

Under the Dome: Inside the Maine State House

Friday, February 17, 2012

Augusta, ME

Our Government Relations Practice Group would like to introduce you to the first in a series of weekly legislative updates. Emailed to our clients and posted on our website each Friday for the remainder of the session, these updates will provide a high-level overview of the recent activity at the State House.

If you would like more specific information regarding an item in this newsletter or related to government relations, please contact a member of our Government Relations Practice Group: [John Delahanty](#), [Andrea C. Maker](#), or [Avery Day](#).

This Week's Highlights

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Senate Fails to Enact Department of Health and Human Services Budget

On February 16, 2012, the House and the Senate voted on the Department of Health and Human Services supplemental budget. The House and Senate both turned away a number of proposed amendments to the bill. One "compromise" amendment was adopted during floor consideration that makes a number of minor changes to the bill, including ensuring that Dirigo Health assessments are reduced as originally projected. As this bill is an emergency measure, it needed to garner 2/3rds support in both chambers in order to be enacted. While the bill received sufficient support in the House, it failed to receive 2/3rds support in the Senate. This bill has been tabled in the Senate and will be reconsidered next week.

This supplemental budget is the first priority of the Governor and the Legislature, as the Department of Health and Human Services is expected to soon run out of funds. As soon as this budget bill is completed and signed into law, a second supplemental budget bill is anticipated. This second bill will likely address funding issues across various departments and possibly will contain language to implement the recommendations of the task force created to craft a proposal to reform the State Planning Office.

Lawsuit Filed Challenging Pension Reforms in the Biennial Budget

On February 13, 2012, a class action law suit was filed challenging public pension reforms contained in the biennial budget, which was enacted last summer. The biennial budget makes a number of adjustments to the benefits provided to retired state employees and public school teachers. These reforms will now face legal scrutiny in federal district court.

Unexpected Special Election Results

On February 14, 2012, a special election was held for Senate District 20 (Lincoln County). In what has been characterized as an “upset,” Democrat Chris Johnson defeated Republican Representative Dana Dow. Democrats have characterized this result as a referendum on Governor LePage and Republicans in general. Republicans have argued that little can be read into any special election, where turnout is very low compared to a general election.

While there have been a number of special elections during the 125th Legislature, this is the first special election where control of the seat at issue has switched parties. With the results of this election, the composition of the Senate now stands at 19 Republicans, 15 Democrats and one unenrolled member. Senator Johnson was sworn into office on February 16, 2012.

Republican Caucus Controversy

On February 11, 2012, Maine Republicans held an event to announce the results of the Presidential preference poll conducted at municipal and county caucuses throughout the State. Mitt Romney was announced the winner of the Maine Republican caucuses by a narrow margin. Almost immediately, controversy erupted in the Maine Republican Party. Do to clerical errors, postponement of caucuses for inclement weather and various other reasons, the results of the non-binding straw poll have been challenged. After much discussion, it appears that the Maine Republican Party will recalculate and re-release preference poll vote totals.

Remainder of the Legislative Session

The Legislature is roughly half-way through this year’s session, which has a statutory adjournment date of April 18, 2012. In comparison to recent short sessions, there were relatively few new and carry over bills this year. The Department of Health and Human Services supplemental budget, however, has created a bit of a bottleneck in the process and some major pieces of legislation are yet to be addressed as a result. Once the supplemental budget is addressed, the Legislature will likely consider a second supplemental budget, a package of education reforms developed by the Governor’s Office and a package of energy reforms developed by the Governor’s Office. The session should continue to remain interesting.