to be prepared by the Revisor's Office. It is removed from the bill at engrossment and is not enacted as law.

suspension of rules: A parliamentary procedure that permits actions that would otherwise

be OUT OF ORDER. A two-thirds vote is required to suspend the rules.

table: To delay action. A measure may be tabled until later in the day, tabled until another certain date, or unassigned, i.e., tabled to an indefinite time. (See "APPROPRIATIONS TABLE.")

unanimous consent: The procedure by which action is taken without a vote, also referred to as an action "under the gavel," or "under the hammer." Distinguished from a DIVISION, or a ROLL CALL VOTE, each of which results in a vote count.

veto: Disapproval of an act, typically by the Governor. If the Governor vetoes an entire measure, a two-thirds vote of each chamber is required to override it (see Maine Constitution, Article IV, Part Third, Section 2). The Governor may reduce dollar amounts in legislation using a line-item veto. (See "PEOPLES' VETO" and "VETO, LINE ITEM.") There are certain circumstances under which the Governor can effectively veto a bill by not signing it (see "POCKET VETO"). (See also discussion under Governor's options on enacted bills in Part I of this handbook.)

veto, line item: A limited form of veto established in the Maine Constitution (Article IV, Part Third, Section 2-A) by which the Governor can reduce specific appropriations or allocations in legislation. Each change by the Governor becomes part of the enacted law unless the Legislature overrides the change by reaffirming each original allocation and appropriation. The reaffirmation requires a majority vote of all elected members in each house.

voice vote: A type of vote where the result is decided by the apparent number of voices calling "yea" versus "nay."

work session (working session, workshop): A meeting of a legislative committee to discuss committee business or to work on bills. COMMITTEE REPORTS are developed at work sessions.

yeas and nays: A ROLL CALL VOTE.