

STANDING SUB-COMMITTEE
ON
TAXATION

MAINE 132ND LEGISLATURE

Orientation Materials

JANUARY 14, 2024

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Standing Sub-Committee on Taxation
Orientation Materials

<u>TAB</u>	<u>SUBJECT</u>	<u>PAGE</u>
1.	Directory	
	a. Name & Photo.....	1
	b. Tax Committee Room Seating Chart	3
2.	Introduction and Process Materials	
	a. Office of Fiscal and Program Review Overview.....	Green
	b. Frequently Asked Questions about Legislative Analysts	Pink
	c. Freedom of Access Act.....	Goldenrod
	d. Legislative Confidentiality.....	Teal
	e. Flow of Legislation Through the Committee Process	Yellow
	f. Office of Policy and Legal Analysis	Blue
	g. Office of Program Evaluation and Government Accountability	Salmon
	h. How to Read a Bill.....	Gold
	i. Fiscal Notes in the Committee Process.....	Pink
	j. The Policy Committee Role in Budget Matters (Joint Rule 314).....	Blue
	k. Legislative Oversight of Agency Rules	Gold
	l. Legislative Review of Major Substantive Rules	Teal
	m. State Mandates.....	Green
	n. Carry Over Bills.....	Salmon
	o. Committee Bills.....	Yellow
	p. Legislative and Non-Legislative Studies	Blue
	q. Special Review Processes of Committees.....	Goldenrod
3.	Model Committee Rules of Procedure	28
4.	Directory of Joint Standing Committees	38
5.	Guidance for Rulemaking and Regulatory Agenda Notices (2023).....	39
6.	Taxation Committee Reports Register (September 2024)	44

Joint Standing Committee on Taxation Members

Maine State Senators



Committee Co-Chair
Sen. Nicole Grohoski



Sen. Bruce Bickford



Sen. Mike Tipping

Maine State Representatives



Committee Co-Chair
Rep. Kristen Cloutier



Rep. Ed Crockett



Rep. Gary Friedman



Rep. Thomas Lavigne



Rep. Ann Matlack



Rep. Tracy Quint



Rep. Shelley Rudnicki



Rep. Dan Sayre



Rep. Gregg Swallow



Rep. Russell White

Non-Partisan Staff



Geoffrey Lewis
Senior Legislative Analyst
OFPR



James Sargent
Legislative Analyst (Fiscal)
OFPR

No Photo
Currently
Available

Tabatha Hustus
Taxation Committee Clerk

Taxation



Sen. Nicole Grohoski



Rep. Kriten Clouiter



Sen. Mike Tipping



Rep. Ann Matlack



Sen. Bruce Bickford



Rep. Shelley Rudnicki



Rep. Tracy Quint



Rep. Gary Friedmann



Rep. San Sayre



Rep. Russell White



Rep. Gregg Swallow



Rep. Thomas Lavigne



Rep. Ed Crockett

Joint Standing Committee
On Taxation
132nd Legislative Session

Office of Fiscal and Program Review

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Physical Location State House, Room 226

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Who we are

The Office of Fiscal and Program Review (OFPR) is a nonpartisan office operating under the auspices of the Legislative Council. OFPR staff are prohibited from taking or advocating political positions on policy issues or engaging in any activities that might be construed as partisan or political. OFPR staff observe strict confidentiality policies and guidelines.

What we do

OFPR provides independent, accurate and objective information and analyses to members of the Maine State Legislature with respect to historical, current, projected and proposed appropriations, expenditures, taxes and revenue, as well as other fiscal information requested.

Committee staff services include:

- Staffing the Joint Committee on Appropriations and Financial Affairs and the Joint Committee on Taxation;
- Staffing the Transportation and Health and Human Services committees during budget deliberations;
- Providing fiscal and budget assistance to other committees as needed;
- Staffing the Revenue Forecasting Committee (two OFPR staff serve on the committee as members); and
- Staffing study groups, task forces and conference committees as assigned by the Legislative Council.

Fiscal tracking services include:

- Analyzing bills and amendments for fiscal impact to produce a fiscal note that summarizes the fiscal impact on state and local government finances; and
- Identifying, tracking and reporting on bills that are subject to or placed on the Special Appropriations Table and/or the Special Highway Table.

Fiscal monitoring, analysis and reporting services include:

- Assists the Appropriations Committee in fulfilling their statutory obligation to review the Financial Orders generated by the executive branch and approved by the Governor;
- Provides regular reporting on budgeted and actual fund balances, revenue performance, cash balances and spending of major state programs;
- Responds to inquiries from legislators, legislative staff and the general public regarding the financial position of the state and state programs; and
- Tracks and reviews the reports required to be provided to the Appropriations and Taxation Committees by various departments and agencies.

Publications

OFPR's primary publications include:

- [Compendium of State Fiscal Information \(updated annually\)](#)
- [Summary of Major State Funding Disbursed to Municipalities and Counties \(updated annually\)](#)
- [The Budget Process \(updated biennially\)](#)
- [The Fiscal Note Process: An Overview \(updated biennially\)](#)

Prepared by nonpartisan committee staff (November 2024)

Frequently Asked Questions about Legislative Analysts

What do Legislative Analysts do?

- We provide professional nonpartisan staffing for legislative committees, designated subcommittees and study commissions. Analysts from the Office of Policy and Legal Analysis (OPLA) staff all joint standing committees except the Taxation and Appropriations and Financial Affairs Committees, which are staffed by analysts from the Office of Fiscal and Program Review (OFPR).
- We are part of the Legislative Council's nonpartisan staff and we are hired specifically to work with and for all legislators in a nonpartisan fashion in accordance with strict Legislative Council policies.
- We work with individual committee members and other legislators in accordance with strict Legislative Council policies governing confidentiality and nonpartisanship.
- We do just about everything you can imagine professional, nonpartisan committee staff doing. We:
 - Assist committee chairs in facilitating the committee process and organizing (scheduling) committee work in an efficient manner in accordance with deadlines established by the presiding officers;
 - Provide nonpartisan policy and legal analysis of legislation and issues before the committee, identifying and providing information on policy issues and legal issues that may appear in legislative proposals;
 - Draft committee papers, including committee amendments (unanimous reports, majority reports, minority reports – we draft them all), committee bills, reports and other committee correspondence;
 - Assist committees in understanding what legislative proposals (bills, resolves, amendments) propose to do and how they fit into current law; and
 - Research, collect and summarize information requested by the committee, or individual legislators, related to legislative proposals and related issues.

What are some examples of things Legislative Analysts do that I might not realize they do?

- We develop knowledge and expertise over time on subject matters within a committee's jurisdiction.
- We summarize policy options and questions in an organized fashion so that the committee can work through a complex subject in an efficient and productive manner.
- We work with interested parties, at the direction of a committee or committee member to identify where there are agreements or disagreements on items within legislative proposals and report this information back to the committee (this can save time for the committee when it wants to find out if there are provisions on which all sides might agree). Of course, the committee makes the decisions, not interested parties or committee staff.
- We summarize enacted laws following each legislative session.
- We conduct research during the interim between sessions on issues of importance to the committee at the request of the committee, with the approval of the Legislative Council.

Is there anything I shouldn't ask a Legislative Analyst to do?

- If in doubt about what we can do for you, ask us. We are here to help in any way we possibly can. And remember, your conversations with us are confidential. If it turns out that you need something that we really cannot provide (for example, partisan policy advice), we can suggest other people or other resources that may be helpful to you.
- Remember we are nonpartisan staff. This means that we cannot and do not act in any manner, inside or outside the legislative context, that is or could appear to be partisan.

When do Legislative Analysts do their work?

- Legislative Analysts are year-around employees.
 - During the session, our primary responsibility is staffing the committees: when the committee or any subcommittee is meeting, we are present along with committee members (except for confirmation hearings).
 - During the interim, we staff legislative study commissions and any interim committee meetings. We also complete a number of other interim projects, such as summarizing enacted legislation considered in the prior session.
- During session, the Legislature needs to accomplish a lot of work within a limited time. Thus, analysts regularly work beyond regular office hours to prepare for work sessions, draft amendments, track bills and develop proposed committee schedules. Although overtime is a necessary part of the role, analysts are not required to respond to communications from committee members or legislators outside of regular office hours.

Where do Legislative Analysts do their work?

- Analysts are in the room with committee members during committee meetings, including public hearings, work sessions, briefings and other meetings, except for confirmation hearings, which we do not staff.
- When not in committee meetings (note: analysts may staff more than one committee), we are typically working in our offices. Call or email – we are here for you.
- You can find information about the offices and contact information for individual staff at:
 - OPLA: <http://legislature.maine.gov/opla/>
 - OFPR: <http://legislature.maine.gov/ofpr/>
- Office Locations and Phone Numbers

OPLA	Cross Office Building, 2 nd Floor, Room 215 (farthest offices on South side of the 2 nd floor)	(207)287-1670
OFPR	State House, 2 nd Floor, Room 226 (adjacent to AFA Committee Room)	(207)287-1635

Prepared by nonpartisan committee staff (November 2024)

Maine's Freedom of Access Act and the Conduct of the Business of the Legislature

Prepared for the Right to Know Advisory Committee
by the Office of Policy and Legal Analysis and the Office of the Attorney General
Updated January 2025

The Maine Freedom of Access Act requires governmental entities to conduct public business in the open and to provide access to public records. Legislative meetings and records are subject to the law and must be open to the public, with some limited exceptions set forth in the law.

Intent of the Freedom of Access Law

The Maine Freedom of Access Act provides that it is the intent of the Legislature that “actions [involving the conduct of the people’s business] be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly.” The Freedom of Access Act, found in Title 1 of the Maine Revised Statutes, chapter 13, applies to all governmental entities, including the Legislature.

Public Proceedings

Under state law, all meetings of the Legislature, its joint standing committees, joint select committees and legislative subcommittees are public proceedings. A legislative subcommittee is a group of 3 or more committee members appointed for the purpose of conducting legislative business on behalf of the committee.

The public must be given notice of public proceedings and must be allowed to attend. Notice must be given in ample time to allow the public to attend and in a manner reasonably calculated to notify the general public. The public is also allowed to record the proceedings as long as the activity does not interfere with the orderly conduct of the proceedings.

Party caucuses are not committees or subcommittees of the Legislature, so their meetings do not appear to be public proceedings. Similarly, informal meetings of the members of a committee who are affiliated with the same party are not public proceedings as these members are not designated by the committee as a whole to conduct business of the committee. However, committee members should be careful when they caucus not to make decisions or otherwise use the caucus to circumvent the public proceeding requirements.

Limited Exception to Public Proceedings (Executive Sessions)

In very limited situations, joint standing committees may hold executive sessions to discuss certain matters. State law is quite specific as to those matters that may be deliberated in executive sessions. The executive session must not be used to defeat the purpose of the Act, which is to ensure that the people’s business is conducted in the open.

The permitted reasons for executive session are set forth in the law, Title 1, section 405 and Title 3, section 156. The reasons most relevant to legislative work are discussion of confidential records and pre-hearing conferences on confirmations.

An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of the committee. The motion to go into executive session must indicate the precise nature of the business to be discussed and no other matters may be discussed. A committee may not take any votes or other official action in executive sessions.

If a committee wants to hold an executive session, the committee should discuss the circumstances with a nonpartisan legislative analyst from the Office of Policy and Legal Analysis or the Office of Fiscal and Program Review who can provide the committee with guidance about whether an executive session is permitted and, if so, how to proceed.

Public Records

The Freedom of Access Act defines “public records” broadly, to include all material in possession of public agencies, staff and officials if the materials were received or prepared for use in, or relate to, the transaction of public or governmental business. The scope of the definition means that most, if not all, papers and electronic records relating to legislative business are public records. This includes records that may be stored on an individual legislator’s personal computer, tablet or smartphone if they relate to or were prepared for use in the transaction of public business, *e.g.*, constituent inquiries, emails, text messages or other correspondence about legislative matters. Information contained in a communication between a constituent and a legislator may be confidential if it meets certain narrow requirements.

Time-limited Exception from Public Disclosure for Certain Legislative Records

The Freedom of Access Act contains exceptions to the general rule that public records must be made available for public inspection and copying. One exception that is relevant to legislative work allows certain legislative papers to be withheld from public disclosure until the end of the legislative session in which they are being used. The exceptions are as follows:

- ❑ Legislative papers and reports (e.g. bill drafts, committee amendments and the like) are not public records until signed and publicly distributed; and
- ❑ Working papers, drafts, records and memoranda used to prepare proposed legislative papers or reports are not public records until the end of the legislative session in which the papers or reports are prepared or considered or to which they are carried over.

The Legislative Council’s Confidentiality Policy and the Joint Rules provide guidance to legislative staff about how such records are to be treated before they become public records.

Confidential Records in the Possession of Committees

Committees may also need to be prepared to deal with other types of non-public records, such as individual medical or financial records that are classified as confidential under state or federal law.

If the committee comes into possession of records that are declared confidential by law, the Freedom of Access Act allows the committee to withhold those records from the public and to go into executive session to consider them (see discussion above for the proper process).

In addition, the committee should also find out whether there are laws that set specific limitations on, and penalties for, dissemination of those records. The Office of the Attorney General or a nonpartisan legislative analyst from the Office of Policy and Legal Analysis or the Office of Fiscal and Program Review can help the committee with these records.

Joint Rule 313 also sets forth procedures to be followed by a committee that possesses confidential records.

Legislative Review of Public Record Exceptions

All exceptions to the public records law are subject to a review process. A legislative committee that considers a legislative measure proposing a new statutory exception must refer the measure to the Judiciary Committee if a majority of the committee supports the proposed exception. The Judiciary Committee will review and evaluate the proposal according to statutory standards, then report findings and recommendations to the committee of jurisdiction. The Judiciary Committee regularly seeks input from the Right to Know Advisory Committee on public records, confidentiality and other freedom of access issues.

Public Access Ombudsman

The Public Access Ombudsman, an attorney located in the Department of the Attorney General, is available to provide information about public meetings and public records, to help resolve complaints about accessing proceedings and records and to help educate the public as well as public agencies and officials. Legislators may contact the Public Access Ombudsman, Brenda Kielty, at Brenda.Kielty@maine.gov, or (207) 626-8577 for assistance.

Legislative Confidentiality

Nonpartisan legislative staff are governed by a strict confidentiality policy

This policy requires that:

- Communications between Legislators and nonpartisan staff are confidential; and
- Nonpartisan staff must protect the confidentiality of requests for assistance, advice or information and related working papers, including draft bills, resolves, resolutions, orders or amendments.

Treatment of documents and information protected as confidential

The policy requires nonpartisan staff to treat confidential documents and information as follows.

1. Requests for assistance, advice or information and related working papers may be shared by nonpartisan legislative staff only with the permission of the requesting legislator.
2. Nonpartisan legislative staff may share confidential documents and information with each other when necessary to perform their responsibilities in accordance with office policies.
3. A draft bill, resolve, resolution, order or amendment is a working paper and may be shared by nonpartisan legislative staff only with permission of the legislator or entity requesting the bill, resolve, resolution, order or amendment. A draft bill, resolve, resolution, order or amendment remains confidential until it is distributed in a public meeting or signed and publicly distributed in accordance with legislative rules.
4. The sponsor of a legislative request may specify that the title of the request and the sponsor's name remain confidential until cloture. As soon as practicable after cloture, the Revisor's Office is required to publish a list of bill titles, sponsors and subject index terms, and, for a 2nd Regular Session, a short summary of each request. The Governor may specify that a Governor's legislative request remains confidential until the request is printed.

When confidential documents become public

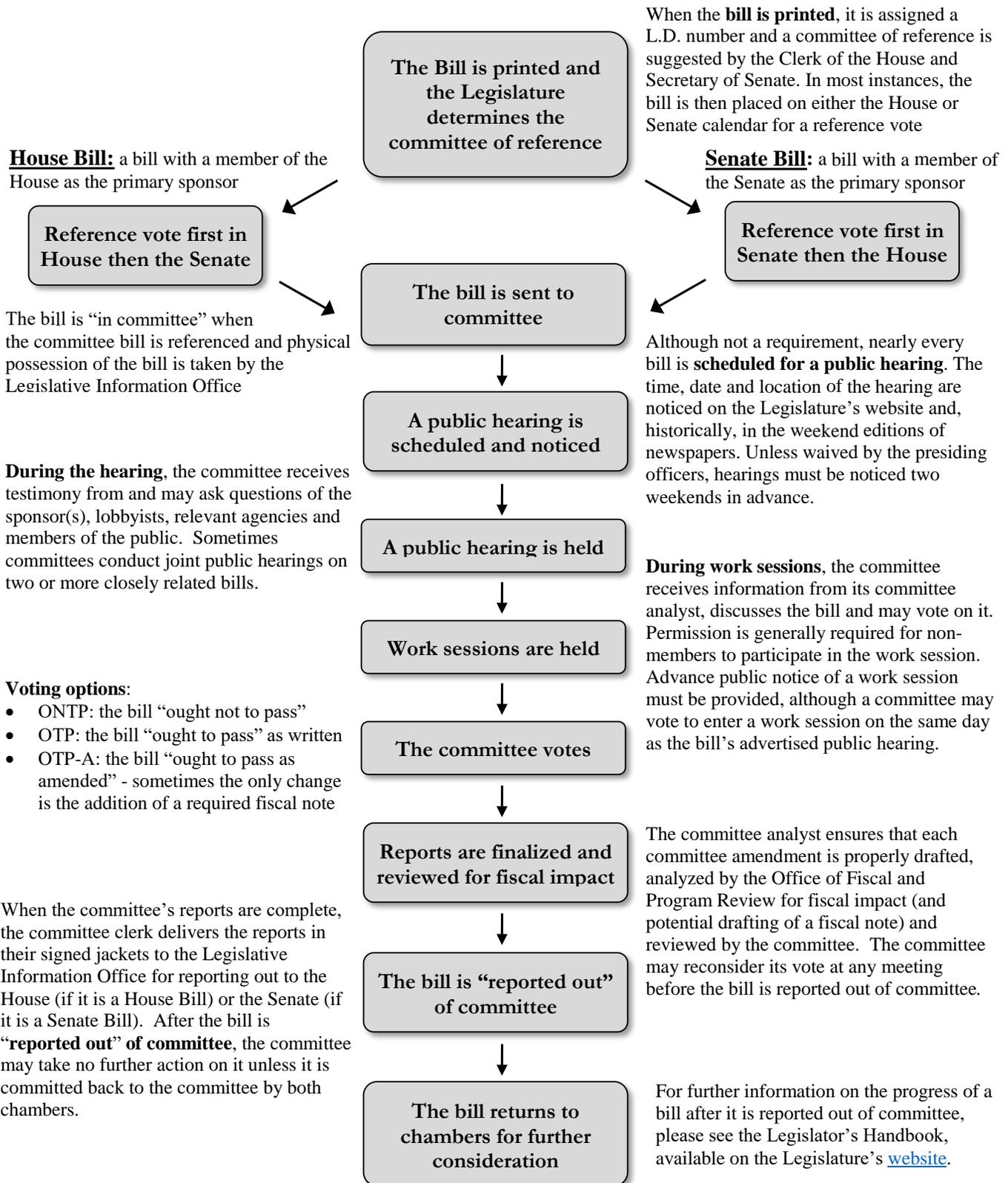
- Legislative papers and reports become public when signed and publicly distributed in accordance with legislative rules.
- Written records used or maintained by nonpartisan legislative staff to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees are working papers and become public records at the end of the legislative session in which the papers or reports are prepared or considered or to which they are carried over.

Basis

Legislative confidentiality is governed by statute (Maine's Freedom of Access Act, 1 MRS §402, sub-§3, ¶C), the Joint Rules adopted by each Legislature and Legislative Council policy.

Prepared by nonpartisan committee staff (November 2024)

The Flow of Legislation through the Committee Process



Prepared by nonpartisan committee staff (November 2024)

Office of Policy and Legal Analysis

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Who we are

The Office of Policy and Legal Analysis (OPLA) is a nonpartisan staff office of the Maine Legislature operating under the auspices of the Legislative Council. OPLA staff are prohibited from taking or advocating political positions on policy issues or engaging in any activities that might be construed as partisan or political. OPLA staff observe strict confidentiality policies and guidelines.

What we do

OPLA provides nonpartisan professional legislative committee staffing services to the Legislature. In particular, OPLA staffs all the joint standing committees of the Legislature (except the committees with jurisdiction over appropriations and financial affairs and taxation issues) and provides other related services to support the Legislature.

Committee staff services include:

- Providing nonpartisan policy and legal research and analysis of legislation and issues before the committee and assisting the committee with its consideration of legislation;
- Drafting committee papers, including committee amendments, committee bills, reports and other correspondence;
- Assisting committees in oversight of state agencies, including reviewing agency budgets and rulemaking and conducting State Government Evaluation Act reviews and quasi-independent state entity reviews; and
- Assisting committee chairs in facilitating the committee process and organizing committee work.

Other OPLA services include:

- Assisting individual legislators with drafting and information requests;
- Providing staffing for interim legislative study commissions, including providing nonpartisan policy and legal research and analysis of study issues, assisting commission chairs with scheduling and drafting study reports;
- Conducting staff studies (policy and legal analysis of issues) during the Legislative interim;
- Assisting the Revisor of Statutes in drafting legislative bill requests; and
- Preparing and presenting reports to legislative leadership on the status of committee work on bills.

Publications

OPLA's primary publications include:

- Legislators' Handbook (updated biennially);
- Bill Digest and Enacted Law Summaries (prepared annually after adjournment); and
- Reports of legislative study commissions (one-time, or annually for ongoing studies).

Prepared by nonpartisan committee staff (November 2024)

Office of Program Evaluation and Government Accountability

Mailing Address: 82 State House Station
Augusta, Maine 04333-0082

Physical Location: Cross Office Building,
Room 104/105

Telephone: (207) 287-1901

Website: <http://legislature.maine.gov/opega>

Who we are

The Office of Program Evaluation and Government Accountability (OPEGA) is an independent, nonpartisan legislative office established and governed by [3 M.R.S.A. §§991-1001](#). With a focus on effectiveness, efficiency, accountability and economical use of resources, OPEGA conducts independent, evidence-based, objective reviews of state agencies, programs and activities to support the Legislature's oversight role monitoring and improving the performance of state government. Within this context, OPEGA also evaluates program compliance with laws, regulations, policies and best practices. OPEGA supports, and is overseen by, the Government Oversight Committee (GOC), which reviews and approves the office's annual work plan, directs the office to conduct program evaluations, and receives reports produced by the office.

What we do

OPEGA strives to provide timely, informative evaluation reports that are of high value to the Legislature and that support its oversight responsibilities. OPEGA's primary functions are described below.

Program evaluation services, include: At the direction of the GOC, conducting independent and objective evaluations of state agencies, programs and activities, which may also include other entities receiving public funds administered by the State or expending private monies for public purposes;

- Pursuant to statute, conducting evaluations of tax expenditure programs, including economic development incentives; and
- Producing and presenting final written reports with detailed findings and results.

Government Oversight Committee staffing services include:

- Providing direct staffing to the GOC, with OPEGA's administrative secretary serving as the GOC committee clerk;
- Coordinating committee meetings, including preparing meeting materials and providing requested research; and
- Providing thorough, public presentations of OPEGA reports.

Review requests

Legislators can call OPEGA directly at 207-287-1901 to discuss submitting a review request to the GOC or visit OPEGA's website at <http://mainelegislature.org/opega/> and click on the "Request for a review" link on the left-hand side of the page.

Publications

OPEGA's primary publications include:

- Reports and information briefs from OPEGA program evaluations; and
- Annual reports on OPEGA activities and performance.

Prepared by OPEGA (January 2025)

How to Read a Bill

Basic components

A bill is a type of legislative instrument that contains a proposal for a law. Every printed bill has certain basic components: the assigned House Paper or Senate Paper number and Legislative Document (L.D.) number; the number of the legislative session; the date of introduction; the name of the committee suggested for reference; the sponsor and any cosponsors; the title; the authority for introduction, if any; the text of the bill; and the summary. Once printed, bills are usually identified and referred to throughout the rest of the session by their L.D. numbers.

Format

In the bill text, existing statutory language proposed to be repealed is either shown as struck through or clearly identified as being repealed, and all proposed new statutory language is shown as underlined. When a bill proposes to repeal and replace an existing statute or create an entirely new statute, all of the proposed new statutory language is underlined.

Summary

The summary is a brief, plain language explanation of the content and intent of the bill, which is prepared by nonpartisan staff.

Concept draft

Joint Rule 208 also permits a legislator to submit a bill as a concept draft. A concept draft is simply a summary of what the sponsor intends to accomplish with the bill; it does not contain the actual language of a proposed law and, therefore, cannot be enacted unless and until such actual language is appropriately substituted for the concept.

Example

On the following page is a copy of a bill proposing a law from a previous legislature with a description of its various technical components.

Prepared by nonpartisan committee staff (January 2025)

When bills are printed, they are assigned Legislative Document (LD) numbers in sequential order from the start of the biennium

Bills are assigned paper numbers by the body of bill's sponsor (HP=House Paper, SP=Senate Paper)

Title of the bill, providing a brief description

An Act Regarding Credit Ratings Related to Overdue Medical Expenses

Suggested legislative committee to review and report recommendations on the bill (suggested by the Clerk of the House and Secretary of the Senate)

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

ROBERT B. HUNT
Clerk

Bill's sponsors and cosponsors

Presented by Representative JOHANSEN of Monticello.
Cosponsored by Representatives: COLLINGS of Portland, MORRIS of Turner, ORDWAY of Standish, Senator: GUERIN of Penobscot.

Enacting clause

Be it enacted by the People of the State of Maine as follows:

Amending clause and history line, showing title and section of law being amended

Sec. 1. 10 MRSA §1310-H, sub-§3, as enacted by PL 2013, c. 228, §1, is amended to read:

Strikethrough indicates language being repealed and underlining indicates language being added

3. Nonliability. A person may not be held liable for any violation of this section if the person shows by a preponderance of the evidence that at the time of the alleged violation the person maintained reasonable procedures to ensure compliance with the provisions of subsections 1 ~~and~~ 2 and 4.

Sections of bills affecting a title, section or subsection of the MRSA are arranged in ascending numerical order

Sec. 2. 10 MRSA §1310-H, sub-§4 is enacted to read:

Underlining indicates language being added

4. Reporting of overdue medical expenses on consumer report.
Notwithstanding any provision of federal law, a consumer reporting agency may not report debt from overdue medical expenses on a consumer's consumer report in a manner that adversely affects the consumer's credit history or credit rating as long as the consumer is making regular, scheduled periodic payments toward the debt.

Explanation of what the bill does

SUMMARY

This bill prohibits a consumer reporting agency from reporting debt from overdue medical expenses on a consumer report in a manner that adversely affects the consumer's credit history or credit rating as long as that consumer is making regular, scheduled periodic payments toward the debt.

Fiscal Notes in the Committee Process

What is a fiscal note?

A fiscal note is a brief description of the effect of a bill or amendment on the finances of Maine State Government (costs, savings and/or revenue increases or decreases) and any costs incurred by local units of government if the bill constitutes a potential state mandate. All fiscal notes are prepared by the nonpartisan Office of Fiscal and Program Review (OFPR) and are intended to describe accurately and objectively the fiscal impact of bills and amendments.

Committee process

Although not required, OFPR may produce preliminary fiscal impact statements, which are distributed to the bill's sponsor and the committee of reference. Given time constraints, these are generally produced only for bills with readily available information and requiring less complex reviews. These are not final fiscal notes but provide a preliminary assessment of the bill's fiscal impact, if any. The preliminary fiscal impact statement indicates whether the bill, if it proceeds unchanged, will require a fiscal note.

Under Joint Rule 312, OFPR prepares a fiscal note if the office determines that a bill or amendment receiving a favorable vote from a committee, or from a majority or minority of a committee, has an impact affecting state revenues, appropriations and allocations or that requires a local unit of government to expand or modify that unit's activities. OFPR will produce the fiscal note and that fiscal note must accompany the bill or amendment when it is reported out of committee. If OFPR's analysis indicates an original bill or amendment without an appropriation or allocation will require positions or other expenditures to accomplish the intended outcome, the fiscal note drafted by OFPR will contain an appropriations and allocations section that identifies what funding is required.

The committee analyst will process all bills and amendments through the OFPR fiscal review procedure, ensure that preliminary impact statements and fiscal notes are brought to the attention of the committee and ensure that any required fiscal note and appropriations or allocations section is included with a committee report. The committee may ask the fiscal analyst from OFPR to come to the committee to discuss the fiscal note or the appropriations and allocations section intended to be included as part of a committee amendment. After reviewing a fiscal note and any draft appropriations and allocations section prepared by OFPR, or notes or sections in the case of multiple reports, a committee may report the bill out with the fiscal note or notes or it may reconsider its action and change or eliminate the fiscal impact by making changes to the bill or amendment. Any change will require a new review and revised fiscal note from OFPR.

Floor process

Legislation with an impact on the General Fund or Highway Fund, as identified in the fiscal note, that has been reported out of committee and received initial approval in both houses will be tabled before final enactment on the Senate's Special Appropriations Table or Special Highway Table. The Joint Standing Committee on Appropriations and Financial Affairs (or Joint Standing Committee on Transportation for the Special Highway Table), with input from the committees of jurisdiction, makes final recommendations to the Senate on which, if any, such legislation should be enacted, not enacted or amended given budgetary considerations.

For more information please visit <http://legislature.maine.gov/ofpr/> and click on **Publications**.

Prepared by nonpartisan committee staff (January 2025)

The Policy Committee Role in Budget Matters: Joint Rule 314

Joint Rule 314 establishes the role of policy committees -- any joint standing or joint select committee other than the Appropriations and Financial Affairs Committee (Appropriations Committee) -- in budget matters. Policy committees:

1. Advise the Appropriations Committee on those portions of State budget bills that affect subject matter within the jurisdiction of the policy committee; and
2. Advise the Appropriations Committee on the policy committee's budgetary priorities relating to certain bills having a fiscal impact.

Advising on budget bills

According to the subject matter jurisdiction of each policy committee, the Appropriations Committee schedules a series of joint public hearings with policy committees on the relevant portions of the Governor's budget bills. The relevant portions of a budget bill for a policy committee include the initiatives in a proposed budget that affects all agencies within the policy committee's jurisdiction and any proposed changes to statutory language affecting laws under the policy committee's jurisdiction. The policy committee can attend the hearing as a whole or send an appointed subcommittee to attend the public hearing and serve as a liaison to the Appropriations Committee.

After the joint public hearing, policy committees typically hold their own work sessions and develop their recommendations on the relevant portions of a budget bill. The Appropriations Committee may direct that policy committees' recommendations stay within budgetary constraints established by the Appropriations Committee.

The policy committee then reports its recommendations on the relevant portions of a budget bill to the Appropriations Committee in a format specified by the Appropriations Committee. Typically, the Appropriations Committee asks policy committees to report back using a document that allows the committee to record a vote on each budget initiative or language part.

Policy committee recommendations are not binding on the Appropriations Committee; the Appropriations Committee must consider policy committee recommendations but retains sole decision-making authority on budget matters.

Prioritizing bills with fiscal impact

Bills with fiscal impact that have been reported out of a committee and received initial approval in both chambers are tabled before final enactment on the Senate's Special Appropriations Table. Near the end of session, the Appropriations Committee, with input from the policy committees, makes final recommendations to the Senate on which, if any, such legislation should be enacted, not enacted or amended given budgetary considerations. The policy committees may provide input by submitting a list expressing the committee's priorities for bills on the Special Appropriations Table, including an indication of how each committee member voted on the priority recommendation.

For more information please visit www.legislature.maine.gov/ofpr and click on **Publications**.

Prepared by nonpartisan committee staff (November 2024)

Legislative Oversight of Agency Rules

Legislative delegation of authority to adopt rules

When it enacts legislation, the Legislature sometimes delegates to a state agency the authority to adopt rules that implement, interpret or make specific the law administered by the agency, or that describe the procedures or practices of the agency. Although referred to as a “regulation” at the federal level, in Maine a “rule” is any judicially enforceable standard, requirement or statement of policy adopted by a state agency. Rules must be consistent with the law under which they are adopted and must be adopted in accordance with the Maine Administrative Procedure Act (MAPA), [Title 5, chapter 375 of the Maine Revised Statutes](#).

Categorization of rules as “routine technical” or “major substantive”

When the Legislature enacts a law authorizing or directing a state agency to adopt rules, the Legislature must specifically indicate whether the rules are “routine technical” or “major substantive.” (This requirement was enacted in 1996.) The APA describes routine technical rules as rules that establish standards of practice or procedures for agency business and major substantive rules as rules that require the exercise of significant agency discretion or interpretation or that will cause a significant public impact. However, it is the Legislature that makes the decision about the category of rule when enacting the law authorizing adoption of the rule. The key consideration is whether the Legislature wishes to review the rule before it is finally adopted by the agency (major substantive rules are subject to formal legislative review whereas routine technical rules are not).

Legislative review of major substantive rules

An agency must submit new major substantive rules and amendments to previously adopted major substantive rules to the Legislature for formal review. The Legislature initiates this review by printing a resolve authorizing adoption of the rule or amended rule and referring the resolve to the committee with jurisdiction over the rule’s subject matter. The committee generally holds a public hearing and work sessions on the resolve in the same manner as it does for other bills and resolves. The APA establishes criteria for the committee to apply in reviewing the rule and in deciding whether to recommend final adoption of the rule as drafted by the agency; final adoption of a part of the rule; final adoption of the rule after certain specified amendments are made to the agency’s draft; or that the agency not finally adopt the rule. For more information on this legislative review process, please see the handout entitled “Legislative Review of Proposed Major Substantive Rules.”

Annual review of agency regulatory agendas

In [5 M.R.S.A. §8060](#), the APA also requires each state agency to submit a regulatory agenda to the appropriate legislative committee or committees with jurisdiction over that agency. An agency’s regulatory agenda includes a list of the rules that the agency expects to propose before the next regulatory agenda is issued, the statutory or other basis for adoption of each rule, the purpose of each rule, the anticipated schedule for adopting each rule, a listing of potentially benefitted and regulated parties for each rule and a listing of all rules adopted on an emergency basis since the last regulatory agenda was issued. The regulatory agenda must be submitted on an annual basis between the beginning of a legislative session and 100 days after adjournment. The APA directs the legislative committee receiving one or more regulatory agendas to review the agenda at a meeting called for that purpose.

Annual review of completed agency rulemaking activity

The Legislature also receives and reviews annual lists of agency rulemaking activity in accordance with [5 M.R.S.A. §8053-A](#). By February 1st of each year, the Secretary of State must provide to the Executive Director of the Legislative Council a list of all rules adopted by each agency during the previous calendar year. The Executive Director refers each list to the appropriate legislative committee for review. After each committee has received a list of rulemaking activity, the committee may require an agency to appear before the committee and may report out legislation in the same legislative session in which the report is received to adjust rulemaking authority related to the rules adopted in the previous calendar year.

Prepared by nonpartisan committee staff (November 2024)

Legislative Review of Major Substantive Rules

Legal authority required to adopt rules

Before an agency may adopt a rule on a matter, the Legislature must have enacted a law granting the agency rulemaking authority. Rules must be consistent with the law under which they are adopted and adopted in accordance with the Maine Administrative Procedure Act (MAPA), [5 M.R.S.A. chapter 375, subchapters 2 and 2-A](#).

Two types of rules: “routine technical” or “major substantive”

Under the APA, all laws enacted after January 1, 1996 that delegate rulemaking authority to an agency must specifically indicate whether the rules are “routine technical” or “major substantive.” Although the APA provides the following guidelines, the ultimate decision whether a particular rule is designated as routine technical or major substantive is made by the Legislature when it enacts the law authorizing adoption of the rule.

- “Routine technical rules,” are those that establish standards of practice or procedure for agency business including, for example, rules that set a fee within a range specified by statute.
- “Major substantive” rules are rules that, in the judgment of the Legislature, either (1) require the exercise of significant agency discretion or interpretation in drafting or (2) are reasonably expected to result in a significant increase in the cost of doing business, significant reduction in property values, significant reduction of government benefits or services, serious burden on the public or serious burden on units of local government.

The key consideration is whether the Legislature wishes to review the rule before it is finally adopted by the agency (major substantive rules are subject to formal legislative review whereas routine technical rules are not).

APA procedural requirements for agency rulemaking

Agencies must provide notice of proposed new or amended rules to interested parties, the general public and to the Legislature. The Executive Director of the Legislative Council accepts notices of rulemaking from agencies on behalf of the Legislature and forwards each notice to the appropriate legislative committee or committees with jurisdiction over the subject matter addressed in the rule. After providing notice, agencies must accept and respond to public comments on the proposed rule. Agencies are required to hold a public hearing on proposed major substantive rules. Proposed rules must also be reviewed and approved for legality by the Office of the Attorney General.

Once this process is complete, a major substantive rule may only be provisionally adopted by the agency and does not have legal effect until it has been reviewed by the Legislature and finally adopted by the agency. By contrast, a routine technical rule may be finally adopted by the agency without additional legislative review.

Legislative review of major substantive rules

When a provisionally adopted major substantive rule is properly submitted by an agency, a resolve is printed that proposes to allow the agency to adopt the rule. The resolve is then referred to the committee with jurisdiction over the rule’s subject matter and serves as the vehicle through which the committee recommends whether and how the rule should be adopted.

The APA provides certain useful criteria ([5 M.R.S.A. §8072\(4\)](#)) for a committee to consider when reviewing a rule.

After reviewing the rule and corresponding resolve, the committee may vote to recommend:

- That the agency be authorized to finally adopt the provisionally adopted rule (1) as drafted by the agency, (2) only in part or (3) contingent upon the agency making changes to the rule, or
- That the agency not be authorized to finally adopt the provisionally adopted rule.

The committee's recommendation must be reported out not less than 30 days before statutory adjournment.

Timing of agency submission of rules for review; effect of Legislature's failure to act

The APA directs agencies to submit provisionally adopted new (or amended) major substantive rules for review during the "rule acceptance period," which begins on July 1st before each regular session and ends at 5:00 p.m. on the 2nd Friday in January after the convening of that regular session. Filing a rule outside the acceptance period affects both the legislative review process and the agency's adoption authority.

If the provisionally adopted rule is submitted within the rule acceptance period, a rule resolve is automatically prepared and then referred to the appropriate committee for review.

- If the Legislature fails to act—for example, by allowing the resolve to die between the bodies or sustaining a veto of the resolve—the agency **may** finally adopt the rule as provisionally adopted. A committee vote of ONTP on the resolve is considered a failure to act on the rule.
- If the Legislature wishes to not authorize final adoption of a timely submitted rule, it must pass legislation prohibiting the agency from finally adopting the rule (this is typically done through an amendment to the resolve).
- If the Legislature wishes to authorize the rule but only if the rule is amended, the Legislature must pass legislation describing the changes the agency must make before final adoption is authorized (this is typically done through an amendment to the resolve).

If the provisionally adopted rule is submitted after the acceptance period has ended, the Legislative Council decides whether to accept the rule for review. If the Legislative Council accepts the rule, a rule resolve will be prepared and referred to the appropriate committee.

- If the Legislature fails to act on a late-filed rule (see examples above), the agency may **not** finally adopt the rule.
- If the Legislature wishes to prevent adoption of a late-submitted rule, it does not need to act on the rule (a vote of ONTP on the resolve is considered a failure to act on the rule).
- If the Legislature wishes to allow the agency to adopt the late-submitted rule, with or without amendments, it must pass some version of the resolve (or pass other legislation) authorizing the agency to act.

Final adoption of rule

The agency must finally adopt the rule, with any required amendments, within 60 days of the effective date of the legislation approving the rule (or within 60 days of the adjournment of the session if the Legislature fails to act on a timely submitted rule).

Prepared by nonpartisan committee staff (November 2024)

State Mandates

The law

The Maine Constitution, Article IX, Section 21 (adopted in 1992), prohibits the State from requiring a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues unless:

1. The State annually provides 90% of the funding; or
2. The Legislature votes to establish an exemption by a 2/3 vote of the elected membership of each chamber.

In accordance with the Constitution, the Legislature enacted implementing legislation (30-A MRSA §5685) which, among other things, clarifies that if the Legislature passes legislation that constitutes a State mandate and does not create an exception for that mandate or provide the required state funding, affected local units of government are not bound by the mandate.

Interpretation

Whether a proposal falls within the terms of Article IX, Section 21 is sometimes the subject of debate. A proposal that may fall within the provision will be identified as a potential State mandate in the fiscal note prepared by the Office of Fiscal and Program Review (OFPR), thus flagging the matter for further legislative consideration. Once identified by OFPR as a potential State mandate, the committee has several options as outlined below and may consult with their committee analyst on any questions concerning whether a legislative proposal constitutes a mandate.

Options if proposal identified as potential mandate in fiscal note

Determination that proposal does not constitute a mandate. If a committee determines that a provision identified by OFPR as a potential mandate is not in fact a mandate, the committee may direct its committee analyst to draft language to insert in the summary of the committee amendment that states the committee's determination. A recommended template has been developed for use by committee analysts. If inserted into a summary, the intent of the language is to explain the committee's finding that the provision the fiscal note identifies as a potential mandate does not require any expansion or modification of activities so as to necessitate additional expenditures from local revenue. The committee may then report the proposal out without funding and without a Mandate Preamble. In that case, the proposal will normally be placed on the Special Appropriations Table and a decision regarding final enactment will be deferred until the Joint Standing Committee on Appropriations and Financial Affairs makes decisions on bills placed on this table, which usually occurs near the end of a legislative session.

Determination that proposal does constitute a mandate. If a committee determines that a proposal does constitute a mandate, the committee has various options it may pursue, including:

1. Amending the proposal to eliminate the requirement (for instance, making the expanded or modified activity optional);
2. Amending the proposal to provide funding for 90% of the necessitated additional local expenditures; or
3. Amending the proposal to add a Mandate Preamble stating that the legislation is being enacted as an exception to Article IX, Section 21 and that the legislation is exempt from the funding requirement. To accomplish this third option, enactment of the proposal requires a 2/3 vote of the elected membership in each chamber.

Determination that no further action is necessary. After reviewing a provision identified by OFPR as a potential mandate, a committee may decide not to take further action. If a committee reports out a proposal identified as a potential mandate without addressing the issue in the summary of a committee amendment and without funding or a Mandate Preamble, the proposal will likely still be placed on the Special Appropriations Table. A decision regarding final enactment will be deferred until the Joint Standing Committee on Appropriations and Financial Affairs decides how to address the potential mandate as part of its review of bills placed on the table, which usually occurs near the end of a legislative session.

Failure to add a Mandate Preamble or funding

If the Legislature passes legislation that constitutes a State mandate without providing the funding or exempting the legislation from the funding requirement by adding a Mandate Preamble, affected local units of government are not bound by the mandate.

Prepared by nonpartisan committee staff (January 2025)

Carry Over Bills

Under Joint Rules 309 and 310 as adopted by the 132nd Legislature, all legislative documents (LDs)—acts, resolves and resolutions, jointly referred to as “bills” in this document—must be reported out of committee in accordance with deadlines established by the presiding officers. Generally, bills must be reported out during the session in which they are introduced. Under certain circumstances, however, the presiding officers may authorize committees to hold specific, identified bills in committee beyond the end of a legislative session. Such bills are said to be “carried over” to the subsequent session. Historically, a bill may be carried over only if there is another scheduled or expected session of the same legislature (for instance, LDs may be carried over from the First Regular Session to the Second Regular Session).

A committee may wish to carry over a bill to the subsequent session for a variety of reasons. For example, the subject matter of the bill may be exceptionally complex, the committee may wish to direct stakeholders to meet over the interim to reach a consensus solution to the issues raised in the bill, the committee may have requested that important additional information be collected over the interim or the committee may be awaiting the outcome of events that are significant to its consideration of the bill.

Procedure

If a committee wishes to carry over one or more bills, the following are generally the standard procedures.

1. Unless otherwise directed or authorized by the presiding officers, the committee should submit a written request, prepared by the committee’s legislative analyst, to the presiding officers. The request should identify each bill by LD number and title and briefly explain the reason why the committee is requesting that it be carried over.
2. The presiding officers jointly review and approve or deny the requests in whole or in part.
3. Bills approved for carry over are usually included in a single joint order, introduced near the end of the session, authorizing each of the identified bills to be carried over by the specified committee to a subsequent session. The order sometimes authorizes the Legislature to carry over other specifically identified bills that are “tabled” in the House or Senate pending further legislative action. Under certain circumstances, for instance an unanticipated early adjournment, all bills not finally disposed of are carried over without referencing individual bills.

Historically, committees have been encouraged to complete their work on carry over bills early in the Second Regular Session, leaving the remainder of the session to focus on newly referred bills.

Prepared by nonpartisan committee staff (January 2025)

Committee Bills

A committee bill is a bill that originates in committee and is introduced to the Legislature by the committee.

Sources of authority to report out a committee bill

- **Joint order.** A joint order that has been passed by both chambers may authorize or direct a committee to report out a bill (typically on a designated subject).
- **Law.** A provision of law (statute, Public Law or Resolve) may authorize a committee to report out a bill.
- **Joint Rule.** Under Joint Rule 353, as adopted by the 132nd Legislature, a committee of jurisdiction may report out a bill to implement recommendations of a Legislative study or other study required by law.

Process to report out a committee bill

A majority vote is required to report out a committee bill. There are two approaches to reporting out a committee bill:

1. **Report out for Reference Back.** This is the typical approach. In this approach, the committee votes to report out a committee bill for the purpose of having it printed as a Legislative Document (LD) and referred back to the committee for public hearing and work session. The vote to report out the bill is a procedural vote, not a final recommendation on the substance of the bill. If a committee wishes, it can include language in the bill summary indicating that the committee is not taking any position on the bill and is only reporting out the bill out to have it printed and referred back to committee; this language is optional and entirely up to the committee (see sample): or
2. **Report out with Final Recommendation.** Alternatively, a committee may vote to report out a committee bill for the purpose of sending it to the floor with a final recommendation on the substance of the bill. In this case, the committee conducts its work on the bill as a proposal or draft bill (rather than a printed LD). After being reported out, the bill is not referred back to committee but is directly taken up on the floor. There are several things for the committee to consider regarding this approach.
 - a) Processing a bill in committee as a proposal or draft bill can sometimes be confusing for the public, as there will not be a LD that the public can find in the Legislature's online bill status system until after the committee has reported it out.
 - b) If the committee wishes to hold a public hearing on a proposal or draft bill, it needs to obtain the express written approval of the presiding officers.
 - c) If a committee bill is reported out to the floor with a final recommendation and there is a divided report, the majority report will be printed as the LD and any minority report (other than ONTP) will be printed as an amendment to the bill.

When a committee bill goes to the floor

When a committee bill is reported out, it is introduced in the chamber where the law or joint order that enabled the committee to report the bill out originated. If the typical approach is used (the committee bill is reported out for reference back to committee), the bill goes through the reference process in the House and Senate and generally is referred back to the committee. If the alternative approach is used (the committee bill is reported out with a final recommendation), the bill is directly taken up for action by the House and Senate.

SAMPLE OPTIONAL SUMMARY

COMMITTEE BILL REPORTED OUT FOR REFERENCE BACK
(COMMITTEE IS NOT TAKING POSITION ON SUBSTANCE OF THE BILL)

SUMMARY

This bill is reported out by the Joint Standing Committee on [*committee name*] pursuant to [*authority for legislation*].

The committee has not taken a position on the substance of this bill. By reporting this bill out the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect this bill. The committee is reporting the bill out for the sole purpose of having a bill printed that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course. The committee is taking this action to ensure clarity and transparency in the legislative review of the proposals contained in the bill.

Prepared by nonpartisan committee staff (January 2025)

Legislative and Non-legislative Studies

Purpose and types of studies

Studies allow for the examination of topics beyond what may be possible during a legislative session. Legislative and non-legislative studies may take many forms and be tailored to meet the needs of the Legislature. A study usually results in a written report of findings and recommendations for legislative consideration in a subsequent legislative session. The Legislature is not bound to adopt the recommendations of a study.

Legislative study

A “legislative study” is a study undertaken by any group of people that uses any legislative resources (requires legislative appointments, includes legislators, uses legislative study funds or involves legislative staff). Except for limited exemptions adopted in policies of the Legislative Council, a “legislative study” must conform to Joint Rule 353, which includes requirements relating to the composition and appointment of membership, compensation, report deadlines and outside funding. Legislative studies are placed on a special study table prior to final approval in the Senate and are reviewed by the Legislative Council, which decides what studies to authorize. Unless the Legislative Council directs otherwise, Legislative Council staff are assigned only to legislative studies that conform to Joint Rule 353.

Non-legislative study

A “non-legislative study” or “non-legislative study group” is any group of individuals directed by legislation to report back to the Legislature on any issue, but is not otherwise a legislative study. Non-legislative studies include the following.

- Stakeholder group study or an on-going board or commission: Legislative Council policy allows these groups to include up to two legislators as long as no other legislative resources are used; if no more than two legislators are included, the proposal will go on the study table but the other requirements relating to legislative studies do not apply.
- Agency study: An agency is directed to study an issue and report back to a committee or the Legislature.
- Staff study: Nonpartisan legislative staff is directed to collect data, research legal and policy issues and provide an analysis and summary.

A study that proposes to use any legislative resources will likely be placed on the special study table pending review by the Legislative Council.

Creating a study

If a committee believes a study may be appropriate, its first step should be to define the study’s purpose. The committee should then consider whether a legislative study is the most appropriate form of study to achieve that purpose. A legislative study may be created by joint study order if no persons outside the Legislature are required to take any action and the study will be completed within the legislative biennium. Otherwise, some form of law is required to create a study.

Implementing study recommendations

Under Joint Rule 353 as adopted by the 132nd Legislature, a legislative or a non-legislative study may not directly introduce legislation but may include proposed legislation in its report to the Legislature. Under that rule, upon receipt of a report submitted by a study, a joint standing committee may introduce a bill on matters relating to the study, e.g., the legislation proposed in the study report.

Prepared by nonpartisan committee staff (January 2025)

Special Review Processes of Committees **(new)**

Maine law and the Joint Rules require certain bills and amendments to be reviewed by specific joint standing committees before being considered by the Legislature as a whole. These special review processes for review and evaluation of proposed legislation are summarized below.

- Proposed public records exceptions or restrictions affecting the accessibility of public records must be reviewed by the Judiciary Committee pursuant to the Freedom of Access Act, 1 MRSA §434.
- Proposed tax expenditures or changes to existing tax expenditures must be reviewed by the Taxation Committee pursuant to 3 MRSA §1002.
- Provisions affecting the Fund for a Healthy Maine must be reviewed by the Health and Human Services Committee pursuant to 22 MRSA §1511, sub-§14 and Joint Rule 317.
- Provisions that propose to expedite, establish or adjust the priority of judicial proceedings must be reviewed by the Judiciary Committee pursuant to Joint Rule 318.
- Provisions creating or enhancing criminal penalties must be reviewed by the Criminal Justice and Public Safety Committee pursuant to Joint Rule 319.

Review of proposed public records exceptions or restrictions affecting the accessibility of public records pursuant to the Freedom of Access Act

The statutory language related to the review of proposed public records exceptions or accessibility restrictions is found in **1 MRSA §434, subsections 2 and 2-B.**

- Proposed legislation contains a “new public records exception” if it declares a particular type of an otherwise public records as “confidential” for purposes of the Freedom of Access Act
- If the majority of a committee supports legislation proposing a new public records exception or affecting the accessibility of a public record, the committee must request that the Judiciary Committee review the proposed exception or accessibility restriction and explain why the committee believes the proposed public records exception or accessibility restriction should be adopted.
- The Judiciary Committee uses a statutory list of criteria to evaluate a proposed public records exception or accessibility restriction.
- After completing its review, the Judiciary Committee must report its findings and recommendations whether the proposed public records exception or accessibility restriction should be enacted to the committee with jurisdiction over the legislation.
- A proposed public records exception or accessibility restriction may not be enacted into law unless reviewed and evaluated by the Judiciary Committee

Review of proposed tax expenditures or changes to existing tax expenditures

The statutory language related to the review of proposed tax expenditures or changes to existing tax expenditures is found in **3 MRSA §1002.**

- Tax expenditures are defined to mean “those state tax revenue losses attributable to provisions of Maine tax laws that allow a special exclusion, exemption or deduction or provide a special credit, a preferential rate of tax or a deferral of tax liability.”

- If the majority of a committee supports a bill that includes a proposed tax expenditure or change to an existing tax expenditure, the committee must request that the Taxation Committee review the proposed expenditure or change to an existing expenditure and explain the why the committee believes the proposed tax expenditure or change should be adopted.
- The Taxation Committee uses a statutory list of criteria to evaluate a proposed tax expenditure or change to an existing tax expenditure.
- A proposed tax expenditure or change to an existing tax expenditure may not be enacted into law unless reviewed and evaluated by the Taxation Committee.

Review of provisions affecting the Fund for a Healthy Maine

The statutory language related to the review of provisions affecting the Fund for a Healthy Maine is found in **22 MRSA §1511, sub-§14**; the joint rule language is found in **Joint Rule 317**.

- If the majority of a committee supports a legislative proposal in a resolve or bill, including a budget bill, that affects the Fund for a Healthy Maine under the Maine Revised Statutes, Title 22, section 1511, or involves funding from the Fund for a Healthy Maine, the committee must request that the Health and Human Services Committee review the proposal as it pertains to the Fund for a Healthy Maine.
- The Health and Human Services Committee shall conduct the review and report back to the committee with jurisdiction over the proposal and to the Appropriations and Financial Affairs Committee.

Review of judicial proceeding priorities

The joint rule language related to the review of judicial proceeding priorities is found in **Joint Rule 318**.

- If the majority of a committee supports a legislative measure that proposes to expedite, establish or adjust the priority of judicial proceedings, the committee must request that the Judiciary Committee review the proposal as it pertains to the appropriate priority and timing of judicial proceedings in all state courts.
- The Judiciary Committee may request information from the Judicial Branch to assist its review.
- The Judiciary Committee must conduct the review and report back to the committee with jurisdiction over the proposal.

Review of new crimes and increased criminal penalties

The joint rule language related to the review of provisions creating or enhancing criminal penalties is found in **Joint Rule 319**.

- If the majority of a committee supports a legislative proposal in a resolve or bill, including a budget bill, that proposes to enact a new crime or increase the penalty for an existing crime, the committee must request that the Criminal Justice and Public Safety Committee review the proposal for its impact on the criminal justice system.
- The Criminal Justice and Public Safety Committee shall conduct the review and report back to the committee with jurisdiction over the proposal and to the Appropriations and Financial Affairs Committee.

Prepared by nonpartisan committee staff (January 2025)



Matthea E.L. Daughtry
President of the Senate

State of Maine
132nd Maine Legislature

Ryan Fecteau
Speaker of the House

MEMO

To: Members of the 132nd Legislature

From: Matthea E.L. Daughtry, President of the Senate
Ryan D. Fecteau, Speaker of the House

Date: January 7, 2025

Re: Model Rules of Committee Procedure

In accordance with Joint Rule 304, we have established model rules of committee procedure for this legislative session. As part of an orientation agenda, joint standing committees are encouraged to schedule enough time to thoroughly review these rules. To assist in that review, we highlight here some changes from model rules adopted in previous sessions. The following changes have been made in the spirit of transparency, fairness, efficiency and consistency in the committee process.

- Notice of public hearing 2 weekends in advance includes (but is not limited to) posting the notice on the Legislature’s web page. Past versions of this rule did not specify a method of advertising of the notice and implied newspaper advertising, which adds days to the notice requirement to meet newspaper submission deadlines. [4(C)]
- Members of the public are to be given priority when the committee invites testimony on a bill. Only the sponsor and co-sponsor(s) may testify before members of the public. For “open jacket” bills, only the lead sponsor may testify before members of the public. [8(A)]
- Props, display signs, posters and placards are prohibited in the committee room during public hearings and work sessions (including on the livestream). [8(I) and 9(C)]
- Like members of the public, bill sponsors may not participate in a committee work session except at the invitation of the chair. [9(B)]
- Procedural motions, described in the new version of the rules as including but not limited to motions to table, reconsider or overrule a ruling of the presiding chair, fail without an affirmative vote on the motion by those members present and voting. [6]
- A majority vote of those present and voting in support of a motion recommending a report on a bill (OTP, OTP-A, ONTP, Re-refer) is not required for the clerk to record the vote of each member on the bill. [10 (1st ¶)]

- Members who were absent at the time of a vote on a bill may only register a vote on a report that was made when the vote was taken. A member may not register a vote with the clerk creating an additional report (all reports should be made in public). As always, additional reports can be made upon reconsideration of the bill. [10(E)(last ¶)]

The rules have also simplified the policy governing consumption of food and drink by members in the committee room. [7(C)]

Proposed amendments to the Joint Rules of the 132nd Legislature, which may be adopted when the Legislature considers them on January 14th, may necessitate corresponding changes to the model rules of committee procedure. Thus, joint standing committees should not hold votes to adopt the rules (or votes to propose changes) until after that date. In the meantime, committees should operate under model rules as currently drafted.

As in previous sessions, if your committee has proposed changes to the rules (as supported by a majority vote of the committee), we ask that you submit a copy of the model rules to us with the changes noted and signed by the committee chairs. All submitted changes will be subject to approval by the Presiding Officers.

132nd Maine Legislature
COMMITTEE RULES OF PROCEDURE

NOTICE REGARDING COMMITTEE RULES OF PROCEDURE

Joint Rule 304 provides that at the beginning of each legislative biennium, the presiding officers shall establish procedures that govern public hearings, work sessions and confirmation hearings. Once established, copies of the procedures must be sent to the committees, the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council. A committee by majority vote may make exceptions to the rules and notify the presiding officers of exceptions to the rules. Final committee rules must be posted and made available upon request at all public hearings and work sessions.

The rules of procedure in committee are the same as the rules of the Senate and the House of Representatives to the extent applicable. Committee procedures must be consistent with these rules.

1. Chair presides. Pursuant to Joint Rule 302, the Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each chamber in the sequence of their appointment to the committee.

2. Quorum. The following defines a quorum and when it is required.

A. A quorum is 7 members of the committee, one of whom must be a Senator. A quorum must be present to start any meeting of the committee. Pursuant to Joint Rule 306, for the purposes of establishing a quorum, only those members physically present at the meeting may be counted. If a quorum has been established but there is not a Senator among those physically present or attending by electronic means pursuant to Section 3, the committee may start a meeting only:

- (1) with the authorization of the President of the Senate; or
- (2) after notifying the Office of the President of the Senate that no Senators are present and after 30 minutes has passed since the time the notice was given.

A quorum is not required to continue a meeting.

B. A quorum is not required for a vote on a motion to adjourn. All other votes require a quorum; if a quorum has been established but there is not a Senator among those physically present or attending by electronic means pursuant to Section 3, the committee may take such a vote only with the authorization of the President of the Senate.

3. Attendance. It is each committee member's responsibility to notify the committee clerk whenever the member is unable to attend a public hearing or work session. A member may participate in a meeting by electronic means only with the express permission of that member's presiding officer in accordance with Joint Rule 310(5)(B).

4. Scheduling of hearings and work sessions. Joint Rules 304 and 305 govern the scheduling and notice of public hearings and work sessions.

A. The Senate chair with the agreement of the House chair and the assistance of committee staff shall schedule legislative documents for public hearings and work sessions. If the chairs do not reach an agreement, the committee shall decide by majority vote of the members present and voting.

B. In accordance with Joint Rule 305, the presiding officers jointly establish authorized meeting days. The committee may meet only on authorized meeting days unless the presiding officers authorize an exception in writing.

C. Notice of public hearings must be provided 2 weekends in advance of the hearing date, including but not limited to, by posting on the Legislature's website. All exceptions to this requirement require advance approval of both presiding officers.

D. The committee clerk shall:

(1) Distribute a weekly schedule to all committee members providing a detailed list of hearings and work sessions that have been scheduled for the following week;

(2) Post the weekly schedule outside the committee room and arrange for its posting at any other locations designated by the Legislature;

(3) Notify the sponsors of legislation of the date and time of the public hearing. Whenever possible, this notice must be at least 2 days in advance of the hearing; and

(4) Provide timely notice to the sponsors of the date and time of work session(s) on the legislation.

E. The committee shall provide reasonable access for persons with disabilities at its meetings and allow adequate time for participation by persons with disabilities.

F. Pursuant to Joint Rule 305 and Maine's freedom of access laws (Maine Revised Statutes, Title 1, chapter 13, subchapter 1), the committee may not hold a hearing or conduct a work session for which notice has not been posted.

5. Questions of order. Pursuant to Joint Rule 304, the presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling stands unless overruled by a majority of the committee members present and voting.

6. Procedural motions. A procedural motion, including but not limited to a motion to table, to reconsider or to overrule the ruling of the presiding chair, fails without an affirmative vote by the majority of those members present and voting. This section does not apply to a motion on a recommendation or report on a legislative document listed under section 10(A).

7. Restrictions.

A. Pursuant to 22 MRSA §1542, smoking is prohibited in all committee rooms and committee offices. Smoking is prohibited in the Cross Building and the State House and on the grounds of the State House complex except in outdoor areas specifically designated as smoking areas.

B. Members of the public may not consume food or beverages, except for water, in the committee rooms.

C. Committee members may consume food or beverages in committee rooms with permission of the chairs.

D. During any meeting of the committee, only legislators who are appointed members of the committee are permitted to be seated at the horseshoe.

8. Procedures for public hearings. The purpose of a public hearing is to invite public comments on proposed legislation or gubernatorial nominations pending before the committee. Joint Rule 304 governs the public hearing process.

A. When announcing the order of testimony to be presented on a legislative document, the presiding chair shall give the public priority. Only the sponsor and co-sponsors of the legislative document may testify before members of the public except that for bills exempted from co-sponsor limits under Joint Rule 206, commonly referred to as “open jackets,” only the lead sponsor may testify before members of the public.

B. Each person testifying shall announce that person’s name, residence and affiliation prior to testifying. The person also shall either sign the sheet maintained by the committee clerk or otherwise provide that information to the committee clerk to place in the committee files.

C. Legislators must be addressed by their title. Persons in the audience may specify how they prefer to be addressed.

D. Pursuant to Joint Rule 307, all written materials presented to the committee must bear the name, address and affiliation, if applicable, of the presenter and the date presented. Persons present in the room and submitting written materials shall provide the committee clerk with *at least 20 copies*.

E. All questions must be addressed through the chair. Pursuant to Joint Rule 304, the chair may limit testimony at public hearings as necessary for the orderly conduct of the hearing.

F. Committee members may question witnesses to clarify testimony and to elicit helpful and pertinent information. While probing questions may sometimes be appropriate, members shall show respect at all times for the witnesses and for one another. Members shall refrain from questioning that is argumentative, oppressive, repetitive or unnecessarily embarrassing to hearing participants. Advocacy and discussion among members are not appropriate at public hearings. A committee member who is the primary sponsor of a legislative document and any member who testifies for or against the legislative document shall refrain from questioning other witnesses, except as authorized by the chair to allow the sponsor or member testifying to ask a clarifying question.

G. Committee members and members of the public shall refrain from making or receiving phone calls during public hearings.

H. Procedures for public hearings on nominations of gubernatorial appointments are governed by statute and the Joint Rules.

I. During public hearings, attendees are not permitted to hold or display signs, posters, placards or props either in the committee room or, if they are attending remotely, while they are visible on the committee's livestream.

9. Procedures for work sessions. The purpose of a work session is to provide an opportunity for the committee members to deliberate on legislative documents and other matters pending before the committee.

A. All questions must be addressed through the chair.

B. Because work sessions are primarily for deliberation on bills and other committee matters by the committee members and for working with the committee analyst, members of the audience, including bill sponsors, may not participate except at the invitation of the chair.

C. During work sessions, attendees are not permitted to hold or display signs, posters, placards or props either in the committee room or, if they are attending remotely, while they are visible on the committee's livestream.

10. Reports. Joint Rule 310 governs committee reports. The committee shall report out every legislative document referred to it, in accordance with reporting deadlines established by the presiding officers and the Joint Rules. Necessary fiscal notes must be incorporated into a committee report before the bill is reported out. The report of the committee must include at least one recommendation listed in paragraph A for each legislative document voted by the committee. When a motion on a recommendation is made, the clerk shall record the vote on that

motion for each member present when the motion is made. A majority vote in support of the motion is not required for the clerk to record the vote of each member present when the motion was made.

A. Recommendations that may be made are:

Ought to Pass;
Ought to Pass as Amended;
Ought to Pass in New Draft;
Ought Not to Pass;
Refer to Another Committee; or
Leave to Withdraw.

B. A member who is not physically present at the meeting but who received permission from that member's presiding officer to participate by electronic means is deemed to be present for the purposes of voting, but only for voting on committee reports listed in this paragraph and only in a manner that provides opportunity for those physically present at the meeting to see and hear how that member voted.

C. Except for Leave to Withdraw, the committee shall vote on all recommendations to be included in reports on a legislative document during a work session on that legislative document.

Votes may not be taken between the hours of 10:30 p.m. and 7:30 a.m. unless first authorized jointly by the presiding officers.

D. In accordance with Joint Rule 310(6) a sponsor may request Leave to Withdraw the sponsor's bill or resolve before it is advertised for a public hearing. The request may be granted only by the agreement of both chairs. When a request for Leave to Withdraw has been granted by the chairs, the bill or resolve is reported out as Leave to Withdraw.

E. If all members are not present for the vote, the bill must be held in committee until the following periods have expired.

(1) If a member is absent from the committee at the time of the vote, the member may register that member's vote with the clerk up until noon on the 2nd business day following the vote.

(2) If the presiding officers jointly determine that operational needs of the Legislature so require, they may require that a member who was absent from the committee at the time of the vote register that member's vote by noon on the next business day following the committee vote.

A member who was not present for the vote may only register a vote on a report that was made when the vote was taken. A member may not register a vote with the clerk creating an additional report.

F. If the vote is not unanimous, more than one report is required. Minority reports must be voted on at the same work session as the majority report on the bill. A committee vote to report a bill favorably must be taken based on written language before the committee at that time or on a motion describing the content of the report.

G. After a committee vote, no substantive change may be made in the committee report as recorded by the clerk at the time the motion was made unless motions to reconsider and to amend the report are approved at a committee work session.

H. A member may abstain from voting only if the member has a conflict of interest as described in Joint Rule 104.

I. The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required.

J. All committee reports must be reviewed at a work session or otherwise distributed to all committee members. The committee shall ensure that all committee reports are available for review by the public no later than when the report is submitted to the Legislature.

K. All reports on any legislative document must be submitted to the Legislature at the same time and within applicable reporting deadlines established by the presiding officers.

11. Joint referral of bills: Bills with subject matter that overlap committee jurisdictions may be referred jointly to more than one committee. In those cases, Joint Rule 308(3) makes specific provisions for the conduct of public hearings and work sessions and for the reporting out of the bills.

12. Participation in the budget process: Committee participation in development of budget legislation is governed by Joint Rule 314. Joint Rule 314 also governs the process by which the committee notifies the Appropriations Committee of its priority for committee bills that are placed on the Special Appropriations Table.

13. Procedures for review of gubernatorial nominations. The committee shall review gubernatorial nominations in accordance with the requirements of the Maine Constitution, Art. V, Part 1st, §8; the Maine Revised Statutes Title 3, Chapter 6; and Part 5 of the Joint Rules.

14. Use of the committee room: During the legislative session, committee chairs and other committee members shall coordinate the use of the committee room with the committee clerk. At all other times, use of committee rooms must be coordinated through the Legislative Information Office.

15. Confidentiality. The committee shall protect confidential records in accordance with procedures set forth in Joint Rule 313 and freedom of access laws, the Maine Revised Statutes, Title 1, chapter 13, subchapter I.

Committee rules adopted by the Joint Standing (Select) Committee on _____

Date:

By:

Senate Chair: _____ House Chair: _____

A copy of the adopted Committee Rules of Procedure must be posted in the committee room and be available for public review.

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If the committee proposes any changes to the rules, the changes must be identified and presented to the presiding officers.

PROPOSED CHANGES?

No _____

Yes _____

IF YES, REVIEWED AND AGREED TO BY:

President of the Senate

Date: _____

Speaker of the House

Date: _____

DIRECTORY OF JOINT STANDING COMMITTEES - 132nd LEGISLATURE

Committee	Mtg. Days	Room#	Ext.	Clerk	Senate Chair	House Chair	Policy Analyst(s) ¹	Fiscal Analyst(s) OFPR	Broadcast Channel
Agriculture, Conservation & Forestry Chairs' Office	T/Th	214 CB 214A CB	X1312	Molly Sweet	Rachel Talbot Ross	William Pluecker	Karen Nadeau	Michael Russo	35
Appropriations and Financial Affairs	M-F	228 SH	X1316	Justin Purvis	Peggy Rotundo	Drew Gattine	Maureen Dawson (OFPR)	OFPR Analysts	23
Criminal Justice & Public Safety Chairs' Office	M/W/F	436 SH 410 SH	X1122	Bernice Nadler	Pinny Beebe- Center	Tavis Hasenfus	Will Tew	Suzanne Voynik	31
Education & Cultural Affairs Chairs' Office	M/W/F	208 CB 207 CB	X3125	Dylan Horkan	Joseph Rafferty	Kelly Noonan Murphy	Elena Roig Steve Langlin	Rachel Tremblay	38
Energy, Utilities & Technology Chairs' Office	T/W/Th	211 CB 211A CB	X4143	Linda LaCroix	Mark Lawrence	Melanie Sachs	Lindsay Laxon	Michael Russo	41
Environment & Natural Resources Chairs' Office	M/W	216 CB 216A CB	X4149	Marianne MacMaster	Denise Tepler	Victoria W. Doudera	Daniel Tartakoff	Michael Russo	40
Health & Human Services Chairs' Office	T/W/Th	209 CB 210 CB	X1317	Megan Lasorsa	Henry Ingwersen	Michele Meyer	Sam Senft Anna Broome	Lucia Nixon	37
Health Coverage, Insurance & Financial Services Chairs' Office	T/W/Th	220 CB 220A CB	X1314	Edna Cayford	Donna Bailey	Kristi Mathieson	Colleen McCarthy Reid	Lucia Nixon	39
Housing and Economic Development Chairs' Office	T/Th	206 CB 206B CB	X4880	Alyster Blum	Chip Curry	Traci Gere	Lynne Westphal Sophie Paddon	Rachel Tremblay	36
Inland Fisheries & Wildlife Chairs' Office	M/W	206 CB 206A CB	X1338	Alyster Blum	Joe Baldacci	Tiffany Roberts	Anne Davison	Michael Russo	36
Judiciary Chairs' Office	T/W/Th	438 SH 433 SH	X1327	Susan Pinette	Anne Carney	Amy Kuhn	Janet Stocco Eli Murphy	Suzanne Voynik Mandy Connor	33
Labor Chairs' Office	T/W/F	202 CB 202A CB	X1331	Eliana Beca	Mike Tipping	Amy Roeder	Steve Langlin Sophie Paddon	Rachel Tremblay	34
Marine Resources Chairs' Office	Th	202CB 203CB	X1337	Eliana Beca	Denise Tepler	Allison Hepler	Anne Davison	Michael Russo	34
State & Local Government Chairs' Office	M/W	214 CB 214B CB	X1330	Molly Sweet	Joe Baldacci	Suzanne Salisbury	Kristin Bishop	James Sargent	35
Taxation Chairs' Office	T/W/Th	127 SH 123 SH	X1552	Tabatha Hustus	Nicole Grohoski	Kristen Cloutier	Geoffrey Lewis (OFPR)	James Sargent	29
Transportation Chairs' Office	T/Th/F	126 SH 122 SH	X4148	Andy McBride	Tim Nangle	Lydia Crafts	Melanie Furman	Suzanne Voynik	28
Veterans & Legal Affairs	M/W/F	437 SH 435 SH	X1310	Michelle Hebert	Craig Hickman	Laura Supica	Rachel Olson Karen Nadeau	Suzanne Voynik Michael Russo	32
Government Oversight Committee	(EO) F	220 CB 218 CB	X1901	Jennifer Greiner	Craig Hickman	Anne-Marie Mastraccio	Peter Schleck		39

Unless otherwise noted Policy Analysts are provided by OPLA

Updated 12/27/2024



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS
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(207) 287-1670

GUIDANCE FOR RULEMAKING AND REGULATORY AGENDA NOTICES

The following is a brief listing of the state agencies, boards and commissions overseen by each joint standing committee based on the policy areas and jurisdiction established by the Joint Rules of the 131st Legislature. *These lists should not be taken as definitive and may change in subsequent Legislatures.*

Joint Standing Committee on Agriculture, Conservation and Forestry (ACF)

- Department of Agriculture, Conservation and Forestry;
- Maine Land Use Planning Commission;
- Maine Forest Service;
- Land for Maine's Future Board;
- Baxter State Park Authority;
- Board of Pesticides Control;
- Wild Blueberry Commission of Maine;
- Maine Dairy and Nutrition Council;
- Maine Dairy Promotion Board;
- Maine Milk Commission;
- State Harness Racing Commission; and
- Maine Agricultural Bargaining Board.

Joint Standing Committee on Appropriations and Financial Affairs (AFA) (*overlaps with other committees*)

- Department of Administrative and Financial Services, including Office of the State Controller;
- Maine Municipal Bond Bank; and
- Office of the Treasurer.

Joint Standing Committee on Criminal Justice and Public Safety (CJPS)

- Department of Public Safety, except for Maine Gambling Board;
- Maine Criminal Justice Academy;
- Department of Corrections;
- State Parole Board;
- Criminal Law Advisory Commission; and
- Maine Emergency Management Agency.

Joint Standing Committee on Education and Cultural Affairs (EDU)

- Department of Education;
- State Board of Education;
- State Charter School Commission;
- Maine Education Policy Research Institute;
- University of Maine System; Maine Community College System;

- Maine Maritime Academy;
- Student assistance programs at Finance Authority of Maine;
- Maine State Archives;
- Maine State Library;
- Maine Arts Commission;
- Maine State Museum;
- Maine State Museum Commission;
- Maine Historical Society;
- Maine Historic Preservation Commission;
- Maine Humanities Council; and
- Maine Public, formerly known as Maine Public Broadcasting.
- Maine Library Commission;
- Maine State Cultural Affairs Council;
- Office of State Historian; and
- Maine Health and Higher Educational Facilities Authority.

Joint Standing Committee on Energy, Utilities and Technology (EUT)

- Public Utilities Commission, including the Emergency Services Communication Bureau;
- Office of the Public Advocate;
- Governor’s Energy Office;
- Connect Maine Authority;
- Maine Connectivity Authority;
- Maine Municipal and Rural Electrification Cooperative Agency;
- Telecommunications Relay Services Council and
- Efficiency Maine Trust.

Joint Standing Committee on Environment and Natural Resources (ENR)

- Department of Environmental Protection
- Board of Environmental Protection;
- Saco River Corridor Commission; and
- Board of Underground Oil Tank Installers.

Joint Standing Committee on Health and Human Services (HHS)

- Department of Health and Human Services;
- Board of the Maine Children's Trust Incorporated;
- Maine Developmental Disabilities Council; and
- Maine Vaccine Board.

Joint Standing Committee on Health Coverage, Insurance and Financial Services (HCIFS)

- Bureau of Financial Institutions within Department of Professional and Financial Regulation;
- Bureau of Consumer Credit Protection within DPFR;
- Bureau of Insurance within DPFR;
- Office of Securities within DPFR;
- State Employee Health Commission;
- Maine Health Data Organization;
- Maine Retirement Savings Board;
- Board of Chiropractic Licensure;
- Board of Licensure of Podiatric Medicine;

- State Board of Examiners of Psychologists;
- State Board of Social Worker Licensure;
- Radiologic Technology Board of Examiners;
- Board of Occupational Therapy Practice;
- Board of Complementary Health Care Providers;
- Board of Counseling Professionals Licensure;
- Board of Speech, Audiology and Hearing;
- Nursing Home Administrators Licensing Board;
- Board of Licensure in Medicine;
- State Board of Nursing;
- State Board of Optometry;
- Board of Osteopathic Licensure;
- State Board of Alcohol and Drug Counselors;
- Maine Board of Pharmacy;
- Board of Examiners in Physical Therapy;
- Board of Respiratory Care Practitioners;
- Board of Licensing of Dietetic Practice; and
- Board of Dental Practice.

Joint Standing Committee on Inland Fisheries and Wildlife (IFW)

- Department of Fisheries and Wildlife;
- Advisory Board for the Licensing of Taxidermists.
- Atlantic Salmon Commission; and
- Maine Outdoor Heritage Fund Board.

Joint Standing Committee on Innovation, Development, Economic Advancement and Business (IDEA)

- Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation;
- Department of Economic and Community Development;
- Finance Authority of Maine, except for student assistance programs;
- Maine Rural Development Authority;
- Small Enterprise Growth Board;
- Maine Technology Institute;
- Maine Tourism Association;
- Maine Film Commission;
- Real Estate Commission;
- State Board of Certification for Geologists and Soil Scientists;
- Board of Accountancy;
- State Board of Veterinary Medicine;
- Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers;
- Board of Commercial Driver Education;
- Board of Real Estate Appraisers;
- Board of Licensure of Auctioneers;
- Electrician's Examining Board;
- State Board of Licensure for Professional Engineers;
- State Board of Funeral Service;
- Board of Licensure of Foresters;

- Board of Licensure for Professional Land Surveyors;
- Manufactured Housing Board;
- Plumbers' Examining Board; and
- Maine Fuel Board.

Joint Standing Committee on Judiciary (JUD)

- Judicial Branch;
- Maine Human Rights Commission;
- Maine Indian Tribal-State Commission;
- Maine Commission on Indigent Legal Services;
- Victims' Compensation Board; and
- Department of the Attorney General.

Joint Standing Committee on Labor and Housing (LBHS)

- Department of Labor;
- Maine Public Employees Retirement System;
- Maine Labor Relations Board;
- Maine Unemployment Insurance Commission;
- Board of Occupational Safety and Health;
- Maine Labor Relations Board;
- Maine Apprenticeship Program;
- Kim Wallace Adaptive Equipment Loan Fund Board;
- State Board of Arbitration and Conciliation;
- Workers' Compensation Board;
- Paid Family and Medical Leave Program; and
- Maine State Housing Authority.

Joint Standing Committee on Marine Resources (MAR)

- Department of Marine Resources;
- Atlantic States Marine Fisheries Commission; and
- Lobster Advisory Council.

Joint Standing Committee on State and Local Government (SLG)

- Department of Administrative and Financial Services, except for the Bureau of Revenue Services and the Office of Cannabis Policy; and
- Department of the Secretary of State, except for the Bureau of Motor Vehicles;
- Capitol Planning Commission;
- Maine Governmental Facilities Authority;
- State Civil Service Appeals Board;
- State Claims Commission;
- Maine Municipal Bond Bank; and
- Office of the Treasurer of State.

Joint Standing Committee on Taxation (TAX)

- Bureau of Revenue Services; and
- State Board of Property Tax Review.

Joint Standing Committee on Transportation (TRA)

- Department of Transportation;
- Bureau of Motor Vehicles;
- Maine State Pilotage Commission;
- Maine Port Authority;
- Northern New England Passenger Rail Authority; and
- Maine Turnpike Authority.

Joint Standing Committee on Veterans and Legal Affairs (VLA)

- Commission on Governmental Ethics and Election Practices;
- Elections within the Secretary of State, Bureau of Corporations, Elections and Commissions;
- Department of Defense, Veterans and Emergency Management Services (except the Maine Emergency Management Agency);
- Bureau of Alcoholic Beverages and Lottery Operations;
- State Liquor and Lottery Commission;
- Gambling Control Board;
- Office of Cannabis Policy within the Department of Administrative and Financial Services; and
- Maine National Guard.

**TAXATION COMMITTEE REPORTS
REPORT STATUS**

January 13, 2025

Notes on Row Color Identification:								
Gray Shading: Report requirement has been repealed					Yellow Shading: Report has become overdue within the last 90 days			
Beige Shading: Insufficient information is available to determine current report status					Red Shading: Report may be substantially overdue			
Authority	Report Description	Reporter	Submitted to:	Due date	Frequency	Latest Received	Next Due	Category
36 MRSA §113.1	Amounts collected and cost incurred in §113 contract audit and collection programs	STA	TAX & AFA	Not specified	Annually	9/3/24 Covers activity through FY 2024.	2025	Admin
36 MRSA §151-C	Activities of the taxpayer advocate	taxpayer advocate	Gov and TAX	1-Aug	Annually	8/1/2024	8/1/2025	Admin
36 MRSA §151-D.10	Activites of the Board of Tax Appeals	Board of Tax Appeals	Gov, STA and TAX	1-Jan	Annually	1/11/2024	1/1/2025	Admin
36 MRSA §194	Costs of creating and maintaining and tax revenue collected by using data warehouse	STA	AFA and TAX	Not specified	Annually	1/5/2017	Repealed PL 2017, c. 211 §E-2	Admin
36 MRSA §194-A	MRS consultation with AG regarding a significant change in policy, practice or interpretation of SUT law that would result in additional revenue and issues for which consultation was sought	MRS	TAX	Jan 15th	Annually	1/4/2017	Repealed PL 2017, c. 211 §E-3	Admin
36 MRSA §199-B.1	Summary, analysis and recommendations regarding tax expenditures RED BOOK	BRS	TAX	Feb. 15th	Odd-years	2/15/2023	2/15/2025	Tax Expenditures
36 MRSA §200.1	Overall incidence of state, local and county taxes and impact of tax system on income classes of individual taxpayers and on business and industrial sectors (now combined with tax expenditure report)	BRS	TAX & AFA	2/15 odd numbered years	Odd-years	2/15/2023	2/15/2025	Tax burden
36 MRSA §208-A.6	Information concerning requests by municipalities for adjustment of state valuation due to sudden and severe disruption of value	BRS	TAX	1-Feb	Annually	1/25/2024	2/1/2025	PT
36 MRSA §1121	DOAFRR and MRS shall periodically review participation and experience with farm and open space program; MAY report to TAX	DoAFRR and MRS	TAX	optional	optional	12/28/2011	report is optional	PT current use

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REPORT STATUS**

January 13, 2025

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Authority	Report Description	Reporter	Submitted to:	Due date	Frequency	Latest Received	Next Due	Category
36 MRSA §1283	Inventory of real estate acquired for nonpayment of property taxes in UT (takes form of annual legislation)	STA	LEG	15 days after convening	annually	R 2023, C.142 LD 2024	2025	PT - UT
36 MRSA §1604	Bill listing requests of state agencies and counties for municipal cost components	Fiscal Admin of UT	LEG	1-Mar	Annually	R. C.582 LD 2207	3/1/2025	PT - UT
36 MRSA §1608	Financial report of the status of the Unorganized Territory Education and Services Fund	Fiscal Admin of UT	LEG County comms	1-Mar	Annually	06/30/2023 online	FY 2024	PT -- UT
36 MRSA §4641-N	Revenues credited to HOME Fund and manner in which funds are used	MeSHA	TAX	1-Apr	Annually	4/1/2024	4/1/2025	RETT
36 MRSA §5219-LL	Annual Report of the Primary Care Access Credit Program	DAFS DHHS	TAX	15-Jan	Annually beginning in 2016	12/7/2023	1/15/2025	Tax Expend
36 MRSA §5219-QQ	Major business headquarters credit	STA	TAX	31-Dec	Annually beginning 2019	12/31/2023	12/31/2024	Tax expend
36 MRSA 5219-RR. 9.B	Shipbuilding credit -- Dept. Econ. & Comm. Dev. (DECD) report See Also OPEGA Report (May 2024)	DECD	TAX DECD	1-Apr	Annually	DECD 3-7-24	4/1/2025	Tax expend
36 MRSA 5219-RR. 9C	Shipbuilding credit -- Dept. Econ. & Comm. Dev. (DECD)report Cannot locate TAX report. See Also OPEGA Report (May 2024)	STA	TAX	31-Dec	Annually	12/31/2023	12/31/2024	Tax expend
36 MRSA 5219-WW	MSHA report on affordable housing credit. Subject to OPEGA evaluation with reports to TAX. Only have Maine Housing Authority report 3/22/2022	MSHA	TAX MSHA OPEGA	1-Mar	Annually beginning 2022	3/22/2022	3/1/2023	Tax expend

**TAXATION COMMITTEE REPORTS
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Authority	Report Description	Reporter	Submitted to:	Due date	Frequency	Latest Received	Next Due	Category
36 MRSA 5219-YY	IT credit for paper manufacturing facility investment. By 4/1/annually DECD submits to TAX data on employment levels, and qualified investment.	DECD	TAX	1-Mar	Annually	3/7/2024	3/1/2025	Tax expend
36 MRSA 5219-YY	IT credit for paper manufacturing facility investment. By 12/31/25 annually beginning in 2025, STA reports annual revenue loss.	DECD	TAX	31-Dec	Annually	N/A	12/31/2025	Tax expend
36 MRSA 5219-VV	Food processing and manufacturing credit. claimed as credit..	DECD	TAX OPEGA	1-Apr	Annually beginning in 2020	3/7/2024	4/1/2025	Tax expend
36 MRSA 5219-VV	Food processing and manufacturing credit. claimed as credit..	STA	TAX	31-Dec	Annually beginning in 2020	12/31/2023	12/31/2024	Tax expend
36 MRSA §6664	Information on recipients of benefits under both BETR and a TIF	STA	AFA TAX	1-Apr	Annually Beginning 2006	3/30/2017	Repealed PL 2017 c.211 Sec. E-4 moved to Sec. 199-B TE report	Tax Expend
36 MRSA §6854	Data on employment levels and qualified investment amounts under shipbuilding facility credit	STA	TAX	During 1st Reg session	Biennially		Sunset 12/23/2018 Replaced with 36 MRSA §5219-RR	Tax expend
36 MRSA 7302	Progress made by the State, municipalities, counties and school administrative units in achieving tax burden reduction goals in §7301 (<i>included as part of LD 1 Report</i>)	GOPM	Not specified	Not specified	Not specified	1/17/2017 Repealed PL 2017, c. 284, §GG-6	Repealed	tax burden

**TAXATION COMMITTEE REPORTS
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Authority	Report Description	Reporter	Submitted to:	Due date	Frequency	Latest Received	Next Due	Category
36 MRSA §7302.2	Progress made by State, counties, municipalities and SAUs in achieving tax burden reduction goals and recommendations on strategies to achieve tax reduction goals (included as part of LD 1 Report)	GOPM	TAX and Gov	15-Jan	Annually beginning 2006	1/17/2017 Repealed PL 2017, c. 284, §GG-6	Repealed	tax burden
36 MRSA §7302.3	Information and analysis regarding government spending and behavior and trends relative to tax/spending limitations (included as part of LD 1 Report)	GOPM	TAX and Gov	Not specified	Annually	1/17/2017 Repealed PL 2017, c. 284, §GG-6	Repealed	tax burden
5 MRSA §13070-J	Information on tax expenditures for Job and Investment Tax Credit, the Research Expense Tax Credit, Seed Capital Tax Credit, ETIF, fishery infrastructure credit, shipbuilding credit, and the Business Equipment Tax Reimbursement Program (BETR) (EDI - MRS)	STA	LEG	1-Oct	Separate report repealed 2017. Info now in tax expenditure report due 2/15 odd numbered years	Repealed PL 2017 c.	Separate report repealed 2017. Info now in tax expenditure report due 2/15 odd numbered years (36 MRSA §199-B.1)	Tax Expend
5 MRSA §13070-J	Governor's training initiative (26 MRSA c.25, sub-c. 4) EDI - Labor	Comm of Labor	LEG	1-Oct	Annually	Unk.	10/1/2010	Tax Expend
5 MRSA §13070-J	Maine Quality Centers (20-S, c. 431-A) EDI-MCCS	Com College System	LEG	1-Oct	Annually	Unk.	10/1/2010	IT - Credit

**TAXATION COMMITTEE REPORTS
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Authority	Report Description	Reporter	Submitted to:	Due date	Frequency	Latest Received	Next Due	Category
5 MRSA §13090-L, sub-§ 7	Maine State Film office must report on the visual media production tax credit and reimbursement activities (Title 36, section 5219Y and chapter 919A) including rulemaking activity, outreach to companies, the number of applications for credit and tax reimbursement, the number of credits and reimbursements granted, the revenue loss associated with the credit and reimbursement and the amount of visual media production expenses generated as a result of the credit and reimbursement	Maine State Film Office	TAX	15-Jan	Annually	12/30/2024	1/15/2026	Tax Expend
12 MRSA §685-G	Annual Report of Funding for Land Use Planning Commission Services	LUPC	TAX and ACF	15-Jan	Annually	1/17/2024	1/15/2025	UT
27 MRSA §511 sub-§5.A	Historic preservation report of data regarding affordable housing projects approved	Hist Pres Commiss	TAX	1-Mar	annually	2/9/2021 (Cannot Locate)	Unk. (03/01/2025)	Tax Admin
27 MRSA §511 sub-§5.B	Historic Preservation Commission to report biannually by January 15th analyzing the use of tax credits and the relationship between the costs of the credit and revenues generated by the rehabilitation including recommendations whether tax credit should be extended, repealed or amended and include specific proposals for funding the credit	Hist Pres Commiss	TAX	15-Jan	biannually beginning in 2015	1/14/2019 (Cannot Locate)	Unk. (03/01/2025)	tax expend
7 MRSA §3906-B(15)	Companion Animal Sterilization Fund. Summary of animal cruelty cases shelter intakes sterilizations and euthanizations and finances of Fund	Comm of Agriculture	TAX and ACF	1-Mar	Annually	2021 report from K. Nadeau 11/15/22	3/1/2023?	tax expend

**TAXATION COMMITTEE REPORTS
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Beige Shading: Insufficient information is available to determine current report status					Red Shading: Report may be substantially overdue			
Authority	Report Description	Reporter	Submitted to:	Due date	Frequency	Latest Received	Next Due	Category
10 MRSA §1100-T.7	Seed capital tax credit. FAME report annually on all activity under this section during the prior calendar year. The authority shall identify in its report businesses receiving investments eligible for a credit under this section and the authority's determination as to whether the investments would have been made in the absence of the credit.	FAME	TAX and OPEGA	Not specified	Annually	5/29/2024	2025	tax expend
10 MRSA §1100-T.6	Seed capital tax credit. Activity under the seed capital tax credit program: investment; persons employed, jobs retained or created, payroll; and sales revenue	FAME	TAX	Not specified	Annually	10/1/2020	REPEALED PL 2019, c. 616, Part LL	tax expend
3 MRSA §999.1	Tax expenditure review -- preliminary report on full tax expenditures reviewed in calendar year	OPEGA	TAX and GOC		Originally due 12/31 annually.		Amended in 2017 to eliminate due date and defer to availability	tax expend
3 MRSA §999.2	Tax expenditure review -- final report to TAX on full tax expenditure review	GOC	TAX		Original due 6/1 annually		Amended in 2017 to eliminate due date and defer to availability	tax expend
3 MRSA §1000.2	Tax expenditure review -- report info on expedited expenditure review	OPEGA	TAX	7/1/2017 changed to 12/15 in 2019	Annually beginning in 2016	November 2021	REPEALED PL.2015, c. 344, Sec 4	tax expend
5 MRSA 1518-A	Property tax relief fund	State Treasurer	TAX AFA	10-Mar	Annually beginning in 2020	3/10/2020	Repealed PL 2021 c. 398 Part ZZZ	PT relief
30-A 5250-P.1.B	Pine Tree Development Zones revenue loss	STA Commsnr DECD	TAX IDEAB	1-Oct	Annually beginning in 2019	10/17/2019	Repealed PL 2019, c. 659, Part E	tax expend

**TAXATION COMMITTEE REPORTS
REPORT STATUS**

January 13, 2025

Notes on Row Color Identification: Gray Shading: Report requirement has been repealed Beige Shading: Insufficient information is available to determine current report status Yellow Shading: Report has become overdue within the last 90 days Red Shading: Report may be substantially overdue								
Authority	Report Description	Reporter	Submitted to:	Due date	Frequency	Latest Received	Next Due	Category
30-A 5250-P.1.C	Pine Tree Development Zones revenue loss; names of qualified businesses; number if employees, wages, salary, benefits; amount of investment	Commsnr DECD	TAX IDEAB	6/1/2020 originally, now 3/1 beginning 2024	Annually beginning in 2019	6/14/2024	3/1/2025	tax expend
5 MRSA 11055.2	DAFS State Tribal Collaboration Report	DAFS	TAX	10-Jan	Biennially beginning in 2023	1/10/2023	1/10/2025	Admin