



## Alliance for Children's Care, Education and Supporting Services

Building Partnerships to Strengthen Maine's Families



In response to a couple of requests to clarify the whole budget and legislative process in Maine, we've put together this simple handout on:

### *The Legislative Process in Maine*

- Maine has a two chamber legislature (Maine State Senate, Maine State House of Reps.)
- The Maine Senate has 35 voting members.
- The Maine House has 151 voting members (along with Tribal Representatives who sit on committees and can enter into floor debates, but cannot vote.)
- All Maine Legislators (Senators and Representatives) are elected to 2 year terms, and all Legislators (Senators and Representatives) are elected on the same cycle (“even” years , i.e. last election in 2010, next election in 2012, then 2014) and every Legislator is “term limited” to 4 consecutive terms for any given seat.
- The Maine Legislature works on a two year cycle. In the first year of the cycle (first year of the legislator’s terms) legislators can introduce any bill they see fit. In the second year of the cycle, legislators can only introduce “Emergency Legislation” (although Legislative Leadership has a great deal of flexibility when defining what is and what is and what is not an “emergency.”)
- Most of the work of the Legislature is done by a committee structure.
  - There are 16 different Legislative Committees.
  - Most legislators will sit on only one committee at time.
  - Legislators are assigned to committees by Legislative Leadership.
  - Generally, committees are made up of 3 State Senators and 10 Representatives.
  - The committees are made up of members of both major political parties, with the same basic ratios as each house (if the Republicans are the majority party in the Senate, they will have a 2 of the three seats on each committee.)
  - Each Committee will elect two co-chairs (One Senator and One Representative)
  - Committee Chairs will also inevitably reflect the party affiliation of the majority of members (i.e. If there is a Republican Majority in the House, there will be a majority of Republican members on the Committee, and the Co-Chair from the House will be a Republican.)
  - Committee Chairs scheduled meetings, set agendas, facilitate meetings, set parameters for debate and have a significant influence on how the work of the committee is to be done.

Alliance for Children’s Care, Education and Supporting Services (ACCESS)

Visit us on the web at [www.mainechildcare.org](http://www.mainechildcare.org)

Contact us by emailing to “[info@mainechildcare.org](mailto:info@mainechildcare.org)”

- Legislators will introduce legislation each year by submitting a bill title to Legislative Leadership by a set calendar date. This “deadline” for introducing legislation is called “cloture” and is set prior to the beginning of the Legislative Session.
- Once legislation is introduced, Legislative Leadership will assign it to a “committee of jurisdiction.”
  - Committee Chairs will then schedule a “public hearing” to be introduced to the legislation by its sponsors and co-sponsors.
  - The public must also be given the opportunity to provide input into the legislation during this “Public Hearing.”
  - The committee will then schedule a “work session” to deal with this proposed legislation.
    - This “work session” can be scheduled on the same day as the public hearing, or it could be scheduled for weeks after the public hearing, at the discretion of the Committee Chairs.
    - These work sessions must be open to the public, however those members of the public who are in attendance can only participate in the discussion only in response to questions from the committee.
  - There are 4 potential outcomes for this proposed legislation in Committee:
    - The Committee can vote unanimously “ought not to pass”, which means that this bill is essentially dead for this legislative session.
    - The Committee may vote unanimously “ought to pass”, which means that the bill goes directly to the House and Senate for a vote. (If a bill passes out of committee with an “unanimous ought to pass” vote, it cannot be open for further debate on the floor of the House or Senate without a 2/3<sup>rd</sup> majority vote, so most bills that pass out of committee with a unanimous ought to pass become law.)
    - The Committee can have a split vote. If this happens, the bill will go to the House and Senate with a Majority and Minority Report. It is open for debate and amendment on the floors of each chamber, and will pass or fail based on those votes (although it is extremely rare for a majority to vote to kill a bill and have it survive on the floor.)
    - The Committee can “hold a bill over for further study.” If the bill is “held over” the committee can re-open this legislation at a point later in the current session, save it for the second year of the session, or send it on to the next legislature.
    - ***It should be noted that the legislature can also amend the bill as far as they want both in committee and on the floor of the House or Senate. While it is rare, there are cases when a committee has amended a bill to the point where it actually did the opposite of its original intent.***
  - If there is any cost to the State of Maine of the Legislation (either in expense, like expanding eligibility to MaineCare, or in lost revenues, like additional state tax breaks for investment) it will be assigned a “fiscal note.”

- Any bill with a fiscal note will also need to be passed by the Appropriations Committee, and to do so will require this cost to be incorporated into the overall State Budget.
- The Maine State Budget is also written for the two year legislative cycle.
  - The Governor creates the budget document, which acts as a “planning template” for the State Legislature.
  - The State Legislature is responsible for passing a budget, (a Governor cannot impose a state budget, he can only provide the plan.)
  - The state budget includes both income and expense decisions.
  - The State of Maine, by law, cannot run a deficit. It cannot borrow money to keep the government running, and it cannot pass a “deficit” budget.
  - If, once enacted, the Maine budget estimates projects a deficit, the Legislature must convene to pass a “supplemental budget” to address the problem.
  - The Governor does have the authority to enact certain curtailments on spending from some specific accounts (when these cuts do not violate some other State or Federal Legal mandates.)
- There is a provision in the Maine Constitution for a “Peoples Veto” of any legislation passed.
  - This requires a 4 part process:
    - Organizer must apply for a petition from the Maine Secretary of State (who will determine if the wording of the petition to recall the legislation violates any Maine or Federal law, and if the intent of the language is clear.)
    - Organizers must gather sufficient signatures from registered Maine Voters (a number equal to 10% of the number of people who voted in the most recent gubernatorial election) within the appropriate time frame (signatures must be gathered within a set number of days following the end of the legislative session.)
    - The Secretary of State must validate the signatures. If there are enough valid signatures, the issue will be placed on the ballot for the next available election cycle.
    - The initiative to recall the legislation (as worded on the original petition) then must garner a majority vote at the ballot box.