

As previously indicated, bills on the Consent Calendar in the House do not go through this stage unless there is objection to their placement on the Consent Calendar.

i. Enactors. After a bill has had its first and second readings and has been passed to be engrossed in identical form in both chambers, it always goes first to the House and then to the Senate for enactment or final passage no matter which chamber first considered the bill. This is the final step before a bill is sent to the Governor for approval. Further changes to the bill at this point require backing it up through its previous stages by a series of reconsideration votes.

It is at this stage, before a vote on enactment is taken in the Senate, that bills with General Fund impact are placed on the Special Appropriations Table, bills affecting the Highway Fund go to the Special Highway Table and bills proposing legislative studies are placed on the Special Study Table. Bills on these tables are usually considered late in the session after review by the Appropriations and Financial Affairs Committee, the Transportation Committee and the Legislative Council, respectively.

j. Orders of the day. This category of item on the calendar includes all other papers (i.e., tabled items). Any document that is tabled may be assigned a day for its consideration or may be “tabled unassigned.” Unfinished business from the time of the last adjournment takes precedence in the orders of the day.

2. Calendar Supplements

Very often during a legislative day, supplements to the calendars are distributed in each chamber. Early in the legislative session, supplements are frequently used to refer committee bills that were not on the printed calendar, whereas late in the session, supplements are often used to consider matters in both the House and the Senate to expedite the legislative process.

F. LEGISLATIVE OVERSIGHT

The Legislature, through its joint standing committees, joint select committees, the Government Oversight Committee and special study commissions, carries out formal and informal inquiries, investigations, audits, reviews and studies on a variety of subjects. Some of the work, especially review of agency budgets and rules, is undertaken during the session, but studies and lengthier investigations usually take place during the interim between the sessions. The reviews and performance audits overseen by the Government Oversight Committee are conducted year-round.

1. Legislative Studies

Some studies are specifically designed to review executive branch implementation of legislatively-created programs. Others are designed to inform legislators on various complex and changing issues; studies are often undertaken to review controversial problems and seek reasoned solutions. Studies may also address issues for which there was insufficient time or information for a committee or the full Legislature to consider during the session.

When expertise from more than one committee or from outside the Legislature is necessary, the Legislature may pass legislation (generally a resolve or joint order, although an Act may be used as well) establishing a special study commission or task force. The authorizing legislation establishes the membership, outlines the study and provides funding. If a study committee is to be a joint select committee, composed of legislators only, it is usually established by joint order (Joint Rule 353).

With approval of the Legislative Council, joint standing committees may study problems and proposed solutions to issues that are or are expected to be before the Legislature. Individual legislators may also submit requests for study committees to the Legislative Council. Occasionally, committees seek approval for studies to be conducted by the nonpartisan staff of the Legislature. These are generally information-gathering studies that do not generate policy recommendations.

Legislative study groups review pertinent information and testimony, which may be received through public hearings and from staff, and report their findings and recommendations to the Legislative Council, legislative committees or the Legislature. The reports frequently include suggested legislation. The nonpartisan legislative staff assigned to the study by the Legislative Council drafts the reports and legislation.

2. State Government Evaluation

Maine's "State Government Evaluation Act" (GEA) establishes a system of periodic legislative review of state agencies that receive support from the General Fund (3 MRSA c. 35). The reviews are conducted by the joint standing committee having jurisdiction over the agency being reviewed according to a schedule contained in the GEA. The committee's review includes an evaluation of each agency's management and organization, program delivery, goals and objectives, statutory mandate and fiscal accountability.

3. Government Oversight Committee; Performance Reviews

The nonpartisan legislative Office of Program Evaluation and Government Accountability (OPEGA) conducts independent performance reviews of state government agencies and programs to determine effectiveness, efficiency and economical use of resources. The Government Oversight Committee (GOC), a 12-member committee established pursuant to Joint Rule 371, determines the subject of the reviews performed by OPEGA. The office is also required to conduct reviews of tax expenditures pursuant to 3 MRSA §§997 to 1001.

The performance reviews result in formal written reports, information briefs or other documents published by OPEGA and presented to the GOC. Reports may also be presented to a particular joint standing committee having jurisdiction over the matter subject to the review. Reports are made available to all legislators, and reports and other OPEGA documents are available at <http://legislature.maine.gov/opega/opega-reports/9149>.

4. Review of Agency Rules

Executive agencies adopt administrative rules to implement laws and ensure uniform enforcement and compliance with those laws. In adopting a rule, an agency must comply with the provisions of the Maine Administrative Procedure Act, (MAPA, 5 MRSA c. 375), which ensures openness, fairness and opportunity for public participation in the rulemaking process.

Since MAPA was originally enacted in 1978, the Legislature has acted to further strengthen the Legislature's oversight of the rulemaking process by:

- Enacting the Legislative Review of Agency Rules Law (5 MRSA c. 377-A) in 1981, which provides for review of agency rules by joint standing committees of the Legislature upon petition of 100 or more people with a substantial interest in the subject of the rule or upon petition of an individual who is adversely affected by the rule;
- Amending MAPA (5 MRSA §8053-A) in 1986 to require that agencies provide joint standing committees of the Legislature notices of regulatory agendas and copies of proposed rules prior to their adoption;
- Amending MAPA in 1995 to require legislative review of "major substantive rules" before they may be finally adopted and implemented by an agency (5 MRSA c. 375, subchapter 2-A). Under this amendment agencies must file provisionally adopted major substantive rules with the Legislature. The appropriate joint standing committee reviews the

rule and makes a recommendation to the full Legislature on whether the rule should be finally adopted; and

- Amending MAPA in 2012 to require the Secretary of State to submit a list of all rules adopted by each agency in the previous calendar year. Each committee may report out legislation to adjust rulemaking authority.

5. Oversight of Agency Budgets

Most executive agency budgets are reviewed by the Joint Standing Committee on Appropriations and Financial Affairs, which holds joint public hearings with other legislative committees on each department budget and reports its decisions to the Legislature in the form of a bill. The Highway Fund is a special case. The budget for that fund, in the form of a bill, is usually reviewed and reported out by the Joint Standing Committee on Transportation.

Pursuant to Joint Rule 314, the joint standing committees play a role in reviewing the budgets of agencies over which they have oversight and that are within their subject matter jurisdiction. The committees hold joint public hearings with the Appropriations and Financial Affairs Committee; participate, through subcommittees, in the Appropriations Committee deliberations on relevant portions of the budget; and report their recommendations to the Appropriations and Financial Affairs Committee. A more detailed description of the budget process is found in Part I, Section C. The Budget Process.

6. Review of Gubernatorial Appointments

The joint standing committees of the Legislature are responsible for reviewing gubernatorial appointments as provided by law. Following a public hearing on each nomination, a committee's recommendation on the nominee is reported to the Senate for confirmation or denial. The requirements of this process are established by the Maine Constitution (Article V, Part First, Section 8) and statutory law (3 MRSA c. 6). The process followed by the committees is outlined in Joint Rules 501 through 508.