

How An Idea Becomes Law

Creating a new law involves a series of steps, often beginning with a problem or an idea from a legislator or a constituent. To be successful, a bill must be approved by the House and the Senate, and signed by the governor or if vetoed, the veto overridden by a two-thirds majority of both chambers. There are many procedural rules that can complicate the process. The basic steps are as follows:

Introducing a Bill

Concepts for bills come from many different sources: legislators, committees, lobbyists, public interest groups, the governor, state agencies and individual citizens. Only legislators, the governor, study groups, joint select and standing committees, and state agencies may request that bills be drafted, and only legislators may introduce bills for formal consideration.

Legislators also may sponsor bills they do not necessarily support themselves “by request” as a service to their constituents. Bills may have up to 10 sponsors: one primary sponsor, a lead co-sponsor from the other chamber, and up to eight additional co-sponsors. The presiding officers may waive this provision. Having co-sponsors from both chambers, both parties and the committee that is likely to hear the bill often improves its chance of passing.

Suggested texts of bills may be written by legislators, by the persons or groups for whom they are sponsoring the measure, by legislative staff, and/or by executive agencies. The Revisor of Statutes reviews all proposed bills and arranges them into legal form before they are formally introduced.

The Committee Process

Reference to Committee

The Senate Secretary and House Clerk assign each bill an LD (legislative document) number and jointly recommend a committee to which the bill will be referenced. The committee is the one that seems most appropriate based on the bill’s subject matter. For example, most bills that deal with farming are referred to the Agriculture, Conservation and Forestry Committee. All bills making tax changes for farmers, however, would be referred to the Taxation Committee. The House and Senate then accept or change the committee reference. When both bodies agree on a reference, the bill is sent to committee. Each bill also is given a House or Senate number, depending on its chief sponsor.

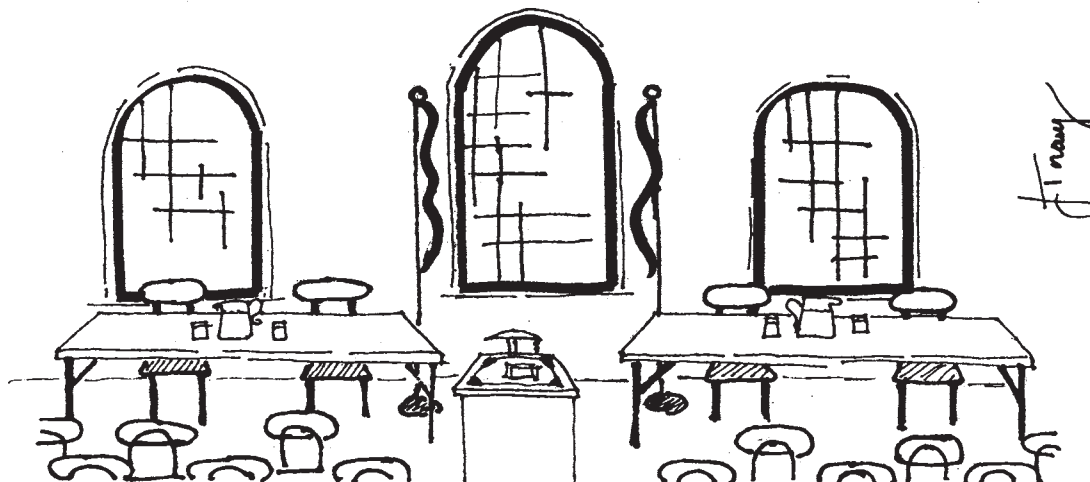
Public Hearing

Most bills have a public hearing in the committee of jurisdiction. These hearings allow citizens, state officials, other legislators and lobbyists to inform committee members of their views on a bill. Notices of the date and place for public hearings are usually published in advance in major daily newspapers and in the weekly legislative hearing schedules

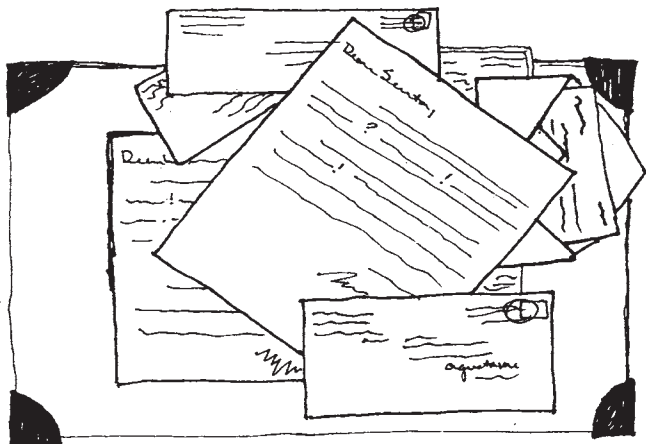


available at the State House or on-line at <http://www.janus.state.me.us/legis>. At the public hearing, the bill’s sponsor testifies first, followed by any co-sponsors and then other proponents. Opponents testify next, and finally, those persons who would like to speak neither as an opponent or proponent. If an unusually high number of people have chosen to testify on the bill, the committee chairs may choose to alternate between the proponents and opponents of the bill. Before testifying, speakers are asked to identify themselves and what group, business or agency they represent.

As a rule, the most persuasive testimony is brief, to the point, easy to understand, and supported by evidence; most committees prefer that the person not read the testimony but rather summarize a few key points. Written copies of the speaker’s testimony and background information add to its effectiveness. Anyone wishing to provide written testimony should have 20 copies available and give them to the committee clerk. At the conclusion of a presentation, committee members may ask questions.



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Work Session

At subsequent work sessions, committee members discuss bills, draft or review amendments, and vote on final recommendations to the Legislature. Though they are open to the public, work sessions do not function as another public hearing. The committee may invite lobbyists and others to talk about bills being considered, suggest compromises or amendments, and answer questions. The committee may also ask legislative staff members to research and explain details of the bill. Members of the public are generally not allowed to speak at work sessions.

Committee Report

A committee's final vote on bills and amendments is given in its report, which is often the most important influence on the bill's passage or defeat. Several types of reports on a bill are possible. When all committee members agree, there are five possible unanimous reports: ought to pass, ought to pass as amended, ought to pass in new draft, ought not to pass, or referred to another committee.

When committee members disagree, they issue a divided report, which usually includes a majority and one or more minority reports. An example is a majority ought not to pass report with two minority reports, one ought to pass and one ought to pass as amended.

Before reporting out a bill, the committee must determine whether the bill will increase or decrease state revenues or expenditures. If there will be a fiscal impact, a fiscal note is developed by the Office of Fiscal and Program Review and added as an amendment.

Senate and House Action

To be passed or enacted, bills must go through at least four steps on the floors of both the House and Senate: first reading, second reading, engrossment and enactment.

First and Second Readings

Once a bill is reported out by a committee, it is returned to the chamber in which it originated and placed on the printed Calendar. If an ought to pass report is accepted in either chamber, the bill receives its first reading by the clerk or secretary. After first reading, the bill is usually placed on the next day's calendar for second reading, but it may be given a second reading the same day if there is no objection.

If the bill has received a unanimous committee report, the House lists the bill in the Consent Calendar for two legislative days. If the report was favorable, the bill is engrossed for passage if there is no objec-

tion. Any member may object to passage and a bill can be removed from the Consent Calendar and debated. Bills that would cause a gain or loss of state revenues cannot be placed on the Consent Calendar. The Senate has no consent calendar, and all bills go to the floor. Unanimous ought not to pass committee reports mean that a bill is dead unless it is recalled by two-thirds vote in either chamber.

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. A legislator who opposes a bill may make a motion for indefinite postponement, which, if approved, has the effect of killing the bill. Either of these motions must be approved by a majority vote.

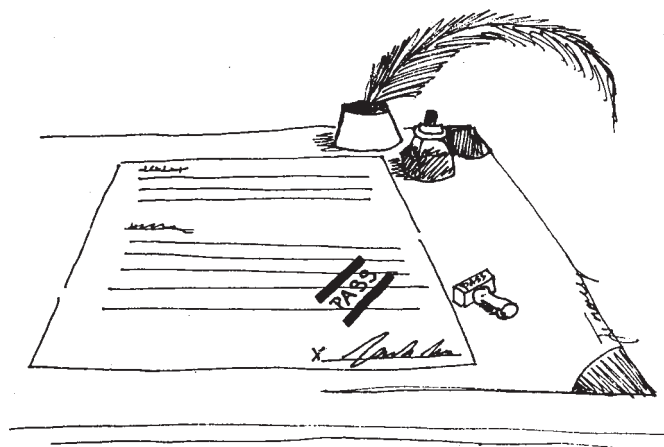
Floor Debate

After a bill has had its first and second reading, or at any subsequent stage of the process, it may be debated. Usually, the chair of the committee to which the bill was referred speaks first in support of the committee report, or to answer questions. He or she is then followed by other committee members who signed the majority report, and then by the bill's sponsor. A complete account of all the arguments made on bills is available in the Legislative Record. It is available on-line for the House at <http://janus.state.me.us/house/hrecindx.htm> and for the Senate <http://www.maine.gov/legis/senate/Records/record122nd.htm>. It is available in draft form in the Law Library as soon as transcription is completed; and printed, bound and indexed after the close of the session.

At any point during debate, a legislator or the presiding officer may call for a vote on the current motion or bill. If a majority approves, a vote is taken. There are several kinds of votes: 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; a division, where only the total votes cast for and against are recorded; and a roll call, which records the vote of each legislator.

Floor Amendments

Amendments to a bill may be offered by House and Senate members at appropriate times. Requests for floor amendments must be filed with the Revisor's Office, accepted by the clerk or secretary, and printed and distributed to the members before they are offered on the floor. If an amendment affects the appropriation or causes an increase or decrease in state revenues, it must include an amended appropriation or fiscal note.



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Engrossment

After debate and amendments are complete, a vote is taken in both chambers to “pass the bill to be engrossed.” Engrossing the bill means printing the bill and any amendments in final form for enactment.

Enactment

All bills must be considered for enactment - final passage - in each chamber. Enactment usually requires only a simple majority, but emergency bills require a two-thirds majority, as do bond issues and constitutional amendments. Once a bill has been enacted by both the House and the Senate, it is then sent to the governor.

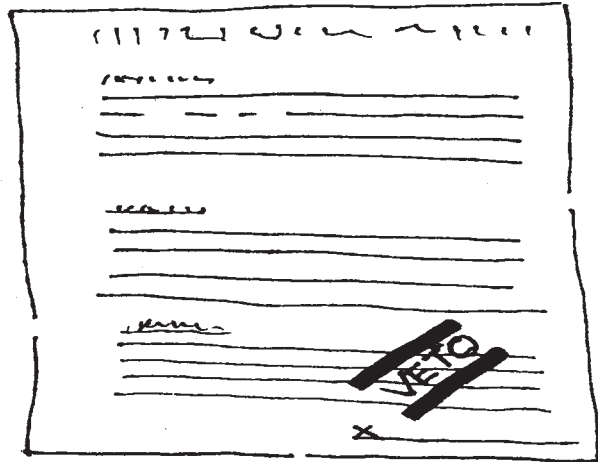
If a bill fails enactment in both chambers, it goes no further. If the House and Senate disagree on enactment, additional votes may be taken. If the disagreement cannot be resolved, the bill is said to have “died between the chambers.”

The House and Senate may pass different versions of the same bill. A conference committee may be named in an attempt to reach a compromise. The report from a conference committee is usually accepted by both the House and Senate, but if not, the bill is defeated unless a new conference committee is appointed and successfully resolves the disagreement.

Appropriations Table

Bills that require the expenditure of state funds are called appropriations bills and must go through an additional step. Once they have been considered for enactment in the House and have been passed to be engrossed in the Senate, they are assigned to the Special Appropriations Table (or, if they involve highway funds, to the Special Highway Table).

Late in the session, when it is known how much money has been requested for all proposed bills, and how much remains after the budget has been balanced, the Appropriations Committee votes the tabled bills up or down, and motions are made, usually by the Senate chairs on the Appropriations and Transportation committees, to remove bills from the Table and to enact, amend or indefinitely postpone them. Any bill that fails enactment or requires amendment in the Senate is returned to the House for concurrence.



The Governor's Role

After a bill has been enacted by the Legislature, it is sent to the governor, who has 10 days (excluding Sundays) to take one of three actions.

The governor can:

Sign the bill. It then becomes law 90 days after adjournment of a regular legislative session or immediately upon the Governor's signing if it is an emergency bill.

Veto the bill. It then does not become law unless both the House and Senate vote by a two-thirds majority of those present to override the veto.

Not sign the bill. If the governor does not support a bill, but does not wish to veto it, it becomes law without his or her signature after 10 days. If the legislature adjourns before the 10-day time limit has expired, a bill on which the governor has not acted becomes law unless the governor vetoes it within three days after the reconvening of that legislature. If that same legislature does not reconvene for more than three days, the bill does not become law. This action by the governor is known as a pocket veto.

Source:

Legislators' Handbook, A Guide for Maine Legislators: Procedures, Services & Facts; Maine State Office of Policy & Legal Analysis.

This helpful publication can be obtained through the Maine State Office of Policy and Legal Analysis, telephone: 287-1670, website: <http://mainegov-images.informe.org/legis/opla/leghand04.pdf>

