

MAINE STATE LEGISLATURE

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THE LEGISLATIVE PROCESS IN MAINE

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THE LEGISLATIVE PROCESS IN MAINE

PART ONE: THE PARTICIPANTS

Since 1820, when Maine became a state, the Legislature has been the central institution of Maine's government. More than any other branch of that government, the Legislature represents the people in state affairs. In fact, except for the Governor, the 184 legislators in the Legislature are the only state government officials elected by Maine voters.

Those legislators have the major responsibility for deciding what the laws of the State will be. Each year, they consider hundreds of bills, and the bills they pass become laws subject to action by the Governor. The purpose of this two-part program is to explain how a bill makes its way through the legislative process to become a state law. We will begin in Part One by discussing who the participants in that process are and how the Legislature is organized.

Like those of most states, Maine's legislature is bicameral. This means it has two legislative bodies: a House of Representatives, made up of 151 members called Representatives, and a Senate composed of 33 Senators. The House and Senate meet in separate chambers of the State House in Augusta, an impressive classical-revival style building of Maine granite, originally designed by Charles Bulfinch, architect of the National Capitol in Washington, D.C.

Maine has long prided itself on having a "citizen legislature," with an unusually high percentage of women members. Most Maine legislators are not career politicians: rather, they are

men and women from all walks of life—farmers, homemakers, retirees, lawyers, teachers and business people.

Senators and Representatives are elected for two-year terms by the voters living in their legislative districts. Representing the needs of the people living in their districts is one of their most important responsibilities. But legislators also have a responsibility to consider the broader view since, through the creation of new laws, they are making policies that affect citizens in every part of the state.

Being an effective legislator requires the use of many skills. For example, to influence the complex process of lawmaking, legislators must understand the complicated rules of order governing debates and votes on bills, the role of legislative committees, and the ways in which staff and other resources can be used.

SESSIONS

Legislators learn and employ their lawmaking skills primarily during legislative sessions, when all members of the House and Senate meet to consider legislation.

As required by the State's Constitution, the Legislature meets for two regular sessions during a 2-year period called a biennium. The First Regular Session convenes in December following the most recent general election, and lasts for 100 legislative days, meaning days during which the Legislature actually meets to take action on bills. Thus, when weekends and periodic recesses are added, the calendar length of the First Regular Session can be as much as six months. The Second Regular Session begins the following January, and lasts for 50

legislative days.

In addition, special sessions may be held to deal with pressing state budget matters and other significant legislative issues. Special sessions are called by the Governor and usually last a few days.

PRESIDENT AND SPEAKER

The most influential members of Maine's Legislature are the presiding officers of the two chambers: the President of the Senate and the Speaker of the House.

They have the authority to appoint legislators to Committees and Committee chairmanships, and to select a number of other officers of the House and Senate including the Sergeants-at-Arms, the Doorkeepers and Pages.

The President and Speaker are selected by the majority political party of their respective bodies, and are closely involved in developing party policy and legislation. They preside over and control the course of all floor proceedings, including debates, votes and questions of order. In addition, the President and Speaker must sign all bills and resolves passed to be enacted by the Senate and the House.

LEGISLATIVE COUNCIL

Eight other legislative officers also have highly influential powers and duties. These officers are the Majority and Minority Floor Leaders and the Assistant Majority and Minority Floor Leaders of the House and Senate. The majority party has more than half the members of a chamber; the minority party, less than half. The majority floor leaders manage and

coordinate partisan actions taken on bills by legislators of their party. The minority floor leaders perform the same roles for their party. The majority and minority parties are not necessarily the same in both chambers. For example, during the 1980 to 1982 biennium, Democrats were the majority party in the House. Thus, Democrats served as Speaker of the House, Majority Floor Leader and Assistant Majority Floor Leader. On the other hand, Republicans were in the Majority in the Senate, therefore the Senate President and Senate Majority Floor Leader and Assistant Majority Floor Leader were Republicans.

Along with the Speaker of the House and President of the Senate, the floor leaders form the Legislative Council.

The Legislative Council, which meets frequently during each session and monthly during interim periods, provides year-round administrative direction for the legislative branch of government. In this role, the Council has a variety of powers, including: authorizing the spending of legislative operating funds; establishing policy guidelines for the employment duties of the legislative staff; coordinating intergovernmental relations; and selecting topics for special legislative studies. In the 2nd Regular Session of the biennium, when only certain types of bills may be introduced, the Legislative Council decides which bills meet the criteria for introduction.

CLERK AND SECRETARY

Two important legislative officers who are not legislators are the Clerk of the House and the Secretary of the Senate. Elected by the Legislature at the beginning of the biennium, these officers perform many essential services for the Maine

Legislature.

The Clerk manages and has charge of all documents of the House, and formally records actions taken on legislation. When members of the House convene, the Clerk stands before the rostrum at the front of the chamber and provides assistance to the Speaker as he presides over the session. The Clerk reads each bill and document under consideration, announces scheduled activities and confers with the Speaker on appropriate legislative procedures when questions arise. The Secretary of the Senate carries out similar duties in that chamber.

In addition, the Clerk and Secretary are responsible for publishing the daily calendars that announce Committee reports and identify the legislative action in each house.

COMMITTEES

Though the entire Legislature eventually takes action on all proposed legislation, no single legislator could possibly become thoroughly knowledgeable about each of the hundreds of bills and issues that must be considered. As a result, the Legislature is organized into several Joint Standing Committees. Those Committees perform much of the key legislative work done on bills, including holding public hearings to determine the attitudes that constituents, state agencies and lobbyists have toward proposed legislation. They also conduct background research on relevant issues, draft amendments to change the contents of bills, and make formal recommendations to the Legislature as a whole on which bills should be passed or rejected.

Currently, there are 18 Joint Standing Committees. The names of the Committees provide a general idea of the subject areas they usually work on. For example, the Agriculture Committee normally does most of the initial legislative work on bills related to farming or other aspects of Maine's agricultural industry and the Fisheries and Wildlife Committee reviews most bills pertaining to hunting, sport fishing and wildlife management. One of the most influential Committees is Appropriations and Financial Affairs, which ultimately reviews all bills involving the use of state funds.

Committees are normally composed of 3 Senators, appointed by the President of the Senate, and 10 Representatives, appointed by the Speaker of the House. The number of Republicans and Democrats on Committees tends to reflect the political balance of that Legislature. Assignment of individual legislators to Committees by the Speaker and the President depends on a number of factors, including personal interest in and knowledge of a particular subject, seniority, party affiliation and the desire of legislative leaders to have an effective working relationship with key Committees. Committee assignments are revised at the beginning of each legislative biennium, though long-term legislators frequently serve on the same one or two Committees for many years.

The work of each Committee is directed by its Senate chairman and House chairman. Due to the important role of Committees, the Committee chairmen have considerable influence on legislative decisions to pass or reject bills.

In addition to Standing Committees, the Maine Legislature

often creates temporary Joint Select Committees and Commissions to study or develop legislation on particularly complex issues. For example, during 1981, the Joint Select Committee on Decommissioning of Nuclear Generating Facilities was established to study and make recommendations on legislation needed to fund the eventual dismantling of the Maine Yankee Nuclear Power Plant. Unlike Standing Committees, Joint Select Committees may include interested citizens, relevant experts and lobbyists, as well as legislators.

CAUCUSES

Caucuses are another influential part of the Legislature. There are both House and Senate Democratic and Republican caucuses, composed of legislators in these political parties.

Caucuses inform legislators about party positions on proposed legislation. This is their most significant function with respect to legislation and during the session, caucuses meet as often as two or three times a week to discuss pending bills.

Caucuses also nominate candidates for Speaker of the House, President of the Senate, and the Floor Leaders, who coordinate party affairs during the session. Though formal voting by the entire legislative body is required to elect the President and Speaker, the nominees of the majority party caucus are usually elected.

In addition, as authorized by the Maine Constitution, party caucuses nominate four important non-legislative state officials, who must then be approved by majority vote of the Legislature. These are the Secretary of State, the Attorney General, the State

Treasurer, and the State Auditor.

STAFF

To help legislators perform their duties more effectively, Maine's Legislature maintains a variety of staff services.

Under the direction of the Legislative Council, the Office of the Legislative Administrative Director coordinates and oversees the activities of the principal legislative staff agencies. In addition, the Administrative Director is responsible for implementing policy decisions of the Council, serves as executive officer of the Legislature when it is not in session, and has custody of all legislative property. The office is responsible for managing most of the day-to-day financial affairs of the Legislature, such as payment of salaries and expenses to legislators and the purchasing of needed supplies or services.

The lawyers and technical staff of the Office of Legislative Research provide two major services: bill drafting and the revision of Maine's statutes to incorporate new laws.

The initial writing of bills and amendments may be performed by legislators, executive branch agencies, constituents, lobbyists and a variety of other parties. The Office of Legislative Research and other legislative staff agencies will also do this initial writing upon request of a legislator, if provided the necessary facts. However, all drafts of bills and amendments are reviewed and arranged into their proper and legal form by the Research Office before introduction.

The other major service of this office is to incorporate new laws into the formal comprehensive record of all Maine laws.

After each legislative session, the Legislative Research staff inserts newly-adopted laws into their appropriate place in the statutes, which are organized into Titles and Sections roughly based on major subject areas.

The accountants and budget analysts in the Legislative Finance Office provide a number of services to legislators.

Most importantly, the Finance Office staff provides fiscal research services and advice to the Appropriations Committee, the Audit and Program Review Committee and to individual legislators concerning pending bills involving state revenues and allocations of State funds. Each year, as part of these services, the Finance Office compiles the details of the State budget into a publication called the Biennial Compendium of State Financial Information.

The Law Librarian maintains an extensive collection of materials on the law and the legislative process in the Law and Legislative Reference Library. These materials and the Library staff's varied research services are designed to meet many of the special law-related information needs of Maine's legislators as well as those of judges, lawyers, state officials and the general public.

The collection in the Law Library includes copies of recent and historic legislative documents of Maine, a wide selection of books, periodicals and files about state governments and laws, Federal rules and laws, and opinions of the Federal and State judiciary.

The staff of the Office of Legislative Assistants, one of

the newest legislative agencies, is composed of lawyers and other professionals with specialized backgrounds in various disciplines. They provide assistance to individual legislators upon request, and at least one Legislative Assistant is assigned to each Joint Standing Committee, except Appropriations, which is staffed by the Finance Office. Their most basic role is to provide background research and analysis of pending bills, and to draft bills and amendments. The Office also offers educational workshops for legislators on current state policy issues and provides staff support for interim studies and other work assigned to legislative Committees and Commissions.

The major role of the Legislative Information Office is to help legislators, other legislative staff members, and the public keep track of the progress of the hundreds of bills considered during each legislative session.

The Information Office compiles and continually updates all basic information about the status of each pending bill, including the date of the public hearing, Committee action, amendments, and the results of votes in the House and Senate. This information is stored on a computer system and can be reviewed on printouts or on computer terminals in the Legislative Information Office, and other locations in the State House.

The Legislative Information Office also provides biographical information about each legislator to help the public learn more about their Representatives and Senators.

Each Joint Standing Committee in the Maine Legislature has a Committee Clerk, selected by the Committee chairmen.

The clerks' responsibilities include making arrangements and

preparing public notices for hearings and meetings of the Committee, and keeping a written record of persons appearing before the Committee at public hearings. The clerks are custodians of the legislative documents referred to Committees, and recorders of all Committee decisions on bills, and on gubernatorial nominees. Frequently, clerks are the link between the Committee and members of the public who want information on the Committee's activities.

The Speaker of the House, the President of the Senate, and the Majority and Minority Floor Leaders of the political parties in each house employ partisan administrative aides. The wide variety of tasks these aides perform for them and for members of their caucus include providing information on legislation and gubernatorial nominees, writing speeches and press releases, responding to constituent requests, following the course of legislation, and in some instances acting as liaison with the Governor.

OTHER PARTICIPANTS

In addition to legislators and their staff, there are a number of other notable participants in Maine's legislative process: most significantly, the Governor; state agencies in the executive branch; the judiciary; lobbyists; special interest groups; and members of the public.

The Governor decides either to enact or veto bills passed by the Legislature. In addition, the Governor's Office and the executive agencies under his control introduce a significant percentage of the bills considered in every legislative session

and work to influence legislators' votes and public opinion.

Professional lobbyists and other representatives of industries, businesses, private organizations and special interest groups also have a large role in the development and fate of legislation in Maine. This role involves requesting legislators to introduce bills to further the interests of the groups they represent, testifying at public hearings, and talking informally to legislators to influence their votes or work out compromises.

Though Maine's Judiciary is not usually an active participant in the creation of legislation, it does play a significant role when legal questions arise about the intent, interpretation and constitutionality of laws.

The public—which elects the Legislature—also has the right to become involved in the legislative process. Any citizen can exercise this right by telling legislators about their needs, interests and views, and by testifying on bills at public hearings.

The actions of each of these various participants in the legislative process—legislators, the legislative staff, the executive branch, the judiciary, lobbyists and the public—are the major influences on the decisions made by the Maine Legislature. They determine which bills will be introduced, which will fail, and which will be passed.

In the second part of this presentation we will explore the mechanics of the legislative process and the roles of the participants in more detail as we discuss the various steps by which a bill becomes a State law.

PART TWO:
FROM AN IDEA TO A LAW

Each year, Maine's legislators consider hundreds of ideas for new state laws.

The process by which an idea becomes a law is a complicated one, involving many steps. This helps to prevent hasty or uninformed decisions on matters that can affect the lives of every Maine citizen. And, although that process may seem confusing at first, its steps are clearly defined by rules and procedures that apply to every bill.

This section provides a basic introduction to the legislative process in Maine by describing how an idea becomes a bill and a bill becomes a law.

BILL DRAFTING AND INTRODUCTION

Ideas for bills come from many different sources: legislators, Committees, lobbyists, public interest groups, the Governor, state agencies and individual citizens. However, only legislators, Commissions and the Joint Select and Standing Committees may introduce bills for formal consideration by the Maine Legislature.

Thus, in addition to introducing legislation they have developed, legislators also act as sponsors for bills proposed by other people or groups. Usually, legislators support bills they sponsor. They also introduce bills by request, as a service to their constituents, even though they do not agree with the intent of the measures and do not plan to support them.

Many bills have more than one sponsor. Co-sponsoring—especially when it involves both Senators and Representatives or members of both political parties—often makes a bill's chances of passage more promising.

Initial versions of bills may be prepared by legislators, the persons or groups they are sponsoring the measures for, or by legislative staff and executive agencies. Before formal introduction, however, the Director of Legislative Research must review all proposed bills and arrange those initial versions into their proper and legal form. Cloture dates, which are deadlines for submission of bills to the Research Office, are set by Joint Legislative Rules.

After review by the Research Office, a bill is then returned to the sponsoring legislator, who must sign it. It is formally accepted by the Secretary of the Senate or Clerk of the House, depending on whether the presenter or prime sponsor is a Senator or Representative. The Secretary and Clerk, together with the President of the Senate and Speaker of the House, discuss the suggested Committee of reference, assign the bill a Senate or House Paper number, and place it on the next day's calendar for consideration in that legislative body. When these officers disagree on the suggested reference, the bill appears on each calendar with that notation.

REFERENCE TO COMMITTEE

The suggested reference is made to the Committee that seems most appropriate based on the bill's subject matter. For example, most bills that deal with farming are reviewed by the Agriculture Committee. However, a bill making tax changes for

farmers could be referred to either the Agriculture Committee or the Taxation Committee.

The House or Senate then votes on the suggested Committee reference. These are the first floor votes taken on a bill. When either body approves the reference, they order the bill printed, at which time a second number, called a Legislative Document or L.D. number, is assigned. Commonly, this is the number by which bills are identified and referred to throughout the rest of the session.

In most cases, approval of the suggested Committee reference is a matter of form. Occasionally, the reference is debated and the House and Senate may vote against the suggested reference and refer the bill to a different Committee. If the House and Senate cannot agree on which Committee will hear the bill, that piece of legislation can go no further in the process.

FORM OF A BILL

Every bill has certain basic components, in addition to the House or Senate and L.D. numbers. These 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 text and the statement of fact.

In the text, existing statutory language to be repealed is crossed out and new language is underlined. When a bill repeals or replaces existing law, or creates an entirely new law, all of the text is underlined.

The bill may also have an appropriations section, stating the revenues that would be expended or gained as a result of the bill's passage.

Following the text of the bill is the statement of fact, a plain English explanation of the purpose of the bill.

PUBLIC HEARING

Once a bill has been printed, it is distributed to members of the Legislature, and is available to the public through the Legislative Document Office. The next step is a public hearing, usually held within the State House or the State Office Building.

The House and Senate chairmen of each Committee set the date and place for public hearings. Notices are placed in advance in Maine's major newspapers and in the weekly legislative hearing schedules available at the State House.

A public hearing, presided over by a Committee chairman, allows citizens, state officials and lobbyists to tell legislators their views on a bill.

Customarily, the bill's sponsor testifies first, followed by any co-sponsors and other proponents. Opponents testify next, and finally, those persons who would like to comment on the bill but not as an opponent or proponent. As they come to the podium speakers are asked to identify themselves and what group, business or agency they may represent.

As a general rule, the most persuasive testimony given at public hearings is brief, to the point, easy to understand and supported by evidence. The effectiveness of a testimony can also be improved when copies of the speaker's comments and background information are provided. At the conclusion of a person's testi-

mony, Committee members may ask questions. When testimony is completed and legislators have no further questions, the public hearing on a bill is formally ended with a bang of the chairman's gavel.

The Committee's formal action on a bill comes later at what is called a work session.

WORK SESSIONS

Work sessions are not intended to be another public hearing, though they are open to the public. The basic purpose of work sessions is to allow Committee members to discuss bills thoroughly, draft amendments or review amendments proposed by others, and vote on their final recommendations to the Legislature.

Amendments are suggested changes to the bill, which may clarify, restrict, expand or correct it. Extensive revision of the bill usually takes the form of a new draft, rather than that of an amendment, and is printed as an L.D. with a new number.

During work sessions, at the invitation of the Committee, lobbyists and others may talk with Committee members about bills being considered, suggest compromises or amendments, and answer questions. The Committee may also ask legislative staff members to research and explain certain details of the bill.

COMMITTEE REPORTS

The Committee's decisions on amendments and bills are expressed by votes during work sessions; their final action is called a Committee report. The report a bill receives is often the most important influence on its passage or defeat. Several

types of unanimous and divided reports on a bill are possible.

A unanimous report means all Committee members agree. Possible unanimous Committee reports are: ought to pass, ought to pass as amended, ought to pass in new draft, ought not to pass and leave to withdraw.

A unanimous ought not to pass report means that all Committee members are against passage of the bill. On a bill that receives this report, no further action is taken by the Legislature unless 2/3 of the members in the House and 2/3 of the members in the Senate vote in favor of reconsideration. If they do, the bill is reconsidered for enactment.

A unanimous leave to withdraw report is an alternative to a unanimous ought not to pass report, which permits the sponsor to withdraw a bill from consideration. As with the unanimous ought not to pass report the bill is placed in the legislative files without further action.

If Committee members disagree about a bill, they may issue a divided report, which includes a majority and one or more minority reports on the bill. A simple example is a majority ought to pass report, and a minority ought not to pass. Another possibility is a majority ought not to pass report, with two minority reports, one ought to pass and one ought to pass as amended.

Prior to reporting out bills, the Committee must check whether any changes they have made will increase or decrease state revenues. If there will be a fiscal impact, the information is developed by the Legislative Finance Officer in consulta

tion with the necessary executive agencies, and a fiscal note is added by Committee amendment. Any necessary appropriation is also added by Committee amendment.

FLOOR ACTION: FIRST READING

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

Once a bill is reported by a Committee, it is returned to the house in which it originated. If there is a new draft, it is first prepared by the Legislative Research Director for printing. Then the Clerk or the Secretary arranges for the report and title of the bill to be placed on the next day's calendar. The first time the bill, as reported by the Committee, is placed on the calendar, it receives its first reading by the Clerk or Secretary. Since legislators have copies of the printed bills, a motion is usually made to dispense with a complete reading. After first reading, the bill is placed on the calendar for its second reading on the next legislative day, if there is no objection.

However, 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 day or some other time. A legislator who strongly opposes a bill may make a motion for "indefinite postponement." If the indefinite postponement is approved, the bill is defeated. Either of these motions must be approved by majority vote.

DEBATE AND ENGROSSMENT

After a bill has had its first and second reading, it may be debated. The debate may appear uncontrolled to those looking on, but frequently a debating sequence has been arranged. Usually, the chairman of the Committee to which the bill was referred speaks first in favor of the bill, or to answer questions, followed by other Committee members who signed the majority report and the sponsor.

During floor procedures, members communicate with each other by sending messages delivered by the pages, or moving to the back of the chamber to discuss strategy. Members indicate to the Speaker or President that they wish to speak by raising their microphone and rising at their place; the presiding officer decides whom to recognize, and keeps track of how many times a legislator has spoken on a particular issue—there are rules for this too, and it makes a difference whether a person spoke on the main motion, or on a subordinate one.

The Maine Legislature is one of the few which records and transcribes all the remarks which are made on the record. Therefore, a complete account of all the arguments made on bills is available in the Legislative Record, though this is usually not printed and indexed until after the end of each session.

At any point, a legislator or the presiding officer may call for a vote on the current motion or bill. If a majority approves that motion, a vote is taken. It 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 names of the voters and their votes are recorded. Any member may request a roll call, which requires the support of 1/5 of the members present. A roll call vote is signalled by the ringing of bells and members are given a few minutes to return to their seats. In the House, members vote in a division or roll call by pushing a button at their desks; the results are displayed on two large boards on the front walls. In the Senate, members rise to be counted for a division; when there is a roll call, the Secretary reads the names of the Senators in alphabetical order, and each Senator answers either "Yes" or "No."

There is a major exception to the rules requiring first and second readings. If the bill has received a unanimous ought to pass committee report, the House of Representatives uses the "Consent Calendar," which allows the bills with that report to be listed and to be engrossed for passage after they have appeared there for 2 legislative days. However, on the objection of any member, a bill can be removed from the Consent Calendar and debated. Bills which would cause a gain or loss of public revenues cannot be placed on the Consent Calendar. There is no Consent Calendar in the Senate.

Amendments to a Committee's action may be offered by House and Senate members after second reading. These amendments must be accepted by the Clerk or the Secretary, printed, and distributed to the members. Sometimes amendments are designed to take care of objections raised during debates; sometimes they are

offered in the hope of changing the bill in ways that make passage difficult. Amendments offered by a member of the Committee which heard the bill, or by a member who has expertise in the area, are usually carefully considered. If an amendment affects the appropriation in any way, then it must also include an amended appropriation.

After the debating and amending process are completed, a vote is taken in both houses to pass the measure to be engrossed. "Engrossing" means printing the bill and all accompanying amendments in final form for enactment. Bills passed to be engrossed are reviewed by the Engrossing Division of the Secretary of State's Office to ensure there are no errors in the engrossed copy.

APPROPRIATIONS BILLS .

Bills which would require the expenditure of state funds are called appropriations bills, and fall into a special category. Once appropriations bills have been considered for enactment in the House and have been passed to be engrossed in the Senate, they are customarily assigned to the Appropriations Table. Those bills are held in the Senate for consideration by the Appropriations Committee, the Speaker, the President and the other legislative leaders, and listed on the Senate Calendar. There is also a special Highway Allocation Act, which is held in similar fashion. At this stage, Committee chairmen and other legislators inform the Appropriations Committee and members of leadership of their priorities among those bills which have been placed on the appropriations table.

Late in the session, when it is known how much money has been requested for all proposed bills, motions are made by the Senators on the Appropriations Committee to remove bills from the appropriations table and to enact or indefinitely postpone them. Any of these bills which failed of enactment in the House but are passed for enactment in the Senate are returned to the House for their concurrence, meaning their agreement with the Senate's action, or their non-concurrence or disagreement.

ENACTMENT

After being engrossed, all bills, including appropriations bills, must be considered for enactment in each house. At this stage, there is still debate, and further parliamentary maneuvers are possible. The necessary vote for enactment is usually a simple majority one, but emergency bills, referenda for bond issues and constitutional amendments require a 2/3 vote. When a bill is enacted by both the House and Senate, it is sent to the Governor. If it fails enactment in both houses, it goes no further in the process. If the House and Senate disagree on enactment, additional votes may be taken. These give each house opportunity to recede and concur or agree with the other house or to adhere to their original vote. If the disagreement cannot be resolved, the bill is said to have failed of enactment between the houses.

The stages we have discussed are a basic outline of the legislative process through enactment. There are many other possible procedures which may delay, expedite or defeat a bill.

For example, the House and the Senate may develop and pass different versions of the same bill. When this happens, a

special Conference Committee named by the President and Speaker attempts to arrange a compromise. A report from a Conference Committee is usually accepted by both the House and Senate, but if it is not, the bill is defeated unless a new Conference Committee is appointed and successfully resolves the disagreement. In addition, bills that had previously failed to pass may be reconsidered if the appropriate motions are approved by a 2/3 majority. And, at any time, legislators may vote to suspend the rules to allow particular actions that would not ordinarily be permitted.

GOVERNOR'S OPTIONS

After a bill has been enacted by the Legislature, it is sent to the Governor, who has 10 days (not counting Sundays) to take one of several options. He can sign the bill, veto it, or allow it to become law without his signature.

If he signs it, the bill becomes law 90 days after the adjournment of that legislative session—unless it is an emergency measure, in which case it takes effect immediately upon his signature. If he vetoes the bill, it is returned to the Legislature, where a 2/3 vote of both the House and the Senate is required to override. The Governor's veto message may include comments on particular aspects of the bill and his reasons for rejecting it, possibly raising new issues for legislators to debate. If the Legislature overrides the Governor's veto, the bill becomes law without his approval.

If the Governor does not support a bill, but does not wish to veto it, he may let it become law without his signature, by

choosing not to sign it within the specified period.

A complicated situation occurs when the Legislature adjourns before the 10-day time limit has expired. In such a case, a bill on which the Governor has not acted prior to the adjournment of the session becomes law unless he returns it within 3 days of the convening of that Legislature. If there is not another meeting of that particular Legislature, the bill does not become law.

Once a bill becomes a law, it is sent to the Secretary of State, who gives it a chapter number. This is a consecutive numbering, starting with the bills in the First Regular Session, and continuing through all sessions of that Legislature. Thus, a bill which passed in the Second Session of the 110th Legislature, which began in 1981, is designated a chapter of the Public Laws of 1981, even though it was passed in 1982.

At the end of biennium all laws, resolutions, resolves and constitutional amendments passed that Legislature are bound. These bound volumes are available in the law libraries in each county, and in most public libraries; copies of each individual measure are available from the Secretary of State.

FURTHER ACTION

After a bill becomes a law, it may be affected by subsequent referenda, regulatory interpretations, and court action.

If the Legislature passes a proposed Constitutional Amendment, it must then be submitted to the people for a referendum at the next general or municipal election. Constitutional amendments do not require approval by the Governor, but must be approved by a majority of the voters.

A referendum can result from a successful initiative peti-

tion either to enact or repeal a law. After the Secretary of State verifies the names on the petitions, the measures must be submitted to the Legislature, which may pass that law, or return the initiated measure for referendum vote. In addition, the Legislature may also enact an alternative version, in which case both versions are returned for a referendum vote. The Constitution requires that referenda be held for all bond issues.

Many laws authorize state agencies to adopt rules and regulations to implement laws. These rules must be adopted in accordance with the Maine Administrative Procedure Act (the APA). Among many other provisions, this law includes a requirement for public notice of rulemaking. Once properly adopted, rules have the effect of law.

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. Of course the courts also determine the basic issue of whether a law conforms to the provisions of Maine's Constitution.

Legislators have the primary responsibility for the consideration and enactment of Maine's laws. Many other elected and appointed officials also play significant roles. But during every step of the legislative process there are opportunities for effective public participation as an idea becomes a bill and a bill becomes a law.