

Legislative Process Ins & Outs

Survival tips and insider intel.

The Basics

Legislators elected to serve a two-year term.

- 151 House Members
- 35 Senators

131st Legislature elected in 2022.

132nd will be elected in 11/5/2024.

Elected to Serve Two Year Terms

- 1st Session “The Long Session”
January to “June” 2023. While statutes require a June adjournment that isn’t always the case.
- 2nd Session “The Short Session”
January to April 2024.

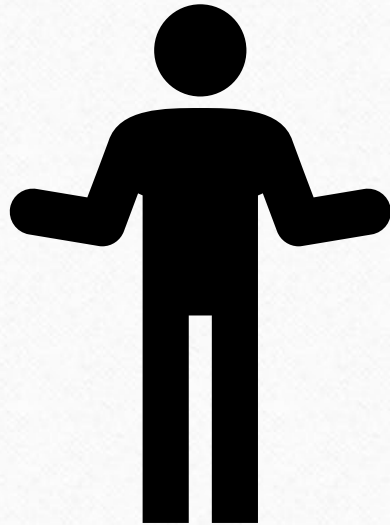
Legislative Council
10 Leaders in House & Senate

- Senate: President, Majority and Minority Leaders.
- House: Speaker, Majority and Minority Leaders.

Bill Drafting & Printing

Who came up with this brilliant idea?

It all starts with...



- Legislators
- Governor
- State Agencies
- By Request
 - Constituents
 - Associations & Organizations

Cloture Date – Bill Submission Deadline

- 1st Session: Mid-Late December

- Anything goes
- No limits whatsoever
 - Subject matter
 - Constitutionality
 - Practicality
 - Number of bills

- 2nd Session: Late September

- “Emergency” Bills Only
- Legislative Council Review
 - Legislative Leaders
- Approval from 6 members

Progression of a Bill



LR – Legislative Requests

Normally described by bill title and brief summary.
This is the point when the bill is being drafted.



LD – Legislative Document

Full text of the bill is available for public review.

Categories of Bills

- **Acts:** Proposes a new law or amends an existing law.
 - General applicability. Included in a chaptered law (e.g., Title 30-A or Title 21-A).
 - LD 1952 *An Act to Allow On-site Cannabis Consumption*
- **Resolves/Resolutions:** Initiatives that are limited in nature and do not impact general law.
 - Studies, working groups, agency directives, naming bridges, constitutional amendments.
 - LD 2135 *Resolve, to Investigate and Address Municipal Solid Waste Disposal Services Issues*

Other Bills

- Private & Special: Impacts a group of people, a business or a municipality.
 - Limited applicability. (Can cause confusion for general public- Windham Road Bill)
- Initiated Bills: Bills brought before the Legislature via citizen initiative.
 - There were four on the November 7, 2023 referendum ballot.
- Concept Drafts: Ugh...Bills proposing a change but lacking any details.

LD 40 –Originally “An Act to Amend the Cannabis Laws” Amended two years later 4 days before the public hearing to the 65 page bill “An Act to Protect Liberty and Advance Justice in the Administration and 13 Enforcement of the Cannabis Legalization Act and the Maine Medical Use of 14 Cannabis Act”

Revisor of Statutes

- Non-partisan legislative staff that drafts legislation.
- Once the sponsor of the legislation is satisfied:
 - Co-sponsor signatures are collected.
 - The bill is:
 - Printed and available for public review.
 - Assigned to a committee of jurisdiction by the Legislature.

Committee of Jurisdiction



Committees of Jurisdiction

- Agriculture, Conservation & Forestry
- Appropriations & Financial Affairs
- Criminal Justice & Public Safety
- Education & Cultural Affairs
- Energy, Utilities & Technology
- Environment & Natural Resources
- Health & Human Services
- Health Coverage, Insurance & Financial Services
- **Housing** (Terminated 2024 though likely extended)
- Inland Fisheries & Wildlife
- Innovation, Development & Economic Advancement
- Judiciary
- Labor & Housing
- Marine Resources
- State & Local Government
- Taxation
- Transportation
- Veterans & Legal Affairs

Public Hearing & Work Sessions

Your voices matter...set the course.

Public Hearings – Make Your Voices Heard

- The public hearing is called to order by the chairs.
- Sponsor introduces the bill, then co-sponsors are invited to testify.
- Other legislators are invited to testify.
- State agency officials are invited to testify.
- Members of public are invited to testify.
 - Support, oppose or “neither for nor against.”
- Provide both written commentary and oral testimony at the hearing.

Public Hearing Formalities

- Remote participation is an option. Submit testimony electronically.
- May be asked to sign-up in advance of the hearing using the first come, first heard approach.
- Participants may be limited to 3 or 5 minutes. No limits on written comments.
- Committee members can ask clarifying questions, but not engage in debate.
 - A good committee chair will put an end to the discussion if lines are crossed.

For both written and oral testimony:

- Address the committee chairs and members.
- State your name and affiliation.
- State your position on the bill.
- Present your arguments.
- Submit testimony electronically.



Testimony of the Maine Municipal Association

In Support of
LD 1345, *An Act to Permit Municipalities to Establish by Ordinance a Program for Partial Deferral of Property Taxes for Seniors*

April 12, 2023

Senator Grohoski, Representative Perry, and members of the Taxation Committee. My name is Kate Dufour, and I am offering testimony in support of LD 1345 on behalf of the 70 municipal leaders who were elected by their peers to serve on the Association's Legislative Policy Committee and directed to establish MMA's position on bills of municipal interest.

The authority of self-governance is a privilege that the residents of Maine's 484 communities take seriously. No two communities are alike. Residents are motivated by different priorities, principles, and values, which are translated into policies, ordinances and charter provisions that are debated openly and rigorously at the annual town meeting and at selectboard and council meetings.

Tips

Be Yourself

If you like humor, use it. If you like to geek out on data, do so.

Be Honest

If you don't know an answer to a question, say so. Provide information after the hearing and in advance of the work session.

Follow-up

If you promised to get back to the committee, do so. If you know a member of the committee, talk to them at home.

Shine

You are the expert. If someone doesn't agree with you, so be it.

Work Session – Role Reversal



Normally scheduled the week after the hearing.



Opportunity for the committee to discuss and debate the bill.



Public commentary provided by invitation of the committee, only.



Session begins with the analyst's overview of testimony provided.



Some issues take multiple work sessions.



Committee votes on bill.

Committee Action at Work Session

- Support the bill without amendment. (Ought to Pass)
- Support the bill with amendment. (Ought to Pass as Amended)
- Oppose the bill. (Ought Not to Pass)
- Majority and Minority reports are also an option.
 - Majority Report: “Ought to pass.”
 - Minority Report: “Ought not to pass.”
 - Minority Report: “Ought to pass as amended.”

Legislative Debate

It's show time!

Committee chair advances one of the reports for debate. Normally the majority report, but not always. The chair holds the power.

Each bill is debated and receives two votes in each chamber: engrossment and enactment.

All bills with fiscal notes (e.g., a cost to the state) start in the Senate and are sent to the Appropriations & Financial Affairs Committee for funding, or not, prior to final enactment.

House/Senate Chamber Debates

Chamber Actions

- **Under the Hammer:** Bill report supported without debate.
- **Roll Call:** With consensus of 1/5 of the body a recorded vote is taken.
- **Division:** A vote is taken, but not recorded. Mostly used to send a message or take a head count.
- **Committee of Conference:** When the bodies disagree on how to advance a bill, a committee of members of the House and Senate are directed to meet to address conflicts. Normally, these bills die for lack of agreement.

Super Majority & Majority Votes

- Super Majority Votes
 - Emergency Legislation.
 - Effective once signed by the governor.
 - Constitutional Amendments
 - Mandate Legislation
- Simple Majority Votes
 - All other bills. Effective 90 days after the adjournment of the Legislature.

Governor's Response

The buck stops here... for the most part.

Governor's Options

Sign

Sign the legislation.

Allow

Allow the bill to become law without signature.

Veto

Veto the bill, requiring 2/3 vote of both chambers to override the veto. (Pocket veto happened at the end of session – Held unsigned until too late to be dealt with.)

Recommend

Strongly recommend that the bill is recalled from her or his desk.

Virtual Field Trip!

Maine State Legislature

www.legislature.maine.gov

MMA Process – Legislative Policy Committee

- Two municipal officials, elected by select boards/councils in Maine's 35 Senate Districts.
 - Elected in an even-numbered year to serve a two-year term. (Elections are currently happening)
 - List of members once elected posted on MMA's [website](#).
- Two important Roles
 - Adopt MMA's two-year legislative platform.
 - Normally, a dozen bills addressing issues of municipal concern or protect the core approach.
 - Establish MMA's position on all bills of municipal relevance.
 - Meet monthly during session.

MMA PROCESS – REVIEW & COMMENT ON DRAFT LEGISLATION

- With LPC agenda clear, MMA Advocacy Team reviews and comments on legislative proposals impacting MMA's members
- Works collaboratively with MMA's legal team to identify concerns/problems/solutions.
- Offers suggested changes if consistent with LPC/municipal interests

2022-2024 Legislative Platform

- LD 88, Share of Adult Use Cannabis Sales & Excise Tax Revenue (**Dead**)
- LD 665, Housing Mandate (LD 2003) Implementation Delay (**Dead**)
- LD 673, Non-residential Law Enforcement Training Program (**Dead**)
- LD 1022, Timing of School Budget Validation Referendum (**PL 2023, c. 256**)
- LD 1493, TIF/Workforce Housing Evergreen Zones (**Died between Bodies**)
- LD 1664, 90% State Reimbursement for General Assistance (**Dead**)

2022-2024 Legislative Platform

- LD 1650, Property Tax Stabilization Program Amendments (**Dead**)
- LD 1685, Tree Growth Acreage & Management Plans (**Dead**)
- LD 1732, General Assistance Program Reform (**Amended & Stripped Enacted PL 2024 c.575**)
- LD 1857, First Responder Health & Wellness Grant Program (**Enacted in Gov's Budget LD 2214 Part T- PL 2024 c.643**)
- LD 1859, Shared Training Cost for Dispatch & EMS (**Dead**)

Examples from Last Session

L.D. 772

- Sought to change existing rules governing when a new ordinance or ordinance amendment applies to a “pending application.”

LD 772

(as originally proposed)

§ 4364-D. Consideration of land use permit

1. **Right established.** An applicant for a permit required by a land use ordinance has the right for a municipality to consider the approval, disapproval or conditional approval of an application for the permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, fees or other requirements in effect at the time the original application for the permit is filed for review for any purpose, including review for administrative completeness.

2. Right accrual. A right to which a permit applicant is entitled under this section accrues on the filing of an original application that gives a municipality fair notice of the project and the nature of the permit sought. An application is considered filed on the date the applicant delivers the application to the municipality or deposits the application with the United States Postal Service by certified mail addressed to the municipality. A certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application was deposited with the United States Postal Service.

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Existing Law

- 1 M.R.S. § 302: Sets basic rule about how far back in time a new ordinance will apply to projects not yet approved (unless a new ordinance is expressly made retroactive). Protects complete applications that have undergone substantive review but that are not yet approved.
- 30-A M.R.S. § 3007: Protects projects that have actually been approved for 45 days – even against retroactively applicable ordinances.

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L.D. 772

(as enacted)

30-A M.R.S. 3007(7). Restriction on retroactive application.

A municipality or a municipal reviewing authority as defined by section 4301, subsection may not enforce or apply a land use ordinance with retroactive effect unless the ordinance includes a provision that expressly states it has retroactive application. A municipality or municipal reviewing authority may not apply a land use ordinance with retroactive effect to a pending permit application for a land use permit that includes a proposal for a development that includes one or more units of residential housing if the proposal date of the ordinance occurred after the application was submitted to the municipality and, notwithstanding Title 1, section 302, the application is deemed complete for processing. For the purposes of this subsection:

- A. "Proposal date" means the date on which the proposed land use ordinance or proposed amendment to an ordinance is posted pursuant to section 3002, subsection 1 or the date on which a permit application is filed to circulate a petition for a voter-initiated measure to adopt or amend a land use ordinance; and
- B. A permit application is deemed complete for processing when it is submitted to the municipality or municipal reviewing authority and, at the time of submission, the applicant can demonstrate legally enforceable title or right to or interest in all the property proposed for development.

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(as enacted)

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For More Information

- Subscribe to...
 - Legislative Bulletin, published each Friday during session. Available electronically or printed copy.
 - LD List, which is posted on MMA's website each Friday and linked to the electronic Bulletin.
 - Potholes & Politics podcast for a summary of the week's legislative activities.
- Connect with...
 - Your LPC representatives. They should also connect with you!
 - Members of the Maine State Legislature. Advocate at home!!
 - MMA's advocacy staff. Kate Dufour, Rebecca Graham, Rebecca Lambert, Amanda Campbell & Laura Ellis.
 - 1-800-452-8786 or email, which is first initial, last name @memun.org (rgraham@memun.org)