



MEREDA

LEGISLATIVE AND REGULATORY WEEKLY UPDATE

Friday, October 27, 2017

LEGISLATIVE UPDATE

SPECIAL SESSION WAS AN ACTIVE ONE

The First Special Session of the 128th Legislature was convened on Monday, 10/23/17 at 10:00 a.m. The Special Session covered several key legislative matters including marijuana retail sales implementation and the restoration of funding for Maine Geographic Information Systems (MEGIS). The legislature also enacted an emergency bill to exclude meat and poultry products from a food sovereignty law that was passed in the First Regular Session. The House and Senate adjourned at 11:00 p.m. on Monday until the call of the presiding officers, meaning that they have left the door open for a veto day. It remains to be seen, however, whether the Governor will veto any of the legislation enacted on Monday.

LEGISLATIVE COUNCIL ALLOWS AT LEAST 60 OF 272 BILL REQUESTS FOR SECOND SESSION

On Thursday, October 26, the Legislative Council, comprised of the ten leaders of the House and Senate, met to consider 272 bill requests for the upcoming Second Regular Session. The Legislative Council is divided 5-5 along party lines. Given the Council's partisan divide, and the fact that 319 bills were carried over from this Legislature's First Regular Session, it was no surprise that the Council voted to admit only about 60 bill requests for the Second Session. Most of the bill requests failed along party lines, and three bills were tabled for further consideration. Legislators who submitted bill requests that were not admitted by the Council have until November 1 to appeal the Council's decision. The Council will meet again on November 30 to hear appeals, and could approve additional bill requests at that time.

LEGISLATURE VOTES TO DELAY, POSSIBLY REPEAL, RANKED-CHOICE VOTING LAW

During the Special Session on Monday, the House and Senate passed legislation that would delay until 2021 the implementation of a recent voter-approved ranked-choice voting law. The delay follows a Maine Law Court advisory opinion from earlier this year, which determined that the ranked-choice voting law, passed by Maine voters in 2016, is unconstitutional as applied to state office elections (including the Legislature). Proponents of the law have said that it could still be constitutional as applied to primaries and elections for federal office. However, lawmakers voted on Monday to delay implementation of the law until 2021; and if Maine has not passed a Constitutional amendment to enable ranked-choice voting for state offices by that time, the law will sunset. Proponents of ranked-choice voting have said they will try to gather enough signatures for a people's veto of the statute, but they have only 90 days in which to do so in order to get the veto question on the June 2018 ballot.

LEGISLATURE PASSES RETAIL MARIJUANA SALES IMPLEMENTATION, SHY OF VETO-PROOF MAJORITY

On Monday, the Legislature voted to approve a bill that will allow the state to go forward with implementing retail sales of marijuana. The legislation, which was the product of months of work by the Joint Select Committee on Marijuana Legalization Implementation, passed 81-50 in the House, with 20 members absent. The Senate passed the bill 22-9, with four senators excused from the vote. The bill now goes to Governor LePage for his consideration. If the Governor vetoes the bill, a veto override would be unlikely based on Monday's vote count. The Legislature also voted to defeat a bill recently submitted by the Governor that would have delayed implementation of the legalization law to allow more time for a different implementation bill to be written. If the Legislature is unable to override the Governor's veto, it is possible that the Governor would again submit legislature to delay implementation of the law.

SENATE APPROVES NOMINATIONS DURING SPECIAL SESSION

On Monday, the Senate voted to confirm the Governor's appointees for three Commissioner posts. Randall Davis was confirmed as a Commissioner of the Public Utilities Commission; Alec Porteous was confirmed as Commissioner of the Department of Administrative and Financial Services; and Ricker Hamilton was confirmed as Commissioner of the Department of Health and Human Services. Additionally, the Senate confirmed five judicial nominations and over 30 nominations to various state boards and agencies.

If you have any questions regarding any of the above, please don't hesitate to contact MEREDA Public Policy Counsel Andrea Cianchette Maker (207) 791-1101, amaker@pierceatwood.com or Elizabeth Frazier (207) 791-1155, efrazier@pierceatwood.com.