

MAINE STATE LEGISLATURE

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Protocols for Review of Legislative Study Proposals
130th Legislature
Legislative Council Meeting
April 20, 2022

Background: Requirements Relevant to Studies in the First Regular Session

Under the terms of the Joint Rules of the 130th Legislature, section 353, all joint orders and legislation proposing legislative studies regardless of funding source must be placed on a special study table. The Legislative Council must review proposed studies and establish priorities for allocation of budgetary and staffing resources.

For studies authorized by the Legislative Council, the Legislative Council must provide funds sufficient to enable the committee to reasonably conduct and complete the requirements of the studies.

Also under the Joint Rules, the Legislative Council must adopt a policy relating to preparing study legislation. On March 25, 2021, the Legislative Council unanimously adopted a policy on legislative studies for the 130th Legislature. Joint Rules and the related council policy specify the manner of appointment, selection of chair, compensation of members, report date and other relevants as part of study legislation. Copies of the Joint Rules and the adopted policy are in your notebook (see appendices).

Decision: Suggested Protocol for Authorizing Legislative Studies

- The Legislative Council will review study requests in LD order grouped by funding source.
- Voting will be by a roll call vote, and each Legislative Council member's vote on each bill will be recorded. The record of each vote will be made available for public inspection following the meeting.
- Discussion of the requests will be confined to council members. However, if committee chairs and other legislators are present in the meeting, Legislative Council members may ask questions of committee chairs and other legislators regarding the proposed study if needed.
- The Legislative Council shall specifically review those studies that do not conform to applicable standards and policies approved by the Council. The Council will include as part of its motion to authorize a study acceptance of any non-conforming elements of the study. Floor amendments to authorized studies making Council-authorized changes will be prepared in the name of the Senate Majority Leader, except for studies tabled in the House which will be in the name of the House Majority Leader.

Issues: Policy Issues Needing Decision

1. **Number of authorized meetings and meeting location-Recommendation:** Unless otherwise specified by the Legislative Council, the number of study meetings is not to exceed four (4) and meetings are to be held in the Augusta area.
2. **Studies conducted using non-General Fund sources-Recommendation:** When a study committee is required to be funded by outside funds, the study committee may not convene until sufficient funds are received to pay for the study.
3. **Interim committee meetings-Recommendation:** Unless authorized by law or joint order or approved jointly by the presiding officers, joint standing and joint select committees may not meet during the legislative interim. The number of authorized days may not exceed availability of budgeted funds. Committee clerks are not authorized to staff interim committee meetings or studies. Joint standing and joint select committees must complete all assigned work within their authorized meeting days.

Joint Rules, Rule 353. Legislative Studies.

To assist in the exercise of its duties, the Legislature may establish legislative study committees or may alternatively refer matters to joint standing committees or subcommittees of joint standing committees for study. This Joint Rule establishes standards that govern the drafting of legislative study instruments and the authorization of legislative studies. All legislative studies must be consistent with this Joint Rule and with Legislative Council policies adopted under this Joint Rule. Any bill, resolve or joint order proposing a legislative study that is inconsistent with this rule must be reviewed and approved by the Legislative Council.

1. Definitions. For the purposes of this Joint Rule, the following terms have the following meanings:

- A. The term 'legislative study' or 'legislative study committee' means any group of individuals established in an Act, Resolve or Joint Order or by the Legislative Council, except those exempted under policies adopted by the Legislative Council, whose duties include studying and reporting to the Legislature on any matter or advising the Legislature on any matter and that requires the use of legislative resources;
- B. The term 'legislative resources' means the expenditure of any funds appropriated or allocated to the Legislative Account, the appointment of one or more persons by the Legislature, the inclusion of one or more legislators as members of the legislative study committee or the use of Legislative Council staff; and
- C. The term 'non-legislative study' or 'non-legislative study group' means any group of individuals directed by legislation to report back to the Legislature on any issue but that is not otherwise a legislative study.

2. Establishing legislative studies. A legislative study may only be created by joint study order, unless the instrument directs an agency or a person who is not a legislator to take an action or has an existence that extends beyond the Legislature in which it is introduced. A joint standing committee may report out a joint study order requesting that a study be conducted.

3. Appointment of members. A majority of legislative study members must be legislators and the legislative study committee must be chaired by legislators appointed in a manner consistent with subsection 4. The legislative study committee must include members of the 2 parties holding the largest number of seats in the Legislature. All members of legislative study committees established by joint study order must be appointed by the presiding officers: Senate members by the President and House members by the Speaker. Members of a legislative study created by joint study order who are not legislators must be appointed either by the President or the Speaker. Legislative studies may include a minority of non-legislative members appointed by someone outside the Legislature. Joint appointment of members is not permitted.

4. Appointment of chairs. Legislative studies having more than 5 members must be cochaired by legislators. The first appointed Senate member must be the Senate chair and the first appointed House member must be the House chair. Legislative studies having 5 or fewer members must have a single legislative chair appointed by the presiding officer of the body of the originating study order or legislation. The chair of a legislative study having 5 or fewer

Summary of Fiscal Impact of Studies to be Funded from the General Fund Miscellaneous Studies Account

	2022	2023	2024 Est.	Leg	Mtngs
Miscellaneous Studies Budget	\$ 10,000	\$ 10,000	\$ 10,000		
Expended as of April 1, 2022	\$ (4,483)				
LD 1995 (Part A, Sec. A-24) GF Misc. Studies Appropriation		\$ 4,500	\$ 4,500		
Available Unobligated Balance - Prior Year	\$ 31,260				
Available Balance - General Fund Miscellaneous Studies Budget	\$ 36,777	\$ 14,500	\$ 14,500		

Previously Authorized Studies

			2022	2023	2024 Est.	Leg	Mtngs
Res. Chap. 126 LD 842	An Act to Create a Commission to Examine the Reinstatement of Parole	Commission to Examine the Reinstatement of Parole	\$ -	\$ 2,750		5	4
LD 1995	2022-2023 Supplemental Budget	Advisory Committee on the Fund To Address PFAS Contamination		\$ 4,500	\$ 4,500	4	9
Total - Previously Authorized Studies				\$ 7,250	\$ -		
II. Available Balance - General Fund Miscellaneous Studies Budget			\$ 36,777	\$ 7,250	\$ 14,500		

To be funded from the General Fund Miscellaneous Studies account.

			2022	2023	2024 Est.	Leg	Mtngs
ST	JSO HP 1521	Task Force on Early Childhood in Maine	\$ 2,000	\$ 2,250		8	2 & 2
ST	LD 629	Resolve, To Establish the Task Force To Study the Process for Bringing Criminal Cases in Situations of Violence Against Health Care Workers	\$ 2,250			4	4
SAT	LD 966	Commission To Study Fair, Equitable and Competitive Tax Policy To Enable the Implementation of the State's 10-year Economic Development Strategy	\$ 3,125	\$ 3,125		6	4 & 4
ST	LD 1073	Resolve, Establishing the Commission To Research Effective Strategies and Efficiencies of Legislatures	\$ 4,750			9	10
ST	LD 1447	Resolve, To Study Training in Racial Issues, Racial Justice and Social Issues at the Maine Criminal Justice Academy and To Establish Additional Requirements for Law Enforcement Officers and Candidates		\$ 3,750		7	4
SAT	LD 1569	Resolve, Establishing the Commission to Study the Role of Water as a Resource in the State of Maine	\$ 2,250			4	4

			2022	2023	2024 Est.	Leg	Mtngs	
ST	LD 1818	Resolve, To Reestablish and Continue the Work of the Criminal Records Review Committee		\$ 3,250		5	6	
ST	LD 1824	Resolve, To Establish the Commission to Develop a Pilot Program to Provide Legal Representation to Families in the Child Protection System	\$ 1,250	\$ 1,500		5	2 & 2	
ST	LD 1941	Resolve, Establishing a Working Group to Review and Recommend Improvements to the Seed Capital Investment Tax Credit		\$ 4,750		9	4	
	LD 1945	Resolve, To Establish the Special Committee to Protect Biometric Identifiers	STATUS HAS CHANGED					
ST	LD 1946	Resolve, Establishing the Committee to Ensure Constitutionally Adequate Contact with Counsel	\$ 1,250	\$ 1,500		5	2 & 2	
SAT	LD 1950	An Act To Implement the Recommendations of the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch	Commission to Evaluate the Incorporation of the Probate Court into the Judicial Branch			5	2 & 4 FY27 \$1,250 FY28 \$2,500	
ST	LD 1988	An Act To Establish That the Provision of Emergency Medical Services by an Ambulance Service Is an Essential Service and To Establish the Blue Ribbon Commission To Study Emergency Medical Services in the State	\$ 2,250	\$ 2,500		6	3 & 3	
ST	LD 2008	Resolve, To Establish the Committee to Study Court-ordered Treatment for Substance Use Disorder	\$ 1,500	\$ 1,750		6	2 & 2	
SAT	LD 2009	An Act To Implement the Recommendations of the Working Group To Review the Process for Ongoing Review of Tax Expenditures by the Legislature	Full Evaluation Review Task Force	\$ 3,250		6	4	

Total - General Fund Miscellaneous Studies \$ 20,625 \$ 31,375 \$ -

Balance / (Shortfall) General Fund Miscellaneous Studies Account \$ 16,152 \$ (20,375) \$ 14,500

Cumulative Balance \$ 16,152 \$ (4,223)

Summary of Fiscal Impact of Studies to be Funded from the General Fund or from Outside Funding Resources

Requiring a General Fund Appropriation

				2022	2023	2024 Est.	Leg	Mtngs
SAT	LD 966	Commission To Study Fair, Equitable and Competitive Tax Policy To Enable the Implementation of the State’s 10-year Economic Development Strategy	One-time appropriation for the costs of securing outside part-time staffing or outside data analyses to support the work of the commission.	\$ 20,000				
SAT	LD 1303	An Act to Ensure Judicial Discretion in Sentencing	One-time appropriation to contract with outside entity to review the Maine Revised Statutes and compile all provisions that require the court to impose a mandatory term of imprisonment.	\$ 11,400				
SAT	LD 1569	Resolve, Establishing the Commission to Study the Role of Water as a Resource in the State of Maine	One-time appropriation for the costs of securing outside part-time staffing or outside data analyses to support the work of the commission.	\$ 20,000				
Total - Studies Requiring a General Fund Appropriation				\$ 51,400	\$ -	\$ -		

To be Funded from Outside Funding Resources

				2022	2023	2024 Est.	Leg	Mtngs
ST	LD 680	Resolve, To Reestablish the Task Force To Study the Creation of a Comprehensive Career and Technical Education System		\$ 1,000	\$ 1,250		4	2 & 2
ST	LD 1005	Resolve, Establishing the Commission To Study Strategies To Assist Working-class Families in Building Wealth and Achieving Upward Mobility		\$ 3,750			7	4
ST	LD 1240	Resolve, To Establish a Commission to Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-Term Rentals			\$ 2,250		4	4
ST	LD 1246	Resolve, To Study Best Practices and Different Area Needs for Development of Affordable Homes and Expanding Home Ownership in Maine Communities		\$ 50,000			7	4
ST	LD 1771	Resolve, To Establish the Advisory Panel To Better Understand and Make Recommendations Regarding the Implications of Genome-editing Technology for the Citizens of the State			\$ 4,750	\$ 4,750	9	4 & 4

To be Funded from Outside Funding Resources

				2022	2023	2024 Est.	Leg	Mtngs
ST	LD 1952	Resolve, To Extend the Commission to Develop a Paid Family and Medical Leave Benefits Program	Resolve 2021, chapter 122 balances available: \$199,685 less any amount to be paid to outside entity conducting an actuarial study	\$ 1,000	\$ 2,250		4	2 & 4
ST	LD 1997	Resolve, To Implement Certain Recommendations of the Committee To Study the Feasibility of Creating Basic Income Security	PL 2021, chapter 405 balance available: \$25,340.70		\$ 3,000	\$ 3,250	6	4 & 4
Total - Proposed Studies Requiring Outside Funding				\$ 55,750	\$ 13,500	\$ 8,000		

SAT	LD 898	An Act to Create the Essential Support Workforce Advisory Committee	Essential Support Workforce Advisory Committee					Legislators not entitled to per diem or expenses
	LD 1995	2022-2023 Supplemental Budget	Commission To Develop a Paid Family and Medical Leave Benefits Program		\$ 300,000			One-time transfer from GF Unapprop. Surplus