

Maine Legislative Process 101 and Recap of 1st and Special Session of the 131st Legislature

JJAG Meeting
10.20.2023

Maine's Legislature

- In Maine, there are
 - 35 Senators
 - 154 Representative (including 3 non-voting tribal Representatives)
- We are currently in the 131st Maine Legislature
- Maine's representatives and senators serve 2-year terms.
- The Governor or the presiding officers, with a majority consent of both parties, can also call a Special Session.



Regular Sessions

- **1st Regular Session:** The 1st Wednesday in December following the General Election through the 3rd Wednesday in June.
 - During this session, there are no limits on the number or types of bills that may be submitted prior to cloture.

Regular Sessions

- **2nd Regular Session:** The 1st Wednesday after the 1st Tuesday in January through the 3rd week in April.
 - Can be extended in two 5-day increments plus a "Veto Day".
 - In this session, Maine's Constitution limits bills to the following:
 - Budgetary matters;
 - Governor's legislation;
 - Legislation of an emergency nature; and
 - Legislation submitted pursuant to statute, authorized studies, by direct initiative petition of the electors.
 - BUT see: <https://legislature.maine.gov/ros/131st-legislature-lists-of-requests/12334>
 - Close to 300 new bill requests

Regular Sessions

- LR 2701 - An Act to Establish Training and Certification Standards for Probation Officers
- LR 2819 - An Act to Continue the Program Allowing the Department of Corrections to Accept Placement of Certain Defendants Found Incompetent to Stand Trial
- LR 2817 - An Act to Allow Detention of Juveniles for Certain Acts (Senator Black)
- LR 2747 - An Act Regarding the Detention of Juveniles (Representative Cray)
- LR 2936 - An Act to Enhance the Effectiveness of Juvenile Diversion Programs (Representative Gramlich)
- LR 2673 - An Act Regarding Continuance of MaineCare Coverage for up to 12 Months for Juveniles Detained in the Long Creek Youth Development Center (Representative Mathieson)
- LR 2670 - An Act to Provide Tablet Devices for Juveniles at the Long Creek Youth Development Center (Representative Milliken)
- LR 2648 - An Act Establishing Concurrent Jurisdiction in Juvenile Matters with the United States Department of Defense (Senator Stewart)

Idea → Proposed Bill

- A legislator decides to sponsor a bill, sometimes at the suggestion of a constituent, interest group, public official or the Governor.
- The deadline for submitting requests for legislation is called **Cloture**. This usually falls in mid-late December. (*It was 9/29/23 for 2nd session*)
- A legislator may ask other legislators in either chamber to join as co-sponsors (generally up to 10 total).
- At the legislator's direction, the Revisor's Office staff provides research and drafting assistance and prepares a draft of the bill in proper technical form.

Introduction

- Once the draft is approved and signed by the sponsor and co-sponsors, the bill is printed.
- Once printed, the bill is assigned to a committee.
- Here it goes from an LR to an LD

Public Hearings

- The committee conducts a public hearing where it accepts testimony – for, against, neither for nor against.
- The committee may request additional information following the public hearing.

Work Sessions

- During the work session, the:
 - Analyst introduces bill, summarizes testimony
 - Committee discusses bill
 - Amendments are proposed/discussed
 - The Committee holds a vote
- Work Sessions are open to the public but addressing the Committee during a Work Session is by the Committee's invitation only.

Committee Vote

- The Committee makes one of the following recommendations:
 - Ought to Pass (if this is unanimous, then it is on a fast track)
 - Ought to Pass as Amended
 - Ought Not to Pass
 - Refer to Another Committee
 - Unanimous Ought Not to Pass (= dead)
- Fiscal Note
 - Before reporting the bill out, the Office of Fiscal and Program Review determines if the bill will have a fiscal impact.

On the Floor...

- To be enacted, there are at least 4 steps in both House and Senate:
 - First reading
 - Second reading
 - Engrossment
 - Enactment
- When one chamber has passed the bill to be engrossed, it is sent to the other body for its consideration.
- The House has a consent calendar for unanimous Ought to Pass or Ought to Pass as amended bills which takes the place of First and Second readings.
 - Bills that have a fiscal note cannot be placed on the Consent Calendar

On the Floor...

- Enactment: After being engrossed, all bills must be considered for final passage first in the House and then in the Senate.
- The necessary vote for enactment is usually a simple majority, but...
 - Emergency bills and bills excepted from the State Mandate provision of the State Constitution require a 2/3 vote of those present.
- After a bill is enacted by both the House and the Senate, it is sent to the Governor. If it fails enactment in both houses, it is dead.

Appropriations Table

- Once bills that have a fiscal have been passed to be engrossed in the Senate, and enacted in the House, the Senate assigns them to the Special Appropriations Table
- At the end of the session, usually after the budget bills have been enacted, the Appropriations Committee and legislative leadership, review bills on the Special Appropriations Table, along with recommendations from policy committees, to determine which can be enacted given available General 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.

Governor

- After final passage (enactment) the bill is sent to the Governor.
- The Governor has ten days in which to sign or veto the bill.
- Or, if the legislature is still in session and the Governor takes no action for 10 days, the bill can become law as if the Governor signed it.
- Legislature can override the veto by a 2/3 vote of those members present and voting of both chambers.

I'm No longer Just a Bill...

- A bill becomes law 90 days after the end of the legislative session in which it was passed.
- A bill can become law immediately if the Legislature, by a 2/3 vote of each chamber, declares that an emergency exists.
- An emergency law takes effect on the date the Governor signs it unless otherwise specified in its text.

1st Session Recap – selected JJ related bills

LD 39 - An Act to Amend the Maine Juvenile Code

<https://legislature.maine.gov/billtracker/#Paper/39?legislature=131>

Final text:

<https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=101616>

-Juvenile = a person who had not attained 18 years of age at the time the person allegedly committed a juvenile crime

-Made changes to notice requirements regarding detention hearings

-Prohibits requiring youth on deferred disposition to pay supervision fees

-Other changes to the juvenile code.

1st Session Recap – selected JJ related bills

LD 98 - An Act to Update the Special Education Laws

<https://legislature.maine.gov/billtracker/#Paper/98?legislature=131>

Final text:

<https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=103684>

-Brings Maine statute in line with 1st Circuit and MDOE interpretation of Maine law to provide that children with disabilities under the Individuals with Disabilities Education Act are entitled to a Free and Appropriate Public Education until either:

- a) Receipt of a regular high school diploma;
- b) They turn 22 years of age

In Maine, eligibility used to terminate at the end of the year the student turned 20.

1st Session Recap – selected JJ related bills

LD 155 - An Act Regarding Community-based Services for Youth Involved in the Juvenile Justice System <https://legislature.maine.gov/billtracker/#Paper/155?legislature=131>

Final text:

<https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=103626>

-Requires establishment of a working group that includes the Department of Corrections and the Department of Health and Human Services to promote coordinated policies, finances, programs and service delivery systems to support juveniles involved in the juvenile justice system

-Requires public reporting of some data

-Requires annual JJ reporting by 2/15 of each year and annual reporting regarding “the identification and development of 2 small, secure, therapeutic residences for youths for the purpose of providing detention and confinement for committed youths in a therapeutic setting”

1st Session Recap – selected JJ related bills

LD 1003 - Resolve, to Develop a So-called No Eject, No Reject Policy to Support Children Receiving Behavioral Health Services and Individuals with Intellectual Disabilities or Autism

<https://legislature.maine.gov/billtracker/#Paper/1003?legislature=131>

Final text:

<https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=102719>

-There are no eject no reject provisions for adult mental health services in Maine; but not for children's behavioral health services or for adult ID/DD services.

-Resolve requires establishment of a working group to develop a plan that requires written approval from DHHS for the following:

- Termination of services to an individual;
- Executing a discharge plan; or
- Declining a referral of an individual when a bed is available

1st Session Recap – selected JJ related bills

LD 1092 - Resolve, to Establish an Ad Hoc Committee to Address the Commercial Sexual Exploitation of Children

<https://legislature.maine.gov/billtracker/#Paper/1092?legislature=131>

Final text:

<https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=102719>

-requires DHHS to establish an ad hoc committee to “make recommendations addressing the intervention in and prevention of commercial sexual exploitation of children” and issue a report by 1/1/2025.

1st Session Recap – selected JJ related bills

LD 136 - An Act to Clarify Court Jurisdiction of Actions Involving Children Brought Under the Maine Uniform Probate Code

<https://legislature.maine.gov/billtracker/#Paper/136?legislature=131>

Final text:

<https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=99844>

-expands home court jurisdiction to include juvenile cases

1st Session Recap – selected JJ related bills

LD 1970 - An Act to Enact the Maine Indian Child Welfare Act

<https://legislature.maine.gov/billtracker/#Paper/1970?legislature=131>

Final text:

<https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=103287>

-This bill enacts the Maine Indian Child Welfare Act to establish procedures and standards for cases concerning custody proceedings, foster care placements, termination of parental rights and adoptions involving Indian children.

1st Session Recap – selected JJ related bills

LD 535 - An Act Regarding Consent for Gender-affirming Hormone Therapy for Certain Minors

<https://legislature.maine.gov/billtracker/#Paper/535?legislature=131>

Final text:

<https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=103422>

-Outlines the requirements/procedures for when a minor, who is at least 16, may give informed consent to gender affirming care

Resources

This presentation borrowed heavily from these two helpful resources:

- Maine's Path of Legislation: <https://legislature.maine.gov/general/path-of-legislation-in-maine-detailed/9285>
- Glossary of Legislative Terms: https://legislature.maine.gov/LawMakerWeb/glossary_of_terms.asp

Invitation...

The JJAG Legislative Committee Meets from 8-9AM on the 1st Tuesday of every month. For November and December, we will be discussing the role that the JJAG should play at the legislature going forward, including the following questions and related questions:

-How are we currently fulfilling our function as an advisory body? What changes could be made in this regard?

-How can the JJAG play a greater role in supporting youth and those impacted by the JJ system to engage meaningfully in the legislative process?