

the State Legislative Leaders Foundation



MAILING ADDRESS
P.O. Box 17805
Milwaukee, WI 53217

IMPROVING THE MAINE LEGISLATURE

An Analysis of the Maine Legislative Process
with Specific Recommendations for its Structural
and Procedural Improvement.

Submitted by Stephen G. Lakis
Staff Associate

September 22, 1977

OFFICERS: President - HON. KEVIN B. HARRINGTON, President, The Senate, Massachusetts; Vice President - HON. ROBERT VANDER LAAN, Assistant Minority Leader, The Senate, Michigan. *DIRECTORS:* HON. WARREN M. ANDERSON, President Pro Tem and Majority Leader, The Senate, New York; HON. JOHN BAGNARIOL, Speaker, House of Representatives, Washington; HON. GEORGE PAYNE COSSAR, Chairman, Rules Committee, House of Representatives, Mississippi; HON. WILLIAM G. JAMES, Minority Leader, House of Representatives, Florida; HON. JAMES J. MANDERINO, Majority Whip, House of Representatives, Pennsylvania; HON. JOHN L. MARTIN, Speaker, House of Representatives, Maine; HON. RUBEN A. VALDEZ, Minority Leader, House of Representatives, Colorado.

Committee on Implementation (Lakis Committee)

Rep. Curran
Rep. Kelleher
Rep. Masterton
Rep. Greenlaw
Rep. Brenerman
Rep. Jackson
Rep. Garsoe
Rep. Hall

Sen. Levine
Sen. Katz
Sen. Don Collins

Ed Pert, Clerk of the House
Mae Ross, Secretary of the Senate

Rep. Nelson (Merle)
Rep. Green
Rep. Birt

TABLE OF CONTENTS

Introduction	Page 1
Overview - The Trend Toward Legislative Reform and Current Legislative Attitudes Toward Legislative Performance and Legislative Reform	Page 3
The Use of Time in the Maine Legislature	Page 12
Early Organization	Page 18
Legislative Action	Page 22
Pre-filing	Page 24
Legislative Action	Page 26
Departmental Bills	Page 26
Analysis	Page 28
Interim Committee Periods	Page 34
Legislative Action	Page 38
Committee Tracking System	Page 41
Deadlines	Page 42
Analysis	Page 45
Legislative Action	Page 47
Deadlines for First Regular Session	Page 48
Deadlines for Second Regular Session	Page 48
Annual Sessions	Page 53
Carryover	Page 55
Legislative Action	Page 59
Conclusion	Page 60
Committee Organization and Procedure	Page 66

Committee Consolidation	Page 69
Reduction in Committee Assignments	Page 72
Committee Jurisdictions	Page 74
Joint Standing Committees	Page 76
Uniform Rules of Committee Procedure	Page 84
Legislative Staffing	Page 97
Office of Legislative Staff Assistants	Page 104
Office of Legislative Research	Page 115
Legislative Council	Page 125
Findings	Page 129
Partisan Legislative Staff	Page 141
Summary of Recommendations	Page 154

INTRODUCTION

For the past eighteen months the State Legislative Leaders Foundation has been engaged in a comprehensive program designed to improve the effectiveness and efficiency of the Maine Legislature. In striving to meet this goal of strengthening the Maine Legislature, our overriding objective has been to provide Maine legislators and the citizens of Maine with a more responsive and effective governmental institution that can better fulfill their needs and aspirations.

By this we mean that our objective has been to develop and, where possible, implement recommendations to help make the Maine Legislature more capable of:

- 1) Identifying the problems which confront the people of Maine -- not only in the present but also potentially in the future.
- 2) Developing sound solutions to deal with these problems in a timely fashion.
- 3) Overseeing, evaluating and, where necessary, capable of correcting state programs and administrative activities.

To these several ends we believe the Program for Legislative Resource Improvement has made a significant contribution.

In conducting our study of the Maine Legislature we have relied heavily on the opinions and perceptions of legislators themselves as well as on legislative staff, executive personnel, legislative agents

(lobbyists), and knowledgeable citizens of the state. Using a combination of written questionnaires and interviews, we have endeavored to learn their assessments of the way the Maine Legislature functions, their ideas on how the process can be improved, and their reactions to our conclusions and recommendations.

Assimilating this information and then evaluating it in the context of our own independent research and judgment has led to the development of nearly all the recommendations which appear in this report.

OVERVIEW

The Trend Toward Legislative Reform and Current Legislative Attitudes Toward Legislative Performance and Legislative Reform

In an earlier report we stated that the Maine Legislature rests squarely at the crossroads of institutional reform. We continued in that report by noting how the Maine Legislature is increasingly being called upon to assume greater and greater responsibilities in the governance of the state. Finally, we noted that this trend toward vesting greater responsibility in the state legislature is "inexorable" and that in order to assure that the legislature is capable of meeting its ever-increasing responsibilities, it is imperative that measures be taken to strengthen the legislative process.

Our initial studies of the history of the Maine Legislature -- particularly its course of development -- indicated to us that the legislature had already established a clear pattern of legislative improvement. We noted that over the past decade several significant improvements had been made in the Maine legislative process.

Among these improvements were:

1. Increased Use of Professional Staff. The legislature has clearly strengthened its ability to independently gather, process and assess information through the development of a full-time professional committee staff.
2. Joint Legislative Management. At the close of the regular

session in 1973, legislation was enacted creating a Legislative Council and a new staff position of Legislative Administrative Director. The purpose of this law was to strengthen the legislature's ability to coordinate and manage the entire legislative apparatus by creating a centralized joint management structure.

3. Electronic Bill Status System. In 1974 the legislature installed an electronic bill status system. The system permits quick and easy access to information relative to the status of all legislation in the legislative process. Among the status information available through the Legislative Information Office is complete bill history including L.D. number, sponsor, committee of reference, committee actions, and floor action. Additionally the computer has been programmed by the staff in the Legislative Information Office to provide summaries and totals of legislation referred to each committee, reported out of committee, and introduced by each legislator. The system currently in use is only programmed to provide basic status information. It is, however, capable of expansion into other areas such as bill printing and statutory retrieval.

4. Performance Audit. The 107th legislature created a Performance Audit Committee in recognition of the need to strengthen the legislature's capability in the area of oversight. While the committee has yet to fulfill the needs of the legislature in this area, it remains that it is a significant demonstration of the legislature's intent to deal with this heretofore neglected function.

The efforts of SLLF and the beginning efforts of the Eagleton Institute of Politics are further demonstration of the legislature's commitment to strengthen its oversight capabilities.

5. Annual Session. Beginning with the 108th legislature, Maine legislators will meet in annual session. Unlike the first year of the biennium which will remain open ended as to subject matter, the second year will be restricted to considering only those matters which were referred to interim study in the first year or are of a fiscal or emergency nature.

The shift to annual sessions will have a major impact upon the entire legislative process in Maine. We believe that while the Maine Legislature will not become "full-time" in the sense of New York or Massachusetts, annual sessions nonetheless herald the ending of the "part-time citizen legislator."

The improvements cited above served two major functions as we embarked upon our study. First, they indicated to us that the Maine Legislature in recent years has become aware of its weaknesses and has taken steps to correct them. This was quite important insofar as our overriding objective was to conduct a study which could produce tangible results in the area of legislative reform. Had the legislature's history shown that the legislature was resistant to reform, our task would have undoubtedly been more difficult.

Secondly, these improvements served as the foundation upon which we structured our study.

Current Legislative Attitudes Toward Legislative Performance and Legislative Reform

The first step which we took in our study was to assess as best we could the attitudes and perceptions of legislators toward the present Maine legislative process. Using a survey questionnaire which was distributed to the entire legislature and which elicited a total of some 120 legislative responses combined with interviews with a large cross-sampling of legislators, legislative leaders and legislative staff, we formulated a rather complete picture.

Through the legislative questionnaire* we asked each legislator how well they felt the legislature was performing in terms of (1) formulating state policies and programs, that is proposing, considering and enacting legislation; (2) appropriating funds for state government programs, and (3) overseeing and supervising state administration to ensure that the laws are accomplishing what the legislature intended when it enacted them.

As Table I shows, each legislative response indicated a successively lesser degree of satisfaction with the performance of the legislature. Almost 33%, 1/3, of all members thought the legislature did no better than a fair or poor job in formulating policies; over 40% gave low evaluations of the legislature's job in funding programs; and over 75% of legislators believed oversight of state administration to be inadequate.

*The findings disclosed in this legislative questionnaire are contained in the appendix section of this report.

Given these findings members of the 107th legislature were next asked if they believed something needs to be done to improve the legislature's performance. Not surprisingly our survey revealed an overwhelming majority, 88%, who felt that there is a need for either major or some improvement in the legislative process. When asked further as to the priority of legislative improvement, only slightly less, 78%, indicated that legislative reform should be accorded either highest or medium priority.

In follow-up interviews started shortly after the survey was completed and returned, we attempted to isolate specific problem areas. Legislators were asked to talk about the need and priority of reform in conjunction with those specific problem areas in which they felt legislative reform was necessary. Interestingly, among the areas most legislators cited as being in need of reform were the very areas that have already been reformed! To wit, legislators expressed a need to improve staffing; to redefine the duties, responsibilities, and operation of Legislative Council; and to strengthen the Performance Audit Committee.

As one legislative leader noted,

"The general quality of legislation here is adversely affected by the absence of enough trained staff to do the research, drafting, and re-drafting of legislation."

Another legislator noted,

"Something has to be done to make Legislative Council work better. As it is now, they do many tasks that they are not supposed to do. If we don't change it I think we should abolish it."

Finally, commenting on the Performance Audit Committee, a senior legislator remarked,

"We set up this committee and appointed a lot of high-powered people to it ... then we never gave it any real duties or responsibilities. I think it will be a great loss to us if we don't do something to rectify the situation."

TABLE 1

LEGISLATOR IMAGE OF HOW WELL THE LEGISLATURE PERFORMS

<u>Performance of Legislative Tasks</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
<u>Formulating</u>					
Excellent or Good	65	67	71	53	68
Fair or Poor	<u>35</u>	<u>33</u>	<u>29</u>	<u>47</u>	<u>32</u>
	100%	100%	100%	100%	100%
<u>Funding</u>					
Excellent or Good	47	63	54	70	60
Fair or Poor	<u>53</u>	<u>37</u>	<u>46</u>	<u>30</u>	<u>40</u>
	100%	100%	100%	100%	100%
<u>Overseeing</u>					
Excellent or Good	10	26	17	31	24
Fair or Poor	<u>90</u>	<u>74</u>	<u>83</u>	<u>69</u>	<u>76</u>
	100%	100%	100%	100%	100%

TABLE 2

LEGISLATOR ORIENTATIONS TOWARD LEGISLATIVE IMPROVEMENT

<u>Legislative Improvement</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
<u>Need for Improvement</u>					
Major Improvement	26	14	23	15	19
Some "	68	73	71	67	69
Little "	5	12	5	13	8
No "	<u>1</u>	<u>1</u>	<u>1</u>	<u>5</u>	<u>5</u>
	100%	100%	100%	100%	100%
<u>Priority of Improvement</u>					
Highest Priority	37	18	25	16	21
Medium "	54	58	63	50	57
Low "	0	20	11	25	17
No "	<u>9</u>	<u>4</u>	<u>1</u>	<u>9</u>	<u>5</u>
	100%	100%	100%	100%	100%

The Use of Time in the Maine Legislature

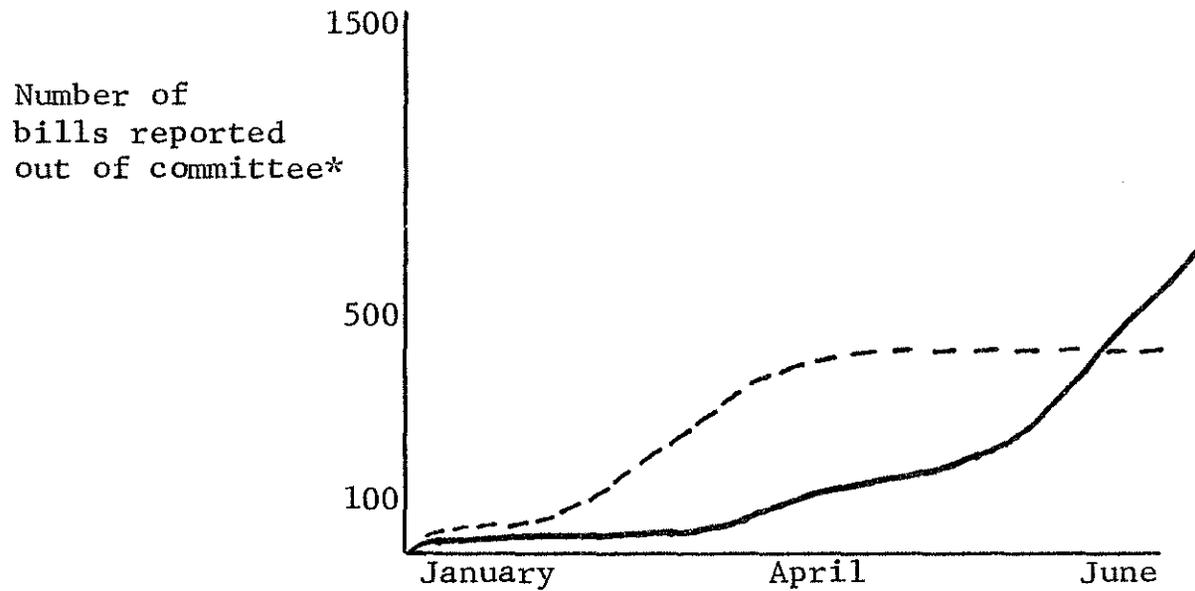
Findings

Our investigations of the Maine legislative process revealed that the most pressing problem facing the legislature relates to the manner in which time is organized and used. Accordingly, while the scope of our study remained the entire legislative process, most of our efforts to bring about the adoption of specific reforms during the latter part of this program centered upon this pre-eminently important area of time utilization.

The importance which we attached to this question of time utilization is a reflection of our conviction that the overall effectiveness of the legislative operation is a direct function of the way legislative time is used and managed. More precisely, we hold that the improper use of time adversely affects the performance of the legislature.

Through our statistical studies and observations we discovered that while poor time utilization manifests itself at nearly every stage of the Maine legislative process, it is actually in the earlier stages of introduction, bill drafting, referral to and reporting from committee, where the most deleterious effects of this mismanagement occur. Although the legislature formally convenes in early January, the pace of activity remains minimal until about the middle of February. As Table 3 on page 13 indicates, it is actually not until

TABLE 3
LEGISLATIVE TIME USE



Solid line depicts actual pattern.
Dashed line depicts desired pattern.

early April that any really significant amount of legislative activity occurs. From this point on, in mid-April to the end of the session, as the number of legislative days becomes fewer the volume of legislation considered in committee and on the floor increases. This phenomena, so very apparent in the Maine Legislature, customarily results in substantial end-of-session logjams.

In the special session of the 107th legislature and in the first regular session of the 108th, the end-of-session logjams became so severe that they necessitated the legislature meet in double sessions each day. That is, once in the morning and again in the afternoon. During this period it was virtually impossible for legislators to be cognizant of the content of many of the bills upon which they were called to vote. Not only were they confronted with great numbers of bills each day, many of which were among the most complex of the session, but they were also required to decipher the impact of a plethora of amendments - many of which had been in print for but a few scant hours. As one legislator described the end-of-session period,

"It's impossible to know what all these bills contain. I have to look to my colleagues, that is those whose opinion I trust. If I have time I ask him or her what the bill is about ... if there is no time, I vote the way he or she does."

To be sure, it is virtually impossible for a legislator to be fully cognizant of every bill that comes before him. The committee

system where specialization is encouraged itself reflects this fact. We recognize that in many cases the individual legislator must depend upon the opinions of other legislators who are more familiar with a particular bill. Unfortunately during the end-of-session period this need to rely upon the opinions of others becomes so acute, due to the sheer volume of bills and numerous amendments impinging upon them, that oftentimes legislators are unable to accurately assess the content and impact of a particular bill. This situation which usually precipitates disorder and confusion occasionally leads to the passage of faulty or hastily considered legislation.

A few examples will illustrate this point. During the regular session of the 107th legislature a lobbyist reform bill was enacted. Later on in the same session, however, the same bill was inadvertently repealed. Consequently, the 107th special session was forced to reenact a new lobbyist disclosure bill. Still another recent example is the school funding bill which was considered in the first special session of the 107th legislature. Many participants in the legislative process have since indicated that the reason the school funding question arose during the special session was because the legislature had failed to adequately deal with the problem when it became apparent during the previous regular session. Finally, the ever-growing Errors and Inconsistencies Bill is in itself a stark example of the problems which arise from the improper use of time. (In a later section we

will deal more extensively with this errors bill.)

Now that the legislature is moving into an annual session schedule, where they will have more time to deliberate, the problem of logjams will undoubtedly increase if corrective actions are not taken. For while the legislature will have more available time, it will also be considering more legislation than it has in past even-year special sessions.

The logjam at the end of the session is the most apparent manifestation of poor time utilization. However, while it itself is a serious problem, it remains that there are a number of other adverse consequences of poor time use which are not at first glance so readily apparent.

As we have already noted, it is in the beginning stages of introduction and drafting where the most serious mismanagement of time occurs. One of the principal adverse consequences of this is that the whole deliberative process is thrown out of balance. Bills are introduced into the legislative process late, consequently the Office of Legislative Research must be given more time to complete its drafting. As a result of these delays, the committee stage -- the single most important stage in the entire legislative process -- is often characterized by feverish and sometimes hasty action due to the fact that not enough real time is left to devote to committee deliberations.

During the latter portion of 1976 we recommended to the Legislative Council that they take immediate steps to deal with this problem of poor time utilization. Because a number of the recommendations we offered at that time were subsequently adopted by the legislature, they will here be presented in the complete context of what we recommended, why we did so, and what results we contemplate. This information should serve as a useful and practical guide to the Legislative Council as it moves ahead with the implementation of these recommendations.

RECOMMENDATIONS

Early Organization

Our first recommendation to the legislature was that in order to make greater and more effective use of legislative time in the opening months of the first regular session they adopt an amendment to the Maine Constitution permitting December organization of the legislature.

More precisely our recommendation was that:

1. A pre-session organizational session be held after an official canvass of votes, but no later than the first week in December pursuant to the general election. At this session the legislature should organize itself for the entire biennium.

In line with this recommendation we noted that Florida, Indiana, Tennessee, North Dakota, Idaho and New Hampshire are among the states which have written provisions for an organizational session in their constitutions and/or statutes.

We further noted that if Maine were to adopt similar provisions for early organization, the following activities currently dealt with in January could be accomplished in December.

A) Leadership Selection. At present the Maine Constitution makes no specific stipulation as to when the selection of legislative leadership is to be made. Rather, Article IV, Part First,

Section 7, specifies that, "The House of Representatives shall choose their Speaker, Clerk and other officers." Section 8 of the same article further stipulates that, "The Senate shall choose their President, Secretary, and other officers." Finally, Article IV, Part Third, Section 1 as amended, defines the political year as commencing on the first Wednesday after the first Tuesday in January: "and shall further convene on the first Wednesday after the first Tuesday in the subsequent year in what shall be designated the second regular session of the legislature, and at such other times on the call of the President of the Senate and the Speaker of the House..."

All of these references should be amended in order for the organizational session's actions to be official.

In all likelihood, as is the case in New Hampshire, Idaho, Indiana, and North Dakota, party caucuses would be conducted prior to the organizational session and the caucuses' selections would be later validated when both houses organize.

It would further be worthwhile to add in the rules appropriate language specifying the election of legislative leadership during the pre-session period.

B) Committee Assignments. Committee assignments should be made by the legislative leaders either at the organizational session or no later than ten (10) calendar days following such.

One of the fundamental ingredients of efficient use of time is

resolving the mechanical matters that are never made official until the session begins. By making committee assignments in the pre-session period or no later than mid-December the following benefits should be realized:

1) Speed-up of the legislative process at the outset of the regular session. By allowing committees to meet prior to the convening of the regular session to organize, schedule, and possibly conduct hearings and meetings, the traditional slow starts of Maine legislative sessions will be significantly decreased if not eliminated entirely.

2) Enhance the effectiveness of pre-filing. Joint Rule 6 stipulates that bills and resolves may be introduced within 45 days prior to the convening of any regular session. If committees are organized during the pre-session, and if our recommendations offered below with respect to pre-filing are adopted, the effect should be a faster start to committee activity.

Florida, Indiana, and Idaho are among the states that name all committees prior to the regular session. Florida stands above the rest in that their regular working session follows organization by nearly five months. Work on pre-filed and interim committee bills is extensive and many issues are resolved at the committee level prior to convening the regular session but, it should be noted, there is an effective deadline system to manage the session's time.

C) Administration of Oath of Office to Members-Elect. In order to permit the administration of the oath of office to members-elect, Article IX, Section 1 as amended, would have to be further amended. Additionally, Article IV, Part First, Section 5, and Article IV, Part Second, Section 5, would have to be amended.

Florida, Idaho, Indiana, North Dakota, Alabama, Georgia, Tennessee, and West Virginia are among the states that swear their members-elect in at the organizational sessions.

D) Salaries for Legislators Should Become Effective as of December 1 Following Their Election and Pursuant to Their Being Qualified by Their Respective Houses. It is difficult to comprehend the purposes of organizing in pre-session without making salaries effective at or near the same time. It is assumed that members will begin to function as full-fledged Senators and Representatives during the pre-session. In North Dakota and Idaho, salaries commence on December 1, and in Indiana, on November 20.

E) Orientation Conference. Maine already conducts an orientation conference during the pre-session. If the legislature adopts the pre-session organization format suggested here, however, it will be necessary to change when this orientation conference takes place. Specifically, the orientation conference should follow any activities that might be controversial, such as leadership selection, so as to be kept free of partisan interference. The purpose of orientation sessions is education, and lobbying members during such to resolve

leadership selection difficulties is not desired.

F) Temporary House, Senate, and Joint Rules Should be Adopted.

This will give the entire legislature a definite code of procedures to carry them through the organizational session to the beginning of the regular session. Proposals to amend the rules should be open for consideration and passage at an organizational session and both houses should be prepared to adopt permanent rules in the early segments of the first regular session.

Only Indiana of the states surveyed adopts permanent rules at the organizational session. North Dakota opts to start with temporary rules while Idaho, which is statutorily permitted to pass permanent rules at the organizational meeting has never exercised this power.

G) A House Clerk and Senate Secretary Should Be Selected As Well As Initial Determination of Who Need Be Employed for the Sessions and Interim Period Between Sessions. Rules now call for such decisions to be made official when the regular session convenes, although in many instances the selection of employees and the designation of task areas is accomplished prior to the session. Since these recommendations for the pre-session period do entail earlier activity, needs for staff help should correspondingly alter.

Legislative Action

Late in the 1977 session the legislature adopted the unanimous

ought to pass report of the Committee on State Government that the Constitution be amended to permit early organization of the legislature (L.D. 1259).

During the committee deliberation stage, we presented both oral and written testimony concerning the possible effects this legislation would have on the Maine legislative process if enacted and adopted by the voters in the 1978 November general election. In addition to providing the committee members with essentially the same information we have here presented, we informed the committee and the legislative leadership of two additional considerations which might have a bearing on their activities should this legislation be favorably acted upon by the voters in November.

First, the Legislative Council must be prepared to make good use of this early organization period if it is finally adopted at the polls. In the first year of application, the New Hampshire legislature failed to adequately plan how it would utilize this additional time. As a consequence, the overall effectiveness of the early organization period was considerably weakened.

To avoid this and to ensure the most efficient and effective use of the pre-session, we now suggest that:

2. The Legislative Council begin well in advance of the next biennium to establish a formal set of activities and procedures which will be adhered to during the early organization session.

These procedures should specify: all activities which will take place during the early session, and the amount of time which will be allotted for carrying out these activities.

Additionally, the Council should make a concerted effort to inform legislators and the public of the purpose of this constitutional amendment. The objective herein is to insure support amongst legislators and the general public for the passage and successful application of this new procedure.

To this end we therefore recommend that:

3. The Legislative Council as well as the principal sponsor of L.D. 1259 and the Committee on State Government make a concerted effort to inform legislators and media representatives across the state of the purpose of early legislative organization.

Pre-filing

The next major proposal we advanced for making better use of legislative time during the opening months of the session related to strengthening the practice of pre-filing legislation.

We recommended that:

4. The practice of pre-filing legislative measures be strengthened by permitting reference of pre-filed bills to committee during the pre-session period. Further, the legislative leadership should strongly encourage executive agencies and departments to pre-file.

The primary objective of this pre-filing recommendation was essentially two-fold: (1) to get legislation into the legislature earlier, and (2) to get it referred to committee earlier.

When we first presented this recommendation to the Legislative Council we suggested that implementation of this pre-filing provision should be attempted by use of a legislative request to all executive agencies and departments, and not by more formal or binding means such as a requirement stipulated in the joint rules.

We indicated to the Legislative Council that it was conceivable with the proper legislative prodding that the current low rate of pre-filing (less than 2%) could be substantially increased.

In accordance with this suggestion the Legislative Council drafted and distributed a letter requesting all executive agencies and departments to pre-file their legislation. The response was negligible. In fact, the total number of pre-files in the first year of the 108th actually decreased over the total number of pre-files introduced in the first year of the 107th!

Because the estimated amount of legislation introduced by executive agencies and departments amounts to between one-third and one-half the total volume introduced in any session* and, further, because most executive agencies and departments have

*Precise figures are impossible to obtain given the fact that most agency, department and commission bills are not identified as such.

their legislation ready well in advance of the session (but nonetheless fail to pre-file most of it), we felt that stronger steps were appropriate.

Legislative Action

Insofar as informal prodding failed to produce the desired pre-filing results, we recommended that the legislature adopt a formal joint rule specifying who shall pre-file and what requirements shall be met in pre-filing.

The text of this rule which was adopted by both houses in concurrence appears below.

Departmental Bills

(1) No bill or resolve shall be introduced on behalf of any state department, agency or commission, except the Governor or Chief Justice, after the first day of December preceding the convening of the first regular legislative session. If the Governor has been newly elected in the November preceding the convening of the first regular session, a bill or resolve introduced on behalf of a state department, agency or commission, except the Governor or Chief Justice, shall be introduced within 30 days after the Governor is administered the oath of office.

(2) Each bill or resolve submitted to the Director of Legislative Research by an executive agency, department or commission for

preparation shall clearly designate under the title, the department, agency or commission upon whose behalf the bill or resolve is submitted.

(3) Bills or resolves pre-filed under this rule shall bear the designation of the title "President of the Senate" or "Speaker of the House" for purposes of introduction unless a member of the legislature sponsors or co-sponsors that bill or resolve.

(4) A bill or resolve may be filed on behalf of the Governor or Chief Justice under the title of "President of the Senate" or "Speaker of the House" provided that the bill bears on its jacket the appropriate designation that the bill or resolve has been introduced on behalf of the Governor or Chief Justice.

(5) Any departmental bill or resolve filed after the first day of December shall be considered late filed. All requests for such late-filed bills or resolves shall be transmitted to the Legislative Council by the Clerk of the House or Secretary of the Senate. The Legislative Council shall ascertain from the department the facts supporting introduction notwithstanding cloture and, if two-thirds of the Legislative Council approves, the bill or resolve, following preparation, shall appear on the calendar of the appropriate house, duly noted as having been approved by two-thirds of the Legislative Council and the document shall be received.

Analysis

This rule was designed primarily to require that all departmental bills be introduced into the legislative process in a more timely fashion. By accomplishing this it would be possible to, in turn, speed up the early stages of legislative activity.

Section 1 of this rule establishes December 1 as the deadline for introduction of all department, agency, or commission bills. The Governor and Chief Justice are excluded from this rule on constitutional grounds. Additionally a 30-day extension for all departments, agencies and commissions is granted in the case of a newly elected Governor who, in all likelihood, will not have made all his executive appointments by the December 1 deadline.

Section 2 of this rule stipulates that the specific executive department, agency, or commission sponsor of the bill be designated directly under the bill's title.

In discussing the design and content of this rule with legislators, we discovered that many feel at a marked disadvantage when deliberating on executive department, agency, or commission bills. In most instances, legislators are not aware of a particular bill's executive origins. Instead, the only information they have pertaining to the bill's origin is the legislative sponsor's name. Accordingly many legislators are hesitant to rule against an executive bill with a legislative sponsor. This despite the fact that the legislator

whose name appears on the bill may have agreed to sponsorship only for purposes of allowing introduction and not because of any deep commitment to the bill's objectives.

The absence of clear identification of who the actual sponsor of the bill is means that legislators are being denied access to potentially valuable information which may aid them in determining the true objectives of a particular piece of legislation. In addition to supplying legislators with this valuable information, this provision will also enable the legislature to more accurately determine how many bills are introduced yearly by departments, agencies and commissions. Finally, this sponsor designation will enable Legislative Research to more easily identify late-filed department, agency and commission bills.

In Section 3 of this rule another major change with past procedure has been made. This provision alters the previous requirement for pre-filing which holds that every pre-filed measure must have a legislative sponsor. Under the provisions of this new rule, legislative sponsorship will still be necessary for purposes of introduction. The difference with past procedure, however, is that where no legislative sponsor of a department, agency, or commission bill is forthcoming, the bill will automatically be introduced under the designation of "President of the Senate" or "Speaker of the House."

A point of fact is that this new provision eliminates the need for rank and file legislative sponsorship for every such pre-filed measure. Instead, this provision makes such sponsorship optional. No longer will it be necessary for introduction for legislators to sign their names to bills they may have little or no commitment to. Instead, if legislators do not wish to sponsor department, agency, or commission bills, then these bills will be automatically introduced under the title of either the President or Speaker.

We believe this new provision will have at least four positive effects upon the legislative process.

Initially, it will facilitate and speed up the introduction of department, agency or commission bills into the Office of Legislative Research. Past procedure of requiring legislative sponsorship before the bill was introduced into the Office of Legislative Research often acted as an impediment to pre-filing due to the obvious difficulties of locating legislative sponsors prior to the convening of the session.

Secondly, facilitating and expediting the introduction of department, agency or commission bills into Legislative Research will, in turn, facilitate the introduction of such measures into the legislature. Although we envision departments, agencies, and commissions actively seeking legislative sponsorship at this stage, replacement of the old sponsorship provision with this new provision means that a number of these pre-filed measures will be referred to committees

in a more expeditious fashion. For as we have noted, if legislative sponsors are not forthcoming, these bills will be referred to committee under the title of either "President of the Senate" or "Speaker of the House."

A third benefit of this new provision is that it will make legislative sponsorship of department, agency, or commission bills more meaningful. Again, as we have noted, many legislators sponsor such pre-filed bills not because of the bill's merit, but rather because such sponsorship is necessary in order for the bill to be introduced.* Many times legislators will sponsor these executive bills upon request of the particular department, agency, or commission, or perhaps even upon request of the committee chairman to whose committee these bills will be referred. Such sponsorship of convenience has the effect of obscuring answers to proper legislative inquiries such as: "Who supports this bill; to what extent; where did the bill originate; why is it being offered?"

As we have stated, under the new provision, unless a legislator specifically wants to sponsor a department, agency or commission bill, the bill will be automatically introduced under the heading of "President of the Senate" or "Speaker of the House." Such a designation serves to satisfy the statutory requirement that all legislation

*It should be noted that rarely are executive agency, department or commission bills denied the necessary legislative sponsorship for introduction.

must have a legislative sponsor and, additionally, it makes the process of obtaining legislative sponsorship more flexible and meaningful.

One last benefit which this new sponsorship provision may produce is more significant department, agency and commission legislation. Under our rule, if a bill does not have a legislative sponsor then it will be introduced under the heading of either the "President of the Senate" or "Speaker of the House." Such a designation should serve notice to legislators that the bill's executive sponsor was unable to locate legislative sponsors either because the effort was not made or because no legislator wanted to be associated with the particular bill. This information, readily available on the face of every bill, should serve as a valuable aid to committees and the legislature as each attempts to evaluate the merits of the proposals before them. Furthermore, it should serve to weed out the introduction of many weak bills simply because departments will know that without legislative sponsorship or leadership support, the bill will have little or no chance of passage.

Section 4 of this rule is a restatement of the current J.R. 22 provision. It simply clarifies the method of introduction of bills or resolves filed on behalf of the Governor or Chief Justice.

Finally, Section 5 of this joint rule establishes a new and more restrictive procedure for screening late-filed department bills

or resolves. It requires that any measure filed after December 1 must be referred to the Legislative Council whereupon a determination will be made as to whether or not to allow the bill's introduction.

To insure that the facts supporting introduction of a late-filed bill are substantial, this provision further requires that an extraordinary vote, two-thirds of the Legislative Council, is necessary to approve the introduction of any such late-filed measure. The underlying rationale behind this provision is that the reasons supporting late introduction should be significant enough to convince at least two-thirds of the members of the Council.

We believe that when this rule takes effect prior to the convening of the first regular session in 1978, it will have a marked impact upon the level of legislative activity during the opening months of that session. In addition to its favorable impact upon the early stages of the legislative operation, this rule coupled with our first recommendation for early organization will have continual and positive impact upon each successive stage of the legislative process.

In order to insure the successful application of this rule we offer one additional recommendation. Specifically, we recommend that:

5. The Legislative Council furnish to each executive agency, department and commission a copy of this new pre-filing rule along

with appropriate explanation of the procedures it stipulates.

We offer this recommendation for the obvious reason of guarding against the possibility of certain departments, agencies or commissions not adhering to this rule out of possible ignorance of its existence. Additionally, by distributing this rule at an early date to all those who are affected, the Council will be able to respond to any questions concerning its application which will undoubtedly arise.

Interim Committee Periods

Our next recommendation with respect to giving the legislature the ability to more effectively and efficiently organize and use its time related to the use of legislative time in the opening weeks of the session.

Again late in 1976 we recommended to the Legislative Council that:

6. The Maine Legislature, and in particular the legislative leadership, should be granted the authority to suspend all floor activities at a time of their own choosing for purposes of moving the legislature into an in-depth committee period.

In line with this recommendation we noted that the legislature, and in particular the legislative leadership is the best judge of when the legislative business is such that daily floor sessions are needed, and when the legislative process would be better served by extended periods of uninterrupted committee activity. For example,

if the expanded program of pre-session activities suggested above were adopted, the legislative leadership could decide to move into a period of concentrated committee work immediately after the legislative session was convened.

In our survey of legislators, we asked how they felt about instituting such a procedure where the legislature would convene in January and then move into an interim committee period. As Table 4 on the following page shows, the large majority of Maine legislators favor such a plan.

TABLE 4

LEGISLATOR ATTITUDES TOWARD THE ESTABLISHMENT OF INTERIM COMMITTEE FLOOR PERIODS

<u>Attitude toward interim committee floor periods</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
(1) Favor	58	46	55	43	49
(2) Favor but think modifications necessary	16	15	22	13	16
(3) Oppose	5	21	19	20	20
(4) No opinion, undecided	$\frac{21}{100\%}$	$\frac{18}{100\%}$	$\frac{4}{100\%}$	$\frac{24}{100\%}$	$\frac{15}{100\%}$

The advantages to be realized by Maine adopting an interim committee period during the session are:

a) Continuity. By providing for an interim committee floor period following the convening of the regular session, heavy committee work, unhampered by floor sessions will be realized.

b) More thorough research and investigation. The interim committee period will further permit the opportunity for concentrated study of problem areas. It will permit a more thorough research and investigation by individual legislators of areas in which they have a particular interest or in which they wish to develop a special competence.

c) Ability to deal with complex legislation earlier in the session. We have noted that by more effective utilization of the legislature's time at the beginning of the session much of the end-of-session logjam can be eliminated. A significant portion of the end-of-session logjam is attributable to the fact that in most instances the most significant, and oftentimes most complex legislation comes up for legislative action at the end of the session. The creation of an interim committee period at the outset of the session in which legislators could more carefully consider and act upon complex legislation (as well as routine legislative proposals), would necessarily be a step toward reducing this end-of-session logjam.

d) Elimination of conflicting committee meetings. At the

present time Maine legislators are often faced with conflicting committee meetings. By making use of an interim committee floor period, plus the recommendations we suggest at a later point for grouping committees, this problem of conflicting schedules can be eliminated.

e) Speed up the committee process. The interim committee periods will provide committees with more uninterrupted time for their deliberations. This in turn should better enable committees to meet the last Friday in April deadline for reporting bills and resolves to the floor.

Legislative Action

When this recommendation was offered to the Legislative Council the reaction was generally favorable although cautious. Some legislative leaders expressed concern that a suspension of floor activities would cause many legislators to "go home" rather than work at their committee jobs.

We disagreed with this argument noting that we felt the vast majority of Maine legislators would honor their responsibilities. All this notwithstanding, the Council did move to adopt a modified version of this proposal. Specific days were designated as committee days and brief legislative sessions, to insure legislator attendance, were held in either the early morning or mid-afternoon.

The interim committee periods failed to produce all the desired results. While it is true that the legislature was able to deal with some of the most complex legislation early in the session (point c above), it remained that the ability of committees to report legislation out in a timely fashion (i.e., by the cloture date) was not realized.

Our close analysis of committee activity during the 1977 regular legislative session by means of a tracking system we developed (see below) indicated that the failure of the interim committee periods can be largely attributed to four factors:

- 1) No effective pre-filing.
- 2) Not enough scheduled working sessions.
- 3) Late start for committees due to political problems concerning the composition of joint committees.
- 4) Early preoccupation with major pieces of legislation.

Among these four factors, the absence of any significant pre-filing has been, in our opinion, the single greatest reason for the failure of the interim committee periods. Without all their legislation before them in a timely fashion, most committees were unable to fully optimize these interim periods. As one committee chairman remarked,

"I've had to delay a lot of committee hearings and put off working sessions simply because we don't have all the legislation on one particular subject before us yet."

Point 2 above - not enough scheduled working sessions - may in large measure be a direct consequence of this lack of full committee workloads at the time the interim periods were held. It should be noted, however, that this was not the case in every instance. Our review of committee workloads disclosed that a number of committees did have near full workloads and despite this still failed to schedule sufficient numbers of working sessions. The problem here, therefore, appears to be at least in part attributable to the lack of effective control over the committee's scheduling by the committee chairmen.

We noted also that certain political problems concerning the size and composition of joint standing committees delayed the full appointment of committees and thus contributed to the weakening of the effectiveness of the interim period. Of course, we cannot eliminate the probability that similar political considerations will not arise again in the future. We can, however, point out that with early December organization this problem of committee composition could have been addressed before the session actually got underway.

Point 4 - early preoccupation with major legislation - was a positive consequence which we had sought from the use of interim committee periods. As such, while it may have slowed down the committee deliberative process somewhat, this was more than offset by the fact that significant and complex legislation was dealt with

early rather than late during the hectic closing weeks of the session.

We continue to hold that the use of the interim committee period during the session will produce all the benefits we have attached to it. Indeed, even if it only continues to enable the legislature to deal with complex legislation early in the session, it will serve a useful purpose.

Committee Tracking System

At this point a discussion of the committee tracking system we developed and utilized during the 1977 session is in order.* The tracking system was developed with the assistance of the Law Librarian and the able staff in the Legislative Information Office to give the leadership a means of quickly and easily assessing the flow of legislation through the committee stage. To this end it served a useful purpose as it provided leadership with the necessary information they required to schedule activities during the final months of the session.

Because of its practical value and because it became increasingly time consuming to manually prepare this information, we now recommend that:

7. The tracking system as described in the appendix of this report be placed on a computer program so as to provide quick and

*See appendix for a detailed memorandum outlining the format and use of this tracking system.

easy access for legislative leadership to this pertinent committee information.

We further recommend that:

8. The computer printouts of this tracking system be distributed to the members of the Legislative Council on a weekly basis from the beginning of the session until such time as the Council determines this information is no longer required.

Deadlines

Our next recommendation to the Legislative Council dealing with time utilization was that the legislature adopt a comprehensive deadline structure.

Specifically, we recommended that:

9. The Joint Rules of the Maine Legislature should be expanded to include a comprehensive deadline system for both houses. This deadline system should be designed to serve both sessions of the biennium as well as the interim between legislative sessions. Deadlines should be established regulating: (1) pre-filing requests for bill drafting; (2) interim committee reports; (3) submission of bills and resolves into Legislative Research; (4) introduction of bills and resolves; and (5) committee action.

We argued that if the legislature is to more effectively and efficiently use its available time it must establish a system that will allocate reasonable amounts of time to specific stages in the

legislative process. Deadlines, if properly constructed and implemented, can satisfy much of this need. As Table 5 points out, the overwhelming majority of legislators feel that deadlines can be effective as a means of regulating the flow of legislation through the legislature.

TABLE 5

LEGISLATOR ATTITUDES TOWARD DEADLINES

<u>Effectiveness of Deadlines</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
Yes - effective	78	58	56	68	62
Yes - effective - but only partially	22	31	36	22	29
No - not effective	0	10	8	9	8
No opinion, don't know	$\frac{0}{100\%}$	$\frac{1}{100\%}$	$\frac{0}{100\%}$	$\frac{1}{100\%}$	$\frac{1}{100\%}$

Analysis of Maine Deadline System

Our analysis of the Maine deadline system revealed that its single most unique feature is its unenforceability. We looked back as far as 1971 and discovered that in every regular and special session since 1971 the original deadlines for introduction of legislation, drafting of legislation, and committee reporting, have never been enforced!

For example, in the 1973 regular session of the legislature, the time for introduction of bills and resolves being processed in Legislative Research was originally March 6, 1973. This deadline was subsequently extended to March 14, extended again to March 28, and finally extended to March 30.

The fact that no original deadline has ever been adhered to (at least since 1971), is further exacerbated by the fact that very few of the extended deadline dates have ever been adhered to! Our statistical analysis of committee activity in 1973 and 1975 regular legislative session revealed that nearly 15% of all legislation filed in 1973 and over 25% of all legislation filed in 1975 was filed after the final extended cloture dates for introducing bills and resolves. This same analysis further revealed that in both sessions over one-third of the total session volume of legislation was reported out of committee in the final six weeks. Moreover, contained within this volume were some of the most complex, controversial, and time-consuming pieces of legislation considered in each session.

When we first offered this recommendation to the Legislative Council, we attributed the failure of current deadlines in Maine to four principal factors:

(1) Lack of leadership support. We consider the relative absence of leadership support for deadlines to be a chief reason for their failure. Legislative leaders appear loathe to enforce deadlines on their colleagues -- particularly committee chairmen. As one legislative leader remarked, "Our biggest problem in enforcing deadlines is with some committee chairmen who will delay as long as they can. They don't like to be pushed." As with most legislative procedures, deadlines can only be as effective as the legislature and its leadership wants them to be. Without strong leadership backing no deadline system will succeed.

(2) Absence of formal sanctions. While Joint Rule 8 specifies the cloture dates for submission and introduction of bills and resolves, it remains that this rule is hardly an effective sanction. As we have noted, in every session of the legislature since 1971, this rule has been suspended.

(3) Poor organization during the opening months of the session. Still another reason for the failure of existing deadlines is the lethargic pace of legislative activity in the opening months of the session. If the recommendations suggested above for pre-session organization, pre-filing, and interim committee floor periods are adopted, then adherence to an even earlier deadline schedule than

that prescribed in the present joint rules may be possible.

(4) Lack of sufficient staff resources. We shall speak of this matter at length in a subsequent section of this report. Suffice to note here that the current staff levels in the Office of Legislative Research and the Legislative Assistants Office are not sufficient to satisfy the bill drafting and research needs of the Maine Legislature in 1977.

Legislative Action

Discussion of this proposal in Legislative Council produced a broad consensus that certain corrective steps should be taken to strengthen the deadline structure.

As we have noted, the legislature has already adopted one new major deadline to regulate departmental pre-filing. In addition to this new deadline, in a later section on committee organization we propose the adoption of a new rule which establishes a reporting deadline for all interim committee reports.

As to the establishment of new deadlines for the submission of bills and resolves into Legislative Research, the introduction of bills and resolves, and committee action, no new deadlines have as yet been developed.

We believe that in these aforementioned areas two distinct sets of deadlines should be developed - one set to regulate the first regular session; the other set to regulate the second regular session.

Deadlines for first regular session

The development of deadlines for the first regular session in the areas we have prescribed above will in large measure depend upon three factors: 1) the passage of the early organization amendment; 2) the effectiveness of interim committee reporting deadlines; and 3) the effectiveness of the newly established pre-filing deadlines for executive agencies and departments.

That the legislature will not be able to accurately predict or gauge the effect of these factors until late in 1977 seems to preclude the final development of new deadlines at this stage. Accordingly, our recommendation at this stage is that:

10. The Legislative Council carefully monitor the interim period between the 1978 and 1979 legislative sessions. Specifically, the Council should seek to measure the amount of pre-filed legislation introduced into Legislative Research and the effectiveness of the interim committee reporting deadlines. On the basis of this monitoring, the Council should be able to determine by December preceding the 1979 session whether or not new and earlier deadlines for the introduction of bills and resolves and committee action should be established.

Deadlines for second regular session

The second regular session of the legislature will require an entirely new set of deadlines to reflect its several unique character-

istics. Among the characteristics which must be taken into consideration are:

1) Shorter session length. While the length of this second regular session will be significantly shorter, we believe that the proportion of legislation introduced to legislative days will be similar to the first regular session. Accordingly the legislature, in order to meet its statutory adjournment deadline in the second year, should establish earlier deadlines for a) the introduction of bills and resolves into Legislative Research; b) the referral of bills and resolves to committees; and c) committee reporting.

2) More significant interim period. The interim period between sessions will be highly significant not simply because legislators will be afforded an opportunity to study in depth specific issues, but also for two additional reasons:

a) Legislation resulting from interim studies can be prepared for immediate introduction once the legislature convenes in January.

b) Legislators will be better able to utilize the interim to pre-file their legislation. Unlike the first year of the biennium, legislators will not have to contend with the rigors of a campaign. Additionally, all freshman legislators will have had one full session of experience and will thus be in a far better position to cope with the complex legislative process.

After considerable discussion and debate with the Legislative

Council and with the Senate Democratic and Republican caucuses, we developed the following new cloture rule for the second regular session:

Cloture; second regular session. All requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1 p.m. of the first Wednesday in November preceding the convening of the second regular session.

The Legislative Council shall review all requests for bills and resolves in order to ensure compliance with the requirements of the Maine Constitution, Article IV, Part Third, Section 1.

The Legislative Council shall complete its review of all requests for bills and resolves by the 15th day of November. Legislators whose bills and resolves have been approved for introduction shall, within 15 days of that approval, transmit to the Director of Legislative Research sufficient information and data necessary for drafting.

All bills and resolves submitted for preparation to the Director of Legislative Research shall be introduced in the appropriate House, in complete final form, not later than 1 p.m. of the second Wednesday in January.

As this rule states, the date for the submission of bills and resolves into Legislative Research was established as the first Wednesday in November preceding the convening of the second regular session. We believed this early deadline was both realistic and

necessary. Originally our proposal was for a cloture date of October 1. However, upon discussion of this cloture date with a number of legislators we agreed that it should be moved back, given the fact that many legislators would still be deeply involved in their principal occupations during October. Unfortunately this rule was offered in the closing days of the 1977 session at a time when a number of other complex and significant proposals were under consideration. Consequently, rather than risk the possibility of losing this proposal on the floor, the leadership opted to withdraw it and refer it instead to the Council for action during the interim between sessions.*

On the basis of this action, we therefore now recommend that:

11. The Legislative Council establish, no later than August 1977, a new cloture system to regulate the introduction of bills and resolves into Legislative Research and the referral of bills and resolves to committee.

In addition to this, we further recommend that:

12. The Legislative Council consider the aforementioned cloture rule and, as an alternative, it also consider the following cloture rule:

Cloture; second regular session. All requests for bills and resolves introduced on behalf of any state department, agency or commission except the Governor or Chief Justice shall be submitted

*Joint Rule 24 stipulates that the Council may establish cloture procedures to regulate the second regular session.

to the Director of Legislative Research not later than 1 p.m. of the first Wednesday of November preceding the convening of the second regular session.

All legislative requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1 p.m. of the second Wednesday in January following the convening of the second regular session.

The Legislative Council shall review all requests for bills and resolves in order to ensure compliance with the requirements of the Maine Constitution, Article IV, Part Third, Section 1.

In the case of executive agency or department requests for bills, the Legislative Council shall complete its review of all such requests by the 15th day of November.

In the case of legislative requests for bills and resolves, the Legislative Council shall complete its review of all such requests by the 4th Wednesday in January.

This alternative cloture rule establishes two sets of cloture dates - an earlier cloture date to regulate department, agency and commission bills and resolves (first Wednesday in November), and a later cloture date to regulate legislative introduction (second Wednesday in January).

We believe that in certain respects this alternative proposal is superior to our original proposal. The one potential drawback to this proposal is that if executive agencies, departments and commissions

do not adhere to this pre-filing provision, the effectiveness of this rule will be negated. Thus, should the Legislative Council adopt this or a similar rule, it will be necessary that appropriate steps be taken to insure executive compliance.

Annual Sessions

In speaking of effective time utilization, it is appropriate that we next consider the impact of annual sessions upon the Maine legislative process.

We consider the shift to annual sessions to be one of the most potentially significant advances ever made in the Maine legislative process. By providing the legislature with essential time to conduct its affairs on a regular basis, a more effective, co-equal legislature may evolve.

In our conversations with legislators and legislative staff, it has become increasingly apparent to us that very little thought and even less planning has been given to the pending shift from biennial to annual sessions. We sense that many legislators feel that the shift to annual sessions will not be much of a departure from present session patterns in which a regular legislative session in the odd-numbered year has been customarily followed by at least one special session in the even-numbered year. We wholly disagree with this assumption.

Special sessions by their very nature are always reactive. That is, they are always called to deal with some nature of emergency.

Rarely is the legislature afforded adequate time in a special session to deal with the particular problem(s) in a deliberative fashion. Annual sessions, on the contrary, afford the legislature adequate time, on a regular basis, to deal with the growing needs of the people of Maine. While it is true that the legislature will continue to have to react to certain problems as they arise, it remains equally true that annual sessions will, if properly organized, permit the legislature to respond more effectively, after careful study, to many problems before they reach emergency proportions.

To further understand this difference we present below what we believe will be some of the more significant consequences of annual sessions for the Maine Legislature:

1) More legislation. We noted earlier that on a proportionate basis, the volume of legislation in the second regular session will approach the first session's volume. What this means for the Maine Legislature is that during this shorter second session the legislature must develop better methods of making use of its time. All of the recommendations we have thus far proposed, and many which we will be proposing, are designed to enable the legislature to do just that.

2) More significant interim periods. Again as we mentioned earlier, if the legislature meets every year, the interim period between regular sessions will be far more valuable. In the first instance, every legislator serving in the odd-year session will be

back for the even-year session. Inevitably, this will result in greater interest and participation during the interim since legislators will now know with certainty that they will be able during the second session to act on any recommendations made in the interim. Secondly, the interim will afford legislators and their staff the opportunity to study and prepare legislation on matters they know will be before them in the second regular session.

3) A more professional atmosphere. The move to annual sessions will precipitate the evolution of an atmosphere of professionalism among both staff and legislators as well. In the course of this evolution the need for more full-time staff will become increasingly apparent to legislators who themselves will discover that their legislative jobs are rapidly becoming full-time.

4) More responsiveness by increased visibility. Annual sessions should further make legislators more responsive to the wishes of the people they serve by increasing the visibility of individual legislators.

Carryover

In order to further strengthen the significance of the interim between the first and second regular sessions and in order to establish an immediate workload at the outset of the second regular session, we also recommended to the Council the adoption of a rule permitting the carryover of legislation from the first regular session to the second.

Specifically, this rule was as follows:

"Carryover of bills and resolves"

"(1) Any bill or resolve introduced in the first regular session of the legislature, whose subject matter is germane to the subject matter of the second regular session, may be carried over to the second regular session in the same status it was in at the time of adjournment upon written and signed request of 2/3 of the members appointed to the original committee of reference and the approval of the Legislative Council providing that the request is made at least 2 weeks prior to the final reporting deadline of the committee of reference.

"(2) Any bill or resolve carried over must be reported out of committee no later than the 15th day of December preceding the convening of the second regular session in the even-numbered year."

In debating this rule we noted that over half the state legislatures in the nation employ some form of bill carryover system. What bill carryover does is reflect the fact that the legislature is a continuous body, organized for two consecutive years. This procedure permits legislation introduced in the first year of the biennium to be considered in either year of that biennium without reintroduction. Now that the Maine Legislature is moving into an annual session format, we believe that a restricted form of bill carryover will be of significant benefit to the legislature.

Specifically, the form of bill carryover we are recommending here should produce the following results:

a) Carryover will give the legislature a package of bills to begin considering immediately upon the convening of the second regular session of the legislature.

b) It will eliminate some of the need to reintroduce legislation in the second session, thereby saving time and some printing costs.

c) It will enhance the significance and effectiveness of the interim between regular sessions. During the interim the legislature will be able to hold hearings and give careful consideration to carried-over bills, thus providing additional time during the session to take up other matters.

d) It will help avoid end-of-session logjams, particularly in the odd-year session.

e) With a carryover system in effect, legislators will not be forced to vote on those matters that do not require immediate action.

f) It will further reinforce the practice of organizing for the biennium.

In order to secure the above benefits of carryover we recommended that the following action be taken by the Maine Legislature:

13. The Maine Legislature should adopt a new joint rule providing for bill carryover. The carryover system should restrict the carryover of legislation into the even-year session to those matters constitutionally germane to the second regular session. That is, carried-

over measures should be limited to "...budgetary matters; legislation in the Governor's call; legislation referred to committees for study and report by the legislature in the first regular session; and legislation presented to the legislature by written petition of the electors..." (Article IV, Section 1, Part Third as amended by Article CXXX)

14. Each regular joint standing committee should determine, by a two-thirds vote those measures it wishes to have carried over. The committee should further report those measures it wishes to carry over to the floor for debate and vote. A number of states which employ carryover simply state in their rules that all measures not acted upon in the first regular session shall be carried over to the second regular session. We do not advise this because we feel that such a system would make it far too easy to put off decisions until the next year. Moreover, an unrestricted carryover system would also potentially produce a second-year session with more legislation before it than the first. In a survey we conducted of other state legislatures which employ carryover we discovered that in states where the carryover process is unrestricted, the volume of legislation carried over is quite high. For example, New York reports that they customarily carry over in excess of 70% of all legislation introduced in the first year; Pennsylvania reports that they carry over in excess of 90%! Contrary to these unrestricted systems, Wisconsin, which requires an extraordinary vote to carry over measures, reports that

their rate of carryover is a healthy 22%. We envision a similar rate for Maine.

15. Standing committees should be permitted to consider carried-over bills during the interim between regular sessions. Indeed, this should be a clear requirement. A primary purpose of carryover is to permit committees to study those measures in the interim that have not received careful attention during the session.

16. Any bill carried over in committee must be reported out no later than the 15th day of December preceding the convening of the second session in January. By prescribing such a procedure, the legislature's ability to get off to a fast start in the second regular session will be insured. Furthermore, the possibility of having carried-over bills ending up for consideration in the closing days of the second-year session will be eliminated.

Legislative Action

The aforestated carryover rule was never formally adopted by the legislature. Instead, the basic provisions of this rule were applied to specific pieces of legislation by using individual joint resolutions.

While we believe that these joint resolutions clearly demonstrated the need and usefulness of the carryover provision, we feel that the use of joint resolutions rather than a joint rule is not a sound method for exercising carryover.

Our principal objections to the use of a joint resolution to affect carryover lie in the fact that it is both arbitrary and impermanent. Arbitrary in the sense that one can never be sure when a bill or resolve may be carried over, and impermanent because a joint resolution can be altered at any given time. The absence of established, firm procedures can, we believe, lead to misuse of this technique.

One final point on this carryover proposal. At the time when this proposal was being debated on the floor, a question was raised as to the rule's constitutionality.

Article IV, Section 1, Part Third as amended by Article CXXX of the Maine Constitution, states that the second regular session shall be limited to "...budgetary matters; legislation in the Governor's call; legislation referred to committees for study and report by the legislature in the first regular session; and legislation presented to the legislature by written petition of the electors..."

While we believe that this underlined provision sufficiently provides for carryover, we nonetheless feel that a definitive opinion must be sought from the Attorney General on this question before any further attempt is made to implement this rule.

Conclusion

In the opening pages of this report we postulated that the single most important resource of a legislature is time. We further

noted that the most significant problem confronting the Maine Legislature relates to its improper use of legislative time. We have now offered what we believe to be recommendations which, if properly implemented, will effectively eliminate many of the ills associated with poor time utilization.

Having said this, a few words of caution are in order.

Our recommendations, if properly implemented, will not eliminate all the ills associated with poor time utilization. Indeed, this can be said of all our subsequent recommendations - regardless of their objectives. We cannot absolutely guarantee, as some legislators would understandably like us to do, that our recommendations will enable the legislature to adjourn earlier. Nor can we guarantee that end-of-session logjams will be eliminated entirely.

What we can say with some certitude is that our recommendations will reduce many of the problems we speak of. The above recommendations will reduce end-of-session logjams and this may indeed enable the legislature to adjourn a bit earlier. More importantly, however, is the fact that through proper implementation of these recommendations what will accrue is a legislative system more capable of careful deliberation and sound decision making.

One final point. When we speak of proper implementation we mean substantially more than simply writing a sound piece of reform legislation or drafting a well-worded rule. We mean by proper implementa-

tion, creating an atmosphere conducive to each particular legislative reform. In other words, the proper implementation of each legislative reform we offer requires that legislators, executive and judicial officials, and the public as well, be made fully aware of the need or rationale for the reform. Most importantly, legislators and the public must come to share a broad consensus of opinion that the reform is necessary and worthwhile. Only through such "proper implementation" will each reform succeed in its objectives.

Summary of Recommendations for Improving the Legislature's Use of Time

1. A pre-session organizational session be held after an official canvass of votes, but no later than the first week in December pursuant to the general election. At this session the legislature should organize itself for the entire biennium. (see page 18)

2. The Legislative Council begin well in advance of the next biennium to establish a formal set of activities and procedures which will be adhered to during the early organization session. These procedures should specify: all activities which will take place during the early session, and the amount of time which will be allotted for carrying out these activities. (see pages 23 & 24)

3. The Legislative Council as well as the principal sponsor of L.D. 1259 and the Committee on State Government make a concerted effort to inform legislators and media representatives across the

state of the purpose of early legislative organization. (see page 24)

4. The practice of pre-filing legislative measures be strengthened by permitting reference of pre-filed bills to committee during the pre-session period. Further, the legislative leadership should strongly encourage executive agencies and departments to pre-file. (see page 24)

5. The Legislative Council furnish to each executive agency, department and commission a copy of this new pre-filing rule along with appropriate explanation of the procedures it stipulates. (see page 33)

6. The Maine Legislature, and in particular the legislative leadership, should be granted the authority to suspend all floor activities at a time of their own choosing for purposes of moving the legislature into an in-depth committee period. (see page 34)

7. The tracking system as described in the appendix of this report be placed on a computer program so as to provide quick and easy access for legislative leadership to this pertinent committee information. (see page 41)

8. The computer printouts of this tracking system be distributed to the members of the Legislative Council on a weekly basis from the beginning of the session until such time as the Council determines this information is no longer required. (see page 42)

9. The Joint Rules of the Maine Legislature should be expanded to include a comprehensive deadline system for both houses. This deadline system should be designed to serve both sessions of the biennium as well as the interim between legislative sessions. Deadlines should be established regulating: (1) pre-filing requests for bill drafting; (2) interim committee reports; (3) submission of bills and resolves into Legislative Research; (4) introduction of bills and resolves; and (5) committee action. (see page 42)

10. The Legislative Council carefully monitor the interim period between the 1978 and 1979 legislative sessions. Specifically, the Council should seek to measure the amount of pre-filed legislation introduced into Legislative Research and the effectiveness of the interim committee reporting deadlines. On the basis of this monitoring, the Council should be able to determine by December preceding the 1979 session whether or not new and earlier deadlines for the introduction of bills and resolves and committee action should be established. (see page 48)

11. The Legislative Council establish, no later than August 1977, a new cloture system to regulate the introduction of bills and resolves into Legislative Research and the referral of bills and resolves to committee. (see page 51)

12. The Legislative Council consider the aforementioned cloture rule and, as an alternative, it also consider the following cloture rule. (see page 51)

13. The Maine Legislature should adopt a new joint rule providing for bill carryover. The carryover system should restrict the carryover of legislation into the even-year session to those matters constitutionally germane to the second regular session. (see page 57)

14. Each regular joint standing committee should determine, by a two-thirds vote those measures it wishes to have carried over. The committee should further report those measures it wishes to carry over to the floor for debate and vote. (see page 58)

15. Standing committees should be permitted to consider carried-over bills during the interim between regular sessions. (see page 59)

16. Any bill carried over in committee must be reported out no later than the 15th day of December preceding the convening of the second session in January. (see page 59)

Committee Organization and Procedure

Standing committees are the principal vehicles by which the legislature performs its major task of law making. Only through the use of standing committees can the legislature hope to thoroughly deal with the thousands of separate pieces of legislation they must consider annually. Accordingly, in assessing committees, it can be said that, to the degree committees function effectively and efficiently, the legislature will similarly function effectively and efficiently. Conversely, a weak committee system usually means a weak legislature.

There are several positive characteristics of Maine's committee system which contribute to making it basically sound.

In the first instance, we consider the use of joint committees to be a distinct advantage over the more customary use of separate House and Senate standing committees.* Among the benefits of a joint committee structure are that it helps eliminate duplication of effort and it facilitates inter-house communication. Both of these attributes are apparent through Maine's joint committees.

Secondly, the Maine Legislature has been gradually moving toward providing full-time professional staff for all its joint standing committees. As we note in a later chapter, professional staff is considered by nearly all professional legislative organi-

*Maine is one of only three states in the nation that relies exclusively upon joint committee operations; the other two are Massachusetts and Connecticut.

zations and scholars of the legislative process to be the single greatest determinant affecting committee performance.

Thirdly, on the basis of analyzing the degree to which committees screen legislation, we again conclude that Maine's joint standing committees function well.

This final assessment is based on the fact that a positive correlation has been shown to exist between the ability and extent to which committees screen legislation and committee performance. Generally stated, in evaluating committee performance, the greater the extent of committee screening of legislation, the better the committee performs.**

In looking at how Maine's committees screen legislation, we focused our attention on the following considerations: 1) the ability of committees to amend legislation before them; 2) the extent to which committees exercise their amending authority; 3) the number of unfavorable committee reports issued by committees; and 4) the incidence of committee reports being overturned on the floor.

During the first regular session of the 108th legislature, approximately 1,890 separate pieces of legislation were considered by joint committees. Of this total, the following separate committee actions were taken:

** See Alan Rosenthal's "Legislative Performance in the States."

231	L.D.'s	received	"ought to pass" (OTP)
343	"	"	"ought to pass as amended" (OTP-AM)
112	"	"	"ought to pass - new draft" (OTP-ND)
413	"	"	"leave to withdraw" (LV/WD)***
15	"	"	"engrossed without reference" (ENG W/O REF)
372	"	"	"divided reports"
223	"	"	"ought not to pass" (ONTP)

What these statistics reveal is that Maine's committees, as a whole, play a major role in shaping legislation.

However, these favorable characteristics notwithstanding, our study has further revealed the presence of a number of weaknesses in the Maine joint standing committee structure, organization and procedures.

Our survey and our interviews revealed that legislators themselves are aware of the many weaknesses in the current standing committee system. (For a detailed examination of legislator responses to questions on committee performance and reorganization, see pages 7-9 of the survey questionnaire located in the appendix of this report.)

The ensuing pages shall deal with our recommendations for improving the performance of Maine's joint standing committees. Specifically, we shall propose the following: 1) committee consolidation; 2) establishment of committee jurisdictions; and 3) establishment of uniform rules of procedure to regulate committees both during the session and the interim.

*** "Leave to withdraw" is tantamount to an "ought not to pass" report.

Committee Consolidation

In an earlier report to the Maine Legislative Council we called for the reduction in the total number of joint standing committees from 22 to 19. While we felt at that time that even more committees could be eliminated, we regarded the elimination of three in particular as most appropriate. When we proposed this recommendation to the Legislative Council to consolidate committees, the reaction was that these committees could not be eliminated because of "political considerations."

We are well aware of the difficulties such a proposal causes legislative leaders. Committee chairmanships are generally regarded as valuable prizes in legislatures. In this regard, the remarks of the Illinois Commission* are quite appropriate:

"...some committees have continued to exist in order to provide a chairmanship - and thus the appearance of power, if not substance - for some members; a few committees exist in order to provide a sympathetic home or graveyard, as the case may be, for bills that affect especially potent private groups; other committees exist because they have always existed and nobody has thought to take the initiative to change things."

In our earlier report we recommended the elimination of the Energy Committee, the Human Resources Committee, and the Veterans & Retirement Committee. The rationale for eliminating these three

*Illinois Commission on the Organization of the General Assembly. Improving the State Legislature (Urbana, Ill.: University of Illinois Press, 1967), page 53.

committees in particular was based upon a consideration of the small workload considered by each, and upon the fact that a reduction in the total number of committees would permit a reduction in the total number of committee assignments for individual legislators. This rationale still applies today - even more so.

During the 1975 regular legislative session, these three committees - Energy, Human Resources, and Veterans & Retirement - considered a combined total of 85 bills and resolves. During the 1977 regular legislative session, these same three committees considered a combined total of only 73 bills and resolves. This amounts to less than 4% of the total volume of legislation considered this past session!

Because the reasons we cited for committee consolidation in 1976 continue to apply in 1977, as we have demonstrated here, we again strongly recommend that:

17. The number of regular joint standing committees be reduced from the present 22 to no more than 19.

18. The Energy Committee be abolished and its subject matter be transferred to the Natural Resources Committee hereinafter to be entitled the Committee on Energy & Natural Resources.

19. The Human Resources Committee be abolished and its subject matter be transferred to Health & Institutional Services Committee.

20. The Veterans & Retirement Committee be abolished and its subject matter be transferred to the Committee on State Government.

TABLE 6

LEGISLATOR ATTITUDES TOWARD REDUCING THE NUMBER OF COMMITTEE ASSIGNMENTS

<u>Attitude toward fewer committee assignments</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
Strongly favor fewer assignments	52	32	36	33	35
Somewhat favor fewer assignments	16	33	25	37	30
Oppose fewer assignments	18	27	27	26	26
No opinion	$\frac{14}{100\%}$	$\frac{8}{100\%}$	$\frac{12}{100\%}$	$\frac{4}{100\%}$	$\frac{9}{100\%}$

Reduction in Committee Assignments

Concerning the second objective of reducing the number of individual committee assignments, Table 6 reveals that over 60% of all legislators surveyed supported a reduction in the number of committee assignments per member.

Looking further at this table reveals that over one-half of all the Senators surveyed strongly favor a reduction in the total number of committee assignments.

Indeed that such an overwhelming percentage of Senators favor fewer committee assignments is fully understandable given the fact that a majority of Senators as Table 7 reveals continue to hold three or more committee assignments.

What is perhaps even more indicative of the over-burdened workload for Senators is the fact that thirteen Senate chairmen hold at least two additional committee posts and of that thirteen, three are chairman of more than one committee.

Accordingly, we now recommend that:

21. The Maine Legislature adopt a joint rule which limits Senate committee assignments to no more than three and precludes committee chairmen from serving on more than one additional committee. This rule, if implemented, should significantly ease the current burden of too many committee assignments per Senator.

TABLE 7

COMMITTEE ASSIGNMENTS IN THE MAINE SENATE - 108TH LEGISLATURE

<u>Number of committee assignments</u>	<u>No. of Senators</u>		<u>% of Senators</u>	
	1975	1977	1975	1977
1	2	2	6	6
2	6	8	19	26
3	14	13	42	42
4	9	7	27	23
5	2	1	$\frac{6}{100\%}$	$\frac{3}{100\%}$

Committee Jurisdictions

Insofar as is possible, all bills dealing with the same subject matter should be considered by the same committee. As the following table reveals, members of the Maine Legislature strongly concur with this statement.

TABLE 8

LEGISLATOR ATTITUDES TOWARD THE ESTABLISHMENT OF SUBJECT MATTER JURISDICTIONS

<u>Establishment of jurisdictions</u>	<u>By Chamber</u> Senate House		<u>By Party</u> Democrat Republican		<u>Total</u>
Yes - subject matter jurisdictions should be established	53	66	58	72	64
No - current jurisdictions satisfactory	33	32	33	23	32
No opinion, undecided	$\frac{14}{100\%}$	$\frac{2}{100\%}$	$\frac{9}{100\%}$	$\frac{5}{100\%}$	$\frac{4}{100\%}$

In line with this objective of creating subject matter jurisdictions, we have attempted to define committee jurisdictions by grouping by title the subject matter generally considered by each regular joint standing committee over the past three legislative sessions.*

Joint Standing Committees. There shall be no more than 19 joint standing committees which shall be appointed as follows at the commencement of the session. To these committees shall be referred all bills, resolves, and other matters relating to the subjects listed below each committee name.

Agriculture

1. The Department of Agriculture, including quasi independent agencies within the Department.
2. Regulation and promotion of agricultural industry.
3. Agricultural extension, research, societies, and fairs.
4. Animal industry and animal welfare.
5. Plant industry including pesticides and pesticide control and soil conservation.

Business Legislation

1. Insurance generally and nonprofit hospital or medical service corporations (Titles 24 and 24 - A).

*It should be noted that the subject matter jurisdictions which appear here incorporate our previous recommendations for committee consolidation.

2. Maine Consumer Credit Code (Title 9 - A).
3. Financial institutions (Title 9 - B).
4. Uniform Commercial Code (Title 11).
5. Corporations and other business organizations (Titles 13 and 13 - A).
6. Professional and occupational licensing and regulatory boards, other than health care professions (Title 32).
7. Other business and trade regulation and consumer protection.

Education

1. Education generally.
2. Schools and secondary education.
3. Colleges and universities, University of Maine.
4. Vocational Technical education.
5. School lunch program.
6. Special education.
7. Public school funding.
8. Teachers' employment.
9. School construction.
10. School administrative districts.

Election Laws

1. Federal, state and county elections (Title 21).
2. Confirmation review for certain appointed officers of the executive branch.

Fisheries and Wildlife

1. Matters relating to the Department of Inland Fisheries and Wildlife (Title 12).

Health and Institutional Services

1. Measures relating to the administration of agencies, programs, and services supported by the Department of Human Services and the Department of Mental Health and Corrections.
2. Measures relating to health, including proposals in the following areas: (a) Personal Health (e.g., disease control, health services and programs, substance abuse, anatomical gifts, etc.); (b) Environmental Health (e.g., regulations about plumbing, water, mass gatherings, restaurants and hotels, lead poisoning, occupational health, etc.); (c) Occupations (e.g., licensing, registration, standards, etc.); Facilities and Agencies (e.g., licensing, standards, etc.); Controlled Substances (i.e., drugs).
3. Measures relating to mental health facilities, programs, services and occupations, including proposals which affect persons who are mentally ill or who are mentally retarded or otherwise developmentally disabled.
4. Measures relating to correctional facilities, programs and services for both juveniles and adults.
5. Measures relating to social services, including proposals in the following areas: (a) Protective and supportive programs and

services for adults; (b) Programs and services specifically for the elderly; (c) Rehabilitation programs and services; (d) Programs and services for children and youth (e.g., child abuse and neglect, substitute care, daycare and nursery schools, etc.); (e) Community-based residential and other programs and services (e.g., licensing, standards, etc.); (f) State and federal funds for service programs (e.g., priority Social Services Programs, Title XX, etc.).

6. Measures relating to assistance programs, including Aid to Families with Dependent Children, food stamps, general assistance, Supplemental Security Income, Medicaid.
7. Medicare and state administered medical assistance programs.

Judiciary

1. Courts and court procedure including judicial branch personnel.
2. Criminal law.
3. Probate and domestic relations.

Liquor Control

1. State administration.
2. Sale of alcoholic beverages.
3. Retail and wholesale establishments.
4. Taxation of liquor.

Labor

1. Workmen's compensation and Industrial Accident Commission.

2. Unemployment insurance program (includes tax and compensation).
3. Public and private sector collective bargaining and dispute resolution; includes fact finding, mediation, and arbitration (shares to a degree with State Government and Education Committees; State Government handles "The Personnel Law").
4. Compensation (including unpaid and minimum wages), hours, and conditions of labor.
5. Apprenticeship, union labels and trademarks, preference to Maine workers.
6. Workplace health and safety, including OSHA.
7. Other matters affecting labor unions.
8. Inspection functions of the Bureau of Labor.
9. Employment of children and women.
10. Organization, staffing, etc., of the Department of Manpower Affairs (shares with State Government).

Local and County Government

1. County government generally, including county budgets.
2. Municipal government generally.
3. Governmental organizations and functions of Village, Plantation and unorganized territory.
4. Confirmation review for certain appointed officers of executive branch.

Marine Resources

1. Marine resources generally.
2. Fishing and selling licenses for marine resources.

Energy and Natural Resources

1. Matters relating to the conservation and use of natural resources and energy.
2. Legislation to be implemented by the Department of Conservation.
3. Legislation to be implemented by the Department of Environmental Protection and the Board of Environmental Protection.
4. Matters relating to land use including planning and zoning.

Public Utilities

1. Public utilities generally, including: (a) Title 36; (b) Electric utilities; (c) Sewerage and waste districts; (d) Telephone and telegraph; (e) Sanitation districts; (f) Common carriers.
2. Matters relating to Public Utilities Commission.
3. Power generation.

State Government

1. Legislation affecting state employees, including "The Personnel Law" and excluding questions of classified salaries and retirement.
2. The Maine State Retirement System.
3. State services to veterans generally.
4. Measures relating to the Capitol building and all other buildings in the Capitol complex.

5. Measures pertaining to the creation and powers, organization, staffing, and management of two or more executive departments and/or independent agencies.
6. Constitutional amendments except those affecting areas within the jurisdiction of other committees (e.g., Election Laws, County Government).

Taxation

1. Taxes generally.
2. Property valuations.

Transportation

1. Highways and bridges, including maintenance and tolls.
2. Vehicular travel, including vehicles which use the roads, and planes and trains but not including common carrier problems regulated by the P.U.C.

Legal Affairs

1. Right to know.
2. Claims against the state.
3. Lobbyist regulation and ethics legislation.
4. Statutory changes affecting the legislature and constitutional officers.
5. Errors and Inconsistencies Bill excluding items handled in each committee as proposed.
6. Bankruptcy.

Appropriations and Financial Affairs

1. General appropriations bills.
2. Bond issues of state (highway, University).
3. All bills or joint resolutions carrying or requiring appropriations and favorably reported by any other committee, unless reference to said committee is dispensed with by a two-thirds vote of each house.

These subject matter jurisdictions have already proven their value as they have been extensively employed by the Clerk of the House and the Secretary of the Senate in suggesting committee references under the new referencing system we established in 1976. While they have proven valuable, however, these jurisdictions must be further refined in order to produce a more equalized workload for each committee.

Currently the five busiest committees - Business Legislation, Education, Judiciary, State Government and Taxation - consider nearly 40% of all the legislation introduced annually into the legislature. It should be possible for the Legislative Council to take the jurisdictions we have developed and reorganize them in such a fashion that a more equalized workload for all committees accrues.

Accordingly, we now recommend that:

22. The Legislative Council reorganize the committee subject matter jurisdictions we have developed so as to produce a more even distribution of legislation among all joint standing committees.

We realize that even if this recommendation is adopted, the five committees we have cited above will undoubtedly continue to be the busiest in the legislature. This fact notwithstanding, we believe that an appreciable percentage of these five committees' workloads can be shifted to other committees, thereby easing their burden somewhat.

Uniform Rules of Committee Procedure

Early in 1976 when we conducted our survey of legislative attitudes and perceptions concerning the Maine legislative process one of the questions we asked legislators was how they felt about the establishment of uniform rules of committee procedure. The responses, as noted on Table 9, indicated overwhelming support for the establishment of such uniform rules. In fact the percentage of individuals responding in the affirmative to this question was higher than that recorded for any other question in the entire survey.

TABLE 9

LEGISLATOR ATTITUDES TOWARD THE DEVELOPMENT OF UNIFORM RULES OF COMMITTEE PROCEDURE

<u>Attitudes toward uniform committee rules</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
Favor	80	87	86	84	85
Oppose	0	10	7	11	9
No opinion	$\frac{20}{100\%}$	$\frac{3}{100\%}$	$\frac{7}{100\%}$	$\frac{5}{100\%}$	$\frac{6}{100\%}$

Currently there are no uniform rules of procedure regulating committee operations either during the session or the interim in the Maine Legislature. As a consequence of this, committee procedures differ markedly from one committee to the next.

The uniform rules of procedure we suggest below are designed to create uniformity among committees in areas relating to: chairman's duties; attendance requirements; scheduling procedures; reporting requirements both during the session and the interim; notice requirements both during the session and interim; quorum requirements; voting requirements and procedures; committee minutes and permanent committee records.

We believe that these uniform rules of procedure will significantly strengthen Maine's committees by making them more effective, efficient, accountable and informed.

Accordingly, we therefore recommend that:

23. The joint rules of the Maine Legislature be expanded by adding a new section entitled Uniform Rules of Committee Procedure, and that the following uniform rules be included in this new section:

24. J.R. 1 - Committee Chairmen; Duties

It shall be the duty of each committee chairman appointed pursuant to H.R. 1, S.R. 32 and J.R. 13 to:

- a) Preside at all scheduled meetings of the committee;
- b) Call the meetings to order at the time and place designated by the meeting notice;

c) A quorum being present, to cause the committee to proceed with its business in the proper order according to the agenda and to announce the business before the committee as it proceeds with such business;

d) Preserve order and decorum and to speak on points of order, in which case he shall have preference over other members;

e) Decide all points of order, subject to appeal to the committee;

f) Explain or clarify a rule of procedure upon request;

g) State, or direct the clerk to state, each motion as it is made;

h) Recognize members;

i) State and put to a vote all questions requiring a vote or upon which a vote is ordered and to announce the vote;

j) Appoint the chairmanship of all subcommittees and further to appoint the membership of all subcommittees;

k) Arrange for the posting and filing of committee notices;

l) Supervise and be responsible for the preparation of committee reports and supplements;

m) Prepare or supervise the preparation of the agenda for each committee meeting as required by these rules.

n) Have custody, during the legislative session, subject to state statutes, of all legislative documents and reports referred or submitted to committee.

25. J.R. 2 - Members; Duty to Attend Meetings; Attendance Record

It shall be the duty of committee members to attend and participate in all committee meetings. A record of the members present and the members absent at each committee meeting shall be maintained. The chairman shall be responsible for assuring that this record is maintained and he shall notify the Speaker and President of excessive absences.

26. J.R. 3 - Excessive Absences

Each committee chairman is authorized to request the Speaker and President to remove from committee membership any member of the committee whose absences from committee meetings are judged to be excessive in number.

27. J.R. 4 - Interim Committee Meeting Schedule

Within 30 calendar days following the adjournment of any regular legislative session an organizational meeting shall be held by each committee to which study orders or other legislative matters have been referred.

The purpose of this organizational meeting shall be to establish a schedule of regular meeting days for the committee during the interim and to further define the method by which the committee will deal with all matters placed before it.

28. J.R. 5 - Interim Committee Reporting Deadlines

During the interim between the first and second regular session

of the legislature all interim committees shall submit reports of their activities along with any requests for legislation to the Legislative Council for review no later than the 15th day of October preceding the convening of the second regular session.

29. J.R. 6 - Notice

Each committee clerk, at the direction of the chairman, shall cause notice of each committee meeting to be posted in the State House at least five days prior to the meeting date. Committee clerks shall further be responsible for transmitting such notice of committee meetings to members of the respective committee no later than seven days prior to the meeting date during any regular session, and no later than 14 days prior to the meeting during the interim. The committee clerk shall also be responsible for making such notices available to the news media, to the public, and to all lobbyists of record who have filed written request for such notice with the committee.

30. J.R. 7 - Working Sessions; Schedule

A working session shall be defined as a regular committee meeting where specific legislation before committee is reviewed and, where the review is completed, voted upon. The House and Senate chairmen of each committee shall establish a schedule for working session committee meetings provided that said schedule specify at least two regular working sessions during each week of the legislative session.

31. J. R. 8 - Working Sessions; Notice

Notice of all working sessions shall be given by (1) notification in the House and Senate calendars at least two days prior to said working session; and (2) notification by the respective House and Senate chairmen on the floor of the House and Senate.

32. J.R. 9 - Notice; Contents

Each meeting notice shall contain the following information: (1) the name of the committee chairman; (2) the time and place of the meeting; (3) the matters proposed for consideration; and (4) any other information which the committee deems pertinent.

33. J.R. 10 - Quorum Required to Transact Business

The presence of a quorum (a majority of each committee shall constitute a quorum to do business), shall be required for a committee to transact business and no official action shall be taken by a committee unless a quorum is present.

34. J.R. 11 - Vote Required for Committee Action; Members Disqualified

The approval of a majority of the quorum present shall be required for a committee to decide a question or to take official action on any matter; provided however, that a member excused or disqualified from voting on a question for reasons provided in these rules or Rules or Order of the House of Representatives or Senate shall not be counted for purposes of determining the number necessary for or for establishing a quorum to act on that question.

35. J.R. 12 - Roll Call; Record Votes Required

At each legislative committee meeting, final action on any bill or resolution shall be by roll call. All roll call votes shall be record votes and shall appear in the records of the committee as otherwise provided in these rules. In all record votes the names of the members voting for the motion, the names of the members voting against the motion, and the names of the members abstaining shall be recorded and such record of yeas and nays shall be attached to the bill and a copy thereof sent to the clerk of the appropriate house.

36. J.R. 13 - Committee Reports

The committee staff as provided by the Office of Legislative Assistants shall be responsible for preparing detailed committee reports on all major legislation, so defined by the chairmen, considered by each respective committee.

These committee reports shall include: (1) an up-to-date synopsis of a bill's contents; (2) the date and location of the committee meeting; (3) a list of individual committee members; (4) recorded roll call vote on final action; (5) all amendments agreed upon in committee and a summary explanation of the impact of each upon the bill; (6) notation of the position advocated by those individuals or groups who appeared at the bill's public hearing; and (7) any submitted written testimony.

37. J.R. 14 - Committee Assignments

No House member shall be permitted to serve on more than two committees and no Senator shall be permitted to serve on more than three committees. Further, all House and Senate chairmen shall be limited to service on only one committee other than that which they chair.

38. J.R. 15 - Subcommittee Appointments and Authority

The chairmen of each regular joint standing committee, in consultation with the presiding officer, may establish subcommittees and appoint members from the full committee thereof.

At the direction of the chairmen and with the concurrence of the presiding officer these subcommittees may be delegated responsibility for holding public hearings on bills and resolves, provided that all subcommittee action be subject to final approval by the full committee.

In addition to these uniform rules, we further recommend that:

39. Committee Scheduling

Joint committees be organized into three groups, the purpose of this division being to clarify and facilitate the committee scheduling process and thereby eliminate the incidence of conflicting committee meetings.

On the basis of the groupings we suggest below, the Legislative Council in consultation with the respective committee chairmen shall

establish a specific meeting time for each group. Additionally, it should be specified that no legislator can serve on more than one committee within each group.*

The groupings we suggest are as follows:

I

Business Legislation
Taxation
Transportation
Education
Judiciary
State Government
Appropriations and Financial Affairs

II

Health and Institutional Services
Election Laws
Local and County Government
Fisheries and Wildlife
Labor
Public Utilities

III

Agriculture
Legal Affairs
Marine Resources
Energy and Natural Resources
Liquor Control
Performance Audit

We have organized groups I, II and III roughly along lines of the volume of legislation considered. For instance, group I contains the busiest committees in the legislature. No legislator, accordingly, should be permitted to serve on more than one committee in group I.

*The committees contained in these groups represent the reduced number of 19 we recommended earlier.

Groups II and III are composed of committees with successively smaller legislative workloads.

An example of how this system might function is as follows:

The Speaker may appoint a House member to serve as chairman of the Taxation Committee. Said member, because he is a chairman, could serve on only one additional committee. An appointment to a committee in group III would seem most appropriate insofar as these committees are the least busy and thus would not severely impinge on the chairman's already considerable responsibilities.

During the session, committee scheduling could be set up so that group I committees would meet on Tuesday and Thursday at 10:00 a.m.; group II committees on Wednesday and Thursday at 1:00 p.m.; and group III committees on Wednesday at 9:00 a.m.

Summary of Recommendations for Strengthening the Maine Committee System

17. The number of regular joint standing committees be reduced from the present 22 to no more than 19. (see page 70)

18. The Energy Committee be abolished and its subject matter be transferred to the Natural Resources Committee hereinafter to be entitled the Committee on Energy & Natural Resources. (see page 70)

19. The Human Resources Committee be abolished and its subject matter be transferred to Health & Institutional Services Committee. (see page 70)

20. The Veterans & Retirement Committee be abolished and its subject matter be transferred to the Committee on State Government. (see page 70)
21. The Maine Legislature adopt a joint rule which limits Senate committee assignments to no more than three and precludes committee chairmen from serving on more than one additional committee. (see page 72)
22. The Legislative Council reorganize the committee subject matter jurisdictions we have developed so as to produce a more even distribution of legislation among all joint standing committees. (see page 83)
23. The joint rules of the Maine Legislature be expanded by adding a new section entitled Uniform Rules of Committee Procedure. (see page 86)
24. J.R. 1 - Committee Chairmen; Duties. (see page 86)
25. J.R. 2 - Members; Duty to Attend Meetings; Attendance Record. (see page 88)
26. J.R. 3 - Excessive Absences. (see page 88)
27. J.R. 4 - Interim Committee Meeting Schedule. (see page 88)
28. J.R. 5 - Interim Committee Reporting Deadlines. (see page 88)
29. J.R. 6 - Notice. (see page 89)
30. J.R. 7 - Working Sessions; Schedule. (see page 89)

31. J.R. 8 - Working Sessions; Notice. (see page 90)
32. J.R. 9 - Notice; Contents. (see page 90)
33. J.R. 10 - Quorum Required to Transact Business. (see page 90)
34. J.R. 11 - Vote Required for Committee Action; Members Disqualified. (see page 90)
35. J.R. 12 - Roll Call; Record Votes Required. (see page 91)
36. J.R. 13 - Committee Reports. (see page 91)
37. J.R. 14 - Committee Assignments. (see page 92)
38. J.R. 15 - Subcommittee Appointments and Authority. (see page 92)
39. Committee Scheduling. (see page 92)

Legislative Staffing

There are six principal staffing agencies or groups serving the Maine Legislature: (1) The Office of Legislative Staff Assistants; (2) The Office of Legislative Research; (3) The Office of Legislative Finance; (4) The Law and Legislative Reference Library; (5) Partisan Legislative Staff; and (6) The Committee Clerks. In this section we shall explore the roles of each of these legislative staffing agencies or groups in the context of how well they perform their designated roles and, more importantly, in the context of what can be done to improve their performance. Additionally, inherent in this ensuing discussion will be an analysis of both the legislative and administrative roles of Legislative Council.

In conducting our analysis of each staffing agency or group and in formulating our subsequent recommendations, we have been guided by the firm belief that legislative staff constitutes a major resource for the state legislature. With the proper structuring and application of legislative staff we further believe that this major resource can be a source of continuing improvement in nearly all aspects of legislative performance.

Legislators in Maine are very much aware of the need for more staff assistance as their response to our survey demonstrates. The actual areas in which legislators would like to see more staff are shown in Tables 10 and 11. Table 12 indicates how Maine legislators

feel such staff should be used. Referring to Table 10, in the case of professional staffing, 57% of those responding assigned a high priority to increasing standing committee staff; only slightly less, 55%, assigned a high priority to increasing staff support for the Office of Legislative Research. With respect to the Office of Legislative Finance and Legislative Leaders, in each instance over one-third of all respondents assigned high priority to increased staff support.

TABLE 10

ATTITUDES OF LEGISLATORS REGARDING PROFESSIONAL STAFF NEEDS

<u>Additional professional staff should be assigned to:</u>	<u>High Priority</u>	<u>Medium Priority</u>	<u>Low Priority</u>
Legislative Leaders	35%	34%	31%
Standing Committees	57%	28%	15%
Individual Legislators	18%	23%	59%
Groups of 2 to 5 Legislators	26%	28%	45%
Office of Senate Secretary	12%	27%	65%
Office of House Clerk	12%	31%	56%
Office of Legislative Council	18%	34%	49%
Office of Legislative Finance Officer	34%	38%	28%
Office of Legislative Research	55%	31%	14%

Turning to Table 11, in terms of secretarial assistance, 48% assigned a high priority to providing a secretary for each standing committee. In addition to this, 27% felt that high priority should be given to enlarging existing secretarial pools.

TABLE 11

ATTITUDES OF LEGISLATORS REGARDING SECRETARIAL STAFF NEEDS

<u>Additional secretarial staff should be assigned to:</u>	<u>High Priority</u>	<u>Medium Priority</u>	<u>Low Priority</u>
Each Standing Committee	48%	33%	19%
Each Legislator	2%	8%	90%
Groups of 2 to 5 Legislators	13%	31%	55%
The Existing Secretarial Pool	27%	41%	32%

Finally, in Table 12 Maine legislators were given the opportunity to refine their previous expressions for staff support by indicating the precise task areas in which they would like to see such support increased. A comparison of the responses in Table 12 to those given in Table 10 reveals a close correlation between task areas and agencies or groups assigned to perform specific tasks.

TABLE 12

ATTITUDES OF LEGISLATORS REGARDING THE USE OF PROFESSIONAL STAFF

<u>Tasks for which staff assistance necessary</u>	<u>Much More Assistance Needed</u>	<u>Some More Assistance Needed</u>	<u>No More Assistance Needed</u>
Drafting and summarizing bills	28%	56%	14%
In-depth research on state problems	53%	33%	14%
Analyzing budget and appropriation requests	57%	33%	10%
Conducting post audits and review of executive agency performance	47%	37%	16%
Helping respond to constituent requests	19%	42%	39%
Analyzing bills and drafting committee reports	29%	45%	25%

The preceding three tables clearly demonstrate that Maine legislators are strongly committed to increased staff support in specific task areas and within specific agencies or groups. As our analysis of each of these agencies or groups will show, we generally support the positions of most legislators who feel that increased staff support is necessary in certain areas. However, in addition to this, our recommendations will also call for a redressing of the organization, orientation, and use of certain types of legislative staff.

The Office of Legislative Staff Assistants

The Office of Legislative Staff Assistants was created in 1973 to provide full-time professional staff support to Maine's regular joint standing committees. As such, the Office of Legislative Staff Assistants occupies a central position in the Maine legislative process. During each legislative session, the legislative assistants are primarily responsible for handling all bills assigned to those committees which they staff. This responsibility entails researching and analyzing bills, attending and assisting in the organization of committee meetings, and drafting committee amendments and new drafts. During the interim between legislative sessions, the primary duties of the legislative assistants relate to conducting in-depth research on state problems within each particular committee's jurisdiction. The specific areas in which such research is conducted in the interim are defined by the legislature in the form of joint study orders.

(At a later point we shall present a number of recommendations calling for a restructuring of the manner in which study orders are acted upon by the legislature, and the manner in which they are implemented during the interim.)

In all of these assigned tasks the Office of Legislative Assistants does an exemplary job. In the course of interviews with Maine legislators, the comments pertaining to the Office of Legislative Assistants were uniformly favorable. As one legislator remarked, "When we first created the Office of Legislative Assistants, I opposed it because I honestly felt we didn't need all that staff at such an expense. Now, having worked with them in committee, I can't see how we could carry out all our (legislator) responsibilities without them."

Having studied the organization and operation of this staffing agency, we conclude that while it does perform quite well, there are a number of structural and procedural changes which, if implemented, would considerably improve the effectiveness of this office.

Because the activities of the legislative assistants impact so directly and significantly upon committee performance, we addressed ourselves to developing our proposals for this office and working toward their implementation early in this program. Our objective, as in other selected areas, was to not simply develop recommendations

but also to work toward the implementation of those recommendations we felt were necessary in order to deal with a pressing and significant problem.

Specifically, after reviewing the operation of the legislative assistants we immediately recommended that:

40. All joint standing committees, excluding the Appropriations and Financial Affairs Committee, should be staffed by the central Office of Legislative Staff Assistants.

We noted that prior to the convening of the 108th legislature the Office of Legislative Staff Assistants staffed all regular joint standing committees except Legal Affairs and Judiciary (Appropriations and Financial Affairs is staffed by the Office of Legislative Finance). Both of these committees in the past hired their own temporary (i.e., sessional) staff. While most of these sessional staff employees had reputations of being capable committee staffers, our feeling nonetheless was that this practice of hiring outside staff support for regular committees should be terminated effective immediately.

The hiring of part-time employees to serve two of the major joint standing committees of the legislature undermines the entire concept of centralized and professional full-time committee staff as embodied in the Office of Legislative Staff Assistants. Most significantly, this practice detracts from the ability of the legislature to develop a continuity of information and expertise in the substantive areas considered by these two committees. This lack of continuity manifests

itself most clearly in the interim period between legislative sessions. Unlike all other committees where staff is provided by either the legislative assistants or the Office of Legislative Finance on a year-round basis, the Judiciary and Legal Affairs Committees do not have the staff capability to conduct extensive, in-depth interim studies of past enacted programs and future legislative proposals. This inability to properly conduct interim studies is particularly significant when considered in light of the wide range of complex subjects germane to each of these committees.

In addition to these reasons, the nature of these sessional committee staff employees should be considered. First, because they are recruited through the respective committee chairmen, they feel at best only a partial responsibility to the legislature. Second, because they are part-time legislative employees they must have other jobs which provide their main source of income. Thus, their legislative work can only be viewed as "moonlighting," useful in supplementing their basic income. Clearly, the staffing needs of the Maine Legislature require a greater commitment than this.

On the basis of this recommendation, the Legislative Council moved to stop the practice of hiring "outside" sessional staff. We regard this as both a significant reaffirmation of the importance of the Office of Legislative Staff Assistants and a marked improvement in the overall performance of these two committees - Judiciary and

Legal Affairs.

Our next recommendation to the Legislative Council concerning the Office of Legislative Staff Assistants related to the level of staff support provided by this office. We noted that in 1976, the legislative assistants provided support to 19 of Maine's 22 joint standing committees. This staff support was provided with a complement of only eight full-time professionals. Even if our recommendation calling for a reduction in the total number of committees from 22 to 19 is adopted, it remains that the staff will still be extended to their limit in attempting to provide the necessary support to each regular committee. Moreover, because the duties and responsibilities of the Maine Legislature are ever expanding, the legislature must continually upgrade its resource capabilities, particularly in the area of professional staff.

In accordance with this we therefore recommend that:

41. The number of full-time professional staffers in the Office of Legislative Assistants be increased by no less than two in the 1977-1978 legislative biennium.

The rationale underlying recommendation #41 is that with more professional staff the Office of Legislative Assistants will be in a position to not only more effectively and efficiently perform its existing functions, but will also be in a position to assume new responsibilities - responsibilities we feel are critical to improving

the performance of the legislature. Specifically, with increased staff support the Office of Legislative Assistants will be able to initiate more comprehensive committee reporting during the legislative session and certain oversight functions of the various state agencies within each committee's jurisdiction during the interim between sessions.

In response to this proposal that two additional staffers be hired in the Office of Legislative Assistants, the Council moved to permit the hiring of one full-time staffer immediately at the outset of the 1977 session with one additional staffer to be hired at the end of the session.

Because no action has yet been taken to fill the second position, we now recommend that:

42. The Legislative Council authorize the hiring of one additional full-time staffer in the Office of Legislative Assistants prior to the convening of the second regular session of the biennium.

Our next series of recommendations concerning the Legislative Council, although offered at the same time as the previous recommendations, did not require the same immediate attention. This notwithstanding, we feel that these proposals should be implemented at the earliest possible date in order to further improve the capability of this office to serve the Maine Legislature.

Specifically, our next recommendation is that:

43. The legislative assistants be charged with the responsibility of preparing detailed committee reports. Inclusive within these reports should be: a) an up-to-date synopsis of a bill's contents; b) the date and location of the committee meeting; c) a list of individual committee members in attendance; d) recorded vote on final action; e) all amendments agreed upon in committee and an explanation summary of each; f) a list of individuals or groups who indicated a pro or con stance on the bill as introduced; and g) any submitted written testimony.

Currently, a committee report is nothing more than simply a statement of what action a committee has taken on a particular legislative proposal.

In a 1974 survey of 34 states, nearly every state indicated that it submitted a separate report on each bill. Among those states responding to the survey, Hawaii, Indiana, Wisconsin and Florida were found to have the most comprehensive reporting systems. The major reason why committee bill reports should be comprehensive is best exemplified in a report to the Arkansas Legislature:

"If committee reports do not explain why the committee is recommending what it is, then their responsibility of preparing the full chamber to deal with legislation is being neglected."*

*Ralph Craft, Improving the Arkansas Legislature. Eagleton Institute of Politics (Rutgers University Press: 1972).

If the Maine Legislature adopts this committee reporting structure, we recommend that these committee reports be included in the bill jacket. In this manner each legislator will have an at-hand data bank on each legislative measure that comes before him on the floor.

Recommending a comprehensive bill reporting system is not an idea merely to create more paper distribution or to make additional work for legislative staffs. Its benefits are numerous and include, but are not limited to, the following:

- 1) It will give legislators an objective, neutral, informational tool summarizing exactly what occurred in a standing meeting; it should lend itself to strengthening the quality of the decision-making process;
- 2) It will serve as a useful informational tool for the public;
- 3) It will help executive agencies and the courts to comprehend precisely what the Legislature's intent on a particular bill was;
- 4) It will assist legislators in doing their "homework" for floor debate;
- 5) It will serve as a handy reference to review votes and rationale for the legislature while serving as a quasi-historical source for the public.
- 6) It will enhance the Office of Legislative Staff Assistants' records on legislation.

We believe that the feasibility of successfully initiating such a comprehensive reporting system depends largely upon increasing the staff complement in the Office of Legislative Assistants in the manner we have suggested above. There is, however, another significant factor which will impact upon the feasibility of this proposal - The Committee Clerks.

The Committee Clerks constitute an added potential resource which, with proper direction, can be effectively utilized in preparing much of the information that will go into these reports. In order to realize the full potential of the Committee Clerks however, it is necessary that a greater degree of coordination of effort be established between the Clerks and the Office of Legislative Assistants. Recognizing this, we therefore recommend that:

44. The director of the Office of Legislative Assistants be given management and supervisory responsibility for the committee clerks.

At present, the Committee Clerks are individually hired by the committee chairmen and in many instances their positions are filled on the basis of partisan loyalty to member(s) of the committee. While a number of Clerks have distinguished themselves as being capable clerical staffers for committees, it remains that a number of them have failed to provide the type of assistance required by the committee. In large measure the unevenness of their performance is due to the nature of their part-time positions and the manner in which they are hired. By tying the Committee Clerks into the

centralized professional staffing office, it will be possible to establish a coordinated committee staffing approach which will enhance the performance of the Legislative Assistants, the Committee Clerks, and the committees they serve.

By initiating the measures we have suggested above, it will be possible to enhance the effectiveness of interim period activities as well as seasonal committee activities.

Increased staff will provide the Legislative Assistants the opportunity to devote more attention to the oversight of agencies within the committee's jurisdiction during the interim period. In this area the staff should build files on the various state agencies, visit the agencies to learn how they operate and what programs they are responsible for, develop closer contact with the Office of Legislative Finance on those matters related to agency financial affairs, and establish contact with those legislative auditors in the Department of Audit who have conducted audits of the various state agencies. In addition to this, staff should be aware of any new legislation that agencies plan to request, as well as what plans the Governor has for the agencies. Accordingly we now recommend that:

45. During the interim the Office of Legislative Assistants be charged with the responsibility of overseeing the specific activities of those executive agencies, departments and commissions within each committee's jurisdiction.

In line with these specific tasks associated with legislative oversight, the Legislative Assistants should further be required to report their findings to the legislature on a certain date prior to the convening of the regular session. Moreover, the legislature should assume responsibility for directing the activities of the Legislative Assistants by determining which agencies should be audited.

Our next recommendation pertaining to the Office of Legislative Assistants relates to the title of this committee staffing agency. We believe the name, Office of Legislative Staff Assistants, is both vague and misleading and accordingly we recommend that:

46. The name, Office of Legislative Staff Assistants, be changed to Office of Legislative Policy Research.

The name, Office of Legislative Policy Research, more clearly denotes the principal function of the office than does the name Office of Legislative Staff Assistants. While a name change such as we are suggesting here may appear to be a matter of little consequence, we believe that the impact of this change, on both legislators and staff as well as on the public, is sufficient justification for it.

Our final recommendation with respect to the Office of Legislative Staff Assistants pertains to physical facilities. In order to alleviate the present cramped quarters of the Legislative Assistants, we recommend that:

47. The Legislative Council direct the Legislative Administrative Director to take steps to increase the amount of office space available to the Legislative Assistants by adding Room 425 to the present assistants' office complex.

We recognize that office space is at a minimum in the State House Building, however, we do believe that suitable office space can be provided to the assistants with minimal disruption of other offices. Specifically, Room 425, which is contiguous to the Legislative Assistants' office, can be easily utilized as additional staff office space. Currently Room 425 is being used as a press office. Because there are a number of press offices on the fourth floor, it should be possible to combine the press in Room 425 with the press in one of the other offices.

The Office of Legislative Research

The Office of Legislative Research was established in 1947 for the express purpose of providing professional staff assistance to the legislature in areas of bill drafting, statutory revision, and preparation for printing and indexing of the session laws. In each of these areas the duties and responsibilities of this office have expanded markedly since its creation some thirty years ago.

During and immediately prior to the formal convening of a legislative session, the office is almost exclusively involved with drafting legislation and amendments to legislation. During the

regular session of the 107th legislature, the Office of Legislative Research drafted a total of 2,394 bills and resolves, of which 1,948 were introduced. In addition, the office drafted 1,566 amendments to bills of which 1,245 were introduced and further drafted 333 orders and 46 resolutions.*

Associated with this bill drafting function, the office is also responsible for preparing and affixing to each bill a statement of fact. This statement of fact which outlines the salient characteristics and purpose of each bill, requires that the office conduct a limited amount of research on nearly every bill it drafts.

In 1975 the office assumed further responsibilities as a new Office of Legislative Information and a new position of Legislative Indexer were created and placed under its jurisdiction. In a subsequent section of this report both of these relatively new legislative resources will be considered in detail. For our present purposes it will suffice to simply note that the creation and placement of these resources under the jurisdiction of Legislative Research represents an additional responsibility and function of this office.

* Maine State Government, Annual Report 1974-1975, ed. Carl T. Silsby (Augusta, Maine, 1975), p. 50.

During the interim between legislative sessions the office becomes primarily involved with publishing the newly enacted statutes and revising the master setup of the Maine Statutes. In addition to these activities the office is responsible for drafting any pre-filed measures as well as any proposed legislation originating out of interim study. Finally, the Office of Legislative Research holds a number of supportive roles, chief among them being staff to the Legislative Council.

Because it is responsible for these and a number of other activities, and because many of its most significant activities occur during the opening weeks of the legislative session, the Office of Legislative Research holds a pivotal position in the Maine legislative process. It is, by virtue of its primary bill drafting responsibility, a major determinant of how the legislature will utilize its available time.

In assessing the performance of this office, particular attention has been paid to its ability to carry out its bill drafting and associated responsibilities in a timely fashion. This responsibility, in turn, has been considered from the perspective of the customary volume of legislation the office must prepare and the staff resources the office can bring to bear on this volume. Additionally, in formulating our recommendations here we have been concerned with the ability of this office to satisfy the future and more demanding needs of the legislature.

As was the case with the Office of Legislative Assistants, we addressed ourselves to developing specific proposals for the Office of Legislative Research early in this program. Most particularly, given the volume of legislation which this office is customarily called upon to draft, and given the wide range of duties and responsibilities assigned to this office, we concluded that the two-man professional bill drafting staff was not nearly large enough to fully satisfy the needs of the legislature. Indeed, we noted that was only because of the high individual abilities and dedication of this two-man bill drafting staff that the office has been able to provide the basic drafting services to the legislature.

Referring back to Table 10, fully 86% of all legislators responding indicated that the Office of Legislative Research should receive either high or medium priority with respect to increasing its professional staff complement. We concurred wholeheartedly with this sentiment and accordingly recommended to the Council that:

48. The Legislative Council authorize the Director of Legislative Research to hire two additional full-time professional bill drafters.

Our reasons for this recommendation were:

- 1) Earlier and firmer deadlines for introduction of bills being processed in the Legislative Research Office. This constitutes one of the most important reasons for increasing the current bill drafting staff. In the past two

regular and special sessions of the legislature, the original deadline for the introduction of bills being processed by Legislative Research has never been adhered to. The effect of this failure (i.e., the failure to use available legislative time efficiently) upon the legislative process has become only apparent as the legislature has repeatedly found itself running out of time at the end of the session.

A number of remedial procedures such as: pre-session organization; greater use of pre-filing; and extended committee periods during the opening weeks of the session; have already been cited as methods of improving the legislature's use of available time. Our concern at this juncture is with insuring that these recommended procedures, if implemented, will achieve the results the legislature desires. To do this the legislature must now recognize that no staffing agency in the legislature will have a greater impact on, nor be more affected by these procedures than will the Office of Legislative Research. In every instance - with pre-filing, pre-session organization and extended committee periods, much of the responsibility

for making these recommended procedures work will fall squarely upon the staff in this office.

A modest staff increase will enable the office to far more effectively and efficiently meet its present duties and responsibilities within the deadlines set by the legislature. Moreover, only with such a staff increase in this office will the legislature be able to realize the full benefit of those other recommendations suggested above. In short, if the Maine Legislature desires to reduce end-of-session logjams; permit more thorough review of legislation before final action; and finish its work either on time or possibly before the final deadline for adjournment; it must make a commitment to improving the staff resource capability of this office.*

* An interesting comparison in bill drafting staffs can be made between the Maine Office of Legislative Research and the N.H. Office of Legislative Services. The N.H. Legislature, which is limited to 90 legislative days and must meet for all these days in the first year of the biennium, has a bill drafting complement of six full-time attorneys. On the average the N.H. Legislature considers 1,500 pieces of legislation. Rarely are deadlines ever extended in N.H. Also, the N.H. experience with end-of-session logjams has been far less severe than Maine's.

- 2) A second benefit of increased staff support in this office will be improved statements of fact. Currently, as has been noted, in addition to their bill drafting duties, the staff in the Office of Legislative Research must also affix to each bill a brief, concise summary of what the bill is intended to do. These summaries, or statements of fact, are valuable and useful informational tools and as such their preparation by this office should continue.

In order to maximize the potential of these summaries however, it is necessary to provide the Office of Legislative Research with additional staff support. Now, with only two full-time professionals in the office, this responsibility constitutes an added burden. Furthermore, because the staff in the office correctly view their primary duty as being bill drafting, it logically follows that the careful preparation of statements of fact must be relegated to a lesser priority. While this situation is inevitable under the present conditions it nonetheless remains that the absence of carefully developed statements of fact robs the legislature of a useful and impartial informational tool.

- 3) Still a third benefit of increased staff support in Legislative Research will be more thorough review of legislation being reported out of this office. Under the current limited

staffing system there is practically no opportunity for careful review of legislation prior to it being reported out. Furthermore, because the Director of Legislative Research is one-half of the entire bill drafting staff, there is little opportunity for him to exercise his administrative and supervisory roles. The immediate consequences of this situation are twofold: first, certain technical errors in the language of drafted legislation may be overlooked only to resurface and cause delay at a later stage in the legislative process; and second, duplicate legislation or perhaps legislation which is unconstitutional may be drafted and reported out to the legislature.

The inability of the Director to exercise his administrative and supervisory roles due to the fact that he must draft legislation full-time, has certain long term consequences for the office and the legislature as well. Most notably, because the Director must be so involved with drafting legislation, he can have little opportunity for other matters such as developing new techniques to improve the effectiveness of his staff. In effect, by restricting his role, the legislature is denying itself and the Office of Legislative Research the full potential of its Director.

4) A fourth benefit accruing from increased staff support in this office will be realized in a more productive interim period. Specifically, added staff will enable the Office of Legislative Research to revise the entire Maine Revised Statutes - an objective which the office itself had set forth in the 1974 - 1975 Annual Report. In addition to this comprehensive statutory revision, the office will be in a stronger position to handle any increases in bill drafting brought about by strengthened pre-filing procedures and interim committee studies.

One final point on this recommendation for increased staff support. A staffing system has been worked out whereby the Office of Legislative Staff Assistants provides the Office of Legislative Research with staff support for bill drafting in the opening weeks of the session. This stop-gap measure is no solution to the problem. Rather, it merely serves to further point out the need for increased staff support in the Office of Legislative Research. More importantly, as this legislature now moves into an annual session format with all its expected consequences such as increased legislative volume and shorter and more significant interim periods; the need for increased staff support from both offices will become heightened. Accordingly, the legislature should discount this stop-gap procedure as a viable alternative to increased staff support for the Office of Legislative Research.

In response to the recommendation for increased staff support, the Legislative Council approved the hiring of one additional full-

time staffer in the Office of Legislative Research immediately preceding the convening of the first regular session of the 108th. The Council further authorized the hiring of a second staffer at the close of the first regular session.

Because we continue to feel the additional staff position is necessary, we now recommend that:

49. The Legislative Council authorize the hiring of one additional full-time staffer in the Office of Legislative Research prior to the convening of the second regular session.

Our next recommendation pertaining to the Office of Legislative Research relates to the office's name. Specifically, as was the case with the Office of Legislative Staff Assistants, the Office of Legislative Research does not adequately connote the principal duties of this office. To rectify this situation, we therefore recommend that:

50. The name, Office of Legislative Research, be changed to Office of Revisor of Statutes.

Not only does the name, Office of Revisor of Statutes, more clearly define the principal duties of this office, but it also is consistent with the name originally given to this office by the legislature. In 1947 this original name, Office of Revisor of Statutes, was changed so as to more clearly reflect the new administrative structure brought about by the creation of a new legislative committee entitled the Legislative Research Committee.

In 1973 this Legislative Research Committee was sup-
planted by the present Legislative Council. Additionally,
in 1973 the administrative role was removed from the Office
of Legislative Research and vested in a new legislative admin-
istrative director position. This change, however, did not
precipitate a concomitant change in the name, Office of Legis-
lative Research. What we are suggesting now is that appro-
priate name change.

The Legislative Council

As the principal joint administrative management committee,
the Legislative Council occupies a crucial position in the
operation of the Maine Legislature. Yet, to this date, some
four years following its establishment, the Council has failed
to exercise its full potential in this essential administrative
management role. To wit, while it has performed certain house-
keeping functions satisfactorily, it remains that in areas
such as legislative staff coordination and the oversight of
the legislative process, the Council has not provided the
legislature with the effective leadership it is potentially
capable of.

We believe the specific weaknesses in the Council we address
below can, if not dealt with, lead to a gradual erosion in the
Council's effectiveness to a point where it becomes a mere titular
management committee. This possibility should be cause for con-
cern by the Maine Legislature. For, given the ever increasing
complexity of Maine's state government, and the concomitant growth

in legislative activity, such an erosion of the Council form of legislative management would be a decisive step backward in legislative improvement.

The fundamental problem with the Legislative Council is that it has failed to clearly define and establish its role in the Maine legislative process. As our interviews and observations have revealed, there is a substantial divergence of opinion among both legislators and legislative staff agencies as to what precisely is the role of the Legislative Council.

This absence of a general consensus as to the role of the Council has prompted us to ask, "How can the Council function effectively as manager and administrator of the entire legislative operation, when it itself is not clear as to what its role is?" Furthermore, "How can the Council provide effective leadership for the legislature when its very function appears to be held in question by many segments of the legislative community?" The answer to these questions, of course, is that the Council cannot function effectively without a clear comprehension of its role.

This fundamental weakness in the Council appears to have had its origin in the manner by which joint management was developed in the Maine Legislature. Quite literally, the entire joint management apparatus was abruptly thrust upon the Maine Legislature in 1973. There appears to have been remarkably little pre-planning or discussion and debate of

the actual design or need for joint management preceding its appearance in 1973. Accordingly, because the clear need for joint management was neither sufficiently documented nor adequately debated in the open forum of the legislature, the consequent joint management apparatus which emerged lacked, from the outset, the broad foundation of legislative support so essential to the success of such a major effort.

We are fully convinced that the original concepts embodied in the Maine Legislative Council are sound and that joint management is necessary for the effective operation of the Maine legislature. We are also equally convinced that a renewed effort must be made by the present Legislative Council to define its role as administrator and manager of the legislature. This entails taking appropriate steps to correct specific internal weaknesses in the Council which we identify below.

Before considering further the substantive results of our analysis of the Legislative Council, it is necessary that we first consider the methodology by which this analysis was conducted. In studying the Maine Legislative Council, we relied on information developed from three complementary perspectives:

- (1) Interviews with legislators and legislative staff agency personnel;
- (2) On-site observation and participation in the actual operation of the Legislative Council; and
- (3) Comparison of the Maine Legislative Council with similar joint legislative management structures in New Hampshire and Connecticut.

It was through our interviews with legislators and legislative staff, conducted in both the 107th and 108th legislatures, that we discovered the presence of considerable controversy surrounding the need for and effectiveness of the present Legislative Council. The remarks of one former Council member typify the attitude of many of the legislators we spoke with:

"I think this Council is a waste of time. All too often we sit there trying to make decisions on matters we are only half informed about. Sometimes I have to vote on a question that I have been aware of for only a few minutes.....the presiding officers could do a better job."

And from a staff perspective came this equally negative assessment of the Legislative Council:

"The legislature was being run as well, if not better, before the advent of the Legislative Council...the fact of the matter is, we were never consulted nor brought into the discussion when they were contemplating this change."

It is likely that some of these negative evaluations are at least in part a reaction to the abrupt change in the status quo occasioned by the appearance of the Council structure. This notwithstanding, the fact remains that these perceptions do continue to exist - four years following the Council's creation.

We place a great deal of significance on these legislator/staff perceptions. For, to the degree that this low esteem for the Council does continue to exist amongst the legislative

community, the Council's own effectiveness will be adversely affected.

Our own on-site observation and participation in the Council operation, has served to further document the specific strengths and weaknesses we will note in succeeding pages. Finally, our comparative analysis of the Maine Council with the New Hampshire and Connecticut joint management committees has given us valuable insight into how other similar committee structures have dealt with the complex questions of how best to manage and administer the legislative operation.

Findings

Our analysis of the Maine Legislative Council from these three perspectives revealed several positive as well as negative qualities. Among the positive qualities we associate with the Maine Legislative Council is a strong undercurrent of support amongst the Council members for reform and strengthening of the Council structure. The significance of this fact is that it implies that the Council is amenable to improving itself. Furthermore, this evidenced commitment to the Council form of joint management will have a positive influence upon the future course of legislative improvement in Maine. For, as we have already stated, the Legislative Council is and will increasingly continue to occupy an essential position in the administration and management of the legislature.

Two additional positive characteristics of the Maine Legislative Council relate to its actual composition and the legislative staff personnel associated with it. The ten-member Council embracing all majority and minority leadership in both houses, including in particular, assistant leaders from both parties in both houses, makes the Council a truly representative body. Although diverging opinions on the Council over specific issues occasionally result in stalemates and long debate, the advantages to the legislature of having such broad representation on this management committee far outweigh these and any other possible disadvantages. Furthermore, by including the assistant leaders on the Council, the legislature is providing excellent training in the management of the legislative operation for individuals who at a later date are likely to ascend to top leadership positions, as often happens in the Maine Legislature.

Complementing the representative composition of the Council is the high caliber of legislative and staff personnel who serve it. There is no deficiency of talent among those who staff the Maine Legislative Council. Rather, what is lacking is a clear sense of direction and organization of this talent in a manner which brings it to bear on the legislative process in the most effective and efficient way.

In addition to these several significant positive aspects of the Maine Legislative Council, we have taken notice of several

specific weaknesses in the present Council structure which must be redressed if the Legislative Council is to succeed in the future.

In the first instance, the Legislative Council must strengthen its role of overseeing the legislative process. One of the principal duties envisioned in the joint management concept is that of oversight of the legislative process. In order to best determine what administrative steps should be taken in running the legislature, the Council must have a clear picture of precisely what activities are being performed by whom, when and how. This essential information is not regularly available to the Council in any standardized format.

Only when crises situations emerge or when specific issues require redress will the Council endeavor to answer those questions associated with its oversight role. This reactionary approach to legislative oversight is, however, by definition, no substitute for the careful, organized, and regular review of the legislative process necessary to insure sound administration and management.

A second weakness in the present Council structure relates to its poor planning capability. As noted above, many of the actions taken by the Legislative Council are of a reactive nature. As situations arise the Council deals with them. This type of operational mode implies that little consideration is given to assessing future legislative needs and even less effort is made to deal with perceived future needs now before they assume a critical nature.

Again, implicit in the role of joint legislative management is the ability to plan for future legislative needs and, where appropriate, deal with these future needs before they become critical. At this point in time, the Maine Legislative Council has yet to develop such a systemized approach for planning.

Still a third weakness in the present Council structure is the absence of effective procedures to regulate Council deliberations. While the Council does have formal procedures to follow, they are neither consistently adhered to nor are they complete. An example of this lack of sufficient internal organization are the Council's agendas. Rarely do these agendas do more than simply outline the general topics of discussion for the periodic Council meetings.

Without more defined organization, Legislative Council meetings often end up with a great deal of time being devoted to relatively inconsequential matters and too little time being devoted to matters of considerably more import. As one Legislative Council member aptly remarked, "How can the Council manage the entire legislature when it can't even manage itself?"

Still a fourth weakness in the Council lies in its relationship to its administrative arm - the Legislative Administrative Director's Office. The effectiveness of the Council as manager and administrator of the legislature is closely intertwined with its Legislative Management Director. To the extent that the Council specifies what duties it wishes the Office of the Legislative Administrative Director to

perform and generally how it wishes these duties to be performed, then to that degree the Office of the Legislative Administrative Director will be effective in meeting its responsibilities. Conversely, if the Council fails to adequately specify such duties of the Office of the Legislative Administrative Director and how generally they are to be met, then to that degree the effectiveness of this office will be diminished.

Recommendations

Having now identified what we believe are the principal weaknesses in the Maine Legislative Council we now offer thirteen specific recommendations designed to correct these weaknesses.

To improve the Legislative Council's ability to oversee the legislative operation, we recommend that:

51. Detailed monthly reports be prepared in the Office of the Legislative Administrative Director and be presented to the Legislative Council. Among the information provided in these reports should be:

(a) Budgetary review of all legislative accounts including all budgets for the operation of legislative committees, legislative service agencies, including the offices of the Senate Secretary and House Clerk, both during the session and interim period between sessions;

(b) Scrutiny of standing committee workloads with analysis of the flow of legislation through committees (committee tracking system - see appendix);

(c) Supervision of all professional staff agencies with a detailed

account of what functions are being performed by whom and how well these functions are being performed; and

(d) Any recommendations for improving the legislative operation or correcting specific deficiencies in the legislative operation.

To improve the ability of the Legislative Council to plan for future needs in the Maine Legislature, we recommend that:

52. Office of the Legislative Administrative Director continually review and assess the legislative operation and on the basis of such reviews and assessments, issue periodic reports to the Legislative Council indicating what reforms should be considered and/or implemented in contemplation of future legislative needs.

Another recommendation designed to improve the Council's internal organization relates to the establishment of separate House and Senate Management Committees. Where the operation of only a single house is involved, responsibility should be lodged with the leadership group from that particular house alone. In other words, members of the Legislative Council will act as separate House and Senate committees on those matters which pertain solely to one house of the Legislature. For example, there is no reason why Senate leaders should be involved in the supervision of the House Clerk's office or the hiring of a secretarial pool for Representatives. There is similarly no reason why House leaders should be involved in the supervision of the Senate Secretary's office or the hiring of a secretarial pool for Senators.

Accordingly, we recommend that:

53. The rules of each house provide for separate House and Senate Management Committees each comprised of the respective House and Senate members of the Legislative Council. We further recommend that the House Management Committee and the Senate Management Committee be delegated those responsibilities which relate solely to the operation of each respective house.

The next step the Council should take to improve its internal organization relates to the establishment of a regular Personnel Policies Subcommittee. The Personnel Policies Subcommittee should be comprised of the President of the Senate, the Speaker of the House, the Majority and Minority Leaders of each house, and the President and Speaker should be co-chairmen thereof. The purpose of this subcommittee on personnel policies will be to review all matters pertaining to legislative personnel and to report to the full Council its findings along with any recommendations it may develop.

In line with this we therefore recommend that:

54. The Legislative Council take steps to establish a regular Personnel Policies Subcommittee to be responsible for reviewing all matters pertaining to legislative personnel. Said Personnel Policy Subcommittee should be comprised of the President of the Senate, the Speaker of the House, the Majority and Minority Leaders of each house, and the President and Speaker should be co-chairmen thereof.

Finally, our last recommendation designed to improve the internal

organization of the Legislative Council is that the rules be amended to provide better and more regular access to information for Council members.

Specifically, we recommend the following rule amendments and additions:

55. The Chairman shall issue written calls for all regular meetings not less seven (7) days prior to each such meeting. Where practicable, written notice of all special meetings shall be mailed to all members of the committee not less than five (5) days prior to each such meeting.

56. Amend rule eight (8) to read as follows:
An accurate, permanent, written record of all meetings and proceedings of the Council shall be maintained by the Legislative Administrative Director. Copies of the previous meeting records shall be distributed to all members not less than seven (7) days prior to the next regular meeting of the committee.

And, finally, we recommend that a new rule be inserted to read as follows:

57. A written agenda shall be sent to all members of the committee by the Legislative Administrative Director at least five (5) days prior to each meeting. The contents of this written agenda shall specify in detail the subject matter to be considered at each Council meeting. Additionally, these agendas should fully enumerate all pertinent information which the Council must consider in the course of its deliberations.

To establish a more effective relationship between the Council and the Office of the Legislative Administrative Director, we recommend that:

58. The Legislative Council establish a clear set of reporting requirements for the Office of the Legislative Administrative Director. These reporting requirements should specify precisely what information the Council requires, the format in which this information is to be organized and the frequency with which this information is to be presented to the Council.

In accordance with this recommendation we recommend the following two reporting requirements:

(a) Detailed written agendas as specified in recommendation 57;
and

(b) Monthly reports covering those areas specified in recommendation 58.

Our next recommendation is designed to strengthen the relationship between the Office of the Legislative Administrative Director and the Legislative Council relates to the jurisdictional authority the Council had delegated to this office. We speak here specifically of the Legislative Administrative Director's responsibility over all legislative accounts as specified in M.R.S. title 3, section 162.

While this statute seemingly states the Council's control over all legislative accounts, it remains that the offices of the House Clerk and Senate Secretary have customarily not been included under

the Council's direct jurisdiction.

We recognize that the unique elected positions of the Clerk and Secretary preclude these offices from being placed under the jurisdiction of the Legislative Council and the Legislative Administrative Director in the same fashion as are most other legislative agencies. This notwithstanding, it is unnecessarily difficult particularly in light of the law as stated in M.R.S. title 3 for the Legislative Administrative Director to conform with his delegated responsibilities as spelled out in General Directive Number three (3), without having some prior knowledge of what expenditures for either supplies or personnel are being made by the Clerk and Secretary. More importantly, the lack of timely information forthcoming to the Legislative Administrative Director from these two major legislative service agencies, reduces the overall effectiveness of the Council in fulfilling its principal role as coordinator and as administrator of the entire legislative operation.

It is therefore our recommendation that:

59. The Legislative Council take immediate steps to clarify the relationship of the House Clerk and Senate Secretary to the Legislative Council and to the Office of Legislative Administrative Director.

In doing this, we further recommend that:

60. The relationship the Council establishes between itself and the House Clerk and Senate Secretary be structured along the lines placing the House Clerk under the jurisdiction of the House Management Committee and by placing the Senate Secretary under the juris-

diction of the Senate Management Committee. (see recommendation 53)

Given the wide range of duties and responsibilities currently vested in the Legislative Administrative Director, and also given the fact that we envision these duties and responsibilities growing substantially in succeeding years, we next recommend that:

61. The Council provide for the hiring of one full-time Administrative Assistant to assist the Legislative Administrative Director in the routine support of the Legislative Council.

Specifically, the following duties should be assigned to this Administrative Assistant:

(a) Development and maintenance of committee records and documents pertinent to the administration of the legislature;

(b) Research and information gathering regarding improvements in legislative operations in other states;

(c) Development of information files regarding the impact of federal legislation and executive directives on Maine and general development of intergovernmental communications;

(d) Routine administration of the legislature on behalf of the Legislative Council and the Legislative Administrative Director, and;

(e) Such other duties as are assigned by the Legislative Administrative Director.

Our final recommendation pertaining to the relationship of the Office of the Legislative Administrative Director to the Legislative Council deals with the Legislative Administrative Director's term of

office. Specifically, the provision that the Director serve for a term of seven (7) years creates, we believe, unwarranted insulation for this office. While we recognize the need for security in a legislative position, we feel that this seven-year term could have the effect of reducing accountability to the Legislative Council. We therefore recommend that:

62. After the present seven-year term of the Legislative Administrative Director expires, the statutes should be amended to provide that the appointment and dismissal of the Legislative Administrative Director require the affirmative vote of two-thirds of the membership of the Legislative Council.

We further recommend that:

63. The same appointment and dismissal authority (i.e., two-thirds vote of the Legislative Council) be stipulated in the statutes for all other similar seven-year term legislative staff positions. As in the case of the present Legislative Administrative Director, we also recommend that this new appointment and dismissal procedure not become effective until the end of the present seven-year terms currently held by other legislative staff.

Earlier in this section we noted that the fundamental weakness in the Legislative Council relates to the absence of a clear definition of the Council's role in the legislative process. We noted that to a considerable degree this weakness was due to the manner in which the

Council was established. Obviously, we cannot recreate the Council. It should be equally obvious that no simple solutions can be applied to correct the weaknesses we have associated with the Maine Council. Instead, if the Legislative Council is to establish a clear role as the chief administrative management vehicle of the legislature, it must itself initiate the necessary steps. What we have offered here are suggestions on how it should proceed toward this goal.

Partisan Legislative Staff

The legislative decision-making process needs both technical and political information to function effectively. Accordingly, just as nonpartisan technical staff is necessary for the legislature to function, so too is partisan legislative staff. Moreover, in the political arena of legislature, to deny the necessity of partisan staff is to deny the reality of legislative politics. Accordingly, we feel that the legislature must have a mix of both professional nonpartisan staff and professional partisan staff.

Nonpartisan technical staff is primarily involved in supplying the legislature with straightforward legal, fiscal and policy research information. Partisan staff should be primarily responsible for supplying the legislature with political information. By this we mean that partisan staff must be able to take technical information and examine and utilize it from the standpoint of its effects upon the position of the political parties and individual legislators within each party.

In addition to interpreting technical staff information in the political context, partisan staff should also be able to perform whatever research is necessary on those issues which are identified as partisan and are thus not within the jurisdiction of nonpartisan technical staff. Finally, partisan staff should be able to provide information and assistance to party leaders and members of the legislative party on matters concerning legislation, publicity and constituent services.

The partisan staffing pattern in the 108th Maine Legislature has yet to evolve to the stage where it can meet the duties and responsibilities we have specified here. Currently, each leadership office has at least one full-time Administrative Assistant plus secretarial help.*

The principal function performed by these Administrative Assistants is in the area of personal services to the legislative leaders. These personal service duties encompass press release preparation, answering constituent mail and constituent requests, and managing the legislative leader's office.

While we believe the Maine Legislature has made a good start in the development of partisan legislative staff, we also believe that current and future needs of the legislature dictate that a number of

* The exception is the House Majority and Assistant Majority Leaders' offices. At the beginning of the first regular session of the 108th legislature, the Administrative Assistant position allocated to these offices was divided into two positions - each paying one-half the total salary allocated for the original Administrative Assistant position.

changes be made in this present partisan staffing pattern. Specifically, the current staffing pattern of providing the leadership with personal staff, while important, is not alone sufficient for it fails to adequately provide assistance to the rank and file of the legislative party.

Given the large size of the Maine Legislature, it is not economically feasible to speak in terms of providing staff for individual legislators. What we therefore recommend is that:

64. Each legislative party develop a small staff of professionals who can serve both party leaders and party rank and file alike.

In line with this recommendation, we further recommend that:

65. The Maine Legislature develop two partisan staff offices - a Democratic staff office to serve the needs of the House and Senate Democrats, and a Republican staff office to serve the needs of House and Senate Republicans.

The effective development of a professional partisan staff capability along the lines we suggest here will depend on at least two factors. First, the legislative leadership must recognize the importance and scope of the services which professional partisan staff can provide the legislative party. In a state such as Maine where the legislative parties are highly competitive, it would appear that such a recognition of the importance of partisan staff would be quite apparent. However, up to this point in time, as we have already noted, partisan staff is being utilized in only a limited fashion.

Secondly, the effective development of partisan staff along the lines we suggest will also depend on the caliber of people recruited to fill these staff positions. If a party chooses to fill partisan staff positions on a purely patronage basis alone with little or no attention devoted to professional abilities, then that party stands to lose in competing with the party that takes ability into prime account. Roughly the same high professional standards which have been established in recruiting individuals for nonpartisan technical staff positions should be applied in recruiting professional partisan staff. Partisan staffers must additionally possess a high degree of political acumen in order to function effectively in their delegated roles.

If the Maine Legislature accepts these recommendations to upgrade its partisan staff capabilities along the lines we suggest, we envision the establishment of two party offices, each with a complement of three full-time professionals plus one full-time Director.

As to the internal organization of these party offices, we recommend the following approach. The salaries and budgets for these offices should be established by the Legislative Council. The director of each office should then be selected by the respective party leaders from both houses. The director, in turn, should have the authority to fill all authorized staff positions subject to the final approval of the party leaders. While the staff would ultimately be responsible to the party leaders, it would be available to assist all legislators

in each party. A number of duties and responsibilities would thereupon be performed by these party offices.

First and foremost, these party officers would be responsible for interpreting technical information in terms of its partisan and political ramifications. On the basis of these interpretations, party offices would submit reports to leaders, individual members, and party caucuses.

One significant application of this type of information in Maine would be the analysis of legislation. Partisan staff could analyze important legislation in the context of the parties' political ideology and public policy. On the basis of such a political analysis the partisan staff could subsequently present its findings to party members in the respective party caucuses.

In still other instances, party staff could assist committee majorities and minorities on certain issues that are partisan in nature and where purely technical information is insufficient for reaching a decision. Party staff would additionally be able to assist individual legislators in developing ideas for bills they may wish to introduce. Another important task which might be performed by the partisan staff is the dissemination of information to both legislators and the public. For instance, staff could be used by the legislative leaders to convey specific information concerning legislation or other legislative activities to legislators and/or the public during the session.

During the interim between sessions, this information role could continue to be significant as staff could send out newsletters to members of the legislative party furnishing them with information about various legislative activities occurring between legislative sessions. For instance, during the interim, staff could monitor the various interim studies being conducted by standing committees and could subsequently apprise legislators in their party of what actions are being taken in these interim studies and, more importantly, what legislation is contemplated as a result of these interim studies.

Additionally, another major task a party staff would perform is helping legislators with their constituents. Staff could prepare newsletters, general press releases and press releases for individual party member's use. All these constituent services would be particularly helpful - not simply to legislators but also to the public. For by providing the public with this type of information, the public will in turn be better able to hold its elected representatives accountable for their actions.

In summation, our recommendations for strengthening the partisan staffing system in the Maine Legislature are that:

66. Each legislative party should be provided with one staff office to assist its party leaders and party members in both houses of the Maine Legislature.

67. Each party staff office should be comprised of one full-time director to be appointed by the party leadership plus three

full-time professionals to be appointed by the director with the approval of the party leadership.

68. Each party staff office should provide, among other things, the following services:

(a) Interpretation of technical information (e.g., interim study reports and legislation) within the partisan political context of the party;

(b) Dissemination of this information to party leaders, individual members, and party caucuses;

(c) Assistance to legislators in formulating ideas for legislation they might wish to introduce; and

(d) Constituent assistance to legislators through the preparation of newsletters and press releases during the session and the interim.

One final note on partisan staff in the Maine Legislature. The development of a truly effective partisan staff complement for the Maine Legislature depends as we have noted on the recruitment of qualified individuals who possess the necessary technical and political expertise to function effectively. Fortunately, legislative leaders in each party have already demonstrated their primary concern for professionalism in filling the partisan staff positions they currently have. Our recommendations in this area are, therefore, designed not to change the type of staff recruited for these partisan positions, but rather to broaden the framework within which these partisan staff operate and to further expand their duties and

responsibilities so that these staff are utilized to their fullest potential.

Summary of Recommendations for Strengthening Maine Legislative Staffing

40. All joint standing committees, excluding the Appropriations and Financial Affairs Committee, should be staffed by the central Office of Legislative Staff Assistants. (see page 106)

41. The number of full-time professional staffers in the Office of Legislative Assistants be increased by no less than two in the 1977-1978 legislative biennium. (see page 108)

42. The Legislative Council authorize the hiring of one additional full-time staffer in the Office of Legislative Assistants prior to the convening of the second regular session of the biennium. (see page 109)

43. The legislative assistants be charged with the responsibility of preparing detailed committee reports. Inclusive within these reports should be: a) an up-to-date synopsis of a bill's contents; b) the date and location of the committee meeting; c) a list of individual committee members in attendance; d) recorded vote on final action; e) all amendments agreed upon in committee and an explanation summary of each; f) a list of individuals or groups who indicated a pro or con stance on the bill as introduced; and g) any submitted written testimony. (see page 110)

44. The director of the Office of Legislative Assistants be given management and supervisory responsibility for the committee clerks. (see page 112)
45. During the interim the Office of Legislative Assistants be charged with the responsibility of overseeing the specific activities of those executive agencies, departments and commissions within each committee's jurisdiction. (see page 113)
46. The name, Office of Legislative Staff Assistants, be changed to Office of Legislative Policy Research. (see page 114)
47. The Legislative Council direct the Legislative Administrative Director to take steps to increase the amount of office space available to the Legislative Assistants by adding Room 425 to the present assistants' office complex. (see page 115)
48. The Legislative Council authorize the Director of Legislative Research to hire two additional full-time professional bill drafters. (see page 118)
49. The Legislative Council authorize the hiring of one additional full-time staffer in the Office of Legislative Research prior to the convening of the second regular session. (see page 124)
50. The name, Office of Legislative Research, be changed to Office of Revisor of Statutes. (see page 124)

51. Detailed monthly reports be prepared in the Office of the Legislative Administrative Director and be presented to the Legislative Council. (see page 133)

52. Office of the Legislative Administrative Director continually review and assess the legislative operation and on the basis of such reviews and assessments, issue periodic reports to the Legislative Council indicating what reforms should be considered and/or implemented in contemplation of future legislative needs. (see page 134)

53. The rules of each house provide for separate House and Senate Management Committees each comprised of the respective House and Senate members of the Legislative Council. We further recommend that the House Management Committee and the Senate Management Committee be delegated those responsibilities which relate solely to the operation of each respective house. (see page 135)

54. The Legislative Council take steps to establish a regular Personnel Policies Subcommittee to be responsible for reviewing all matters pertaining to legislative personnel. Said Personnel Policy Subcommittee should be comprised of the President of the Senate, the Speaker of the House, the Majority and Minority Leaders of each house, and the President and Speaker should be co-chairmen thereof. (see page 135)

55. The Chairman shall issue written calls for all regular meetings not less than seven (7) days prior to each such meeting. Where practicable, written notice of all special meetings shall be mailed to all members of the committee not less than five (5) days prior to each such meeting. (see page 136)

56. Amend rule eight (8) to read as follows:

An accurate, permanent, written record of all meetings and proceedings of the Council shall be maintained by the Executive Director. Copies of the previous meeting records shall be distributed to all members not less than seven (7) days prior to the next regular meeting of the committee. (see page 136)

57. A written agenda shall be sent to all members of the committee by the Executive Director at least five (5) days prior to each meeting. The contents of this written agenda shall specify in detail the subject matter to be considered at each Council meeting. Additionally, these agendas should fully enumerate all pertinent information which the Council must consider in the course of its deliberations. (see page 136)

58. The Legislative Council establish a clear set of reporting requirements for the Office of the Legislative Administrative Director. These reporting requirements should specify precisely what information the Council requires, the format in which this information is to be organized and the frequency with which this information is to be presented to the Council. (see page 137)

59. The Legislative Council take immediate steps to clarify the relationship of the House Clerk and Senate Secretary to the Legislative Council and to the Office of Legislative Administrative Director. (see page 138)

60. The relationship the Council establishes between itself and the House Clerk and Senate Secretary be structured along the lines placing the House Clerk under the jurisdiction of the House Management Committee and by placing the Senate Secretary under the jurisdiction of the Senate Management Committee. (see page 138)

61. The Council provide for the hiring of one full-time Administrative Assistant to assist the Legislative Administrative Director in the routine support of the Legislative Council. (see page 139)

62. After the present seven-year term of the Legislative Administrative Director expires, the statutes should be amended to provide that the appointment and dismissal of the Legislative Administrative Director require the affirmative vote of two-thirds of the membership of the Legislative Council. (see page 140)

63. The same appointment and dismissal authority (i.e., two-thirds vote of the Legislative Council) be stipulated in the statutes for all other similar seven-year term legislative staff positions. As in the case of the present Legislative Administrative Director, we also recommend that this new appointment and dismissal procedure not

become effective until the end of the present seven-year terms currently held by other legislative staff. (see page 140)

64. Each legislative party develop a small staff of professionals who can serve both party leaders and party rank and file alike. (see page 143)

65. The Maine Legislature develop two partisan staff offices - a Democratic staff office to serve the needs of the House and Senate Democrats, and a Republican staff office to serve the needs of House and Senate Republicans. (see page 143)

66. Each legislative party should be provided with one staff office to assist its party leaders and party members in both houses of the Maine Legislature. (see page 146)

67. Each party staff office should be comprised of one full-time director to be appointed by the party leadership plus three full-time professionals to be appointed by the director with the approval of the party leadership. (see page 146)

68. Each party staff office should provide, among other things, the following services. (see page 147)

Summary of Recommendations

1. A pre-session organizational session be held after an official canvass of votes, but no later than the first week in December pursuant to the general election. At this session the legislature should organize itself for the entire biennium. (see page 18)
2. The Legislative Council begin well in advance of the next biennium to establish a formal set of activities and procedures which will be adhered to during the early organization session. These procedures should specify: all activities which will take place during the early session, and the amount of time which will be allotted for carrying out these activities. (see pages 23 & 24)
3. The Legislative Council as well as the principal sponsor of L.D. 1259 and the Committee on State Government make a concerted effort to inform legislators and media representatives across the state of the purpose of early legislative organization. (see page 24)
4. The practice of pre-filing legislative measures be strengthened by permitting reference of pre-filed bills to committee during the pre-session period. Further, the legislative leadership should strongly encourage executive agencies and departments to pre-file. (see page 24)
5. The Legislative Council furnish to each executive agency, department and commission a copy of this new pre-filing rule along with

appropriate explanation of the procedures it stipulates. (see page 33)

6. The Maine Legislature, and in particular the legislative leadership, should be granted the authority to suspend all floor activities at a time of their own choosing for purposes of moving the legislature into an in-depth committee period. (see page 34)

7. The tracking system as described in the appendix of this report be placed on a computer program so as to provide quick and easy access for legislative leadership to this pertinent committee information. (see page 41)

8. The computer printouts of this tracking system be distributed to the members of the Legislative Council on a weekly basis from the beginning of the session until such time as the Council determines this information is no longer required. (see page 42)

9. The Joint Rules of the Maine Legislature should be expanded to include a comprehensive deadline system for both houses. This deadline system should be designed to serve both sessions of the biennium as well as the interim between legislative sessions. Deadlines should be established regulating: (1) pre-filing requests for bill drafting; (2) interim committee reports; (3) submission of bills and resolves into Legislative Research; (4) introduction of bills and resolves; and (5) committee action. (see page 42)

10. The Legislative Council carefully monitor the interim period between the 1978 and 1979 legislative sessions. Specifically, the Council should seek to measure the amount of pre-filed legislation introduced into Legislative Research and the effectiveness of the interim committee reporting deadlines. On the basis of this monitoring, the Council should be able to determine by December preceding the 1979 session whether or not new and earlier deadlines for the introduction of bills and resolves and committee action should be established. (see page 48)

11. The Legislative Council establish, no later than August 1977, a new cloture system to regulate the introduction of bills and resolves into Legislative Research and the referral of bills and resolves to committee. (see page 51)

12. The Legislative Council consider the aforementioned cloture rule and, as an alternative, it also consider the following cloture rule. (see page 51)

13. The Maine Legislature should adopt a new joint rule providing for bill carryover. The carryover system should restrict the carryover of legislation into the even-year session to those matters constitutionally germane to the second regular session. (see page 57)

14. Each regular joint standing committee should determine, by a two-thirds vote those measures it wishes to have carried over. The

committee should further report those measures it wishes to carry over to the floor for debate and vote. (see page 58)

15. Standing committees should be permitted to consider carried-over bills during the interim between regular sessions. (see page 59)

16. Any bill carried over in committee must be reported out no later than the 15th day of December preceding the convening of the second session in January. (see page 59)

17. The number of regular joint standing committees be reduced from the present 22 to no more than 19. (see page 70)

18. The Energy Committee be abolished and its subject matter be transferred to the Natural Resources Committee hereinafter to be entitled the Committee on Energy & Natural Resources. (see page 70)

19. The Human Resources Committee be abolished and its subject matter be transferred to Health & Institutional Services Committee. (see page 70)

20. The Veterans & Retirement Committee be abolished and its subject matter be transferred to the Committee on State Government. (see page 70)

21. The Maine Legislature adopt a joint rule which limits Senate committee assignments to no more than three and precludes committee chairmen from serving on more than one additional committee. (see page 72)

22. The Legislative Council reorganize the committee subject matter

jurisdictions we have developed so as to produce a more even distribution of legislation among all joint standing committees. (see page 83)

23. The joint rules of the Maine Legislature be expanded by adding a new section entitled Uniform Rules of Committee Procedure. (see page 86)

24. J.R. 1 - Committee Chairmen; Duties. (see page 86)

25. J.R. 2 - Members; Duty to Attend Meetings; Attendance Record. (see page 88)

26. J.R. 3 - Excessive Absences. (see page 88)

27. J.R. 4 - Interim Committee Meeting Schedule. (see page 88)

28. J.R. 5 - Interim Committee Reporting Deadlines. (see page 88)

29. J.R. 6 - Notice. (see page 89)

30. J.R. 7 - Working Sessions; Schedule. (see page 89)

31. J.R. 8 - Working Sessions; Notice. (see page 90)

32. J.R. 9 - Notice; Contents. (see page 90)

33. J.R. 10 - Quorum Required to Transact Business. (see page 90)

34. J.R. 11 - Vote Required for Committee Action; Members Disqualified. (see page 90)

35. J.R. 12 - Roll Call; Record Votes Required. (see page 91)

36. J.R. 13 - Committee Reports. (see page 91)
37. J.R. 14 - Committee Assignments. (see page 92)
38. J.R. 15 - Subcommittee Appointments and Authority. (see page 92)
39. Committee Scheduling. (see page 92)
40. All joint standing committees, excluding the Appropriations and Financial Affairs Committee, should be staffed by the central Office of Legislative Staff Assistants. (see page 106)
41. The number of full-time professional staffers in the Office of Legislative Assistants be increased by no less than two in the 1977-1978 legislative biennium. (see page 108)
42. The Legislative Council authorize the hiring of one additional full-time staffer in the Office of Legislative Assistants prior to the convening of the second regular session of the biennium. (see page 109)
43. The legislative assistants be charged with the responsibility of preparing detailed committee reports. Inclusive within these reports should be: a) an up-to-date synopsis of a bill's contents; b) the date and location of the committee meeting; c) a list of individual committee members in attendance; d) recorded vote on final action; e) all amendments agreed upon in committee and an explanation summary of each; f) a list of individuals or groups who

indicated a pro or con stance on the bill as introduced; and g) any submitted written testimony. (see page 110)

44. The director of the Office of Legislative Assistants be given management and supervisory responsibility for the committee clerks. (see page 112)

45. During the interim the Office of Legislative Assistants be charged with the responsibility of overseeing the specific activities of those executive agencies, departments and commissions within each committee's jurisdiction. (see page 113)

46. The name, Office of Legislative Staff Assistants, be changed to Office of Legislative Policy Research. (see page 114)

47. The Legislative Council direct the Legislative Administrative Director to take steps to increase the amount of office space available to the Legislative Assistants by adding Room 425 to the present assistants' office complex. (see page 115)

48. The Legislative Council authorize the Director of Legislative Research to hire two additional full-time professional bill drafters. (see page 118)

49. The Legislative Council authorize the hiring of one additional full-time staffer in the Office of Legislative Research prior to the convening of the second regular session. (see page 124)

50. The name, Office of Legislative Research, be changed to Office of Revisor of Statutes. (see page 124)
51. Detailed monthly reports be prepared in the Office of the Legislative Administrative Director and be presented to the Legislative Council. (see page 133)
52. Office of the Legislative Administrative Director continually review and assess the legislative operation and on the basis of such reviews and assessments, issue periodic reports to the Legislative Council indicating what reforms should be considered and/or implemented in contemplation of future legislative needs. (see page 134)
53. The rules of each house provide for separate House and Senate Management Committees each comprised of the respective House and Senate members of the Legislative Council. We further recommend that the House Management Committee and the Senate Management Committee be delegated those responsibilities which relate solely to the operation of each respective house. (see page 135)
54. The Legislative Council take steps to establish a regular Personnel Policies Subcommittee to be responsible for reviewing all matters pertaining to legislative personnel. Said Personnel Policy Subcommittee should be comprised of the President of the Senate, the Speaker of the House, the Majority and Minority Leaders of each house, and the President and Speaker should be co-chairmen thereof. (see page 135)

55. The Chairman shall issue written calls for all regular meetings not less than seven (7) days prior to each such meeting. Where practicable, written notice of all special meetings shall be mailed to all members of the committee not less than five (5) days prior to each such meeting. (see page 136)

56. Amend rule eight (8) to read as follows:

An accurate, permanent, written record of all meetings and proceedings of the Council shall be maintained by the Executive Director. Copies of the previous meeting records shall be distributed to all members not less than seven (7) days prior to the next regular meeting of the committee. (see page 136)

57. A written agenda shall be sent to all members of the committee by the Executive Director at least five (5) days prior to each meeting. The contents of this written agenda shall specify in detail the subject matter to be considered at each Council meeting. Additionally, these agendas should fully enumerate all pertinent information which the Council must consider in the course of its deliberations. (see page 136)

58. The Legislative Council establish a clear set of reporting requirements for the Office of the Legislative Administrative Director. These reporting requirements should specify precisely what information the Council requires, the format in which this information is to be organized and the frequency with which this information is to be presented to the Council. (see page 137)

59. The Legislative Council take immediate steps to clarify the relationship of the House Clerk and Senate Secretary to the Legislative Council and to the Office of Legislative Administrative Director. (see page 138)

60. The relationship the Council establishes between itself and the House Clerk and Senate Secretary be structured along the lines placing the House Clerk under the jurisdiction of the House Management Committee and by placing the Senate Secretary under the jurisdiction of the Senate Management Committee. (see page 138)

61. The Council provide for the hiring of one full-time Administrative Assistant to assist the Legislative Administrative Director in the routine support of the Legislative Council. (see page 139)

62. After the present seven-year term of the Legislative Administrative Director expires, the statutes should be amended to provide that the appointment and dismissal of the Legislative Administrative Director require the affirmative vote of two-thirds of the membership of the Legislative Council. (see page 140)

63. The same appointment and dismissal authority (i.e., two-thirds vote of the Legislative Council) be stipulated in the statutes for all other similar seven-year term legislative staff positions. As in the case of the present Legislative Administrative Director, we also recommend that this new appointment and dismissal procedure not

become effective until the end of the present seven-year terms currently held by other legislative staff. (see page 140)

64. Each legislative party develop a small staff of professionals who can serve both party leaders and party rank and file alike. (see page 143)

65. The Maine Legislature develop two partisan staff offices - a Democratic staff office to serve the needs of the House and Senate Democrats, and a Republican staff office to serve the needs of House and Senate Republicans. (see page 143)

66. Each legislative party should be provided with one staff office to assist its party leaders and party members in both houses of the Maine Legislature. (see page 146)

67. Each party staff office should be comprised of one full-time director to be appointed by the party leadership plus three full-time professionals to be appointed by the director with the approval of the party leadership. (see page 146)

68. Each party staff office should provide, among other things, the following services. (see page 147)

STATE OF MAINE



*Study of
Legislative Structure and Operations*

Final Report
March 31, 1990

March 31, 1990

Advisory Committee on
Legislative Structure and Operations

Dear Committee Member:

We are pleased to submit this final report of our study of the structure and operations of the Maine Legislature. This report represents a final product of eight months of effort, a period during which Peat Marwick worked with the eight member Advisory Committee, legislators, legislative staff and other agencies of state government to conduct our independent assessment of legislative operations and to prepare a report that reflects our research, findings and recommendations.

We have appreciated the opportunity to be of service to the Legislature. The Committee's demonstrated commitment to the study and its very active participation in the many work sessions provided Peat Marwick with a continued focus on study purpose and scope and allowed us the opportunity to adjust direction and modify our thinking as issues were raised and recommendations for change assessed and finalized.

We would like to also acknowledge the excellent support and responsive assistance we received from the various staff offices within the Legislature. This was particularly evident with the many hours that the Executive Director, Sarah Diamond and her personnel gave to this study in their participation at meetings and interviews, collection of needed information and documents and thorough explanation and discussion of legislative operations. Similar acknowledgments should be given to personnel in the Office of the Secretary of the Senate and the Office of the Clerk of the House. We also appreciate the co-operation of the many legislators who participated in interviews during the course of the study.

We commend the Maine Legislature for its leadership in initiating this study to strengthen its structure and operations and wish you success in the coming years.

Sincerely,

Peat Marwick

STATE OF MAINE

STUDY OF
LEGISLATIVE STRUCTURE AND OPERATIONS

FINAL REPORT

KPMG PEAT MARWICK

March 31, 1990

State of Maine
Study of Legislative Structure and Operations

Table of Contents

<u>Chapter</u>	<u>Page</u>
Executive Summary	1
I. Introduction.....	4
II. Legislative Trends and Comparisons.....	7
III. Management of the Legislature.....	22
Legislative Council	
Non-Partisan Staff Offices	
Partisan Staff Offices	
Other Management Issues	
IV. The Legislative Budget and Financial Management.....	55
V. The Legislature and the Legislative Process.....	69
Use of Legislative Time	
Joint Committee Operations	
Appropriations and Financial Affairs Committee	
Interim Activities	
Organization of Second Regular Session	
Legislative Oversight	
Role of Minority Party	
VI. Legislative Accessibility and Responsiveness.....	112
VII. Future Issues and Trends.....	116
Appendices	
A. List of Persons Interviewed	
B. Legislative Survey Data	
C. Supporting Tables	
D. Sample Proposed Bills and Fully Drafted Committee Bills	

EXECUTIVE SUMMARY

The Maine Legislature is a complex and dynamic institution which has changed considerably over the last ten years. Its responsibilities and resource needs have been greatly affected by the growth in the role of state government, and by changes in the relationship between federal, state and local governments in the 1980's.

Peat Marwick's study of the structure and operations of the Maine Legislature sought to identify the major components of these changes, and their impact on the efficiency and effectiveness of legislative procedures and process. Also, the study sought to evaluate current policies and practices which govern legislative activities, and the resources needed to support these activities. Finally, it attempts to look to the future, and to identify the issues which must be addressed in planning for the 1990's.

Our study findings suggest that the Maine Legislature is generally well-managed, and benefits greatly from its commitment to a professional, non-partisan staff organization which supports the joint standing committees in their lawmaking activities. Growth in legislative expenditures over the last ten years is largely attributable to increases in full-time staff supporting the Legislature, and the associated salary and fringe benefit costs of these personnel. Comparisons with other states indicate that the absolute and relative costs of the Maine Legislature are not disproportionate, based upon such factors as population, total membership of the Legislature, level of legislative activity, and the need to maintain an independent, co-equal branch of government with resources to provide the Legislature with independent information, analytical capability, and oversight and review capacity.

While we have found most of the management practices to be sound, we have identified several areas which should be strengthened in order to improve the planning and utilization of fiscal and human resources, and to achieve greater accountability. The most critical of these areas, in our judgment, is the development and administration of the legislative budget, and the oversight of legislative expenditures. Also, we recommend a number

of changes with respect to the operations, procedures, and staffing of both the non-partisan and partisan staff offices.

Within the legislative process itself, we recommend several major modifications to current procedures and responsibilities in order to improve the utilization of staff and legislators' time, and to reduce, to the extent possible, the traditional end-of-session logjams. Our major recommendations in this area are designed to strengthen the role of the joint standing committees with respect to bill screening and the determination of drafting priorities. We have recommended changes in the relationship between the Appropriations Committee and the other joint standing committees with respect to the review of legislation which has both policy and fiscal impact. We have also recommended changes with respect to joint committee operations, including a reduction in the number of committees. This study presents several recommendations with respect to the legislature's oversight responsibilities, interim activities, the organization of the second-year regular session and the role of the minority party within the Legislature.

Our findings, in brief, reflect an accessible and responsive legislative body with many outstanding strengths. In our study, we have been sensitive to the Legislative culture and traditions which help shape this institution and give it its unique character. We recognize that the words "citizens' legislature" connote more than just a statement of the way things are. For the State of Maine, the citizens' legislature embodies the belief that this is the people's legislature -- that government here is open and accessible to all and, most importantly, that the citizens who make up the legislature work very hard to take care of the people's needs. These perceptions have been eloquently summed up in the words of one Maine citizen,

*"So what is Maine? It is an attitude, a way of life, and the last democracy. It is a place where most people refer to their elected representatives by their first name. We send people to Augusta and Washington named Margaret, Ed, Joe, Bill, George, Olympia, and when they go there they work and vote for cleaner air and cleaner politics."*¹

The recommendations offered in our report seek to build on this tenet, that the Maine Legislature is very much a citizen's legislature. While many of the changes we recommend may appear dramatic -- breaking with past practice and tradition -- they are put forth as a means of enabling this legislature to preserve its distinctive character, improve in several areas, and to more effectively face the issues of the 1990s.

I. INTRODUCTION

I. INTRODUCTION

BACKGROUND AND OBJECTIVES

In June 1989 the State of Maine's Advisory Committee on Legislative Structure and Operations issued a Request for Proposals for a study of the Legislature's Structure and Operations. In July, the Committee selected KPMG Peat Marwick to conduct the study. To assist us in the study, we engaged the services of Stephen G. Lakis, President of the State Legislative Leaders Foundation.

This study of the structure and operations of the Maine Legislature was authorized by Chapter 15 of the Resolves of Maine, 1989. The objectives of the study, as outlined in the Resolves, may be summarized as follows:

- Analyze the structure and operations of the Legislature, including legislative staff offices and the Legislative Council, and the efficiency of the current legislative process;
- Analyze the legislative budget process, including legislative costs, budget administration, procedures, and the budget planning process;
- Analyze patterns and trends in legislative expenditures, staffing and activities over the past 10 years, and identify policies and practices affecting these trends; and
- Analyze future trends and issues which are likely to affect the quality and nature of the Legislature's work within the next decade, and identify changes which may be necessary to address these issues.

SCOPE

The study scope includes the staff offices of the Maine Legislature, both partisan and non-partisan, and the activities which are performed within these offices during legislative sessions and the interim between sessions. In addition, the role and responsibilities of the Legislative Council are examined, as well as the structure, operations, and procedures of the Legislature's joint standing committees and the major elements in the legislative process. The study also includes a review of other selected state

legislatures in order to develop relevant comparisons, as appropriate, and discussions with executive branch officials, lobbyists and other informed individuals regarding legislative procedures.

METHODOLOGY

The project team utilized a variety of methodologies to collect and validate information on all aspects of the Maine Legislature. Job analysis questionnaires were provided to all legislative staff personnel, and over 80% of the questionnaires were completed and returned. A total of 109 legislators, staff and other individuals with direct knowledge of legislative operations and procedures were interviewed. (A list of persons interviewed is included as Appendix A). A survey instrument was prepared and forwarded to all legislators and 81 surveys (44%) were completed and returned. (A summary of responses from the legislator's survey is included as Appendix B.)

In addition to these sources of information, the study team collected and analyzed a large volume and variety of data relating to expenditures, staffing, operations, policies, and procedures in areas of legislative activity. Comparative data from other state legislatures was compiled through direct contacts with legislative staff and available national survey data developed by the National Conference of State Legislatures.

Since the initiation of the study in August 1989, the project team has met periodically with the Advisory Committee to review progress and to discuss study issues, preliminary findings, and final data analysis and report recommendations. At the conclusion of the study on March 31, 25 copies of our report were presented to the Advisory Committee.

II. LEGISLATIVE TRENDS AND COMPARISONS

II. LEGISLATIVE TRENDS AND COMPARISONS

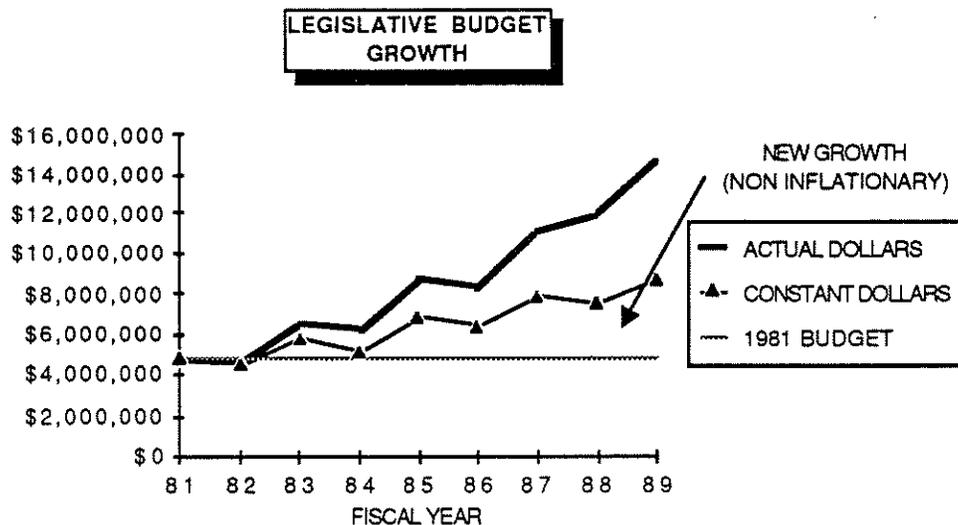
The budget of the Maine Legislature has grown significantly over the course of the past decade. In FY 1981 the Legislature's annual budget totalled \$4 million, while the budget expenditures for FY 1989 approach \$15 million. The purpose of this section is to identify and analyze the history of this growth through a review of the factors that have contributed to it. Our analysis includes a review of the following major elements of legislative growth:

- Budgetary expenditures
- Staffing
- Activities and functions

The sources for data with respect to the Legislature's budgetary expenditures include the year-end records of the Office of the Executive Director and the expenditure reports of the Bureau of Accounts and Control; also historical staffing data was provided by the Office of Executive Director.

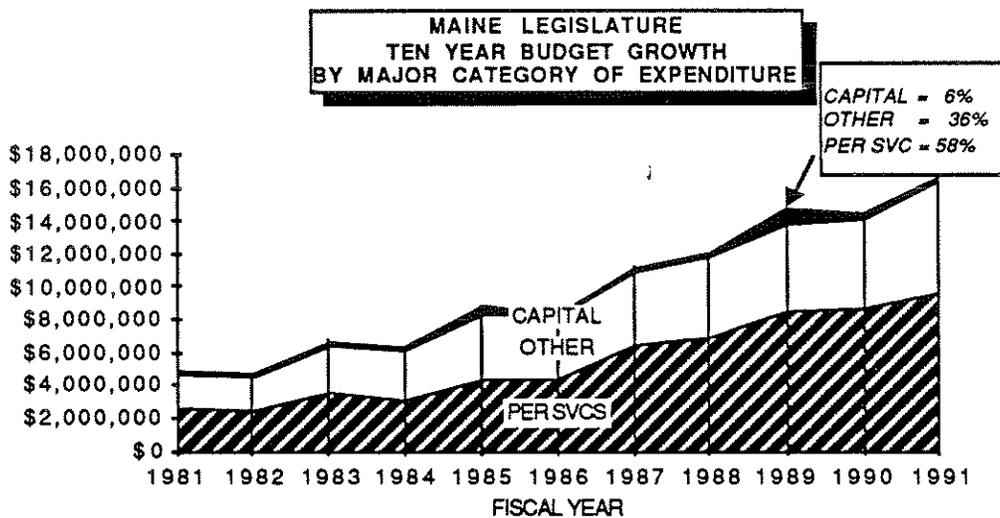
LEGISLATIVE BUDGET TRENDS

The overall growth trend in the Maine Legislature budget since FY 1981 is shown in the following graph:



II Legislative Trends and Patterns

As the graph illustrates, legislative expenditures have grown by approximately 200% between FY 1981 and FY 1989 in actual dollars, and by nearly 80% in constant (FY 1981) dollars. This growth may be further illustrated by the major components of the legislative budget: personal services, non-personal services (operating costs) and capital expenditures, as shown below. The Legislature's budget represented 1.06% of all State's general fund expenditures in FY 1989.



Personal Services

The most significant component of the legislative budget is personal service costs, representing 58% of the total budget in FY 1989. The personal services budget has increased from \$2,682,000 million in FY 1981 to \$ 8,559,300 in FY 1989, an increase of 219%. The major components of personal services expenditures, and their growth since FY 1981, may be seen as follows:

II Legislative Trends and Patterns

	FY 1981		FY 1989	
	(\$ mil)*	%	(\$ mil)*	%
• legislators' compensation	.8	31	1.9	22
• non-partisan staff salaries and wages	.9	33	2.9	33
• partisan staff salaries and wages	.6	21	1.7	20
• fringe benefits	.4	15	2.1	25
Total	\$2.7	100%	\$8.6	100%

(*Rounded)

While staffing increases account for the major growth in personal services expenditures over the period FY 1981-1989 (detailed below), it should also be noted that higher compensation levels and fringe benefit costs for both legislators and staff have contributed to the growth. Legislators' salaries have more than doubled since 1981. Staff salaries were substantially increased in 1986 as the result of a comprehensive reclassification of positions and the adoption of a new pay plan which was designed to achieve parity with the Executive branch and equity across legislative offices. The dramatic increase in fringe benefit costs is principally a function of the rapid growth of the cost of health insurance over the past decade. Also, the Legislature's benefit package is consistent with the benefits provided to all state employees.

Operating Expenditures

The second major category of the legislative budget is "other expenditures," which include all of the non-personnel costs of operating the legislative branch of government. The major elements that drive this category of the budget, and their growth since FY 1981, are summarized below:

	FY 1981		FY 1989	
	(\$ mil)*	%	(\$ mil)*	%
• travel (in-state and out-of-state)	.9	.43	1.7	.33
• printing and binding	.7	.34	1.2	.22
• utilities, rentals and repair	.1	.07	.8	.15
• professional contractual services	.1	.05	.4	.08
• mailing	.1	.04	.5	.09
• miscellaneous	.2	.07	.7	.13
Total	\$2.1	100%	\$5.3	100%

(*Rounded)

II Legislative Trends and Patterns

As may be seen, travel expenses are the most significant element of operating expenditures, with in-state travel representing over \$1.5 million of total travel costs. Per diem and mileage reimbursements appear to be appropriate and are established pursuant to statute as part of legislators' total compensation package. In FY 1989, the Legislature expended approximately \$200,000 for the out-of--state travel of legislators and legislative staff. Travel expenses and the printing and binding of legislative documents presently represent 55% of operating expenditures for the Legislature, although they have decreased (from 77% in FY 1981) as components of overall legislative operating costs.

Capital Expenditures

The third category of legislative expenditures are capital outlays for improvements to the state capital and legislative offices. These are part of the total legislative budget in Maine but are typically not considered legislative expenditures in other states. The Maine legislative budget has funded major capital improvements in FY 1985 (renovations to the Senate) and in FY 1989 (renovations to the press area and improvements to legislative offices). It is important to point out that up to 1985 legislative capital improvements were funded and administered by the executive branch through the Bureau of Public Improvements and were not included in the legislative budget.

Budget by Function

For comparative purposes, we have also examined legislative budget growth by major function, as illustrated in the following table:

II Legislative Trends and Patterns

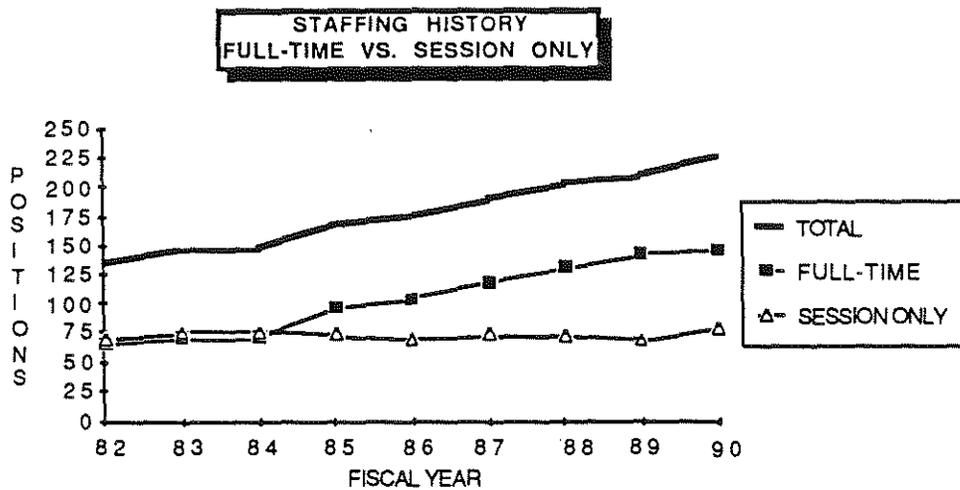
FUNCTION	FY 1981	FY 1985	FY 1989
HOUSE	\$2,118,885	\$3,597,751	\$5,510,367
% of TOTAL	44%	41%	38%
SENATE	\$713,757	\$1,333,888	\$2,088,472
% of TOTAL	15%	15%	14%
JOINT COMMITTEES	\$170,321	\$208,431	\$367,187
% of TOTAL	4%	2%	3%
NON-PARTISAN	\$1,304,756	\$2,897,496	\$4,668,184
% of TOTAL	27%	33%	32%
GENERAL LEGISLATIVE	\$479,747	\$396,538	\$1,210,099
% of TOTAL	10%	5%	8%
CAPITAL	\$36,787.11	\$351,596	\$818,011
% of TOTAL	1%	4%	6%
TOTAL BUDGET	\$4,824,252	\$8,785,700	\$14,662,320

As the table shows, the non-partisan offices and capital expenditures have grown proportionately faster than other major categories since FY 1981, with a corresponding decline in the other functions as a percent of total legislative spending.

LEGISLATIVE STAFFING TRENDS

In FY 1982 there were a total of 135 positions in the Maine Legislature as compared to 225 positions in FY 1990, an increase of 66% in total positions. The trend line illustrating the growth in staff is shown in the graph on the following page:

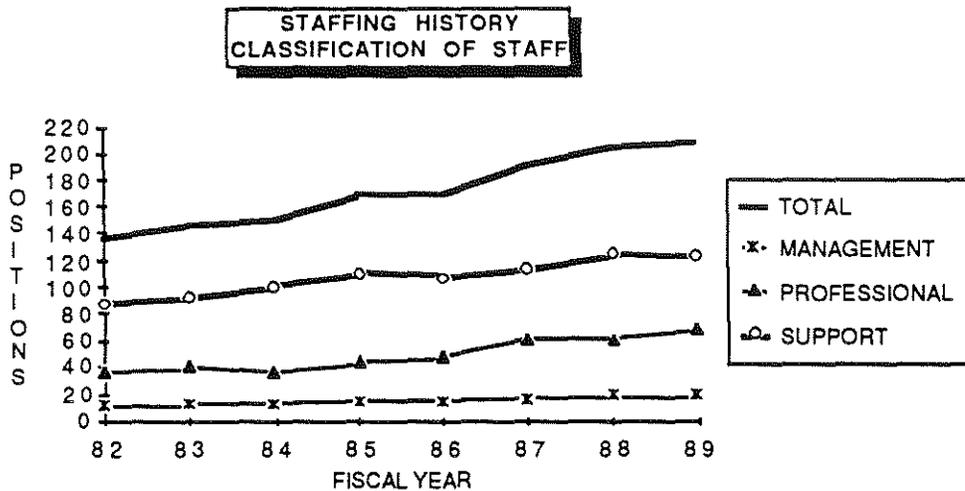
II Legislative Trends and Patterns



In addition to absolute growth, it is important to note the changes in utilization of staff as full-time (year-round) or session-only staff. Since FY 1982, the clear trend has been the growth of full-time staff (65 positions in FY 1982 as compared to 146 positions in FY 1989). This growth is predominantly the result of additions of staff and to a small degree the result of transfers of some positions from session-only status to full-time, year-round positions. The overall trend in the development of a full-time staffing capacity has been accompanied by maintenance of relatively constant levels of session-only staff (70 positions in FY 1982 as compared to 79 positions in FY 1989). It is important to note that while the legislature has experienced this growth rate in staff; the Maine Legislature still remains in the lowest third of state legislatures nationwide in total number of staff.

In terms of the type of staff positions which are employed by the Legislature, the chart on the following page shows position growth by major classification since FY 1981.

II Legislative Trends and Patterns



As may be seen, management staff represents 8.5% of total legislative staff (19 managers in FY 1990 as compared to 11 in FY 1982). This relatively low percentage of management staff is due to two factors:

- the absence of “managers” in the six leadership offices, as legislative leaders themselves fulfill this role; and
- the generally non-hierarchical organizations and reporting relationships within the non-partisan offices, the Office of the Clerk of the House, and the Office of the Secretary of the Senate.

Professional staff presently represent 33% of total staff positions. As the trend line indicates, however, the Maine Legislature has “professionalized” during the 1980s. There has been an 88% growth rate in this category with the addition of analysts and partisan aides (36 professionals in FY 1982 as compared to 68 professionals in FY 1990). Support staff in the Maine Legislature has increased at a rate of 40% representing additional growth in partisan support, and proofreading, word processing, data entry, and clerical/secretarial staff.

We have also analyzed the trend in legislative staff growth by the three major functional staff areas that support legislative operations: non-partisan staff, House staff, and Senate staff. As the following chart illustrates, the most significant growth has been in the non-partisan function which has experienced an 83% growth rate from FY 1982 to FY 1990. The House staff has

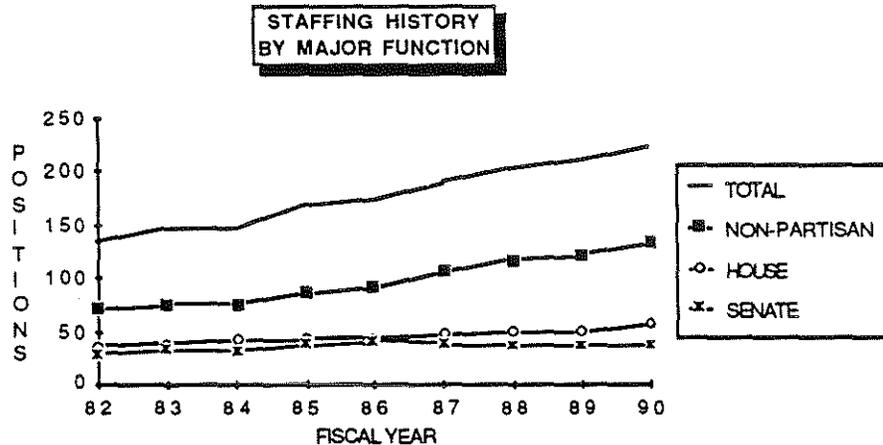
STAFFING GROWTH COMPARISON

	FULLTIME		SESSION		TOTAL	
	FY 82	FY89	FY 82	FY89	FY 82	FY89
FUNCTION:						
SENATE:						
Office of the President	-	5	2	1	2	6
Majority Office	2	3	-	1	2	4
Minority Office	2	2	-	1	2	3
Office of the Secretary Chamber	1	7	14	5	15	12
	-	3	7	9	7	12
HOUSE:						
Office of the Speaker	3	7	-	1	3	8
Majority Office	3	9	1	-	4	9
Minority Office	3	5	-	-	3	5
Office of the Clerk Chamber	5	9	8	9	13	18
	-		12	16	12	16
NON-PARTISAN:						
Office of Executive Director*	-	20	-	3	-	23
Office of Fiscal & Program Review	10	14	1	-	11	14
Office of Policy & Legal Analysis	16	23	1	-	17	23
Office of Revisor of Statutes	11	21	7	16	18	37
Library	7	15	-	-	7	15
Maine-Canadian Relations Committee Clerks	2	2	-	-	2	2
	-		17	18	17	18
TOTAL	65	145	70	80	135	225

*Includes Office of the Director of Legislative Oversight; Office of the Director of the State Capital Commission; Legislative Information Office and Information Systems Group

II Legislative Trends and Patterns

increased by 60% and Senate staff has increased by 32% during the same period.



A summary of positions in all offices and units of the Maine Legislature in FY 1982 as compared to FY 1989 is provided in the Exhibit on the opposite page.

ACTIVITIES AND FUNCTIONS

The growth in legislative expenditures and staff during the 1980's is primarily attributable to three factors:

- Increased services and support to legislators by both partisan and non-partisan staff;
- New functions and services not previously provided; and
- More legislative activity requiring staff support and related operating expenditures.

With respect to the levels of staff support, there has been a commitment on the part of the Legislative Council to improve the amount and quality of core non-partisan services in the areas of bill drafting, policy analysis, and committee research. For example, in FY 1982, 12 professionals staffed 16 joint standing committees and one joint select committee, as compared to 14 analysts and three research assistants today; seven professionals staffed the

II Legislative Trends and Patterns

Appropriations, Taxation, and Audit and Program Review Committees, as opposed to 10 today. Four attorneys drafted and reviewed legislative bills and amendments; today the four attorneys have been augmented by two paralegal assistants and a technical support coordinator. Three professionals provided library research assistance, as compared to six today.

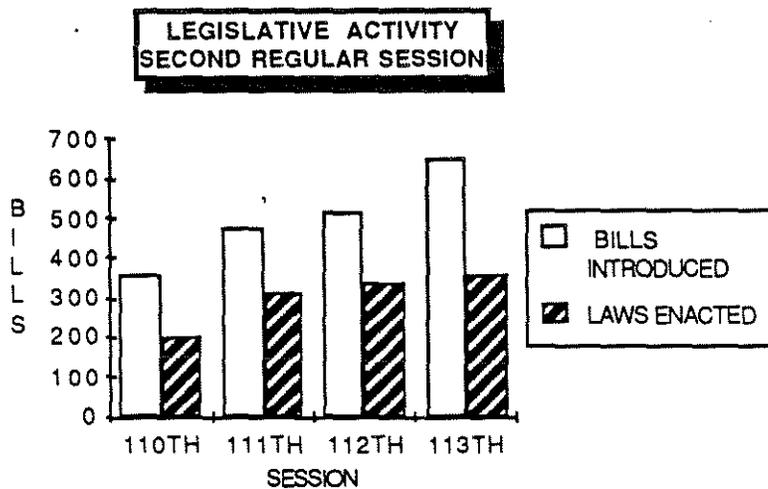
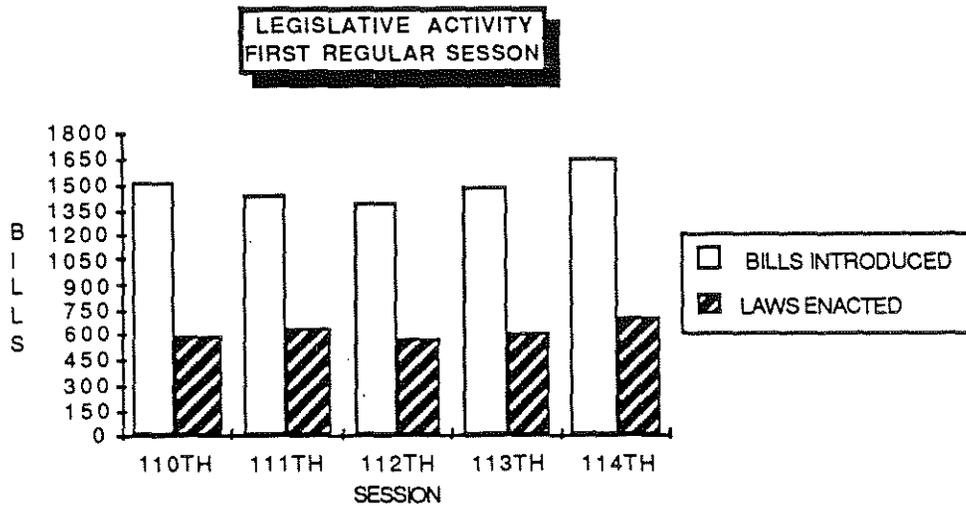
The core partisan functions have remained constant since the early 1980's; the growth in staff in the leadership offices is predominantly related to policy decisions to provide a higher ratio of staff per caucus member to support constituent services and casework and to provide some degree of policy analysis capability within the partisan functions. The basic functions and responsibilities of the Clerk of the House and Secretary of the Senate have also remained constant since the early 1980's; the primary change in these operations has been the transfer from more session oriented operations to full-time, year round offices.

In addition to these ongoing services, some new functions and activities have also been established over the last ten years to enhance legislative operations and support. The most significant of these include the following:

- the creation of the Office of Executive Director
- the creation of a computer services activity to support automation of legislative applications and systems
- the growth of the centralized information support activity related to the Bill Status and Tracking System
- the strengthening of a centralized personnel administration activity
- the creation of a legislative oversight activity
- the creation of a new capital planning and administration function

Finally, the Legislature itself has experienced higher levels of activity and "workload" with respect to its primary lawmaking responsibilities. The number of bills introduced and enacted has increased consistently during each second regular session since the 110th Legislature, and during each first regular session since the 112th Legislature, as shown in the following charts:

II Legislative Trends and Patterns



COMPARISONS WITH OTHER STATES

The growth in expenditures, staff and activities of the Maine State Legislature over the last decade is generally reflective of trends in other states. Increases in the "fixed costs" of state legislatures (printing and binding, employee benefits, postage, etc.) have grown proportionately in most states, although staffing increases have varied greatly. A 1988 survey of legislative staffing by the National Conference of State Legislatures revealed an overall

II Legislative Trends and Patterns

increase of nearly 65% in full-time professional staff positions in the period 1979-1988, and a corresponding decrease in session-only staff of approximately 12%. These national trends are generally consistent with staffing changes in the Maine State Legislature, although session-only staff in Maine have not declined during the 1980's.

In order to provide some points of reference for our analysis of Maine legislative costs and operations, comparative statistics were developed from six other states which share some similarities with Maine in size, geography or legislative structure. These comparisons, which are outlined in the tables in this section, allow for several observations regarding legislative expenditures and procedures in Maine:

- The number of full-time legislative staff positions is not high, in relation to the size of the legislature and the number of bills introduced and enacted
- In both absolute and relative terms, legislative expenditures in Maine are not disproportionate to the legislatures selected for comparison
- A relatively high percentage of bills introduced are enacted in Maine, as compared with several larger states.

It should be noted that comparisons of legislative expenditures between states are especially difficult to make, given the significant differences in structure, organization, budgeting and accounting practices among state legislatures. While the expenditure figures in the table have been adjusted to account for such differences to the extent possible, they should be taken as orders of magnitude only, in order to develop approximations of per capita expenditures for comparison purposes.

COMPARATIVE STATISTICS -- SELECTED STATE LEGISLATURES *

	MAINE	CONNECTICUT	NEW HAMPSHIRE	MINNESOTA	DELAWARE	FLORIDA	VERMONT
<i>Demographics</i>							
• Population (1)	1,124,660	3,107,576	920,610	4,077,148	595,225	9,739,992	511,456
• Land Area (Square Miles)	33,215	5,009	9,304	84,068	2,057	58,056	9,609
• House Members	151	151	400	134	41	120	150
• Senate Members	35	36	24	67	21	40	30
• Per Capita Representation							
-House Members(Approx.)	7,500	20,500	2,300	30,400	14,500	81,200	3,400
-Senate Members(Approx.)	32,000	86,300	38,300	60,800	28,300	243,500	17,000
<i>Finances And Staffing</i>							
• Full-Time Staff Positions (1988)	131	311	119	804	65	1,774	34
• Legislative expenditures (\$million) (2)	\$14.00	\$28.20	N/A	\$39.60	\$7.60	\$85.30	\$4.90
• Legislative expenditures per capita (approx.) (3)	\$12.45	\$9.10	N/A	\$9.70	\$12.75	\$8.75	\$9.60

Notes: * Source: Council of State Governments, The Book of States 1988 edition, unless noted otherwise.

(1) All states population from 1980 Federal Census data

(2) Expenditure data from Peat Marwick survey; all figures represent fiscal year 1990 appropriations and exclude legislative audit staffs, legislative libraries and capital improvements

(3) Based upon FY 1990 appropriations for legislative budget

COMPARATIVE STATISTICS -- SELECTED STATE LEGISLATURES

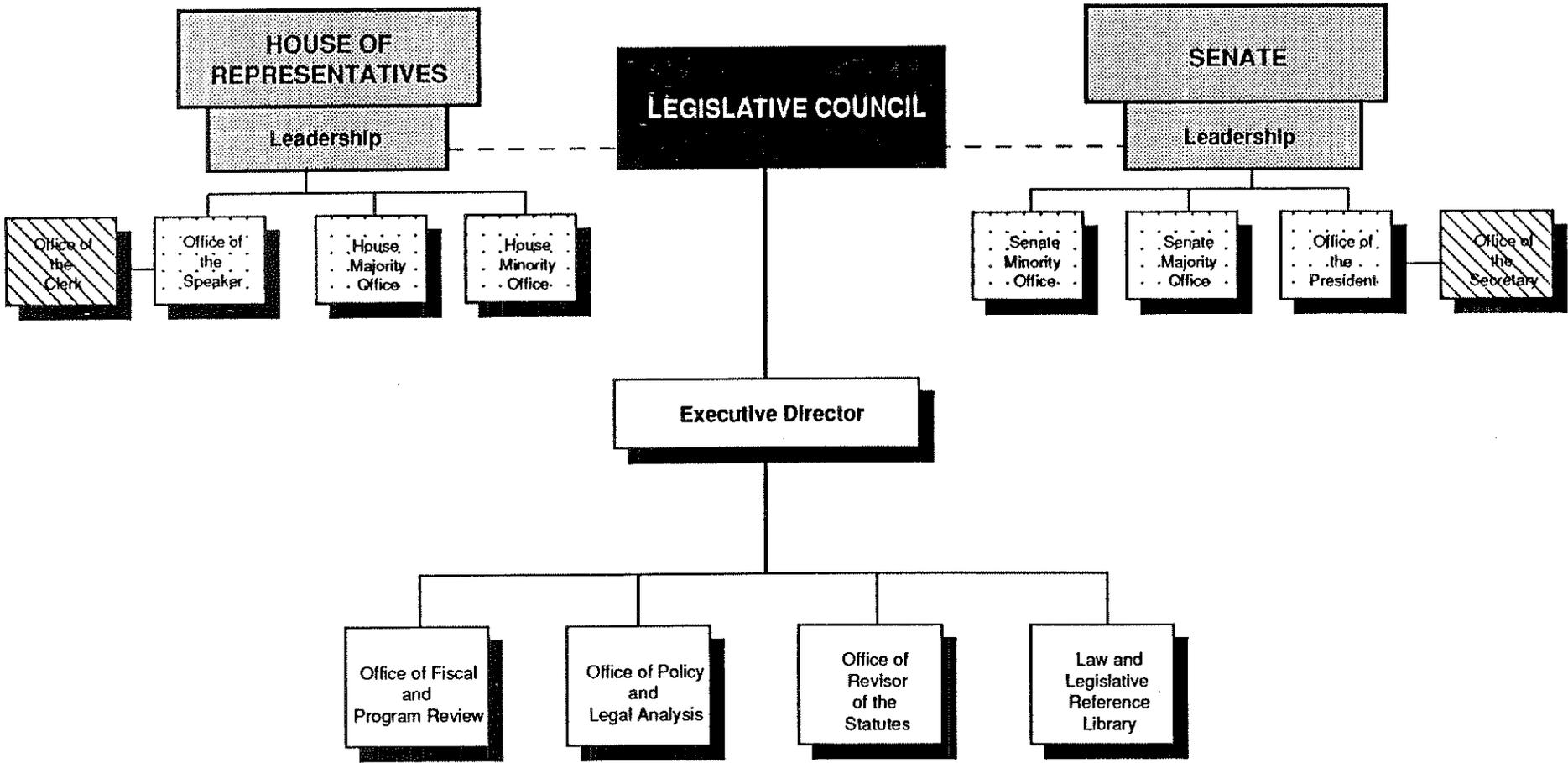
	MAINE	CONNECTICUT	NEW HAMPSHIRE	MINNESOTA	DELAWARE	FLORIDA	VERMONT
Legislative Structure And Operations							
• Management and Staffing Structure	Legislative Council	Council Plus Partisan Staff	Separate House and Senate Staff	Separate House and Senate Staff	Council Plus Partisan Staff	Joint Mgmt. w/Committee Staffing	Legislative Council
• Committee Structure	Joint	Joint	By House	By House	By House	By House	By House
• Session Schedules and Length							
-First Regular	December - June	January - June	45 Legislative days (each)	120 Legislative days (each)	6 calendar months(each)	60 calendar days(each)	No specific length
-Second Regular	January - April	February - May					
• Turnover in Membership (1986)							
-House	22%	30%	34%	23%	12%	24%	26%
-Senate	34%	42%	25%	16%	10%	23%	17%
• Bills Introduced/Enacted (1986)	519 / 341	1,736 / 494	733 / 230	1,625 / 166	640 / 300	2,546 / 465	493 / 116
-Percentage	66%	28%	31%	10%	47%	18%	24%
• Bills Introduced/Enacted (1987)	1,477 / 616	3,877 / 701	1,062 / 416	3,241 / 405	682 / 194	2,698 / 535	698 / 136
-Percentage	42%	18%	39%	12%	28%	20%	19%
• Procedure for Introduction of Bills after Cloture	Approval of majority of members of Legislative Council	2/3 vote of members present	2/3 vote of members present or approval of 3/5 of Rules Committee	No cloture	No cloture in first session; procedures established by each house for second session	Senate: approval by Rules and Calendar Committees House: 2/3 vote of members	Approval by Rules Committee
• Second Session 112th							
** First Session 113th							

COMPARATIVE STATISTICS -- SELECTED STATE LEGISLATURES

	MAINE	CONNECTICUT	NEW HAMPSHIRE	MINNESOTA	DELAWARE	FLORIDA	VERMONT
Legislative Compensation							
• Salary	\$16,500 per Biennium	\$15,960 per Year	\$200 per Biennium	\$25,138 per Year	\$22,173 per Year	\$20,748 per Year	\$400 per Session Wk.
• Living Expenses	\$60/day (\$26 - meals) (\$34 - lodging)	Representatives \$3,500/year Senators \$4,500/year	-0-	\$36/day out state; \$23 metro	\$5,500/year	\$50/day	\$87/day if not commuting; \$32/day if commuting
• Travel Allowance							
-Cents Per Mile	22 (up to \$34/day)	21	38 cents first 45 19 thereafter	27	20	20	22.5
-Round Trips Home To Capital During Session	One trip/day (in lieu of lodging)	Unlimited	Unlimited	Weekly	Unlimited	Weekly	Daily or Weekly
• Special Sessions							
-Per Diem Salary	\$55	-	\$3	-	-	-	\$70
-Limit on Days	None	-	15 days	-	-	-	-
• Compensation For Committee or Official Business During Interim							
-Per Diem Compensation	\$55	-	-	\$48	-	-	\$70
-Travel Allowance	22 cents/mile	21 cents/mile	38 cents first 45 19 thereafter	15 cents/mile	20 cents/mile	20 cents/mile	21 cents/mile
-Per Diem Living Expenses	Actual Expenses Meals and Lodging	-	-	\$45 for lodging (House)	-	Actual Expenses	Actual Expenses
• Other Direct Payments	\$500/year for constituent services	-	-	\$600/yr phone \$385/yr postage \$400/mo. apt allowance (Senate)	-	-	-

III. MANAGEMENT OF THE LEGISLATURE

EXHIBIT Maine Legislature Management and Support Organization



- Non-Partisan Office
- Partisan Office
- Partisan Office (Officers elected)

III. Management of the Legislature

III. MANAGEMENT OF THE LEGISLATURE

Our analysis of management practices in the Maine Legislature has focused on several key areas of decision-making and resource planning and utilization which affect the level and quality of legislative performance. These areas constitute the principal determinants, in our judgement, of how well the Maine Legislature exercises its constitutional and statutory responsibilities for raising and spending public funds, and for the proposal, review, and enactment of public laws. These areas of focus are as follows:

- Legislative Council operations and procedures
- Non-partisan staff offices
- Partisan staff offices
- Budgeting and management of legislative expenditures.

The first three of these areas, along with several general management issues, are discussed in detail in this chapter, and recommendations for improvement, where appropriate, are included. An overview of the management structure of the Maine Legislature is shown on the opposite page. Legislative budget procedures, because of their importance, are discussed separately in Chapter IV.

LEGISLATIVE COUNCIL

The Legislative Council is the bipartisan management body of the Maine Legislature. The Council has several statutory responsibilities related to the administration and operation of the State Legislature, which may be summarized as follows:

- prepare and approve the legislative budget
- oversee and administer legislative appropriations and accounts
- approve transfers within the legislative appropriation
- establish salary schedules for legislative employees (with some exceptions)

III. Management of the Legislature

- screening of bills filed after cloture (after deadline requests)
- screening of bill requests for the second regular session and special sessions

Although the survey of legislators indicated that the Council was perceived as performing adequately with respect to budget approval and management responsibilities, our interviews revealed that many legislators and several Council members themselves had very vague understandings of the Council's budget planning, approval and management authority. Several Council members themselves felt that the Council, as a management body, played little to no role in the formulation, review and approval of the legislature's budget and had no meaningful role with respect to oversight of the budget. Our own independent analysis of Council operations has led us to conclude that in this area of activity the present role being played by the Council is inadequate. The Council's planning and budgeting process is discussed in detail in Chapter IV of this report.

Legislators in interviews and through some surveys expressed the need for a more formal mechanism to assure that the Council as a management body reflects the issues and concerns of rank and file legislators and is representative of the legislators, as a whole.

Our findings and recommendations with respect to the Council's bill screening responsibilities are included in Chapter V of this report, in conjunction with our recommendations regarding the major components of the legislative process. In this section, several recommendations are made to strengthen the Council's management and budget capabilities, and to foster greater bipartisan participation in the overall management of the legislature.

Recommendations

The Legislative Council is a sound management structure for the Maine Legislature and should continue to be the centralized, bipartisan body responsible for planning and management of the Legislature in the future. However, in order to improve the workings of the Council and to strengthen legislative management, we recommend consideration of the following:

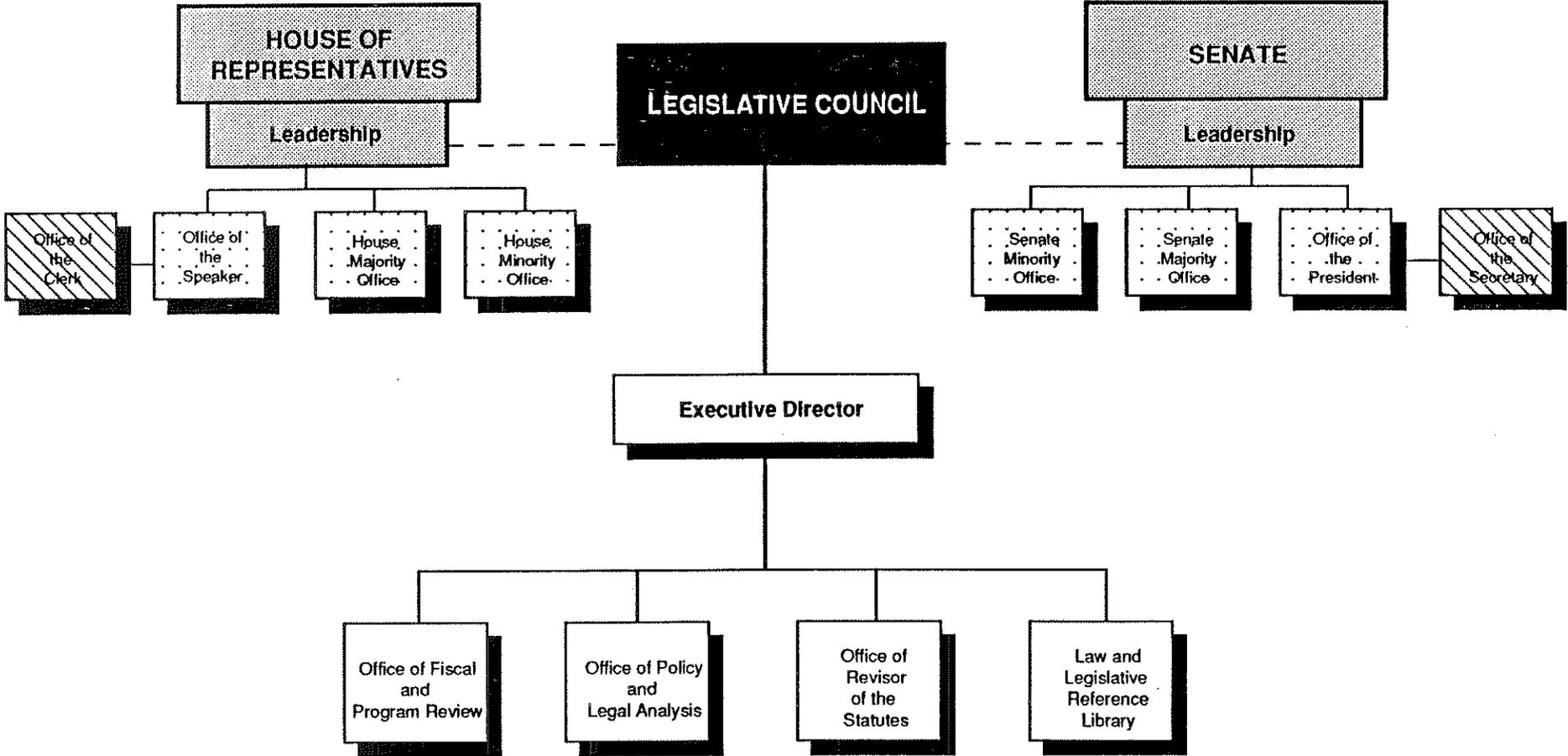
III. Management of the Legislature

1. The members of the Legislative Council must give increased priority and commitment to their statutory management and oversight responsibilities. Many of the recommendations in this report relating to the Council's budgeting, planning, financial oversight and personnel management role will require more active participation and commitment of time by the Council members. The principle focus of and activities of the Council should be in support of the Council's mandated statutory responsibilities.
2. The creation of a Budget and Planning sub-committee of the full Council composed of four members: the Senate Majority leader, the Senate Minority leader, the House Majority leader and the House Minority leader. The committee would be subordinate to the full Council and responsible for communicating the Council's budget objectives to the Executive Director, for detailed review of budget requests, and for oversight and monitoring of the budget after adoption.
3. We recommend consideration of a policy commencing with the 115th Legislature to require a two-thirds vote of the Council to effectuate its most significant statutory responsibilities in the areas of budget, personnel, and improvements to legislative facilities and operations. The current practice of a simple majority provides the opportunity for a partisan vote when one party controls both houses (6-4 membership) and does not provide for a strong consensus when each party controls one house (5 - 5 membership).

The implementation of a two-thirds voting requirement is a practice of some other legislative management bodies and is intended to promote bipartisan decision making and achieve consensus with respect to the critical management issues of the legislature. According to the Executive Director of another state legislature whose bipartisan management body has followed this practice for over twenty years,

*"Rather than creating a series of stalemates, this two-thirds vote helps to assure that politics is kept out of the internal operations of the legislature and the administration of the General Assembly (legislature) is handled on a strictly bipartisan basis."*²

EXHIBIT Maine Legislature Management and Support Organization



- Non-Partisan Office
- Partisan Office
- Partisan Office (Officers elected)

III. Management of the Legislature

NON-PARTISAN STAFF OFFICES

The Legislative Council exercises its principal administrative functions through four non-partisan staff offices which are under the overall direction of the Executive Director of the Legislative Council. These offices provide support services to the Legislature and its individual officers and members, joint committees and study commissions. The organizational structure of the non-partisan offices, and the major responsibilities of each office, are outlined in the exhibit on the opposite page.

Overall, we have found the non-partisan staff offices serving the Maine Legislature to be reasonably well-organized, productive, and providing services of a high professional quality. Weaknesses in coordination, scheduling and supervision, which were acknowledged by managers and staff several years ago, have been addressed and corrected to a large extent. Also, major improvements have been made in the critical areas of bill and amendment tracking through the drafting and committee action stages of legislative review. Office directors and management staff in the non-partisan offices generally exhibit a strong commitment to improving their services to legislators through better planning, greater use of computerization, and ongoing training for their staff.

This favorable "image" of the non-partisan staff offices is also reflected in the responses of legislators to our survey questions regarding the quality of legislative support staff. Each of the five non-partisan offices were judged by at least 85% of the respondents to provide services of a "good" or "excellent" quality.

Notwithstanding these strengths however, we have identified a number of issues related to staff utilization, operations and procedures where we feel further improvements can be made within the non-partisan offices. These are discussed in the following sections.

III. Management of the Legislature

OFFICE OF THE EXECUTIVE DIRECTOR

The Office of the Executive Director oversees all of the activities of the non-partisan staff and serves as direct support staff to the Legislative Council. As well, the Executive Director is responsible for the preparation and administration of the legislative budget, the coordination of committee clerks, and the operation of legislative computer systems.

The Office of Executive Director was formally established in 1983 through legislation which strengthened the former Legislative Administrative Director's authority over the non-partisan offices. Staff increases in the Office since 1983 have been primarily in the computer support and information services areas in order to enhance systems development, maintenance and data processing functions. The Information Systems staff has continued to be responsive to the information needs of legislators and management through internally developed software, user training and systems research. The most recent new staff positions were added in 1988 with the creation of two new offices to oversee executive rulemaking activities and the preservation and restoration of the state capital building and grounds.

Our review of the Office of the Executive Director has shown that, in general, it carries out its broad and varied responsibilities for non-partisan staff direction and legislative support in an effective manner. The Executive Director and staff are responsive to staff needs, accessible to legislators, and have established and sustained high professional standards in performing their assigned duties. Also, the Executive Director has provided strong leadership with respect to the upgrading of legislative information systems and the continued professionalization of staff resources, through sound selection and hiring procedures and a commitment to professional training and development programs.

As the chief administrative officer of the Legislature, the Executive Director is responsible for instituting, managing, and implementing the initiatives of the Legislative Council. The Executive Director has taken positive initiatives in the professionalization of the non-partisan offices, computerization, and training and development efforts to the benefit of the

III. Management of the Legislature

institution. The role of the Executive Director is and will continue to be of critical importance in the management of the Maine Legislature in the 1990's. We recommend that the Legislative Council fully utilize the Executive Director in developing management policy issues for Council review, presenting long-term operating and capital resource needs, and establishing management and administrative priorities for study, review and Council action.

Notwithstanding these strengths, however, we have identified several areas where changes in management practices in the Executive Director's Office are warranted. These are highlighted as follows:

- Procedures for the development, administration and reporting of the legislative budget are not adequate in many respects, and do not reflect sound fiscal management practices; (these are discussed in detail in Chapter IV);
- The Executive Director, in conjunction with the Legislative Council, has not developed clear-cut policies and procedures for the preparation and dissemination of fiscal information to legislators and the public at large; the absence of such policies has engendered suspicion and mistrust concerning the purposes and extent of legislative spending.
- The Information Systems unit, with direction from the Executive Director, has considered replacement of the vacant Director of Information Systems position with the position of Manager. At the same time, Information Systems must maintain and continue to update the various applications as well as be responsive to other needs, such as:
 - a word searching (retrieval) system for the Office of the Revisor, the Library and OPLA.
 - budget/financial analysis application to be defined and developed once the State's financial management system is in place.
 - reapportionment software with needed hardware to assess alternative legislator scenarios, and
 - networking of the personal computers throughout the various departments.

III. Management of the Legislature

These on-going system and application needs will require additional staff support.

Chapter IV of this report presents several recommendations related to planning and budgeting for the Legislature as an institution. The Executive Director will be a key player in this recommended process. To facilitate the budgeting, planning, goal-setting, and policy initiative activities will require some modifications in the Office of Executive Director

Recommendations

Our recommendations with respect to the Office of Executive Director are:

4. **Establish a Senior Budget Analyst position within the Office of Executive Director to report to the Administrative Services Director. The new position will be responsible for budgeting, accounting and personnel systems, analysis and reporting. This position is necessary to support many of the new budget, accounting and personnel administration recommendations presented in Chapters III and IV.**
5. **The Executive Director and the Legislative Council should develop a formal policy regarding dissemination of budgetary and financial information to interested legislators, managers and the public. The availability of various standardized budget reports will reduce random ad-hoc information demands on the Office, will promote confidence in the Legislature's financial management practices on the part of interested parties, and will promote accountability for sound financial management and decision-making.**
6. **We concur with the plans of not filling the Director of Information Systems position. We agree with this decision given the size of the organization and the level of activity, and due to the fact that the Legislature has completed significant automation initiatives in recent years. However, given the needed level of work volume to maintain and update existing software applications, software training, and possibly hardware conversion/expansion, the Office should hire at least one if not two programmers/system analysts. In making this decision, the Office should continue to develop a five-year systems plan that would be approved by the Executive Director, before it is included in the budget and submitted to the Legislative Council.**

III. Management of the Legislature

OFFICE OF FISCAL AND PROGRAM REVIEW

The Office of Fiscal and Program Review (OFPR) serves as staff to the Appropriations Committee, Taxation Committee and the Transportation Committee (also receives staff support from OPLA) and provides these committees with budget analyses, analyses of fiscal impact of proposed legislation and research services. It also assists in the preparation of budget appropriations acts and major pieces of fiscal legislation. The office also provides support to the Audit and Program Review Committee in the conduct of program reviews and studies of Executive branch departments and agencies.

Our principal findings with respect to this office may be summarized as follows:

- There is very limited integration of personnel between the office's fiscal unit and the program review unit. This underutilization of staff does not achieve maximum productivity and does not take advantage of the differing seasonality or peaks in the workloads of each unit. Also, there is a need to improve the benefits of having a management structure that provides for both a director and deputy director.
- Our analysis suggests that the three non-partisan offices that support the legislative process (OPLA, OFPR, and ORS) do not adequately coordinate and share information. For example, at the present time OFPR is not sufficiently integrated into the procedures and systems for bill and amendment drafting and tracking presently utilized by OPLA and ORS; this situation is one example of the need for increased coordination and integration among the three key offices that support the legislative process.
- The current fiscal note process in Maine does not require an analysis and statement of cost to municipalities or counties for implementing or complying with a proposed law. There have been some initiatives to remedy this deficiency; however, at the current time the State Statutes (3 MRSA S163-A.12) only require that this information be provided if it is available from outside sources. Many state legislatures provide this analysis and information as part of the overall fiscal note process, as it is very valuable in assisting legislators in their deliberations.

III. Management of the Legislature

- The OFPR is vested with responsibility for review and analysis of the Governor's budget request, and monitoring of the administration of the departments and agencies budgets. To accomplish these activities, the OFPR staff must have access to financial and expenditure reports of the departments. The type of information presently available and the timeliness of access reduces the staff's abilities to effectively perform these activities.
- OFPR analysts do a sound, comprehensive review of the expenditure requests within the Governor's Budget. At the same time, there is a significant degree of manual analysis of budget requests by analysts in OFPR. While there are policy and substantive areas to analyze, there is a large amount of purely quantitative information that could be analyzed in a more productive manner with automated budget analysis applications and spreadsheets.
- The current number of fiscal/budget analysts within OFPR is not adequate to support the current and continually growing information needs of the Maine Legislature. As mentioned previously, municipal and county financial impact analysis cannot be provided, and analysis of federal program impacts on the state budget cannot be completed on an independent basis by the Legislature, due to the limited number of analysts.

Recommendations

We recommend the following with respect to OFPR:

7. The Director of OFPR should more closely integrate the staff of the two units in the Office in order to more effectively utilize the knowledge of the program review staff during the legislative session for budget analysis. This would provide better utilization of similar analytical and research skills to address the divergent peaks in workloads for the two units and would provide additional job enrichment opportunities for professional staffers. This need to optimize professional staff is further supported by our recommendation to streamline the program review time cycle in Chapter V.

This is more important in consideration of the management structure within OFPR that provides both Director and Deputy Director level positions. This structure and level of management is appropriate only if both units of the Office interact extensively and are interdependent. To maintain the current management

III. Management of the Legislature

structure, we recommend the more active involvement of management in coordinating staff resources and in providing direction and consistent support and services to the Taxation Committee and the Audit and Program Review Committee.

8. The coordination of OFPR's activities and actions with OPLA and ORS is very important to the total support of the legislative process; accordingly we recommend that OFPR participate more actively in all procedures and tracking systems, both to facilitate the communications and interactions among these three key support functions and to further support the team staffing approach which is explained in the OPLA section of our study.
9. We recommend that the Maine Legislature require analysis of and statements of municipal impact in fiscal notes in the future. This information is increasingly more important in decision-making, and we recommend that the Legislative staff be responsible for the preparation of this information.

The municipal impact analysis should focus on narrative statements as to the degree of impact, an estimated cost range, and -- in terms of very important pieces of legislation -- an analysis of the impact on a large, mid-size, and small municipalities. OFPR should utilize outside sources of information (professional associations and interest groups) and municipal finance directors; however, OFPR analysts must bring a level of independence to the process and be responsible for the final assessment as to the degree of impact.

10. The State of Maine is currently upgrading the State's financial budgeting and accounting systems . This system will have the capacity for tie-in access to budgeting and accounting information relative to the activities and programs of all agencies and departments. Subsequent to the completion of this project we recommend that the OFPR be given the capacity and clearance to tie-in to the system (access only) for information and budget status. On-line access to this information would allow for more efficient and timely review of information and enhance the legislature's budget review and oversight responsibilities.
11. In order to facilitate and enhance fiscal analysts' review of the Governor's budget requests, we recommend that all staff analysts receive on-going training in computerized financial/ budgetary analysis applications and that the Legislature continue the recent initiative to increase the numbers of personal computers to accomplish this work. This will reduce the current level of manual

III. Management of the Legislature

analysis and calculations which is time consuming and hinders staff productivity.

12. We recommend the addition of at least three analyst positions (full-time equivalents) within OFPR. The new positions are required to support the need for analysis of intergovernmental budgetary and fiscal impacts. Specifically, OFPR can enhance support to the Appropriations Committee through analysis of Maine programs that are federally funded or subsidized, and through analysis of local government impact. It is important to recognize that all fiscal analysts would then be responsible for analysis of state impacts, municipal impacts, and budget programs within a specialized program/policy area.

We also recommend the further specialization of staff within OFPR by program area. This supports our proposal in Chapter V for specialized standing sub-committees of the Appropriations Committee to serve as the most appropriate structure in the future to review the Governor's Budget.

OFFICE OF REVISOR OF STATUTES

The Office of Revisor of Statutes (ORS) is the central office for drafting all legislation and amendments, administering cloture and related deadlines, reviewing all bill requests prior to introduction, engrossing all documents passed to be engrossed, updating and revising the Maine Revised Statutes and the Maine Constitution, and publishing the Laws of Maine.

It should be noted that the Office of Revisor of Statutes has undergone some major changes to enhance operations over the course of the past year, many of which have been initiated by the new incumbent to the position. Also, during the 1st Session of the 114th Legislature, the office was affected by turnover and the hiring of a new Director coinciding with the office's critical production period, as well as continued reliance on manual systems for indexing functions and for some tracking functions. Subsequent to the 1st regular session, the office has initiated significant improvements with respect to the utilization of staff, tracking system improvements and administration of cloture (114th Second Regular Session). In reviewing and understanding the operations of the ORS, it is very important to view the operations in conjunction with the legislative process itself, including such aspects as

III. Management of the Legislature

cloture deadlines, committee deadlines, bill sponsorship, confidentiality, bill drafting requirements and standards, etc.

The Office of Revisor of Statutes provides legal support and review functions in the drafting of bills and amendments. It is important to note that ORS attorneys do not serve as primary staff to committees; direct legal and policy assistance is provided to committees by the Office of Policy and Legal Analysis (OPLA).

Our findings in relation to ORS are as follows:

- The Revisor of Statutes has to directly oversee six functional areas within the office. The office does not have a mid-management level of staff to assist the Revisor and provide the day-to-day oversight of operations and staff within the office. The Revisor has had to be involved in direct oversight of the proofreading and word processing functions.
- In recent sessions, the ORS has prioritized the drafting of bills generally upon a first-in first-out system. This system, in combination with other issues, has not been effective in providing committees with drafted bills in a timely manner, and with complete packages of all bills on the same issues. The professional/legal staff within the ORS is currently utilized to draft bills and amendments on a first-in first-out or "next in the queue" basis. This does not foster specialization by major functional area (environment, economic development, human services, etc.). It also precludes the development of a level of expertise or specialization that can parallel with OPLA or OFPR, and does not allow the same attorney to draft, amend and re-amend the same legislation.
- The three non-partisan offices that directly support the legislative process (OFPR, OPLA and ORS) all have to engage in drafting bills and committee amendments. OFPR and OPLA serve as the key committee staff and it is appropriate for staff in these two offices to play a key role in drafting committee amendments. However, the current extent of bill drafting by OFPR and OPLA does not always allow the legal staff in ORS the opportunity for meaningful and timely legal review (both substantive and procedural) of committee amendments to assure final review for consistency and legal form.
- The ORS has historically operated without a bill indexing system or with only a limited manual system, to classify bills by major category and relevant sub-categories and to facilitate the drafting process and readily

III. Management of the Legislature

identify duplicate bills. The ORS is initiating an automated indexing system.

- The ORS has in some instances initiated a practice of utilizing temporary or contractual employees for both professional (legal review) and technical processing responsibilities to address peak workloads during the session. This practice has been generally successful in this office.
- At the present time in the Maine Legislature, there is no formal responsibility within the non-partisan staff offices for the final legal review of bills prior to enactment into law. Currently, before any bill is passed to be enacted into law it is engrossed by the Engrossing Division of the ORS. This is a sound procedural process to ensure that the pending law incorporates the procedurally correct committee amendments and floor amendments. While it is a sound clerical and procedural process, there is no mechanism in place to assure that the pending law is consistent and constitutional.

Recommendations

We have several recommendations with respect to the Office of the Revisor of Statutes. Many of these recommendations are related to implementation of the Proposed Bill System recommended in Chapter V and a system of strict deadlines for referral of bills to committee and reporting of bills out of committee. Our recommendations are as follows:

13. The Office of Revisor of Statutes should be restructured to provide for a mid-management level of staff to provide day-to-day direction and oversight to staff, to control workflow and to effectively utilize enhanced systems within the office. The creation of middle management staff would allow the Revisor to more effectively use his time to plan for and manage major issues affecting the office. The middle management capacity should consist of two attorney positions: one position to direct the bill drafting, amendment, statutory updates and committee deadline system; and one position to direct the support functions of the office, including the legislative technicians (word processing), engrossing and proofreading. This will require the addition of one new attorney position.
14. The professional staff in the office should be organized under and report to the principal attorneys (as recommended above). The professional staff should be organized and have responsibility according to major substantive area: environment, human

III. Management of the Legislature

services, government, etc., (similar to the distribution of responsibility in OPLA). This structuring of staff will allow the development of an expertise in defined areas, and facilitate drafting efforts as one attorney will generally be responsible for the preparation of or review of the original draft, all committee amendments, and floor amendments on the same bills.

15. The current procedure of first-in first-out drafting of bills in the ORS should be replaced with a procedure that focuses on getting a complete package of bills to a respective committee in order to allow committees to effectively commence their review and deliberations. In concert with our staggered, committee reporting-out deadlines (discussed in Chapter V), we also recommend implementation of a Joint Rule whereby the ORS will adhere to a schedule to provide bill drafts to each respective committee by a staggered deadline schedule. This recommendation should be implemented in conjunction with our proposed changes in bill drafting policies and requirements (discussed in Chapter V).
16. It is clearly important to foster integrated working styles and processes between the ORS and its two counterparts: OPLA and OFPR. However, there should be a clear division of responsibility such that the legal staff in ORS has involvement in and final approval for all amendments (committee amendments as well as floor amendments) in order to assure proper legal review and to maintain a centralized legal expertise with final accountability for the full-statutory legal drafts in the ORS.
17. The ORS should continue its efforts to provide for an automated bill indexing system to allow the categorization of bills by category and sub-categories. This system will serve to identify duplicate bills, allow simultaneous drafting of similar bills and facilitate preparation of bills to meet deadlines for transferring bills to respective committees.
18. The adoption of the proposed bill system as recommended in Chapter V will reduce the volume of work activity within ORS primarily in the word processing and proofreading areas. As the new process becomes operational, the Legislature should consider a total staffing reduction of two legislative technicians and four proofreaders. As the ORS has generally had success in use of contractual support employees during limited peaks of activities, the Office could use temporary staff for peaks in activity.
19. After a bill is engrossed, we recommend a final legal review of the bill by attorneys in ORS to identify any potential conflicts and

III. Management of the Legislature

review it for form and constitutionality. The Joint Rules should be modified to require this procedure and place responsibility in the Revisor of the Statutes. The Revisor should be required to certify all bills after engrossment for consistency, form, and constitutionality. The Joint Rules should allow a minimum of 24 hours for this final legal review.

OFFICE OF POLICY AND LEGAL ANALYSIS

The Office of Policy and Legal Analysis (OPLA) serves as professional staff to the sixteen policy committees of the Legislature. As the principal analytical resource to committees during Legislative sessions as well as during the interim, OPLA plays a critical role in drafting and analyzing legislation and in facilitating committee deliberations.

Staffing in the OPLA has increased from 16 full-time positions in 1982 to 23 positions currently. A total of 14 professional analysts are assigned to one or more committees; three of these analysts are principal analysts who have both managerial and committee staffing responsibilities. The analysts are supported by three research assistants.

OPLA is responsible for five major functions within the Legislature:

- to provide policy and legal research and analysis to facilitate decision-making by the policy committees.
- to prepare committee amendments and new drafts.
- to prepare public act summaries which review all public acts.
- to provide legal and policy materials, research services, and analysis to assist individual legislators in developing policy options and legislative initiatives.
- to provide research, analysis and drafting support for the Legislature's interim study committees and commissions.

Commencing with the 114th session of the Legislature, the office was reorganized into three working groups: Natural Resources; Government and Economic Activities; and Legal and Human Services. Each group is overseen by a principal analyst who reports to the Director of OPLA. This organization

III. Management of the Legislature

has provided an intermediate supervisory level of managers within the office to facilitate service to the committees and to coordinate and focus groups of analysts and research assistants by major policy areas.

To fully understand the operations of OPLA, its role in supporting policy committees, and its interrelationship with the Office of the Revisor of the Statutes, it is important to recognize the distinction between the two classifications of analysts that staff the committees. Within OPLA there are eight policy analysts and six legal analysts. Policy analysts are professional researchers drawn from disciplines other than law, and as such they provide analytical assistance to committees which relate primarily to substantive policy issues. The legal analysts are attorneys who can provide legal information and expertise directly to the committee and focus on constitutional and statutory issues. Each OPLA working group is staffed by at least one attorney (legal analyst) who supports the policy analysts in the preparation of committee amendments and new drafts.

Our findings in relation to the Office of Policy and Legal Analysis are:

- The policy committees of the Maine Legislature require both substantive support and expertise in such areas as environmental policy, economic policy, human services policy supplemented by staff attorneys to provide legal counsel, drafting assistance and legal research whenever necessary. The current staffing patterns within OPLA provide combined legal and policy services to the joint standing committees. More procedural legal drafting and legal reviews are performed by attorneys in ORS.
- The current policy within the Legislature provides that OPLA rotate staff analysts assigned to committees every three years. This policy of rotating staff to new committee assignments can negatively affect OPLA service to committees, as "new" analysts will not be able to bring the same level of expertise, history or institutional memory to assist the committee in review of legislation.
- There are some concerns expressed by staff and legislators with respect to whether the current allocation of OPLA analysts to committees is adequate to service committee needs and to prevent some staff conflicts in schedules and instances of overlaps in committee assignments.
- Two staffing factors will become increasingly important in servicing the Maine Legislature in ensuing sessions: specialization and integration. In

III. Management of the Legislature

terms of staff specialization, OPLA has reorganized to support specialization by major policy area. Within the ORS and OFPR sections, we have recommended further specialization of professional staff in these functions. The less focus there is on specialization among the three offices--OPLA, OFPR, and ORS--then the less opportunity there is for coordination of the key staff players in supporting legislation through the process.

Recommendations

20. We believe that the current staffing pattern in OPLA which combines legal staff with policy analysts is an extremely efficient use of staff and has to date been effective in eliminating dual staffing of committees with attorneys in ORS. In 3 to 5 years, the Legislature should assess the option of providing each committee with two primary staffers: a policy/research staff person and a separate staff attorney. This would be appropriate based on continued increases in volume of legislation and the need to provide substantive policy expertise to assist in the non-legal aspects of committee deliberations.
21. Long-term staff specialization by committee and policy area should be promoted. A policy of staff specialization will provide committees with specialized skill sets for their needs, and with a staff person who has historical perspective on similar legislative initiatives from prior sessions. Ongoing committee staffing is always affected by turnover and specific needs for transfers at the discretion of the Director of OPLA; we believe that rotations of professional staff should not be encouraged and should be left to the judgment of the Office Director.
22. Chapter V of this study presents our recommendation with respect to reducing the number of joint standing committees. This recommendation will have positive benefits for OPLA. OPLA analysts would no longer serve as staff to 16 committees (and the Select Committee on Corrections), but to 13 committees. Clearly the volume of legislation will remain the same, but the Legislature's work will be structured through 13 policy committees, eliminating some of the problems of staff serving dual committee assignments and deadlines, and will also preclude conflicts in hearings and work sessions of their respective committees.

Also under a more consolidated committee structure, committees will still not have equivalent workloads. In the future, committees such as Energy and Natural Resources and Judiciary should be

III. Management of the Legislature

supported by two staff analysts, and a few of the lower volume committees (such as Agriculture) should continue to "share" staff.

23. Consistent with our support of and recommendation for further specialization of staff within OPLA, ORS and OFPR, we recommend that a team approach be established by these three offices. Under this approach, a team of staff would be responsible to support environmental legislation, another team for business legislation, etc. These teams would be an informal structure that would not change the organization and management of the three non-partisan offices. This approach would integrate the operations of the three offices; provide staff support more focused on the complete process as opposed to a fragmented part (i.e., preparation of a fiscal note); and would require office directors to coordinate resources to facilitate the legislative process as a whole.

LAW AND LEGISLATIVE REFERENCE LIBRARY

The Library provides a variety of reference, research, literature search and information and circulation services to legislators, the committees, staff personnel and the public. The Library's primary purpose is to disseminate information and provide research services to legislators. It also serves as the state's principal law library servicing judges and attorneys; housing all inventories of the Maine Revised Statutes and supplements; session laws; legislative records and documents; and Maine court reports.

The Library is organized and staffed according to its two major functions: public services and technical services. Direct services to the public (on average 200 library users per day) are provided by three librarians and four assistants. Primary services include 1) on-line automated access to the bill status system and several databases, including: Legisnet, Statenet, DIALOG, Vutext, and WESTLAW; 2) general and legal research for legislators, staff, state agencies and the public; 3) interlibrary referral and loan service; 4) circulation of over 80% of the collection; 5) provision of audiovisual equipment for legislators and staff. Some of the valuable resources available to legislators, staff, and the public include: 1) an extensive legal collection of state statutes, court reports, agency regulations and law reviews; 2) a comprehensive collection of Maine State legislative reference materials, executive orders and judicial court briefs; 3) a newspaper collection and

III. Management of the Legislature

newspaper clipping files; 4) federal government documents and studies; 5) policy and research reports and studies.

The technical services function is staffed by two librarians and four assistants. Technical services required to support the library's operations include: 1) on-going classifications of the various collections to facilitate usage; 2) cataloguing of all acquisitions; 3) microfilming; 4) sales distribution and billing of the Maine State Statutes; and 5) shelving and maintenance of the collection.

Staffing has more than doubled in the Library over the last ten years to accommodate a tremendous increase in usage. At the present time, staffing levels appear adequate to meet service demands, although the Director would like to increase the level of library services and provision of information to legislators and staff, and improve relations with other state library systems if additional resources can be provided.

The Library is a well-run operation and an invaluable research arm of the State Legislature. According to our survey and interviews, it is well regarded by legislators and staff alike; 71% of the legislators who responded to our survey rated library service as "Excellent".

Our findings with respect to the library are as follows:

- Two of the library's principle functions -- cataloging and circulation -- are manual operations. The cataloging of all library materials is maintained and updated through the preparation of index cards, and users must access the catalog file in conducting research. The Library's circulation desk recording system is also a manual card filing system.
- The library provides orientation training to new non-partisan staff regarding both the services and resources of the library. This is extremely important to optimize staff research capabilities and assure their knowledge of and access to all relevant materials and sources. During our study, a fair number of staff -- both partisan and non-partisan-- indicated a need to know what prior studies and resource materials exist within the Legislature so that they would not re-research an issue that was previously studied or analyzed, advise a constituent that information was not available, etc.

III. Management of the Legislature

- As discussed in other sections of this study, availability of office space and the need for proximity of legislative offices is a paramount issue for the Legislature. The lack of adequate space is evident in the library, which is not in conformance with National Library Standards.
- The library's public services and resources are widely used, but access to library services is limited to Monday-Friday, day-time hours only (except when the Legislature is in session). As the state's law and legislative reference resource, the hours limit access of many potential users.
- At the present time, the Library is responsible for sales of some legislative publications and for billing and collection of revenues. This activity does not directly relate to the library's reference and technical services operations.

Recommendations

24. The Legislature has made major strides in automation of many applications in recent years; the Legislature should give priority and resources to additional automation within the Library in such areas as circulation. The Library's automation requirements should be prioritized by the Executive Director and the Legislative Council as part of the five-year systems plan.
25. We strongly recommend periodic training programs for all legislative staff in the services and resources of the library, which in turn will facilitate staff service to constituents and increase their knowledge of valuable existing information sources and available studies and reports on relevant issues.
26. The Library prepares and distributes an Acquisition List of all new materials, documents, studies and reports. This list should be distributed on a very timely basis to all non-partisan professional staff, partisan analytical and constituent service staff, and committee clerks. Also, the Library should be more proactive in addressing staff's information needs through institution of a selective dissemination of information (SDI) program. Under SDI, individual legislators' or staff's areas of interest are recorded; all current information resources are printed out for the individual listed; the individual then would receive ongoing, periodic updates of new sources (studies, journals, magazine articles) of information on the relevant topic.
27. The future space and physical location plans for the library must recognize the strong preference of both staff and of legislators to be

III. Management of the Legislature

in close proximity to the Legislative Reference and Law Library as an invaluable research service and resource. The future planning for the Library should also give priority to increased access to the library through expanded hours of service for the public.

28. The billing and collection activities related to sales of publications should be transferred to the fiscal staff within the Office of Executive Director. At some point, it may be most appropriate to have a centralized state bookstore assume responsibility for sales and distribution of all state publications.

PARTISAN OFFICES

Legislators receive additional staff support services from eight partisan offices which are outside of the purview and direction of the Legislative Council and the Executive Director. The offices are comprised of the following:

- Clerk of the House
- Secretary of the Senate
- Office of the President of the Senate
- Senate Majority Office
- Senate Minority Office
- Office of the Speaker of the House
- House Majority Office
- House Minority Office

Our review of these offices and their functions is presented according to two areas:

- the legislative support and office services provided by the Clerk of the House, and Secretary of the Senate
- the leadership support and caucus services provided by the six leadership offices

OFFICES OF THE CLERK OF THE HOUSE AND SECRETARY OF THE SENATE

The Clerk of the House and Secretary of the Senate are elected as officers of the Maine Legislature in accordance with the Constitution on the opening

III. Management of the Legislature

session day for a two-year term. The constitution also requires that an assistant clerk and assistant secretary be elected by the respective chambers. The Clerk and Secretary work at the direction of the respective presiding officers and service both legislative leaders and rank and file members.

The principal functions of each office include the following:

- prepare and publish calendars
- prepare and publish journals
- prepare and publish roll calls
- prepare and publish the Legislative Record (verbatim transcript of floor debate)
- oversee and assure accuracy of all official papers and documents, including amendments, resolutions, orders, messages and sentiment.
- provide mailing and telephone services for legislators
- provide chamber support services during the legislative session

We have categorized the Office of the Clerk of the House and Secretary of the Senate as partisan due to two facts: 1.) The Clerk and Secretary are elected by their respective chambers based upon the nomination of the majority party caucus and 2.) the offices are outside of the purview of the Legislative Council. However, it is important to recognize that the vast majority of staff in these offices view their role as service to the total membership and, moreover, virtually all staff in these two functions categorized themselves as "non-partisan" on their questionnaires in contrast to staff in leadership offices. Legislators from both parties perceive that quality services are provided by the Clerk and Secretary and their staffs. The majority of the members of each party responding to the Legislator's survey rated the performance of the Office of Clerk as "excellent" and of the Office of Secretary as "good."

Our findings with respect to these two offices are as follows:

III. Management of the Legislature

- Many of the services that the Clerk and Secretary provide are directly related to the activities and requirements of the legislative session. At the same time, each operation requires adequately trained staff to support the legislative process.
- At the current time, two positions in the House (House Reporters) are employed on approximately a six month basis for the purpose of recording, transcribing, preparing and proofreading the House Legislative Record (a verbatim transcript of House debates). In contrast, the Senate has provided at times for full-time year round positions to provide the same services with respect to the Senate Legislative Record.
- The Secretary and Clerk oversee all chamber activities and staff. The House chamber staff serves during the session-only; in recent years the Senate's Sergeant at Arms and Assistant Sergeant at Arms have become full-time year round positions. These two positions have several responsibilities which are not consistent with the typical job descriptions for the positions.
- The primary role and purpose of the Assistant Secretary of the Senate and Assistant Clerk of the House should be to serve the Secretary and Clerk respectively. The current practice whereby the Assistants are elected by the Senate and House does not (or may not in the future) promote accountability and responsibility for all office services under either the Clerk or the Secretary.
- The Secretary of the Senate and the Clerk of the House serve at the direction of the respective presiding office and have important responsibilities providing assistance to legislators and administrative support to the legislative process. At the present time, however, they do not have responsibility for planning and budgeting for the operations of their offices and for overseeing budgets for their offices.
- The Clerk of the House currently has responsibility for oversight and coordination of the House stenographers (typists) who provide services during the session. The stenographers' actual workload is overseen and supervised on a day-to-day basis by the House Majority Office and House Minority Office. This situation creates dual reporting relationships and opportunities for conflict in setting priorities.

Recommendations

29. We recommend that the Office of the Clerk of the House transfer one calendar clerk position from full-time permanent status to session-only status.

III. Management of the Legislature

30. We recommend that the Maine Legislature continue to prepare a verbatim Legislative Record of all House and Senate debates. This record is used by over 40 subscribers, and the Library's reference staff has indicated that the Legislative Record is used on a consistent basis by attorneys and researchers. We recommend that the Secretary of the Senate and Clerk of the House provide staff to transcribe the Record on an as needed basis only through temporary employees.
31. We recommend that the Sergeant-at-Arms and the Assistant Sergeant-at-Arms positions be returned to session-only status. We also recommend that the Legislature establish written policy requiring the termination of session-employees within a limited number of days after the session ends.
32. It is appropriate for the House and Senate to elect their chief administrative officer. In order to promote responsibility and accountability within one position, we recommend that in the future that only the Clerk and Secretary be elected, and that they in turn have responsibility to appoint their chief assistants. House Rule 1 should be amended to provide for election of the Clerk and that similarly the Senate rules make provision for the election of the Secretary only.
33. As key officers within the Legislature, the Clerk and Secretary should have responsibility for planning for the House and Senate support services and for presenting a budget request of the resources required for their offices. This request should be subjected to review and approval of the Legislative Council. This recommendation is further elaborated upon in Chapter V regarding the Legislature's budget process.
34. Finally, we recommend the transfer of the House stenographic (typists) function from the Clerk's Office to the House Majority Office and the House Minority Office. This will place oversight supervisory responsibility in the two offices that should appropriately provide these support services to their respective caucuses.

LEADERSHIP OFFICES

The six leadership offices provide partisan professional support and administrative and clerical support to the members of leadership. The

III. Management of the Legislature

Speaker of the House and President of the Senate have staff dedicated to assist them as presiding officers. Their staffs provide legal counsel services, constituent support services, casework services, media relations, speech writing, appointment scheduling and secretarial support. The four other leadership offices (House Majority, House Minority, Senate Majority and Senate Minority) provide professional and clerical support to the leaders of each party in the House and in the Senate, as well as to the caucus. The services provided include research, press releases, speech writing, constituent correspondence, constituent casework and some secretarial support.

Our findings with respect to the leadership offices are as follows:

- The House and Senate leadership offices are staffed based upon the number of members of each party in the House and in the Senate. In absolute terms the ratio of caucus members per full-time staff position is:

House Majority	10.8
House Minority	10.8
Senate Majority	6.6
Senate Minority	7.5

The current practice of staffing the offices on the basis of total caucus members does not take into consideration the fixed support services that should be provided for each caucus and for the leadership of each caucus.

- The majority senators in the Senate receive constituent support services from the professional staff in the Office of the Senate President. This benefits the caucus but does not promote a clear understanding of the separate roles of the Office of the Senate President and the Senate Majority Office.
- The six leadership offices are currently funded within the general legislature's budget; the current budget process and practice does not provide for budgetary identification and allocation of the specific resources for the operations of each of these individual offices. This practice does not promote accountability for management of partisan requirements separate from other legislative functions. It also does not provide either the majority party or the minority party with dedicated resources.
- Within the leadership offices, the current staffing patterns and staff utilization does not provide for an independent analysis function in

III. Management of the Legislature

each office. Thus, all four offices do not have the capability to serve partisan analysis needs. This capability would not be duplicative of the analytical services provided by the non-partisan Office of Policy and Legal Analysis, but would supplement it for partisan purposes.

- The House and Senate leadership offices provide the same services for their respective caucuses such as preparation of questionnaires, preparation of end of session newsletters and bill summaries, press releases and constituent correspondence. At present, there is very little communication or coordination between the Senate and House Majority offices and the Senate and House Minority offices with respect to common services and responsibilities in order to more effectively achieve common partisan objectives and requirements.
- The majority of partisan staff appear very aware and judicious regarding a sound separation between partisan legislative activities versus political campaign activities. At the same time, some staff have expressed a concern through staff questionnaires or interviews as to the need for more definitive policies and guidelines in this respect.

Recommendations

35. The staffing allocations for the leadership offices should provide for a certain level of fixed staff support that is not related to the number of members; for example, both the House Majority Office and House Minority Office should have two professionals and a secretarial position to support the leaders and additional legislative aide positions to support the caucus. The legislative aides should be allocated on the basis of the numbers of members to be served.
36. In order to provide a clear dichotomy of responsibility between the Office of the President of the Senate and the Senate Majority Office, we recommend transfer of one full-time professional from the Office of the President to the Senate Majority Office. This will provide the Senate Majority caucus with three full-time aides dedicated to the caucus and to constituent service. Based on the minority representation in the Senate, and the same needs for constituent service, we recommend the addition of one professional staff position to the Senate Minority Office.
37. The partisan offices, Speaker, President, House Majority, Senate Majority, House Minority and Senate Minority as partisan offices should have independence with respect to staffing their operations. We recommend the implementation of annual budgets for the House Majority, House Minority, Senate Majority and Senate

III. Management of the Legislature

Minority to provide funding for fixed staff to support the Majority and Minority leaders and supplemental staff based on representation, in order to serve the caucus. The development of separate budgets would achieve three objectives:

- it provides dedicated resources for each party's partisan functions
- partisan leaders would be accountable and responsible for their budgets and operations, and
- it provides a degree of autonomy for each of the leadership offices

Also it is important to note that all personal services budgets should continue to be developed in conformance with existing pay and classification plans; all personal services costs, adjustments and increases should be calculated and administered centrally by the Office of the Executive Director.

38. The majority staffs of the House and Senate, as well as the minority staff in the House and Senate should initiate a process to encourage coordination on similar projects that both staffs undertake. Some areas that would be very appropriate to facilitate common efforts include:
 - development and preparation of the House and Senate sessional constituent questionnaires
 - writing and preparation of bill summaries for legislators' newsletters
 - sharing of generic issue letters and of materials for speeches
39. The partisan offices should consider development of formal policies and guidelines with respect to the separation of partisan legislative activities versus political campaign activities to assure that staff have a sounder understanding of their appropriate roles.
40. In future years, the Legislature should provide for the addition of an analysis capacity within the four majority and minority offices. A full-time policy analyst in each office could support initiatives of each party for analysis that is relevant for partisan objectives; the analyst would provide this capacity for leadership of both parties in both houses. At the present time, respective leaders should have

III. Management of the Legislature

the authority and resources to staff their offices as they believe is most appropriate to service partisan objectives.

Several of our recommendations with respect to the Offices of the Legislature are related to staffing requirements. The exhibit on the opposite page presents a summary of the staffing changes by Office.

OTHER MANAGEMENT ISSUES

In addition to the specific issues outlined in the preceding sections relating to the Legislative Council and staff offices, several other areas of legislative operations were analyzed in our examination of management practices. These are briefly discussed in the following sections.

PERSONNEL MANAGEMENT

The administration of personnel systems and procedures is an important responsibility of the Legislative Council. To help meet this responsibility, the Council has established a Personnel Committee to assist in developing policies and guidelines covering compensation, benefits and employment conditions for legislative staff. The Executive Director, in her role as the chief administrative officer of the Legislative Council, carries out approved personnel policies and oversees the day-to-day administration of personnel matters for non-partisan staff.

Our review of personnel management practices in the legislature focused upon the critical components of a sound personnel system:

- A classification and pay plan that accurately reflects individual position requirements and provides for internal and external equity in compensation;
- Formal, written policies and procedures governing employee rights, responsibilities and conditions of employment;
- A selection and hiring process (for non-partisan staff) that is open, non-discriminatory, and based upon the qualifications of all candidates; and

III. Management of the Legislature

- A performance appraisal system that provides employees with objective and constructive evaluations of their job performance, and which is linked to promotions, dismissals and salary increases.

In reviewing these elements of personnel management within the legislature, we have found the following circumstances to exist:

- The classification and compensation of partisan leadership staff and non-partisan positions are based on formal compensation schedules which have been adopted by the Legislative Council. The range and step positions are being used as a basis for salary decisions and some changes have been made to the job classes to recognize new, as well as retired positions. At the same time, the Offices of the Secretary of the Senate and the Clerk of the House have not been required to adopt a salary classification and pay plan for their 51 full and part-time personnel. This allows for excessive flexibility in assigning positions to ranges and steps, but more importantly, may result in salary imbalance among legislative employees.
- Written personnel policies and procedures have not been formally promulgated by either the partisan or non-partisan offices to date; (a draft personnel manual has been prepared and circulated for the non-partisan offices, but has not been completed in final form).
- Based upon the evidence which we have seen, selection and hiring procedures within the Legislature are generally sound, with qualifications being the primary factor in the selection process.
- Performance appraisals are not a standard and requisite part of personnel practices in many offices, although some non-partisan directors have begun to develop a uniform performance evaluation system, in cooperation with the Personnel Committee.
- Personnel receive salary increases and promotions annually on their individual anniversary dates. While this is a convenient procedure for tracking each employee, it does not provide for a sound planning, decision making basis for awarding salary increase and promotions. Each person is being evaluated in a vacuum and there is no direct tie between next year's budgeted (available) funds and salary/promotion recognition, using the Legislature's approved classification and pay plan.

IV. THE LEGISLATIVE BUDGET AND FINANCIAL
MANAGEMENT

IV. THE LEGISLATIVE BUDGET AND FINANCIAL MANAGEMENT

OVERVIEW

The cost of operating the Maine Legislature is funded under the State of Maine's general fund; similar to all general fund activities and programs; the Legislature operates in general conformity with the budgetary and accounting practices of the Executive Branch. However, it is important to note that the Executive Branch (Budget Bureau) does not conduct a substantive review of the Legislature's budget. This absence of Executive Review is based upon tradition and recognizes the separation of powers between the two branches of government.

The Maine Legislature's budget is developed and presented based upon major categories of expenditure. The budget is a general budget for the legislature as a whole, and does not allocate or identify resources required to operate specific offices or operating units (i.e., OFPR, ORS, Clerk of House...)

The Legislature's budget is "controlled" through the Executive Branch's accounting and financial management system at the appropriation level; the Legislature's budget is based upon three appropriations:

- personal services
- non-personal services ("all other")
- capital costs.

Within these categories, the Legislature has total flexibility in the administration of its budget across offices, units, and line-items of expenditure, so long as the budget does not exceed the three total appropriations referenced above.

The Legislature's budget is formally prepared on a biennial basis in general conformity with the schedule and format followed by the state's Executive branch departments. The Part I Budget, or current services budget, is developed on a biennial basis in the late summer and fall of even-numbered years for consideration by the Legislature in the 1st regular session and is effective as of July 1st. In addition, the state budget process provides for

IV. The Legislative Budget

submittal and funding of emergency budget requests through a separate Budget Act in the 1st regular session. The state's Part II budget requests fund new or expanded programs or services and is prepared in the late summer and fall of odd-numbered years for consideration by the Legislature in the 2nd regular session.

The key steps in the current process include:

1. Executive Branch —Bureau of Budget distributes budget forms and historical expenditure data
2. Legislature—Executive Director and budget support staff prepare budget request for ensuing biennium
3. Legislature—Executive Director's presents a brief presentation of budget to Legislative Council
4. Legislature—Legislative Council approves budget based on presentation
5. Legislature—Executive Director submits Legislature's Budget to Executive Branch—Bureau of Budget
6. Executive Branch—Bureau of Budget incorporates Legislature's budget request into Governor's proposed budget document
7. Executive Branch—Bureau of Budget submits State Budget to Legislature—Appropriations Committee
8. Legislature—Appropriations Committee conducts public hearings, including the hearing of Legislature's budget request
9. Legislature—adopts State Budget

EFFECTIVE BUDGETING

Our review of the Legislature's budget process has been conducted in consideration of the four phases in an effective budget process and cycle:

- planning
- preparation and development
- adoption

IV. The Legislative Budget

- implementation/oversight

The planning phase is the initial phase and allows the management body the opportunity to determine the objectives, policies and service levels to be provided, or modified for the ensuing budget period. Formalization of objectives and goals at this stage integrates the budget and the annual (biennial) budget process as an integral element of the overall management process.

The second phase, preparation and development, provides for the formal involvement of departmental or operating units in identifying the personnel and other support resources required to meet operating objectives for the ensuing years.

The third phase, approval, includes presentation of the proposed budget required to support the plan of operations for the ensuing years, and provides meaningful opportunity for decision-making regarding increases or decreases to the proposal. This phase also should include a report of the revised budget to the governing body concluding in formal approval of the budget.

The final phase in the budget cycle, implementation and oversight, requires management of resources in conformance with the budget allocations, monitoring of expenditures, reporting of budget variances and approval and control by the management body as to the appropriate reallocation of resources during the fiscal year to meet management's objectives.

Our findings with respect to the Legislature's budget process are presented below in relation to each of the four phases in an effective budget process.

Planning:

- Budgeting and short-term planning for the operations and staffing of the Legislature are NOT related processes.

IV. The Legislative Budget

- Planning for the Legislature is neither well developed nor defined; and this process is not coordinated with the biennial/annual budget process.
- There is a lack of formal identification of new or revised activities for Legislative offices for the ensuing biennium.

Development

- The Legislative budget is developed to a large extent based on historical trends versus future needs.
- The budget development process and decision making is extremely centralized within the Office of Executive Director and there is little meaningful involvement of key officials and office directors as to the requirements of operating their functions and activities for the ensuing biennium.
- The Legislative budget is not developed such that one can readily identify
 - funds required for continuation of current services.
 - funds required for new positions and/or revised service levels.

Adoption

- The Legislative budget format and information presented to the Legislative Council (and Appropriations Committee) does not facilitate meaningful discussions or decision making; this is due to:
 - lack of "budgets" vs. "actuals" by activity.
 - lack of brief narrative statistics or explanation of deviations.
 - lack of budget detail by office.

On limited occasions budget status reports are presented to the Council to satisfy specific ad hoc requests, however they do not provide the three categories of information listed above nor are they a formal requirement of the budget adoption process.

- The budget document does not allow the Legislative Council to readily understand any specific aspects of proposed increases (i.e. personal services by Office, travel by functions)

IV. The Legislative Budget

- The budget does not include a message from the Executive Director outlining the thrust of the proposed budget and an overview of its major elements.
- No records are maintained in Council minutes of certain budget approval actions

Implementation/Oversight

- The role of the Legislative Council with respect to the Legislature's budget is set forth in the Statutes; however there are no written policies, procedures, calendars, or standards of budget development to effectuate the broadly stated Statutory responsibilities.
- There is detailed expenditure accounting within the Legislature's appropriation by all activities (House, Senate, Revisor of Statutes, etc.), however since the budget was not prepared by activity there is no way to manage or control expenditures against an activity budget (plan).
- Since there is no way to manage or control expenditures against a budgetary plan by office or major activity, there is no mechanism in place to assure that expenditures are consistent with budgetary intent (intent of the Legislative Council). Again, the Legislature's budget is prepared and administered for the Legislature as a whole instead of by office or functional activity and as such it is not a meaningful planning or financial management mechanism.
- The Legislative Council does not routinely receive/review periodic budgetary expenditure reports to facilitate its oversight and control.
- The Legislative Council does not have written policy or procedures regarding its authority to review and approve transfers within each Legislative appropriation in order to control administration of the operating budget.

Recommendations

We believe there are several changes that should be initiated by the Legislative Council in order to more effectively execute their statutory responsibilities with respect to the Legislature's budget and to allow the budget to become a more effective tool to improve the Council's management of the Legislature. Our recommendations are presented below and an

IV. The Legislative Budget

overview of the revisions in the budget process and the impact of the changes on the roles and responsibilities of the key players in the Legislature's budget process are presented on the opposite page.

It is important to recognize that the recommendations with respect to planning, adopting and managing the Legislature's budget will require the Legislative Council to have a more active management role than in the past and that some of this activity will need to occur during the interim. Specifically, the Council will have to dedicate additional time and attention to budget priorities, allocation of resources, and oversight. Our recommendations also provide a formal on-going process for effective bi-partisan management of the Legislature, as the Legislature's budget document and annual budget cycle serve as the key planning, decision-making and resource allocation mechanisms for the institution.

Planning

50. **The Legislative Council and Executive Director should initiate a more formalized short-term planning process for legislative operations. This process should occur on an annual basis and should include working sessions in which the Council, Executive Director, non-partisan office directors, the Clerk of the House and Secretary of the Senate discuss the:**
- objectives for legislative operations
 - current service levels and activities and proposed changes
 - current policies and proposed changes

The planning process should be accomplished in three work sessions, should be for a relatively short planning horizon, (approximately two years), and should focus on both operating and capital improvement requirements. The benefits of these planning sessions will be the identification of operational issues and the formalization of objectives with respect to each office or unit to support legislative requirements. These results will provide managers with the baseline for development and preparation of their biennial budgets to identify the total resources required to meet the objectives of the Council.

This process should occur during July and August of each year to precede the development of budget requirements. It is important to note that the interim between the 1st and 2nd regular sessions is a key period for budget planning as the current Legislative Council will have had a

IV. The Legislative Budget

reasonable period of time to prioritize its objectives and legislative needs which can then be presented, in the future, as part of the Legislature's Part II Budget request during the 2nd regular session.

Development

51. The budget preparation and development process should be decentralized to allow formal, written input by office/unit Directors and the Clerk of the House and Secretary of the Senate to identify the resources required to achieve the plans for their operations in the ensuing biennium.
52. The preparation of budget requests by office/unit should include development of two budgets, to identify resources required to fund:
 - the continuation of current services and functions through the biennium
 - the implementation of changes in service levels (increases or decreases) and the impact on service levels.
53. There should be standard requirements for budget preparation and presentation such that each Director/manager responsible for a budget provides:
 - current positions vs. requested
 - activity measures to document changes in workload
 - brief statements of activity revisions and budgeted estimate of cost.
 - resources requested by appropriate categories of expenditure for their unit:
 - full-time salaries and wages
 - part-time salaries and wages
 - professional services
 - purchased services
 - supplies

Adoption

54. The format and information contained in the proposed budget request that is submitted to the Council is critical to facilitate a meaningful review of the proposed budget request. We recommend that the budget document submitted to the Council include:

IV. The Legislative Budget

- a message to the Council outlining the thrust of the proposed budget, an overview of the budget and its major elements and proposed changes in operations
 - historical (two prior year) budget actuals by office or function by appropriate summary level accounts.
 - estimate of this FY's expenditures
 - position count by category of employee
 - brief narrative with relevant statistics supporting budget requests
55. As part of the development of the budget phase, non-partisan office/unit budget requests should be submitted to the Executive Director who must continue to have the initial authority to add to, or delete from any non-partisan offices budget proposal. While budget requests should receive procedural review and be coordinated by the Executive Director's office, the budget for the Clerk of the House and Secretary of the Senate should be subject to substantive review by the Legislative Council only. The Executive Director should prepare the general operating budgets for the House and the Senate based on the directives of the Speaker and the President of the Senate.
56. The adoption phase should include two to three Legislative Council budget review sessions to allow the Executive Director and other key managers to present their proposed budgets for substantive review by the Council. The Council's review should consider the office/unit requests in light of the objectives set in the planning phase and in light of total resources available and a prioritization of the various offices' budget requests. Based upon the revisions and decision-making of the Council the Executive Director should finalize the Legislature's budget and submit it for review by the Appropriations Committee.

Implementation/Oversight

57. The annual Appropriations Acts with respect to the legislature's budget should continue to provide three total appropriations for the Legislature:
- personal services
 - non-personal services

IV. The Legislative Budget

- capital

This will provide minimal control at the Executive Branch level, however the budgeting and accounting system should be set up to assure that the Office of Executive Director can properly administer and control the budget allocations by office and major category of expenditure consistent with the intent of the Council.

58. The Legislature's budget process, procedures, calendar and budget development standards should be formalized and documented in a Budget Manual.
59. The Legislature should continue to participate in the centralized financial management reporting and accounting system of the Executive Branch. It is important to note that the Legislature will benefit from the diverse capabilities of a statewide system, yet the Executive Branch will not exercise control over the Legislature's budget or expenditures: The Department of Finance is about to implement a fully automated Budget and accounting system which will allow for improved budget and financial reporting. The Legislature should take advantage of the new system, and its additional chart of accounts capabilities to provide "budget vs. actuals" reports by office; and to provide management level budget and financial reports (on an automated basis) to the Legislative Council.
60. The Legislative Council should be the body that is responsible for decision-making as to resource allocation changes after the budget is adopted to assume that the budget is executed based upon the intent of the Council and that the Council is the sole decision-maker with respect to:
 - transfers of funds between offices and functions (i.e.: OPLA to Revisor of Statutes)
 - transfers of funds between categories of expenses within an office (i.e, personal services to non-personal services/all other)

FINANCIAL MANAGEMENT

The financial management and ongoing administration of the Legislature's accounts, payroll processing, and vendor payment processing is the centralized responsibility of the Executive Director's office. All of the Legislature's payroll and vendor payments are approved by appropriate

IV. The Legislative Budget

officials in the Legislature (Clerk, Secretary, etc.) and reviewed by the Executive Director's office and post-audited for sufficiency of funds and form by the Department of Finance—Bureau of Accounts and Control; all checks for legislative accounts are issued by the Office of the Treasurer of the State. The Legislature is currently tied into the State's Executive Branch accounting, reporting and financial management systems which will be significantly upgraded by January 1990.

Our findings with respect to the Legislature's financial management and administration are as follows:

- The Legislature's chart of accounts, which is in conformance with the Executive Branch's chart of accounts, is a detailed chart which provides information as to Legislative expenditures by function (ORS, OPLA, Senate, etc.) and by over 120 object of expenditure codes (meter postage, health insurance, out-of-state travel, legal services, etc.).
- The Legislature has over time followed a practice of authorizing contracts, procuring services and authorizing payments without appropriations for the services or materials in question. Vendors are paid under the general legislative account based upon appropriations for other purposes. While there may be a basic understanding that the needed funding requirements will be incorporated in the Legislature's subsequent supplemental or emergency budget request, the services or items are nevertheless funded without an appropriation.
- The Office of Executive Director does not routinely distribute any reports of expenditures or of vendor payments to Legislative office managers in order to update them as to delays in paying vendors.
- The Legislature's annual budget is administered on a quarterly allotment basis; payment of vendors can be affected if they are submitted late in the quarter and expenditures reach allotment levels.
- The process from receipt of a vendor's invoice through disbursement of a state check to vendor can take several weeks and is a concern to some Office Directors. Payments are affected by:
 - review and processing time in Office of Executive Director
 - absence of an appropriation
 - sufficiency of funds per allotment period

IV. The Legislative Budget

- data entry and procedural review by the Bureau of Accounts and Control

Recommendations

61. The design of the Legislature's chart of accounts should serve as the basis for not only recording the expenditures of the Legislature, but also for the provision of meaningful financial reports to Legislative offices and managers; the Legislative Council, and the Office of Executive Director. The Legislature should take full advantage of the State of Maine's current project which has upgraded the capabilities for financial reporting and budgeting control and which is currently being implemented within state government.

Specifically, the Office of Executive Director should define the most appropriate chart of accounts for both budgeting and financial reporting based upon the recommendations in this report. This process should be a collaborative process allowing input as to the information requirements of key officers and managers, and the Legislative Council. The definition of different levels of financial information (summary versus detail) will provide for automated, standardized reports to address differing levels of information requirements and will reduce the need for staff in the Office of the Executive Director to prepare special reports to address ad-hoc inquiries.

62. As an alternative to spending without appropriations, the Legislature should consider establishing a contingency account, as is done in some other states. This account should be limited in amount and should be subject to a formal transfer and approval process by the Legislative Council.

A contingency account will provide a specific allocation to fund unforeseen or emergency requirements over the course of the fiscal year. The contingency account allocation should be limited to approximately two percent of the total Legislative appropriation.

The Legislative Council, as the management body of the Legislature, should be responsible for and accountable for decisions to transfer funds from the contingency account for unforeseen purposes and emergencies. The Council should approve transfers based upon formal vote authorizing the transfer of funds from contingency to a specific function/expense account for a specific use.

IV. The Legislative Budget

63. The payment process for vendors of the Legislature should improve based upon:

- provision of financial reports and status of payments processed to officers and managers
- more active involvement of officers and managers in the administration of budgets
- the implementation, in 1990, of on-line payment/vendor data entry to the state's accounting system at the Legislature (Office of Executive Director) in contrast to the current practice requiring all data entry by the Department of Finance—Bureau of Accounts and Control.

V. THE LEGISLATURE AND THE LEGISLATIVE
PROCESS

V. THE LEGISLATURE AND THE LEGISLATIVE PROCESS

Our analysis of the legislative process of the Maine Legislature centered primarily on four discrete areas: (1) the use of legislative time, in particular, how the legislature allocates time to each stage in the legislative process -- introduction and bill drafting, committee deliberations and floor activities; (2) joint committee operations; (3) interim activities; and (4) the organization of the second year regular session. Our study has also focused on the committees of the Legislature with special emphasis on the Appropriations and Financial Affairs Committee and the Audit and Program Review Committee; workload of the joint standing committees, legislative oversight, and the role of the minority party within the Legislature.

While each of these areas is treated separately in our analysis, they are nonetheless deeply inter-related and should be viewed as integral parts of the whole. What happens at the beginning of the session has a dramatic impact on what occurs at the end of the session. Similarly, interim activities affect bill drafting and committee deliberations. The reader should note that any recommendations offered to change a practice or procedure in one area will have consequences on other areas of legislative activity.

As a broad statement of findings, we believe that the process by which legislation is introduced and referred to committee would benefit from a significant restructuring. As we will graphically demonstrate, during the first year of each legislative session this Legislature is simply unable to process its bill volume in a timely and rational fashion. The consequences of this early logjam are felt throughout the session and are especially evident in the final days and hours when critical decisions are being made pell mell in a near crisis atmosphere.

Our findings will also show that the joint committee structure - while well suited to the task of reviewing and screening legislation - would benefit by the adoption of certain uniform procedures and more realistic reporting deadlines. As well, we will recommend that the Maine Legislature consider reducing the number of committees to facilitate a more even distribution of the legislative workload and to make better use of legislator and staff time.

V. The Legislature and the Legislative Process

We also believe that the role of the Appropriations and Finance Committee could be enhanced by more clearly prescribing its jurisdiction and by establishing more effective procedures for involving other committees and legislators in its deliberations. We will also suggest ways and means of strengthening the interim period by promulgating specific uniform procedures for the organization, conduct, and reporting of all interim studies. We will recommend strengthening the role of one of the potentially most influential committees in the legislature, Audit and Program Review. We will also document the dramatic increase in legislative activity during the second regular session and present recommendations pertaining to how this "short session" can be better organized. Finally, in light of our proposed bill system recommendation, we will present recommendations with respect to the role of the minority party within the Legislature.

USE OF LEGISLATIVE TIME *

Bill Filing Procedures

The present method for introducing legislation follows a traditional pattern. Legislators (and executive agency and department personnel) file their requests with the Office of the Revisor of Statutes (ORS) by no later than the last Friday in December preceding the first regular session. The Revisor's Office then consults with each legislator and commences the process of drafting all legislative requests (L.R.'s) into full statutory form. Once this is accomplished, the bills are forwarded to the Clerk of the House or Secretary of the Senate for reference to the appropriate joint standing committee.

Over the past decade, the volume of legislation considered by the Maine Legislature has grown at a modest, but fairly steady rate, from 1,581 individual bills and resolves in the 109/1st to 1,735 in the 114/1st. Comparatively speaking, as Appendix C.1 demonstrates, this bill volume places Maine

* Our analysis of how the Legislature uses its available time is confined to the first year, odd-numbered session. Procedures and session activities differ markedly in the second year and will be analyzed in a subsequent section of this chapter.

V. The Legislature and the Legislative Process

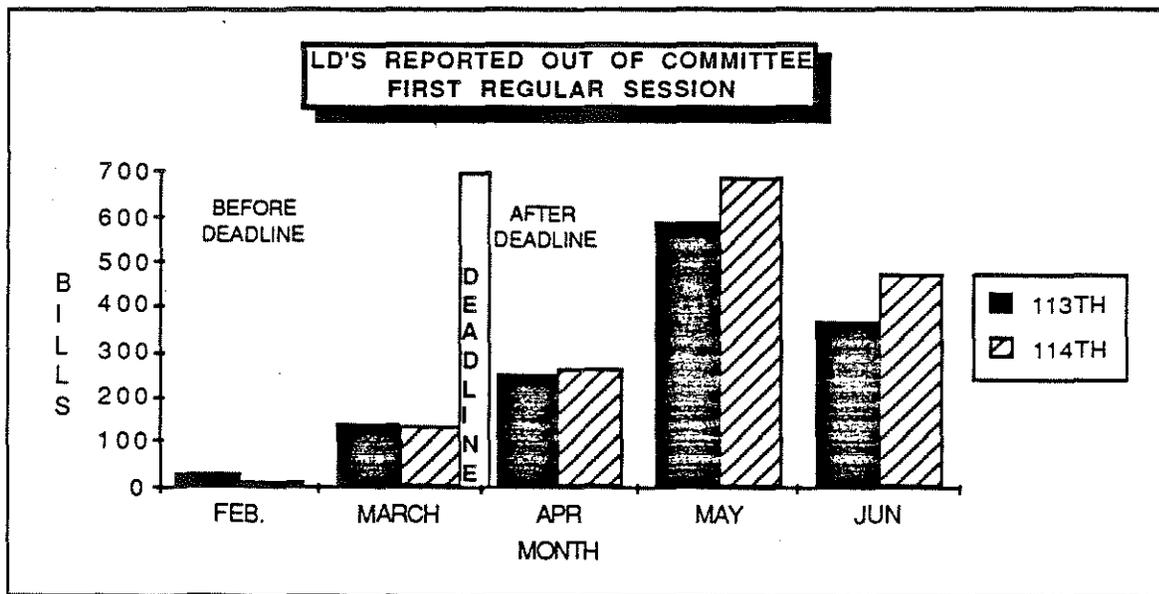
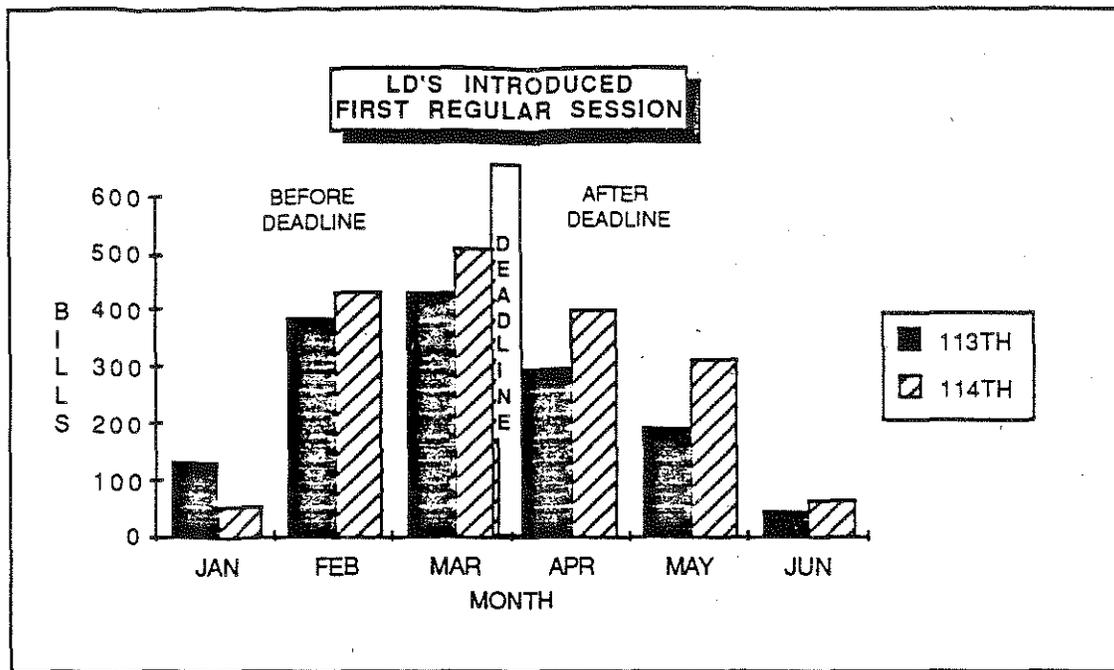
roughly in the middle of all other state legislatures in terms of total bill volume. However, when the industrialized, full-time state legislatures are factored out, Maine's position changes dramatically. Among the part-time citizen's legislatures, Maine ranks as one of the busiest and in the northern New England states, it is at the top of the list.

In an effort to regulate its large bill volume, the Maine legislature employs a cloture system or series of deadlines which are stipulated in the joint rules. These deadlines attempt to address the two critical stages in the legislative process: bill drafting requests and committee reports. As will be shown, however, neither of these deadlines effectively regulate this bill volume.

Under the present system, the opening weeks and months of the legislative session are characterized by a flurry of activity as the Revisor's Office endeavors to draft bills and move them along in the process. For a variety of reasons, the Revisor's Office must receive bill drafting assistance from other staff offices within and outside the legislative branch. To assist the Office during this period of intense bill drafting, the Office of Policy and Legal Analysis and the Office of the Attorney General provide invaluable staff support. In 1989 alone, of the total of 1,735 bills considered, nearly 600 were drafted by OPLA and an additional 150 by the Attorney General's Office. In sum, well over one-third of all bill drafting took place outside of ORS.

Despite this significant "outside" assistance, a large majority of bills and resolves still do not get drafted and referred to committee until the legislature is already at the mid-point of its session. As the exhibits below graphically illustrate, in both the 113/1st and 114/1st, nearly three-quarters of all legislative requests were not actually referred to committee until March and over 40% of these bills and resolves were not even introduced until after the joint rule deadline for committee reporting had passed.

V. The Legislature and the Legislative Process



The consequences of this inordinate backlog in the opening weeks and months of the session are profound. Committees, of course, cannot begin serious deliberations until at least a majority of the bills and resolves they will review are before them. Only then can they begin the process of scheduling hearings, screening bills and preparing committee reports.

V. The Legislature and the Legislative Process

Because of the delays in bill drafting, it is not until late March that committees can begin their work in earnest. Furthermore, valuable professional staff resources are tied up just getting bills drafted and into committee, and the end of session scramble to pass major legislation is, if anything, even more intense than the early session logjam. Although a spirit of professionalism and cooperation prevails, the pressure to get the bills up and out, places undue strains and stress on everyone involved.

Given this pattern of legislative activity, there can be little wonder that the end of the session is even more frantic than the beginning. We recognize that in all legislatures as the session draws to a close, the pace of activity quickens. However, it would be difficult to find another legislature which faces such an enormous rush of activity in the final weeks, days and hours of the session, as does Maine. Moreover, even if other legislatures do experience similar end-of-session logjams, this should not be construed as meaning that such a situation is unavoidable or in any way justified.

To illustrate the depth of the problem, one example will suffice. During the final two days of the 114/1st session, the Maine legislature enacted the Part II budget, major pieces of legislation dealing with property tax relief and health care, and in the bargain, cleared more than 160 bills off the appropriations table. It defies logic to conclude that the present system is operating as effectively and as efficiently as possible.

To be sure, a number of new developments hold promise for easing up the early session backlog. The new Director of the Office of the Revisor of Statutes has already implemented a series of progressive administrative procedures which will enhance the efficiency of his office's operations and no doubt, speed up the bill drafting process. Moreover, based upon our analysis of this office and our extensive interviews with the Director and many legislators who rely on this office, the Director will extract the maximum efficiency out of his office using the limited resources at his disposal.

There are those who contend that the 114/1st was an anomaly. The Office of the Revisor of Statutes (ORS) was in a state of flux brought about by the hiring of a new Director just before the session began. To further

V. The Legislature and the Legislative Process

exacerbate the situation, the Office also had to deal with illnesses and critical staff vacancies during the first part of the session. Notwithstanding these mitigating circumstances, we believe that ORS cannot continue to support the job at hand. In the best of circumstances, four bill drafters, plus the Director, plus OPLA staff support, plus support from the Attorney General, will not be able to get the job done in a timely fashion without some significant changes.

Already there are clear signs that the ORS will not be able to continue to rely so heavily on OPLA for bill drafting assistance. As a subsequent section of our report will show, the time demands on OPLA for on-going research on issues being considered in committee and for completing and drafting complex legislation emanating from interim studies, are growing. Furthermore, the present excellent professional relationship which exists between ORS and OPLA directors is a major factor in accounting for the cooperative spirit evident in these two offices. In the future, it is at least conceivable that this spirit of cooperation could change, resulting, if no other procedural steps are taken in a marked decline in productivity.

Finally, even if bill volume levels off or drops slightly in future sessions, it seems self-evident that the issues and problems the legislature must grapple with will continue to expand and grow in complexity. Who will take issue with the fact that legislatures throughout the land are spending more time and greater resources in attempting to address the needs of the people they serve?

Based on our findings, we conclude that if this Legislature wishes to preserve its part-time, citizen's status and continue to provide the same quality of service to the people of Maine, it must take strong and decisive steps aimed at restructuring the legislative process. As the ensuing sections of this chapter will describe, we believe that the Maine Legislature will benefit by the adoption of a series of inter-related procedures governing the use of time, committee operations, and interim activities.

V. The Legislature and the Legislative Process

Summary of Recommendations

We recommend that the Maine Legislature institute the following changes in rules and procedures to facilitate the use of legislative time:

64. Establish a new bill filing procedure (the proposed bill system) as described herein whereby all requests for bills and resolves would be drafted and referred to committee in a non-statutory, layman's language format.
65. Amend Joint Rule 28. "Cosponsorship" to permit an unlimited number of members to sponsor any bill or resolve.
66. Develop and enumerate in the Joint Rules a new series of deadlines to regulate the flow of legislation from bill drafting requests to committee reports.
67. Amend Joint Rule 27. "Filing After Cloture" to require a two-thirds vote of both houses before any late filed measure can be introduced.

Each of these recommendations is delineated in detail below.

PROPOSED BILL SYSTEM

At the very core of our recommendations is a call for the Maine Legislature to adopt a new system for introducing legislation we define as the Proposed Bill System. In essence, this system will enable the Maine Legislature to get off to a much quicker start at the beginning of the session. Significantly more time would be afforded to joint standing committees to complete their deliberations and there would be at least the opportunity to reduce the tremendous end-of-session logjam.

The Proposed Bill System we recommend for Maine is patterned along the lines of the Connecticut General Assembly's system, which has been successfully employed for more than a decade. We have, however, incorporated a number of significant changes which take into account the unique circumstances evident in the Maine Legislature. What follows is a detailed three-part outline which presents the key provisions of the Proposed Bill System, the benefits we believe will accrue, and a final section which

V. The Legislature and the Legislative Process

presents a series of questions and answers addressing the major issues which Maine legislators and staff have raised.

Key Provisions

Under the procedure we are recommending for Maine, all requests for drafts would be submitted to the Revisor's Office in a non-statutory, layman's language format. The Revisor's Office would, as is currently the case, assist each legislator in developing the key provisions of his/her bill. This would include a statement of purpose (150 words or less), brief enumeration of key provisions and title.

Following reference, the committees would group all proposed bills according to subject matter and then schedule subject matter public hearings. The notice for these hearings would include the subjects to be considered plus the title and number of each proposed bill. Legislators, members of the public and other interested parties would be permitted to testify and/or offer written testimony on the subjects or proposed bills before the committee. Following the public hearing, the committee would meet in working session to decide by majority vote which bills it wishes to have drafted as committee bills in full statutory form. At this stage, the committee would be moving to accept proposed bills as is, combining similar measures, offering amendments, and performing whatever additional research is necessary.

Cosponsorship

When a committee bill is based on two or more proposed bills, the committee would designate which proposed bill is to be used as the primary vehicle. All other proposed bills which are incorporated into the committee bill would be noted by number and sponsor at the bottom of the new committee bill. It should be emphasized that unlike present practice, any number of legislators may co-sponsor a proposed bill and all co-sponsors would be listed on the new committee bill. This is especially significant in the frequent case where proposed bills would be combined.

V. The Legislature and the Legislative Process

As is presently the case, the Revisor's Office would receive bill drafting support from OPLA. While the bulk of bill drafting would take place at a later date, the critical difference would be a measurable reduction in the total number of drafting requests. Furthermore, by this stage in the process, after the proposed bills have been drafted in layman's language and after the public hearings and working sessions, ORS and OPLA would have a well developed body of information and knowledge from which to draw upon in preparing committee bills.

Once the committee has completed its deliberations, it would request that the Office of the Revisor of Statutes prepare full statutory drafts (committee bills). After preparing the committee bills the Revisor's Office would return the bills to committee for final consideration. The committee would then issue its report to the originating house. Proposed bills which the committee elects not to have drafted as committee bills would be reported out as is. That is, in the non-statutory proposed bill format. These measures would also be reported out adversely as "ought not to pass" or "unanimous ought not to pass." Only committee bills would be reported out favorably as "ought to pass", "ought to pass as amended", "ought to pass in new draft" or "unanimous ought to pass."

Deadlines

Under this proposed bill system, we recommend a comprehensive new set of deadlines to be implemented as follows:

- a) The current deadline for requests for bills and resolves would remain as is, thus continuing to permit legislators to have ample time to submit their requests for proposed bill drafts.
- b) A second deadline would speak to the time limit the ORS would have to prepare all requests for introduction. This deadline would initially be set for the last Friday in January. (Once the Legislature has become familiar with this new system, it is likely that they may wish to move this date up.)
- c) A third deadline would be established stipulating when committees must make their requests for statutory drafts. To help even out the

V. The Legislature and the Legislative Process

workload, the committee drafting deadline should be staggered from mid- to late-February.

- d) A final set of deadlines would specify when all committee reports must be made to the floor of the House or Senate. Again, a staggered committee reporting system, spanning late March through early April, would be recommended for all committees.

Filing after Cloture

We also recommend a change in the Legislative Council's role in dealing with after-deadline requests. Specifically, we suggest that the present practice whereby the Legislative Council decides by majority vote which measures to allow in as late-files be amended to require that a 2/3rd's vote of both houses of the legislature is necessary to permit the introduction of late-filed measures. This change would be in keeping with the practice employed by a majority of state legislatures (see Appendix C.2) and addresses the perception of 60% of the Maine legislators who responded to our survey that the Legislative Council does only a fair to poor job in screening bills filed after cloture.

While this new proposal is not designed to eliminate the introduction of all after-deadline requests, it should significantly reduce the number. Clearly, permitting more than 160 measures to be introduced as late-files, as was the case in the 114/1st, can only further slow down the process.

Benefits of the Recommended System

Under the proposed bill system, the Maine Legislature will be able to more efficiently, effectively and rationally allocate time. The inordinate delays caused by attempts to draft all legislation in full statutory format at the beginning of session would be, in large measure, eliminated. The ORS and OPLA would then only be called upon to draft those measures which the committees report favorably. This would amount to a significant reduction in full bill drafts as presently some 40% of all legislation reported to committee is reported out as either "unanimous ought not to pass" or as a majority report of "ought not to pass." Few of these adverse reports are ever overturned on the floor of the House or Senate. No longer will the staff of

V. The Legislature and the Legislative Process

ORS or OPLA be required to draft these already predestined bills. Moreover, it is estimated that as much as 20% of the total bill volume is duplicative in nature, being identical or closely linked to other bills which address the same issue or problem. Because similar bills will be combined in committee, this will eliminate the need to draft duplicative legislation.

Eliminating duplicative legislation and drafts of unfavorable measures would be especially significant when one considers some of the major pieces of legislation which customarily are 20, 30 or more pages in length. Because of their high public visibility and importance, legislators, lobbyists and representatives of the Executive branch will frequently file their "own" versions of the same measure. For example, during the 114/1st one of the most controversial and complex bills considered was the solid waste bill. By the time the Energy and Natural Resources Committee had completed its deliberations, over 40 individual bills on the same subject had been considered. Yet of these more than 40, only four were seriously considered by the committee. Notwithstanding this fact, the remaining bulk of bills were still fully researched, drafted and printed. Hundreds of pages of drafts, countless hours of research, all for naught.

The proposed bill system will reduce bill volume dramatically. For example, in Connecticut before this system was adopted annual bill drafting requests exceeded 6,000. In 1989, fewer than 1,500 bills were drafted into full statutory format. We estimate that in the first year of operation the Maine Legislature could experience a reduction of approximately 20% in total bill volume. In addition to time savings, there should be a measurable dollar savings in printing costs and, as noted in Chapter III, in the potential for reducing the total number of proofreaders and legislative technicians employed in ORS.

Finally, the proposed bill system, with the attendant changes we recommend in cloture and certain committee operations, will even out the pace of legislative activity throughout the session. By getting off to a quicker start, the Legislature may find itself with more time at the end of the session to deal with the press of business. In order to more fully illustrate the benefits

V. The Legislature and the Legislative Process

associated with the proposed bill system, we have prepared responses to some of the questions that have arisen with respect to the recommended system.

Questions and Answers

1. Q: *"The proposed bill system runs contrary to the concept of the citizen's legislature. Under this new system every bill would no longer get a public hearing or be debated on the floor of the House or Senate."*

A: The proposed bill system will not impinge on the right of a measure to be openly discussed and debated in public. When committees schedule subject-matter hearings, members of the public, legislators and other interested individuals will be invited to offer written and oral testimony on any subject or individual measure before the committee. Furthermore, because the proposed bills will be in layman's language they will be far easier for the public to understand. Rather than diminish the citizen's legislature, this proposed bill system will help assure that the State of Maine can continue to maintain its present style of government.

2. Q: *"Because each proposed bill will not be in full statutory language, neither the committee nor the public will be able to fully understand what they are looking at. This will be especially true in the case of really technical, complex measures that frequently come before the legislature."*

A: Proposed bills look like regular bills in any other legislature. They are numbered, printed, referred to committee, and distributed publicly. Each proposed bill would include a title, a short statement of purpose (150 words or less) and a summary of the key provisions (i.e., what statutes will be affected, whether a new statute is being called for, etc.). Because each measure would be written in layman's language, it would be far easier to understand than is presently the case. The public would benefit by being able to more readily comprehend the key elements of the measure and by the opportunity to present testimony either on the entire subject or on a specific measure. It should also be remembered that once the committee has decided which measures it wishes to have drafted as committee bills, the committee would have an opportunity to review the full legal text before issuing its report.

V. The Legislature and the Legislative Process

Copies of sample proposed bills and fully drafted committee bills are enclosed for your reference (please refer to Appendix D).

3. Q: *"What is there to prevent the majority party from drafting all the bills introduced by its members and ignoring those introduced by members of the minority party?"*

A: To avoid this possibility, we propose a procedure whereby a minority of the membership of either house (10 of 35 Senators or 40 of 151 Representatives) can petition a committee to draft a particular proposed bill and schedule it for a public hearing, this is detailed under our discussion of the role of the minority party in the Legislature.

4. Q: *"Won't this new system simply shift the bill drafting burden from the early weeks of the session to a much later date, and if it does this, won't we end up with more of a time management problem than we have now?"*

A: While it is true that full statutory bill drafting would not take place until after public hearings and working sessions have been held, bill drafting would still begin in earnest at an early date. Moreover, it needs to be recognized that not only would the volume of legislation be significantly less, but ORS and OPLA would have more information on which to base their final drafts. They would no longer begin the drafting process from square one as is presently the case with so many requests.

5. Q: *"How will ORS be able to turn these bill drafting requests around in a timely fashion and won't this system just continue to emphasize the reliance that ORS places on OPLA for bill drafting support?"*

A: Under the proposed bill system, there would be a significant reduction in the total number of bills drafted in full statutory language. Furthermore, ORS staff would continue to be assisted by OPLA staff in bill drafting.

Under the present system, OPLA staff assumes a great degree of responsibility for researching and drafting complex legislation, amendments and re-drafts, while ORS staff is responsible for bill drafting plus reviewing all

V. The Legislature and the Legislative Process

fully drafted legislation for form and accuracy. As has been noted in Chapter III, OPLA staff includes a number of attorneys and non-attorneys who play a major role in research and drafting legislation. Under this new system, while ORS would continue to rely on OPLA for bill drafting support, OPLA staff would only be dealing with measures which the committee plans to report out favorably. This would represent a more efficient and rational use of this valuable staff resource.

6. Q: *"Won't it be impossible to determine whether a bill has a fiscal impact or needs a fiscal note without being able to see the full statutory draft?"*

A: The statement of purpose and description of each proposed bill will make it self-evident in nearly every case whether or not an appropriation would be required and whether a fiscal note is thus necessary. Furthermore, on any measures the committee has a question, they can request a full draft and refer the measure to the Office of Fiscal and Program Review for the preparation of a fiscal note. Under this new system the major difference will be that only committee bills will receive fiscal notes as opposed to the current system whereby all money bills receive fiscal notes..

7. Q: *"What about other options to address this time use problem?"*

A: There are several other options which we have considered and rejected due to the adverse consequences they would produce. The first would be to adjust the legislative schedule to provide for a later convening date. Instead of opening the session in January, the session would begin in early February. The month of January would be devoted to bill drafting and committee activity would take place in February and March.

While it is true that this schedule would afford the ORS more time to prepare bill drafts, we do not believe it would materially affect the present pattern of session activity. Unless the session were lengthened through April, the result would be the same uneven work flow evident in the present system.

V. The Legislature and the Legislative Process

A second option would be to make the proposed bill system optional and applicable only to duplicative legislation and late filed measures. We reject this approach because we believe it would be unenforceable.

Stipulating that only late files or duplicates would be subject to the proposed bill format would imply that these measures were of a "second class status." Even if this were the case, we doubt whether any legislator would acquiesce to having his or her measure treated in such a different manner.

A third option would be to move the filing deadline back to perhaps the first Friday in December, thereby giving ORS more time to draft legislation. It would be extremely difficult for members of a part-time legislature, with outside jobs, to prepare their legislation so far in advance of the session. This is further complicated in an election year. Finally, this early filing date would discriminate against freshman legislators.

A fourth option would be to increase professional staff in the Office of the Revisor of Statutes. By adding at least three full-time attorneys it is conceivable that more bills would be drafted in a timely fashion. We reject this alternative for economic reasons and because we see no justification in a part-time legislature for such a significant staff increase.

Still, a fifth option would be to place a cap on the total number of bills any legislator could introduce as is done in Colorado. This goes against the very core of a citizen's legislature, we therefore reject this proposal.

Finally, the legislature could move to extend the length of legislative sessions, giving itself more time to complete its business. Again, this runs counter of the notion of a citizen's part-time legislature.

8. Q: *"Won't this new system give lobbyists an unfair advantage as they have the resources to introduce fully drafted bills?"*

A: Under this new system, only bills and resolves drafted in layman's language format would be permitted for introduction. Even if a lobbyist or executive agency or department submitted a fully drafted bill, ORS would only prepare a proposed bill containing the title, summary and key provisions.

V. The Legislature and the Legislative Process

9. Q: *"Won't this system give committees too much power, and are committees really capable of making these decisions on which bills to combine?"*

A: The joint committee system used in Maine is one of the most effective committee systems in the nation. Furthermore, our assessment of Maine's joint committees leads us to conclude that they perform their screening and researching responsibilities in a highly effective manner. In most instances, they are well staffed and fully capable of carrying out the responsibilities of this new proposed bill system. It should be kept in mind that this new format will make it more efficient for committees to review and screen legislation.

10. Q: *"Won't this new system simply increase the number of amendments offered on the floor?"*

A. In Connecticut, where the proposed bill system has been in effect for more than a decade, there has been no measurable correlation between the rise in floor amendments and the use of the proposed bill system. Moreover, in the year this proposed bill system was implemented, there was no discernable increase recorded in the number of floor amendments.

Conclusion

As we stated at the outset of this chapter, the single greatest problem facing the Maine Legislature in 1990 is how to effectively manage its available time. This is an especially critical question in Maine when one recognizes that the goal is to balance the desire to maintain a citizen's legislature with the need to address an increasing and more complex workload.

We believe the proposed bill system is the best solution to Maine's situation. It would enable this Legislature to deal more effectively and efficiently with its business and most importantly, it will permit this Legislature to retain its citizen's character. If the Legislature moves to adopt or even further study this proposed bill system, we would recommend that the Legislative Council appoint a special sub-committee comprised of

V. The Legislature and the Legislative Process

legislators and key staff to examine this proposal in further detail. As one necessary step, we would further suggest to the Advisory Committee that they invite to Maine representatives from the Connecticut Legislative Commissioner's Office and several Connecticut legislators to testify in detail on the Connecticut experience with the proposed bill system.

JOINT COMMITTEE OPERATIONS

The Maine Legislature enjoys one of the most effective committee systems in the nation. The use of joint committees comprised of House and Senate members to conduct its review of all legislation represents, in our judgment, one of the great strengths of this Legislature. Not surprisingly, our survey of legislators' attitudes concerning the present joint committee system bears out this view. More than 90% of all legislators responding gave joint committees their highest rating. Moreover, our own interviews and review of committee activities underscores the fact that Maine joint standing committees do an effective job in reviewing and screening legislation. This assessment is based on several criteria: the high percentage of bills which are amended in committee, the infrequent turnover of committee reports on the floor of the House or Senate, the high calibre of committee staff, and our own professional evaluation of committee operations.

In addition to these technical criteria, the Maine Legislature can lay claim to a number of innovative and nation-leading laws. The extensive research and expertise evident in ground-breaking environmental and social legislation lend further credence to the overall effectiveness of Maine's joint committee structure. Notwithstanding this strong endorsement, we do believe that several significant improvements can be instituted; improvements which will serve to further strengthen each committee's role in shaping public policy.

Summary of Recommendations

We recommend that the Maine Legislature implement the following with respect to the joint standing committees.

V. The Legislature and the Legislative Process

68. Establish a set of uniform rules of committee procedure.
69. Enumerate and formally define the jurisdictions of each of the joint standing committees.
70. Establish two groups or sets of committees to eliminate scheduling conflicts.
71. Reduce the number of joint standing committees to a maximum of sixteen.

Uniform Rules of Committee Procedure

Our first recommendation for Maine's joint standing committees is that a set of uniform rules of committee procedure be established and set forth in the Maine joint rules. This recommendation is based on four factors.

First, in interviewing committee chairs, legislators, and staff, and in reviewing legislators' assessment of committee performance in our survey of legislators, we have discovered that committee procedures vary widely in several critical areas. How committees organize their workload, give notice of meetings, and conduct public hearings and working sessions are questions that can only be answered on a committee by committee basis. Furthermore, it is clear from our research that certain committees operate under more democratic and efficient procedures than others.

Second, the fact that committees in Maine conduct all of their deliberations as joint committees with members from both houses as well as both parties further underscores the need for a clear understanding of relative responsibilities and fundamental operating procedures. Committee co-chairs need to be clear on their respective duties and responsibilities, committee schedules must conform to House and Senate schedules, and all members must have timely and complete access to information.

Third, if our recommendation for a new bill filing system is adopted, committees will need to establish uniform procedures for determining how

V. The Legislature and the Legislative Process

measures are combined, delineating co- sponsorship, determining voting on requests for committee drafts, and preparing committee reports.

Fourth, by enumerating uniform standards for committees, legislators, as well as the interested public, would benefit from a clearer understanding of how committees operate.

Specifically, we recommend that the Maine Legislature adopt a set of uniform rules of committee procedure which address the following topics:

1. Committee Chairs

- Duties and responsibilities

2. Public Hearing Procedures

- Agendas
- Notice requirements
- Conduct of hearings
- Oral and written testimony

3. Working Sessions

- Agendas
- Notice requirements
- Voting
- Committee reporting

4. Members

- Duties and responsibilities
- Proxy voting
- Quorum requirements

5. Interim Committee Activities

Presently, several state legislatures employ uniform rules of procedure. In most cases the rules speak to the topics we have identified above. If this legislature moves to implement this recommendation, we would suggest that

V. The Legislature and the Legislative Process

they begin by first collecting data on how each and every joint standing committee conducts its deliberations. With this information in hand, the Legislative Council could then begin to develop the appropriate uniform procedures.

Committee Jurisdictions

Under current procedures, as enumerated in Joint Rule 14, the Secretary of the Senate and the Clerk of the House are chiefly responsible for referencing every bill, resolve and petition to committee. Although disputes in referencing occasionally arise, it seems logical and appropriate that this referencing responsibility remains in these two offices. We do nonetheless also feel that the Secretary and Clerk, along with the legislature as a whole, and the general public would benefit from having each committee's jurisdiction spelled out and enumerated in the Joint Rules. Even though a small minority of measures require more careful analysis than simply making the reference by title description, we do believe that jurisdictions can be developed that are sufficiently broad enough to give the Clerk and Secretary flexibility to make the proper assignments. Furthermore, if our subsequent recommendation calling for a reduction in the number of joint standing committees is adopted, we believe that written committee jurisdictions will make clearer the new expanded jurisdictions of certain committees.

Finally, in the process of enumerating committee jurisdictions the legislature will have the opportunity to more clearly define the role and scope of several key committees. As will be seen in the next section of this chapter, we believe that it is essential for the Maine Legislature to clearly delineate the jurisdiction and role of the Appropriations and Financial Affairs Committee and the Audit and Program Review Committee.

If the Legislature moves to accept this recommendation for committee jurisdictions, we suggest that a special sub-committee comprised of the House Clerk, Senate Secretary, Revisor of Statutes and several legislators be established and charged with the responsibility of preparing suitable language for each joint standing committee.

V. The Legislature and the Legislative Process

New Scheduling System

In addition to adopting staggered reporting dates, we also recommend that the Maine Legislature adopt a new scheduling procedure. Our surveys and interviews reveal that a number of legislators and staff are critical of the present scheduling system, which all too often results in conflicts for legislators and staff. These conflicts arise when two committees which a legislator serves on or one staff person is assigned to, schedule their meetings at the same time. Clearly, such conflicting committee meetings make it difficult for legislators and staff to fulfill their individual committee responsibilities.

To help eliminate scheduling conflicts, we recommend that the joint standing committees be divided into two groups, and that all legislators be assigned to serve on no more than one committee from each group. Committee meeting schedules can then be set with Group A committees meeting, for example, on Monday and Wednesday, and Group B on Tuesday and Thursday. Such a rule would effectively address this problem (save in those few instances where a Senator serves on more than two committees).

Joint Standing Committee Workload

As mentioned earlier, the Maine Legislature uses a joint standing committee system as the mechanism to review, deliberate upon, modify and report out legislation to the full Legislature. The joint committees, composed normally of ten Representatives and three Senators, provide the structure that allows legislators to specialize and develop expertise in complex problems and issues. Currently, the work of the Legislature is divided among 19 joint standing committees and periodic select committees.

The benefits of a joint committee structure are numerous, as legislation is reviewed by committee members of both the House and Senate simultaneously. This eliminates duplication of effort, precludes redundant levels of staff, and helps facilitate better communication between both houses.

V. The Legislature and the Legislative Process

We strongly recommend the continuation of the joint committee system within the Maine Legislature in the years to come.

In our study of the Legislature and its committees, one of the issues we have reviewed is the need to maintain 19 independent joint standing committees. Legislative committees normally exist to provide a reasonable distribution of labor within the Legislature for various reasons. First and foremost is the need of the Legislature to be able to organize itself in a manner which permits specialization on the many issues it must address. As well, there are necessary political reasons for committees: the need to provide chairmanships; the need to satisfy certain public interests; and the desire to continue the status quo. In considering the appropriateness and viability of maintaining nineteen joint standing committees, we have reviewed:

- the distribution of workload among the committees
- the committee assignments of individual legislators
- the distribution of existing staff resources

The distribution of workload among committees gives a fairly accurate picture of the "relative status" of a joint standing committee. Generally speaking, the busier the committee is, the more important it is and the more influence it has. Using this indicator first, our analysis of the average workload of each committee during the 112th, 113th, and 114th Legislatures for both the first and second sessions reveals that over that period, six committees of the Legislature reviewed over 50% of all bills referred to committees. Over 75% of all bills have gone to ten committees! (See Appendix C.3). Clearly, the current workload of committees is not balanced. Moreover, we can safely infer from this that at least a few committees have limited responsibility for screening and reviewing major pieces of legislation. The workload of committees can have an impact on the productivity of the Legislature as a whole. Some committees will finish their work or level of effort earlier in the process, and other committees will be burdened in conducting public hearings and work sessions and in reporting out their bills.

V. The Legislature and the Legislative Process

Our second consideration was the distribution of committee assignments. Clearly, the more committees legislators serve on, the more multiple assignments and possible conflicts they contend with. At the present time, while the number of committee assignments per legislator in the Maine Legislature cannot be considered unmanageable, multiple committee assignments affect legislators' ability to focus expertise in one area and to attend work sessions and public hearings. Also, the current number of committees requires that virtually every Majority party senator serve as a committee chair even when newly elected, which in some instances requires service as a chair before having served as a committee member. A reduction in committees would allow legislators to develop greater expertise and, in turn, contribute to committee performance, thus enhancing individual member's ability to carefully screen and shape legislation.

Currently within OPLA, the primary committee support office, a total of 14 analysts (some with supervisory responsibilities) staff 16 policy committees. Several staff have dual committee assignments serving two sets of committee chairs, many times dealing with conflicting hearing and work session schedules and similar deadlines. A larger number of committees, combined with the fact that some committees have more limited workloads, creates a structure that is more difficult to staff effectively.

We believe the Maine Legislature should reduce the number of joint standing committees from 19 to 16 (as a maximum). While we recognize each committee services specific constituencies and interests, we question the need for individual committees to review legislation in the areas of housing and economic development; and aging, retirement and veterans' affairs. Specifically, we recommend the elimination of the Aging, Retirement and Veterans Affairs Committee and of the Housing and Economic Development Committee.

Generally, the bills previously referred to Aging, Retirement, and Veterans Affairs should be referred to the Human Resources committee; the Housing and Economic Development bills should be referred to the State and Local Government Committee. We also recommend consolidation of the Marine Resources Committee and the Fisheries and Wildlife Committee. A

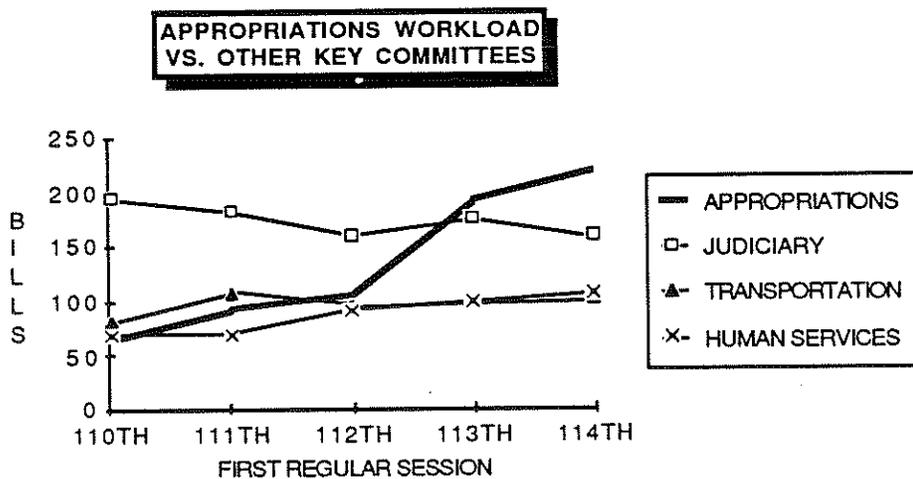
V. The Legislature and the Legislative Process

Maine Legislature operating with 16 joint standing committees will permit a very efficient use of legislators and staff without diminishing the Legislature's ability to develop specialized "workshops" to review and deliberate upon the work of the Legislature.

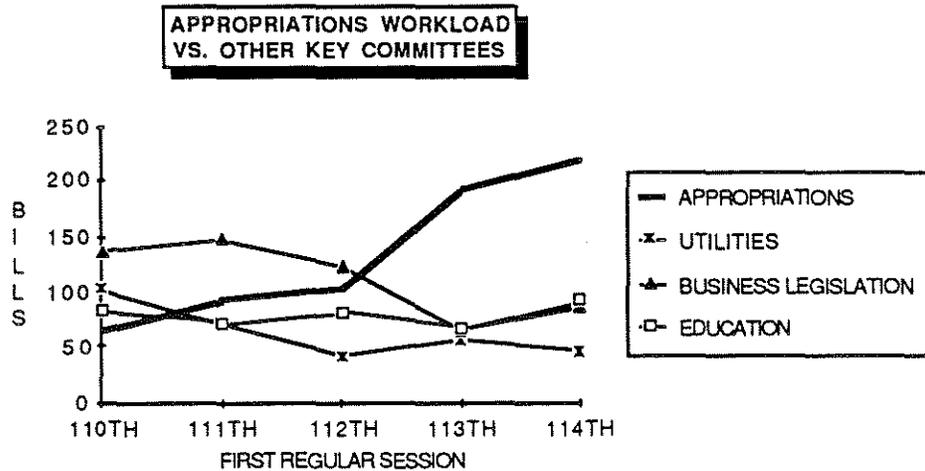
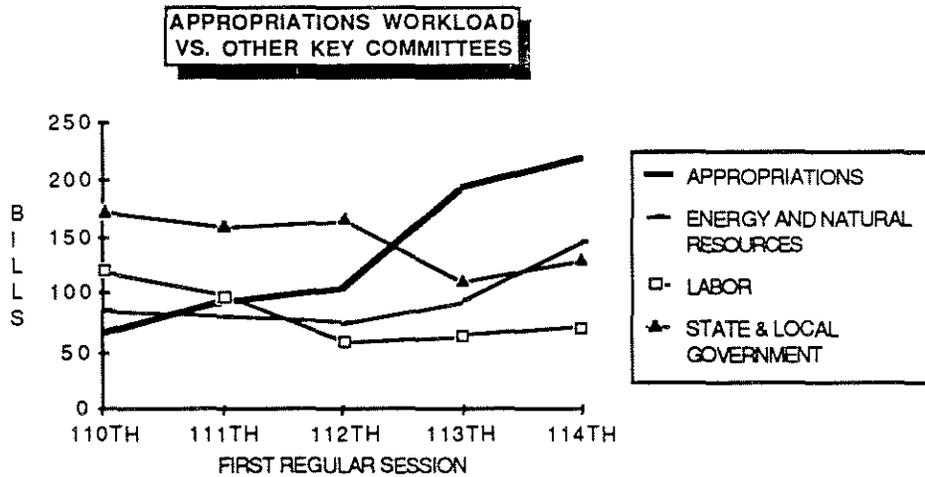
APPROPRIATIONS AND FINANCIAL AFFAIRS COMMITTEE

We are mindful of the fact that as the primary fiscal committee of the Legislature, the Appropriations and Financial Affairs Committee plays a pivotal role in the legislative process and that, in large measure, its subject matter jurisdiction dictates that this Committee will always be among the busiest, if not the busiest. In Maine, this is especially true given the fact that the Appropriations Committee, via the Appropriations Table, acts on all measures which carry a fiscal impact.

A review of the workload of all joint standing committees over the past decade demonstrates that, in point of fact, the Appropriations Committee's workload has grown dramatically. Indeed, from 1981 to 1989 the Committee's workload increased by more than 237%! By far, as the following exhibits demonstrate, this represents the greatest increase recorded by any committee.



V. The Legislature and the Legislative Process



Further contributing to its busy workload, many legislators rely on Appropriations to make the tough decisions. For example, we recognize that frequently legislators will request that their bills be directly referred to Appropriations rather than to a more relevant subject matter committee. Some legislators feel that sending a bill to Appropriations is essential if passage is desired. Still others judge that the expertise to consider the matter rests in Appropriations and/or the bill is really more fiscal in nature than

V. The Legislature and the Legislative Process

programmatic. Finally, in certain cases, legislators may wish to see a bill killed and rather than have to rely on their own committee, they seek to pass the responsibility along to the Appropriations Committee.

Notwithstanding these reasons why the Appropriations and Financial Affairs Committee is an inherently busy committee, we do believe that its jurisdiction has exceeded normal bounds. Appropriations considers too many bills on too many subjects. Even if one accepts the argument that Appropriations must see all money bills, it would seem logical for substantive policy committees, which presumably have needed expertise on those matters that fall within their jurisdiction, to at least have an equal role in the review process. Furthermore, by striking a more equitable balance in both workload and jurisdiction, we believe the Legislature will be taking a major step toward diminishing tensions which so clearly exist between the Appropriations Committee and other substantive policy committees.

One of the most often repeated concerns expressed to us during our interviews with legislators and staff relates to the role of the Appropriations and Financial Affairs Committee. Ninety-two percent of all legislators responding to our survey agreed with the statement, "There is a need for greater cooperation and communication between the Appropriations Committee and other joint standing committees." Our subsequent research and interviews has revealed that the basis for this concern lies in two critical areas: the jurisdiction of the Appropriations Committee and the Appropriations Table.

With respect to the Committee's jurisdiction, the chief concern is that its reach has become far too broad; that in addition to considering matters of a fiscal nature, in the opinion of many, the Appropriations Committee is also considering and acting on issues with increasing frequency that should be handled by other substantive policy committees. At least part of the reason for this seems to be reflected in the belief shared by many Appropriation Committee members that, "If we don't see it, it doesn't get funded."

To reduce the Appropriations Committee's workload and simultaneously give other policy committees a greater role in reviewing and

V. The Legislature and the Legislative Process

screening legislation will require two actions. First, there must be an increased commitment on the part of the legislative leadership of both houses to see that measures of a policy nature are referred first to the appropriate policy committee. Without their commitment, no written rule or recommendation will be effective.

Second, we recommend establishing a new definition of the jurisdiction of the Appropriations and Financial Affairs Committee which will enumerate the procedure whereby legislation of a policy nature would first be referred to the respective policy committee. Specifically we recommend that any definition of the Committee's jurisdiction include language similar to the following:

A committee on Appropriations and Financial Affairs to which shall be referred all bills, resolves and other matters relating to general appropriations bills, bond issues, etc. and all bills or resolves carrying or requiring an appropriation and favorably reported by another committee unless reference to said committee is dispensed with at the request of the chairs of the committee.

The intent of this provision is to assure that joint standing committees of the Legislature have an opportunity to review and act on measures that fall within their jurisdiction, even if the measures have a fiscal impact. We reject the argument that "if Appropriations doesn't hear it, it doesn't get passed." The recommendation of the substantive policy committee should be sufficient for determining whether the bill moves ahead in the process. The Appropriations Committee must rely on the expertise and recommendations of other policy committees. This in no way diminishes the ability of Appropriations to evaluate each measure in terms of its fiscal impact.

Related to this concern over the growing jurisdiction of Appropriations are serious questions about the process by which legislation is cleared off the "Appropriations Table". It is long standing practice in Maine to hold off final action on most measures that carry a fiscal note until the major money bills are dealt with. This means that bills with a fiscal note which pass the House and reach the stage of enactment in the Senate end up on the "Appropriations Table" until the closing days and quite literally the closing

V. The Legislature and the Legislative Process

hours of the session. In the midst of racing to end the session and resolve the many major complex issues still pending, the Appropriations Committee must take final action on all those measures assigned to the "Table". This is not an inconsiderable task. In the 114/1st fully 160 bills languished on the "Appropriations Table" until the final two days of the session.

Deciding which of these tabled bills gets funded and at what level, is determined variously by the Appropriations chairs, the presiding officers, pertinent committee chairs, and other members of the Appropriations committee. The factors that influence their decisions include: evaluating the merits of the bill, the size of the fiscal note, the bill's sponsors, and the amount of available funds. Of course, this unique decision-making process also provides ample opportunity for adept political maneuvering - compromises must be struck, trade-offs made, decisions quickly reached.

While the concept of the Appropriations Table is grounded in common sense, "You can't spend what you don't have and you don't know what you have left until you take care of all essential services," the present process appears to us to need significant restructuring. Too many important decisions are being made in far too little time. Often to meet a spending limit, the sponsor of a bill (or committee chair) is told by Appropriations that he or she must cut the funding request dramatically. Even though the very purpose of the bill may be changed, sponsors will often comply simply to assure that "something gets on the books". This is not the best way to establish policy. At its worst, the press to meet deadline forces the legislature to make hasty decisions and creates at the least the appearance that many funding decisions are either made arbitrarily or because of some special influence.

In an effort to alleviate this situation, the Maine Legislature has several procedures spelled out in the Joint Rules designed to involve other committees in the Appropriations Committee's decision-making process and help Appropriations decide which measures on the "Table" are to get funded. Presently, the Appropriations Committee attempts to involve other substantive policy committees in its deliberations by inviting sub-committees of each joint standing committee to participate in budget hearings and work

V. The Legislature and the Legislative Process

sessions. Additionally, Joint Rule 13 makes note of the fact that each committee should submit a priority list to Appropriations indicating the committee's priority for final passage of these bills.

Neither practice works effectively. The first provision, having subcommittees meet with Appropriations, is largely unworkable. Members of other committees who wish to participate in the Appropriations hearings often must sit through endless debate and discussion before their issues are actually discussed which creates conflicts with their own committee hearings and work sessions. Furthermore, as will be described in greater detail below, the awkward configuration of the Appropriations Committee room, makes close collaboration between Appropriations and other committees unlikely. The second provision, presenting a priority list to Appropriations, is only slightly more effective. Some committee chairs identify a few items as priorities, others submit much longer lists, still others may submit no list at all. Moreover, ultimately the success each committee chair has with his or her priority list is often determined by whether or not Appropriations has seen the measure beforehand and the skill of the chair in lobbying for what he or she wants.

We do not deny or criticize the art of lobbying or compromise in the legislative political process. Politics is the essence of a vigorous democracy. There must be room for give and take especially in a state legislature where a chorus of competing interests on any given measure can always be found. Yet even accepting this political reality, the Maine Legislature must recognize that it is placing far too much of a strain on the process, on its Appropriations Committee, and on the members as a whole, when it attempts to take care of so much business in so little time. We believe that changes in the basic structure and operations of the Appropriations Committee are necessary to remedy the last minute decision-making and prioritization of funding needs.

The appropriations process is the focal point of legislative responsibility and decision-making. It determines the means by which the financial resources of the State of Maine are allocated. As the appropriation of public funds is such a critical process, it is evident that many legislators would expect some opportunity for involvement in budgetary decisions and priorities.

V. The Legislature and the Legislative Process

The structure and size of the Appropriations Committee are important factors affecting input to the appropriations process, distribution of critical decision-making responsibility to various legislators, and enhancing the ability to specialize in major programmatic budget areas. We recommend the following with respect to the structure of the Appropriations Committee:

At present, the Appropriations and Financial Affairs Committee is a thirteen-member committee which most often operates as a committee of the whole in hearing, reviewing, and deliberating with respect to the state budget and most pieces of legislation. We recommend that the size of the Appropriations Committee be expanded from the current 13 members to 21 members, commencing with the 115th legislature. Appropriations committees of this size are prevalent in other state legislatures, and by broadening the membership of the committee, more legislators will have direct involvement in a critical process and bring a greater range of expertise to the committee.

We recommend that the Appropriations Committee establish standing subcommittees to review the Governor's Budget and to permit the A&FA to work with the other joint standing committees over the course of the session on funding matters, in order to remedy the prioritization of funding requests at the very end of the session. Under our proposed structure, each subcommittee would report its findings back to the full A&FA committee. This specialization by subcommittee is important in consideration of the size and complexity of the state budget. In Chapter III, we present additional recommendations to facilitate specialization of staff within the Office of Fiscal and Program Review to further promote the use of subcommittees of A&FA.

Also, with the establishment of subcommittees of Appropriations, we recommend the appointment of two members of joint standing committee to subcommittees of the Appropriation Committee for the purpose of budgetary consideration of agencies and programs in the policy committees area of jurisdiction during the review and preparation of the state budget. The policy committee members should have a formal vote on action taken in subcommittee; this procedure would not modify the powers and procedures

V. The Legislature and the Legislative Process

of the full committee. As mentioned previously the current "Appropriations Table" process results in a last minute, end of session prioritization process to fund legislative initiatives. The subcommittees will allow Appropriations committee members and policy committee members with a mechanism to review the priorities of policy committees over the course of several weeks and in a structured format well in advance of the end of the session "Appropriations Table" process.

Finally, with respect to the Appropriations Committee hearing room, we believe that significant changes need to be instituted to improve its general atmosphere and functionality. The configuration of the members' desks resembles an "L". When legislators from other committees join Appropriations in its deliberations, they must sit at a table below and to the right of the committee. This awkward arrangement creates a sense of "second class" status and impedes easy dialogue. We concur with the Senate chair of Appropriations that the table configuration should be restructured, specifically we recommend that the "L" be made into a "U". The additional seating could more conveniently and appropriately accommodate other visiting legislators. Though a relatively small matter, we believe it would have a salutary effect on how people perceive this committee.

Along with reconfiguring the desks, the committee (and everyone who deals with it) would benefit immeasurably from the installation of a new P.A. system and more comfortable seating in the hearing room. During the session, this room is regularly packed with legislators, citizens and special interest representatives. It would doubtless improve productivity and lessen tension if the environment were made more hospitable. (If any major construction were undertaken the Legislature would do well to bring the desks down to floor level.)

Summary of Recommendations

72. Increase the commitment of legislative leaders of both houses to assure that measures of a policy nature are first referred to the respective policy committee.

V. The Legislature and the Legislative Process

73. Establish a new definition of the jurisdiction of the Appropriations and Financial Affairs Committee which will enumerate the procedure whereby legislation of a policy nature is first referred to the respective policy committee.
74. Expand the size of the Appropriations Committee to allow more legislators to have direct involvement in this critical process.
75. Create standing subcommittees of the Appropriations and Financial Affairs Committee to specialize in their review of the Governor's Budget.
76. Appoint two members of each joint standing committee to the specialized subcommittees of Appropriations.
77. Reconfigure the table and seating arrangements in the Appropriations Committee room.

INTERIM ACTIVITIES

One of the clearest signs that the business of the Maine Legislature is growing dramatically can be seen in the increase in activity recorded during the interim period between regular legislative sessions. During the interim between the 113/2nd and 114/1st a total of 27 studies were authorized by either statute or the Legislative Council. The great majority of these studies were of a substantive nature, dealing with such major issues as substance abuse, cost containment of prescription drugs, public funding of state elections, and worker's compensation. All required extensive research and long hours of work by OPLA or OFPR staff. Most telling, a high percentage of these interim studies yielded legislation which was ultimately enacted into law. Of the 27 studies authorized for the 1988-89 interim, 58 study bills were drafted and fully 20 became law. (3 were carried over for further consideration).

We regard the interim period as an invaluable resource for the Maine Legislature. It permits this Legislature to more fully research and study complex, significant issues and it contributes to the Legislature's ability to maintain its present odd-year, even-year schedule of activity. Without an

V. The Legislature and the Legislative Process

effective and productive interim period, there would be added pressure to expand regular session schedules.

Because of the need to schedule vacations and clean up session business, interim study activities between the first and second regular sessions do not commence until August at the earliest. The first meeting in August is usually to bring the study committee or commission together to set an agenda and schedule for future meetings. In September, an informal hearing may be held and more specific requests for research will be made to the staff. In October, the committee will meet to discuss the staff's findings and develop recommendations. There may even be sufficient information to begin work on preparing an actual bill, although this is rare. The November meeting is usually the most critical as decisions will be made on central issues in the study and the major elements of any proposed legislation will at least begin to be decided. Finally, by December 1, unless an extension is given by Legislative Council, all requests for bill drafts must be submitted to the Revisor of Statutes.

Our review of these interim period activities focused primarily on issues of organization and operation. Our goal is to offer recommendations, where necessary, which would insure that the process by which interim studies are conducted is efficient and productive.

Recommendations

Although, as we have noted, the interim is productive, we do feel that several changes can further enhance the value of this important time period and contribute to strengthening regular session activities. The recommendations we offer here are even more significant when one takes into account the trend towards increased interim activities.

78. Our central recommendation calls for the Legislature to establish and enumerate in the Joint Rules a specific set of procedures to govern all interim studies. These procedures should address the form and content of interim study requests, the method of appointing members, schedule of activities, and reporting requirements.

V. The Legislature and the Legislative Process

79. To assure that the authorizing agency, whether it be the Legislature or the Legislative Council, has a clear understanding of what they are being called upon to approve, all requests for interim studies should clearly specify: the subject of the study, the specific issues to be examined, the entity which will be undertaking the study (Joint Standing Committee, commission, etc.), the staffing requirements, and whether an appropriation is requested.
80. Secondly, a time limit must be established relating to the appointment of members, especially in the case where study commissions are used as the vehicle for dealing with complex issues. Unlike interim studies conducted by sub-committees of regular joint standing committees, study commissions usually are comprised of legislators, citizens, executive agency personnel, etc. who may be appointed by the presiding officers and the Governor. Often, because the group is more diverse, it takes more time to complete the appointment process for commissions. Indeed, in a number of cases, commission members may not actually be appointed until September. This is far too late for the interim commission study to begin its work. To address this situation, we recommend that a uniform date be promulgated requiring that all interim commissions must be appointed within 30 days following the adjournment of the legislative session.
81. In addition to these steps, a schedule of activities and tasks should be promulgated to help assure that studies are completed on time and to assist the designated staff agency in planning its own agenda for the interim. This schedule should stipulate that interim commissions or committees must establish a work plan setting forth a schedule for regular meetings.
82. The time limit for requests for bill drafts should be moved up to mid-November rather than December 1 in the odd year. Permitting interim study bill drafting requests to be introduced on December 1, or even later in the case of approved extensions, unnecessarily adds to the already high volume of bill drafting requests being processed by ORS and OPLA prior to the beginning of the regular session.
83. Finally, we recommend that the Drafting Guidelines for Enacted and Council-Approved Studies, issued in a memorandum on April 28, 1989, from the Senate President and Speaker of the House, should be formalized by the Council and issued to all Joint Standing Committees and appointed commissions. These guidelines contain clear language addressing nearly every facet of interim study

V. The Legislature and the Legislative Process

activities and are consistent with the recommendations offered herein.

SECOND YEAR REGULAR SESSION

The Maine Legislature moved from biennial to annual legislative sessions beginning with the 108th Legislature. Like many other states, this Legislature attempted to set limits on the length and types of legislation which would be considered in the second regular, even year session. In keeping with this goal, Article IV, Section 1 of the Constitution of Maine was written to provide for a second regular session of the Legislature limited to

". . . budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committee for study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors . . ."

Recognizing that every second year session would be so limited, the Legislature adopted a new set of procedures to regulate the introduction of all legislation. The Legislative Council was delegated the responsibility for establishing cloture dates for the introduction of legislation in the second year, and more importantly, the responsibility of deciding which legislation is actually allowed to be introduced. In the Joint Rules the Legislature added a further restriction on what can be considered in the second year by prohibiting the reconsideration of any measure rejected in "any regular or special session . . . of the same legislature."

We have had the opportunity to observe the Legislative Council's deliberations on all bill requests submitted before the cloture date for the filing of legislation in the 114/2nd session. Additionally, we have compiled statistics which measure the volume of legislation considered in each regular session from 1979 to the present. Based on this information, we make the following observations:

- The total volume of legislation considered in the first session of each Legislature has increased at a fairly modest rate over time. In contrast,

V. The Legislature and the Legislative Process

the volume of legislation considered in the second session has increased sharply over the past decade. (The graph illustrating this change in legislative activity is presented in Chapter II.)

- Despite the constitutional and rule limitations on what legislation can be considered in the second year, it appears to us that a significant proportion of all legislation being permitted introduction does not fall within these limiting provisions. Rather, a review of measures allowed in for consideration in the upcoming 114/2nd session suggests that many of measures are neither strictly of a budgetary nor emergency nature.
- In screening legislation, the Legislative Council's decisions appear to be based on several factors: whether or not the sponsor has come before them or contacted them, the input of lobbyists and other interested parties, the merits of the measure, whether or not it was of an emergency or budgetary nature, and whether it had been previously rejected.

The fact that the volume of legislation considered in the second year has increased dramatically over the past decade does not surprise us. It seems self evident that this increase is a reflection of the fact that the issues facing the State of Maine have multiplied over the years and in many instances, have grown in complexity. Moreover, it is also not surprising that the range of issues being considered, in many instances, falls outside the relatively narrow boundaries prescribed in the Constitution.

If the Legislature were to adhere more strictly to the constitutional definition, it would in our opinion, be to the detriment of the people of Maine. The primary responsibility of the Legislature is to enact laws that will protect and enhance the quality of life of the citizens it represents. The issues and problems the state faces do not confine themselves to a certain time each year. The Legislature must have the flexibility to respond as the need arises.

We believe the Maine Legislature will continue to witness a significant growth in legislative activity, especially during the second regular session. Fortunately, because there is an ample interim period between sessions, the problems with making effective use of time at the beginning of the session are not as acute as they are in the first regular session. For example, the Revisor of Statutes, prior to the commencement of the 114/2nd, enjoyed a

V. The Legislature and the Legislative Process

full six weeks between the bill filing deadline and cloture. Accordingly, his office was able to prepare 310 bills for introduction on the very first day of the session. This represents the largest single number of bills ever prepared for introduction by this date. Not to diminish this most effective use of time, we believe that specific changes are still required to better regulate the pattern of legislative activity in the second year session.

Recommendations

In observing the Legislative Council during its deliberations on screening legislation for introduction to the second session, we note that their decisions on which bills to allow in and which to reject, were based on brief descriptions of each measure prepared by the ORS. It was clear that the Council, in almost every case, fully understood the intent and ramifications of each measure based solely on the brief description provided to them. The proposed bill format would work in much the same way, save that legislators would have more information on which to base their decisions.

84. We recommend that the proposed bill format be applied to the second year session in the same fashion as we have recommended for the first year. We believe the Legislature would recognize the same benefits in improved use of time, reduction in the total number of bills and resolves drafted in statutory form for consideration, and a more even flow of activity throughout the session.
85. Our second recommendation pertains to the role of the Legislative Council in dealing with late-filed measures. During the 114/2nd, as of March 5, 1990, over 80 measures were allowed in after deadline. While this may not present a serious administrative problem for the ORS, it does place added pressure on committees attempting to meet deadline and on OPLA staff. Again, as we recommended for the first regular session, we believe the Legislative Council's role in screening after-deadline requests should be eliminated and that this responsibility should be vested in both houses of the Legislature.

V. The Legislature and the Legislative Process

LEGISLATIVE OVERSIGHT

A principle function of legislatures is oversight of state administration by the Executive Branch to ensure that departments and agencies are operating in accordance with their statutory mandates, that programs are accomplishing what the Legislature intended when it created them, and that regulations and regulatory actions are neither overly stringent nor too lenient in comparison to legislative intent. During our study of the Maine Legislature, both our survey of legislators and interviews of legislators and staff indicated that the Legislature needs to improve its commitment to its legislative oversight responsibilities. Almost 60% of legislators responding to our survey ranked the Legislature as "Poor to Fair" in oversight responsibility of the Executive Branch.

Executive Branch oversight and monitoring functions exist within three forms in Maine State government. First, within the Legislature, through its Audit and Program Review Committee, it has statutory authority to review the mission, programs, and operations of executive branch departments, agencies and commissions pursuant to a statutory review schedule. The committee, assisted by three professional analysts, conducts reviews, issues reports recommending improvements in agency operations, and reports out legislation to modify agency programs and operations.

A second form of oversight was instituted in 1988 when the Legislative Council created a full-time high-level staff position--Director of Legislative Oversight, reporting to the Legislative Council. This position was responsible for reviewing regulations promulgated by state agencies to assess their conformity with state law and legislative intent.

The third form of monitoring agencies is through fiscal, operational and compliance audits conducted by the State Auditor, who is elected by the State Legislature for a four-year term. The State Auditor is responsible for post audits of all financial records of state agencies, review of budgets and capital programs of state agencies and to serve as staff to the Legislature, and to report annually to the Legislature.

V. The Legislature and the Legislative Process

In order to strengthen the legislative oversight function, we recommend the following:

86. Continue the Audit and Program Review Committee as a joint standing committee of the Legislature with centralized responsibility for program review. It is important to recognize that a committee dedicated to this function has the opportunity to be more effective than if the audit function were dispersed across the policy committees; however, to prioritize the role and authority of the Audit and Program Review Committee, we recommend the commitment and support of the leadership of both parties to appoint to the Committee outstanding legislators who are committed to the function and who have expertise in the agencies and departments scheduled for review.

Without this change in direction and commitment to program review, we recommend elimination of the Audit and Program Review Committee as a joint standing committee of the Legislature. As an alternative, the Legislature should retain the full complement of audit and program review professional staff to perform the studies, which are clearly required, under the auspices of the individual policy committees.

87. The agenda for the Audit and Program Review Committee is established per statute over an eleven-year period. All state agencies, boards and commissions are targeted for review based on the eleven-year cycle. We believe that this approach and cycle for program review is a major impediment to an effective and aggressive program review function in Maine government. Specifically, a statutory schedule most often will provide for reviews of agencies that may have sound operations and programs, and there is no true basis or need for a review.

In order to provide an opportunity for a high degree of support and commitment to the study, the Legislature should focus studies on agencies that are of current concern to the Legislature and that are prioritized and approved by the Legislative Council.

88. The Audit and Program Review Committee does not operate as effectively as it should due to the practice of creating large subcommittees, composed of most members of the full committee, to conduct reviews. The large size of the subcommittees does not promote specialization or a good division of labor. The size of the subcommittees also delays the review process, as it becomes more difficult to schedule meetings of the subcommittee. At a

V. The Legislature and the Legislative Process

maximum, five legislators of the committee should serve on a subcommittee.

89. Reduce the time cycle for agency reviews which normally commence in late summer and continue throughout most of the legislative session. The reviews should be conducted over a four-to-five month time frame; and subcommittees of Audit and Program Review should report their findings and recommendations to the full committee by late January.
90. The Audit and Program Review committee invites adjunct members from the joint standing committees who have expertise and interest in the relevant area: education, energy and natural resources, agriculture, etc. This practice is important in that it helps assure that the sub-committee has additional expertise and current knowledge in the issues facing the specific agency. This practice should continue, and the chairs of Audit and Program Review and of the relevant policy committee should appoint at least two policy committee members to each A&PR subcommittee.
91. The Legislature's initial attempts at reviewing agency rules and regulations should continue. The function should be transferred from a high-level staff function reporting to the Legislative Council to an ongoing activity of the Legislative Council's program review unit staff within the Office of Fiscal and Program Review. It is important to consolidate the regulatory review with the program review activities of this office, as it is already a normal task of program review studies. This ad-hoc regulatory review process should become an on-going regulatory responsibility and should be assigned to a "new" analyst position within OFPR. This new position will not be an additional position within the Legislature, but a reclassification or downgrading of the Director of Legislative Oversight position.

THE MINORITY PARTY IN THE MAINE LEGISLATURE

The minority party in a legislature should not be able to "unduly influence" the legislative process, nor should the minority be "powerless" in attempting to play a meaningful role and fully participate in the legislative process.

The minority party in the Maine legislature is soundly represented on the Legislative Council (four minority positions of ten when the majority

V. The Legislature and the Legislative Process

controls both Houses). The current composition of the joint standing committees generally provides for three majority party members to two minority party members, whereas the majority to minority representation within the Legislature as a whole is 2:1. Also, it has been a longstanding practice within the Maine Legislature that all committee members, both of the majority party and the minority party, be appointed by the Speaker of the House (House members) or the President of the Senate (Senate members).

Several of the recommendations in this report with respect to bill filing and drafting strengthen the already powerful role of the committees within the Legislature. In concert with these other recommendations, we recommend additional changes with respect to the role of the minority party within the Maine Legislature.

92. **The House Minority Leader and Senate Minority Leader should be the appointing authorities responsible for assignment of minority members to the joint standing committees. Vesting authority for minority party committee assignments with minority leadership provides greater assurance that the minority party will have a reasonable and meaningful role in the legislative process by assignment of their own members to appropriate committees based upon their interest and expertise. Under this system, the majority party committee assignments would be made by the Speaker of the House and President of the Senate; and the minority party committee assignments would be made by the House Minority Leader and the Senate Minority Leader.**
93. **The Committee's role in shaping legislation increases under the short-bill format and process (Recommendation No. 64). In conjunction with this recommendation, we believe that there should be a petition procedure such that the minority members of a committee can petition for the support of 10 of the 35 members of the Senate and 40 of the 151 members of the House in order to draft a particular bill and allow it to reach the floor for debate. This petition procedure should become part of the Joint Rules and should be modified for each Legislature (115th, 116th, etc.) to establish reasonable petition requirements consistent with changes in the numbers of minority members of the House and Senate.**
94. **As the committee is a critical decision-making body within the Legislature, we recommend that commencing with the 115th Legislature, the composition of the joint standing committees (i.e.,**

V. The Legislature and the Legislative Process

the number of majority members to minority members) more closely reflect the representation of the political parties within the Legislature as a whole.

95. The minority party should also have both independence and accountability for their offices' budgets, including both personal and non-personal services. This would provide the minority with some level of independence in resource allocation, but consistent with our recommendations in Chapter IV, all budgets would be centrally administered through the Office of the Executive Director.

VI. LEGISLATIVE ACCESSIBILITY AND
RESPONSIVENESS

VI. LEGISLATIVE ACCESSIBILITY AND RESPONSIVENESS

In addition to our evaluation of legislative structure and operations from an internal perspective, we have also tried to assess legislative performance from "outside" the institution, in order to gauge the accessibility and responsiveness of the Maine Legislature to the citizens which it represents. We have developed this assessment through a variety of sources, but have principally relied upon our own observations, and our understanding of legislative operations and procedures in other states. Also, we have discussed these issues with legislators, staff, lobbyists and executive branch officials in our interviews in order to develop our preliminary findings in this area.

By almost any standard, the Maine Legislature is judged to be highly accessible to the citizens of the state, and the organizations which represent their interests before the Legislature. This accessibility, while difficult to measure in a quantitative sense, is well reflected in a number of important features and procedures which characterize legislative operations in Maine. Some of the more prominent may be illustrated as follows:

- Compared to most other state legislatures, Maine has a very low ratio of citizens per legislator (both in the House and Senate);
- Legislators are not limited with respect to the number of bills which may be introduced on behalf of their constituents;
- All bills are traditionally subject to public hearing, which are generally advertised at least seven days in advance;
- Toll free telephone access is provided to all legislators during each legislative session;
- All legislators are granted two general mailings each year to all households in their district, and weekly mailings (to 350 constituents or groups) during each session; also, all constituent mail is forwarded weekly to legislators' homes.

VI. Legislative Accessibility and Responsiveness

These and other features of the Maine Legislature assure that any citizen or interest group can readily communicate with their elected representatives both during and between legislative sessions. In addition, most legislators whom we have interviewed and/or surveyed indicate that a significant amount of hours each week are devoted to constituent service, especially when the legislature is not in session. This commitment of time to service the needs of constituents is generally reflective of the attitude which we have found throughout the Maine Legislature. That is, that the institution's primary and overreaching objective is to serve the needs and interests of all citizens of the state, and to assure that these interests are given timely and adequate representation throughout the legislative process.

In addition to the general issue of accessibility, we have also tried to assess the more elusive concept of responsiveness of the Maine Legislature. This concept, by its very nature, depends more heavily on subjective definitions in order to be evaluated in a meaningful way. Given these limitations however, several features may be cited to provide some indication of how "responsive" the Maine Legislature is perceived to be from a number of different perspectives:

- Relatively more bills are introduced and enacted into law in Maine than in most other states of similar or larger populations;
- Legislators are more influenced by their constituents' views than by any other single factor in voting on bills in which they do not have direct involvement or interest (according to our study survey);
- More than one-third of all legislators surveyed feel that helping constituents is the most important single duty of a state legislator.

These factors, in conjunction with the use of annual constituent surveys by most legislators, provide a reasonable basis for assuming a strong correlation between constituent views and individual legislators' actions within the Maine Legislature. In addition of course, the two-year term of office for all state legislators in Maine (as opposed to four-year Senate terms in 38 other states) provides a more meaningful opportunity for constituents to judge the responsiveness of their elected representatives.

VI. Legislative Accessibility and Responsiveness

In several respects, however, our evaluation of the accessibility and responsiveness of the Maine Legislature indicated that these areas could be strengthened with additional investments in the future. These improvements, which are discussed in more detail elsewhere in this report, would further extend the Legislature's accessibility to the public, and its ability to respond more directly to the needs of local government throughout the state. The specific areas of greatest impact are:

- The addition of more office space for legislators, which would allow for more effective communication with constituents, and greatly enhance legislators' accessibility when not in session;
- The upgrading of direct, on-line access capability to bill information and bill texts from outside the capital, which would provide all interested citizens and groups with the ability to read and analyze proposed legislation;
- The provision of local fiscal notes on all legislation with fiscal impact to provide municipal and county officials with an enhanced capability to evaluate proposed legislation from the local perspective; and
- The development of a formal legislative internship program for state college and graduate students, to provide for more personal contact between legislators and students, and to increase staff assistance during legislative sessions.

These enhancements, in our opinion, would make the legislature even more accessible and responsive to its many constituents, and would further strengthen its commitment to these qualities.

VII. FUTURE ISSUES AND TRENDS

VII. FUTURE ISSUES AND TRENDS

The goal for the future will be to preserve the character of the Maine Legislature as a part-time, citizen's legislature. No small task, for the pressure to move toward a more full-time, professional legislator model will undoubtedly grow as the state itself grows. In this regard, Maine is not unlike many other part-time state legislatures. Notwithstanding this national trend toward professionalization, we believe this Legislature should and can continue to function as a citizen's legislature, fully responsive, accessible and accountable to the people of Maine.

This study, and the recommendations emanating from it, will serve as at least a part of the blueprint for helping the Maine Legislature strengthen its institutional capacity and overall effectiveness. We believe that if our recommendations are properly implemented, the Maine Legislature will recognize a number of significant benefits. Our study, however, does not mark the end of the process. Indeed, this Legislature must continually look to evaluate itself to determine how well it is doing at its crucial job, and where necessary, what steps it must take to upgrade its resources to meet ever growing demands. This is an especially significant responsibility for a legislature which consciously seeks to preserve and maintain its unique character.

What then for the future? We believe that the Maine Legislature will face growing pressure to further upgrade its resources; that is, its procedures, its professional partisan and non-partisan staff, and its physical facilities. The recommendations presented in this section are offered to demonstrate the type of change this Legislature will need to seriously contemplate in the future. While several of the recommendations offered below build on observable trends, many may, in today's light, appear too far reaching or even out of character for Maine. However, the point should be kept in mind that as the state itself grows, and as the federal government continues to delegate more and more responsibility to the states, the need for change — some major — will become more apparent.

Recommendations for the Future

Our first set of recommendations relates to committee procedures and the Maine Constitution. Maine's Joint Standing Committees, as we have observed, are effective individual workshops which permit this Legislature to develop expertise on the full range of complex social and economic issues that confront the people. For the future, we believe that consideration should be given to expanding the scope of Joint Standing Committees by permitting them to develop and propose legislation not only based on any measure before them, but also based on their own initiatives. Where a committee perceives a need and a potential solution, it should have the ability to act regardless of whether or not a specific piece of legislation is before it. In reality, many committees already do just this by simply substituting one measure for another.

If the Legislature adopts this recommendation, we believe the next step should be to amend the state constitution to expand the subject matter jurisdiction of the second regular session. As we have observed in Chapter V, the subject matter normally considered during the second annual session is far broader than the constitutional definition of what is germane in the second year. We believe this trend will continue to grow in the future. The problems of the people of Maine cannot be confined to one session or another. Accordingly, we recommend that for the future the Maine Legislature consider amending Article IV, Section 1 of the Constitution to give the Legislature greater flexibility to address a greater range of issues. Specifically, we recommend that the Constitution be amended to permit the Legislature to also consider during the second regular session legislation proposed by any regular Joint Standing Committee.

Our third major recommendation relates to expanding the Legislature's role in the budget process. Presently, the Legislature relies on the Executive branch for revenue projections. We believe that to strengthen the independent, co-equal status of the Legislature, it should have the capacity to independently develop fiscal information on state revenues.

VII. Future Issues and Trends

Our fourth recommendation relates to the physical plant. We believe the Maine Legislature must soon address the need to upgrade its physical facilities. Recent studies have been commissioned to improve the physical layout of the statehouse. It seems clear to us that more dramatic measures are necessary. At a minimum, existing committee hearing rooms need to be significantly upgraded. Changes which should be made include installing modern audio equipment, computer terminals, better seating and lighting.

For the future, however, more will be required than simply improving existing facilities. The need will be for developing new office space. In this regard, we recommend that Legislature consider the feasibility of acquiring the next door state office building and retrofitting it to accommodate modern hearing room facilities and office space for each member of the Legislature. As well, this new legislative office building would provide needed space for existing and future professional staff.

The fact that the Maine Legislature is a citizen's legislature does not mean that legislators should have to continue to operate in facilities which in many cases are antiquated and insufficiently equipped. Indeed, the argument we make is that improved and expanded physical facilities will strengthen the citizen's legislature by making it more accessible to the citizens.

Our next recommendation involves strengthening the legislator orientation program. We believe a well-organized, comprehensive orientation program could help new legislators gain a fuller appreciation of their role and the role of the various staff agencies that exist to assist them. The orientation program we envision would include a mix of sessions focusing on some of the major issues which the legislature will confront in the biennium. These sessions could be led by university faculty and public officials expert in given areas. In addition, this program would incorporate in-depth discussions with representatives of the major staff offices in the Legislature, including non-partisan offices, meetings with committee chairs to discuss the role of committees and the duties and responsibilities of committee members, and workshops, led perhaps by the Clerk of the House and Secretary of the Senate, focusing on the legislative process.

VII. Future Issues and Trends

Finally, we recommend that the Legislature establish a college intern program administered by a special sub-committee of the Legislative Council. Such a program could serve a valuable purpose as a learning experience for future public servants and more immediately, as a source of useful staff support. The internship program we envision would see students from Maine colleges and universities assigned to the offices of individual legislators. There they could perform constituent work, research and any other tasks which may be assigned to them. The program would be highly selective. Interns would be paid a modest stipend, with the possibility of earning college credits.

Conclusion

Perhaps the most important recommendation one can offer when speaking of the future of the Maine Legislature is that the Legislature itself should continually seek to evaluate its present performance and anticipate its future needs. The Legislature is a vibrant, ever-changing institution which mirrors the society it serves. As changes occur in Maine, so too must the Legislature adapt to address these new needs.

TEXT REFERENCES

Executive Summary

1. David Smith, Orono, Maine Times, January 26, 1990

Chapter III:

2. David Ogle, Executive Director—Connecticut General Assembly

APPENDICES

APPENDIX A

List of Persons Interviewed

ADVISORY COMMITTEE

Sen. Nancy Randall Clark, Chair
Hon. Kenneth P. MacLeod, Chair
Hon. John D. Chapman
Sen. Robert G. Dillenback
Rep. Judith C. Foss
Rep. Dan A. Gwadosky
Hon. Michael Healy
Hon. Paul E. Violette

LEGISLATORS

Rep. Ronald Bailey	(R) Farmington
Rep. Jeanne Begley	(R) Waldoboro
Sen. Pamela L. Cahill	(R) District 24; Senate Assistant Minority Leader
Rep. Donnell Carroll	(D) Gray
Rep. Donald Carter	(D) Winslow; House Chair, Appropriations and Financial Affairs Committee
Sen. Donald Collins	(R) District 2
Rep. James Reed Coles	(D) Harpswell
Rep. Beverly Daggett	(D) Augusta
Sen. Dennis L. Dutremble	(D) District 34; Senate Assistant Majority Leader
Rep. Maria G. Holt	(D) Bath
Rep. Dana Hanley	(R) Paris
Rep. Linwood Higgins	(R) Scarborough
Rep. Annette Hognlund	(D) Portland
Rep. Ruth Joseph	(D) Waterville; House Chair, State & Local Government Committee
Sen. Judy Kany	(D) District 17; Senate Chair, Energy & Natural Resources Committee
Rep. Marge Kilkelly	(D) Wiscasset
Rep. Catharine Lebowitz	(R) Bangor
Rep. Willis Lord	(R) Waterboro
Rep. Francis C. Marsano	(R) Belfast; House Assistant Minority Floor Leader
Rep. John L. Martin	(D) Eagle Lake; Speaker of the House; Chair, Legislative Council

LEGISLATORS, CONT.

Rep. Joseph W. Mayo	(D) Thomaston; House Assistant Majority Leader
Sen. Michael Pearson	(D) District 6; Senate Chair, Appropriations and Financial Affairs Committee
Sen. Thomas Perkins	(R) District 12
Sen. Charles P. Pray	(D) District 5; President of the Senate
Rep. Charles Priest	(D) Brunswick; House Chair, Legal Affairs Committee
Rep. Vinton Ridley	(D) Shapleigh
Rep. Charlene Rydell	(D) Brunswick; House Chair, Banking & Insurance Committee
Sen. Charles M. Webster	(R) District 4; Senate Minority Leader
Rep. Mary Clark Webster	(R) House Minority Leader
Sen. Norman Weymouth	(R) District 18

STAFF

TITLE

Kenneth Allen	Special Assistant, Office of the Speaker
Judith Barrows	Calendar Clerk, office of the Clerk of the House
Jean Blair	Senior Engrossing Technician, ORS
Don Boisvert	Director, Maine/Canadian Relations
Allen Brown *	Legislative Aide, House Minority Office
Robert Carey	Legislative Aide, Office of the Speaker
Carol Carothers	Executive Assistant, Senate Office of the President
Jim Clair	Principal Analyst, OFPR
Louise Charette	Legislative Aide, House Majority Office
Judi DelFranco	Executive Assistant, office of Secretary of Senate
Sally Diamond	Executive Director
David Elliot	Principal Analyst, OPLA
Patricia Eltman	Legislative Aide, Office of the Speaker
Martha Freeman	Director, OPLA
Janet Grard	Office Support Coordinator, Office of Executive Director
Helen Ginder *	Director, Legislative Oversight
Tim Glidden	Principal Analyst, OPLA
Teen Griffin	Administrative Coordinator, Office of Executive Director
Jonathan Hull	Counsel, Office of the Speaker
Julie Jones	Principal Analyst, OPLA
Kathy Kaloustian	Supervising Legislative Technician, ORS
David Kennedy	Director, ORS
Locke Kiermaier	Analyst, (Audit and program Review) OFPR

STAFF, CONT.

Lawrence LaRochelle *	Legislative Aide, House Majority Office
Margaret Lerette	House Reporter, office of Clerk of the House
Pamela Lovely	Assistant Secretary of the Senate
Diane Maheux	Accounting Assistant, Office of Executive Director
Meg Matheson	Principal Attorney, ORS
Millicent McFarland	Chief Calendar Clerk, office of Clerk of the House
Joy O'Brien	Secretary of the Senate
Geraldine Olsen	Legislative Analyst, House Minority Office
Daniel Paradee	Special Assistant, Senate Majority Office
Grant Pennoyer	Analyst, OFPR
Edwin Pert	Clerk of the House
Ted Potter	Administrative Assistant, House Majority Office
Lynn Randall	State Law Librarian
Margaret Reinsch	Analyst, OPLA
Cheryl Ring	Principal Analyst (Audit & Program Review), OFPR
Dot Rollins	Legislative Information Coordinator, Office of Executive Director
May Ross	Special Assistant, Senate Minority Office
Julie Rowe	Chief of Operations, House Majority Office
Susan Sargent	Legislative Aide, Senate Majority Office
Bent Schlosser	Director, OFPR
David Silsby	Director, State Capital Commission
Jo-Ellen Staples	Committee Clerk
Peggy Tapley	Sergeant-at-Arms
Gerry Thibault	Information Systems Manager, Office of Executive Director
John Wakefield	Deputy Director, OFPR
Deborah Wood	Assistant Clerk of the House
Frank Wood	Special Assistant, Office of the President

EXECUTIVE BRANCH

TITLE

Susan Bell	Deputy Commissioner, Department of Conservation
William Buker	State Budget Officer, Department of Finance
Victor Fleury	Deputy Controller, Department of Finance
Peter Gore	Deputy Commissioner, Department of Human Services

EXECUTIVE BRANCH, CONT.

Dean Marriott	Commissioner, Department of Environmental Protection
Jamie Morrill	Deputy Commissioner, Department of Human Services
Rudy Naples	Deputy Commissioner, Department of Human Services
Douglas Porter	Deputy Commissioner, Department of Human Services
Greg Scott	Legislative Liason, Department of Education and Cultural Affairs

OTHER

TITLE

Ralph Caruso	Director, Office of Fiscal Analysis, Connecticut General Assembly
John Delahanty	Lobbyist
Patricia Finnegan	Lobbyist
Ken Hayes	Professor, University of Maine
Mary Hermann	Lobbyist
Bob Howe	Lobbyist
Norma Kloten	Director, Office of Legislative Commissioners, Connecticut General Assembly
Doris McAusland	Assistant Director, Conn. General Assembly
David Ogle	Executive Director, Conn. General Assembly
Alan Rosenthal	Eagleton Institute of Politics
Gordon Scott	Lobbyist
Rod Scribner	State Auditor

APPENDIX B
Summary of Responses From
Legislator's Survey

All Survey Participants*

	<u>Democrats</u>	<u>Republicans</u>	<u>Total</u>
House Members	44	23	67
Senate Members	7	7	<u>14</u>
Total Respondents	51	30	81

* as of November 29, 1989

Performance Of Legislative Council

The Legislative Council is responsible for the overall management of the entire Legislature. Please indicate how you rate the Council's performance in the following areas.

Approval of legislative budgets prior to format submission to the Joint Standing Committee on Appropriations and Financial Affairs.

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	70%	48%	62%
Poor-Fair	30%	52%	38%

Approval of staffing and funding requests (during the year) for the Legislature.

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	78%	47%	66%
Poor-Fair	22%	53%	34%

Oversight of legislative expenditures

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	80%	28%	59%
Poor-Fair	20%	68%	41%

Establishing equitable salary and benefit schedules for legislative employees.

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	66%	66%	66%
Poor-Fair	34%	34%	34%

Approval of employment practices

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	86%	40%	72%
Poor-Fair	14%	50%	28%

Appointment of the Executive Director and the Directors of the non-partisan staff offices.

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	87%	50%	73%
Poor-Fair	13%	50%	28%

Planning and overseeing capital projects designed to improve the organization, operation, and physical facilities of the legislature.

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	73%	59%	66%
Poor-Fair	27%	41%	34%

Approval of legislative committee requests for interim studies

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	73%	46%	63%
Poor-Fair	27%	54%	37%

Provision of adequate staff for interim studies.

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	74%	82%	77%
Poor-Fair	26%	18%	23%

Screening of all bills filed after cloture

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	51%	21%	40%
Poor-Fair	49%	79%	60%

Screening of all bill requests prior to the second regular session and all special sessions

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	56%	30%	40%
Poor-Fair	44%	70%	60%

Budget and Budget Impact Issues

Indicate how you feel about the following statements:

"The Legislature's operating budget is out of control."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	23%	90%	49%
Mildly Disagree/Strongly Disagree	77%	10%	51%

"Current salaries for legislators are too low."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	92%	47%	74%
Mildly Disagree/Strongly Disagree	8%	53%	26%

"If we are to meet the challenges of the future we need to increase the level of support staff within the non-partisan offices."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	79%	21%	57%
Mildly Disagree/Strongly Disagree	21%	79%	43%

"If we are to meet the challenges of the future we need to increase the level of support staff within the partisan offices."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	49%	21%	38%
Mildly Disagree/Strongly Disagree	51%	79%	62%

"The Legislature should continue to subsidize Legislators' mailing costs."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	100%	90%	96%
Mildly Disagree/Strongly Disagree	0%	10%	4%

"The Legislature should continue to subsidize Legislators' telephone costs."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	100%	97%	99%
Mildly Disagree/Strongly Disagree	0%	3%	1%

"The Legislature should provide office space for Legislators."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	85%	45%	70%
Mildly Disagree/Strongly Disagree	15%	55%	30%

"The current expense allocations (meals, lodging, etc.) for Legislators are adequate and appropriate"

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	63%	83%	71%
Mildly Disagree/Strongly Disagree	37%	17%	29%

Appropriations Committee, State Budget and Fiscal Notes

"There is a need for greater cooperation and communication between the Appropriations Committee and other joint standing committees."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	96%	87%	92%
Mildly Disagree-Strongly Disagree	4%	13%	8%

"The Appropriations Committee does an effective job of analyzing and screening the Governor's budget request."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	81%	83%	82%
Mildly Disagree/Strongly Disagree	19%	17%	18%

"The Current fiscal note process in the Maine Legislature (whereby) all bills with fiscal notes are placed on the Appropriation table after passage in the House) is an effective means of assuring that funding decisions reflect the policy priorities of the Legislature."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	57%	48%	54%
Mildly Disagree-Strongly Disagree	43%	52%	46%

"The Current fiscal note process in the Maine Legislature (whereby) all bills with fiscal notes are placed on the Appropriations table after passage in the House) is an effective means of assuring that funding decisions: ... are made in a fiscally responsible manner."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	71%	62%	70%
Mildly Disagree/Strongly Disagree	29%	38%	30%

Bipartisan Agreement

"Non-partisan legislative staff provide valuable information and analysis to assist me in my decision making process."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	96%	75%	88%
Mildly Disagree-Strongly Disagree	4%	25%	12%

"The Joint Committee structure is an efficient method for reviewing legislation."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	100%	86%	95%
Mildly Disagree-Strongly Disagree	0%	14%	5%

"The Joint Committee structure provides for effective review of legislation."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	98%	86%	94%
Mildly Disagree-Strongly Disagree	2%	14%	6%

"It is important for every bill to receive a public hearing."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	92%	93%	92%
Mildly Disagree-Strongly Disagree	8%	7%	8%

"The Maine Legislature is still a part-time citizen's Legislature."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	73%	90%	79%
Mildly Disagree/Strongly Disagree	27%	10%	21%

"The Maine Legislature exercises about as much control over setting public policy as the Governor"

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	75%	90%	81%
Mildly Disagree/Strongly Disagree	25%	10%	19%

The interim period between legislative sessions is most productive as a period when complex issues can be carefully researched and considered."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	80%	77%	79%
Mildly Disagree/Strongly Disagree	20%	23%	21%

"Lobbyists provide much valuable information to members of the Legislature."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	85%	93%	88%
Mildly Disagree/Strongly Disagree	15%	7%	12%

"Members of the Legislature should serve on a maximum of two committees."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	83%	93%	87%
Mildly Disagree/Strongly Disagree	7%	7%	13%

"Partisan legislative staff provide valuable information and analysis to assist me in my decision making process."

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	71%	59%	66%
Mildly Disagree/Strongly Disagree	29%	41%	34%

What do you feel is the most important duty of a state legislator?

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Passing Laws	4%	7%	5%
Shaping Public Policy	52%	44%	49%
Helping Constituents	33%	37%	35%
Monitoring Public Expenditures and Programs	11%	12%	11%

When voting on the floor on a bill in which you have little or no interest. which factor influences your decision?

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Party Leader	0%		0%
The Governor	0%		4%
My Constituent's Views	25%		43%
Party Caucus	0%		0%
Committee Recommendation	25%		21%
Opinion Of A Trusted Colleague		50%	32%
	26%		

Support Staff -- Quality Of Service

Non-partisan Offices:

	<u>Excellent</u>	<u>Good</u>	<u>Needs Improvement</u>
<i>Law and Legislative Reference Library</i>	71%	29%	0%
<i>Office of Fiscal and Program Review</i>	48%	44%	8%
<i>Office of Policy and Legal Analysis</i>	44%	47%	9%
<i>Office of Revisor of Statutes</i>	42%	47%	11%
<i>Office of Executive Director</i>	37%	47%	16%

Partisan Offices:

<i>Clerk of the House</i>	78%	21%	1%
<i>Secretary of the Senate</i>	48%	43%	9%
<i>Staff in the Leadership Offices</i>	38%	55%	7%

Performance of the Legislature

Formulating state policies

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	92%	63%	81%
Poor-Fair	8%	37%	19%

Raising funds to finance State Government (Tax Legislation, Fees, etc.)

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	73%	41%	62%
Poor-Fair	27%	59%	38%

Allocating funds to State Departments and Programs (The Budget Process)

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	63%	73%	67%
Poor-Fair	34%	27%	33%

Overseeing/conducting program reviews of state administration (executive branch) to ensure that the laws are accomplishing what the Legislature intended when it enacted them.

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	41%	41%	41%
Poor-Fair	59%	59%	59%

Issues Influencing the Legislative Process

CLOTURE DATES/DEADLINES

Prefiling by Legislators

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Reasonable, provide adequate time	75%	70%	73%
Not reasonable Do not provide adequate time	25%	30%	27%

Department, agency or commission bills or resolves

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Reasonable, provide adequate time	88%	96%	9%
Not reasonable Do not provide adequate time	12%	4%	12%

Committee Reports

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Reasonable provide adequate time	87%	96%	91%
Not reasonable, Do not provide			

adequate time 13% 4% 9%

Should the Governor have to observe a strict cloture date in order to control the total number of bills introduced?

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>	
Yes	61%		0%	38%
No	33%		79%	50%
No Opinion	6%		21%	12%

SPONSORSHIP

As a rule, do you seek out co-sponsors for bills you plan to introduce?

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>	
Often	80%		93%	85%
Sometimes	16%		7%	13%
Rarely	4%		0%	2%

CONFIDENTIALITY

In your opinion is it important to retain the current confidentiality rules and procedures which apply to requests for drafting of bills.

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>	
Yes	79%		60%	72%
No	4%		3%	4%
No Opinion	17%		37%	24%

If the current confidentiality rules which apply to requests for bill drafts in the Office of Revisor Statutes were relaxed, would you plan to introduce?

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>	
Yes	15%		20%	17%
No	38%		37%	38%
No Opinion	47%		43%	45%

LIMITS ON LEGISLATION

Do you feel that there should be a limit on the amount of legislation submitted each year?

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>	
Yes	29%		73%	46%
Maybe	20%		17%	19%
No	51%		10%	35%

Would you agree to a maximum number of bills to be introduced by each legislator?

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>	
Yes	23%		67%	40%
Maybe	31%		17%	26%
No	46%		16%	34%

COMMITTEE ISSUES

In your opinion is the non-partisan professional committee staff available and accessible to serve:
The Committee Chairs
The Senior Majority Member
All Majority Members
All Members

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>	
To Serve All Members	84%		59%	74%
To Serve Chairs or the Majority Members	26%		41%	26%

Please rate the performance of the committees you serve on in the following areas:

Setting the agenda:	Good-Excellent	<u>ALL</u> 72%
	Poor-Fair	28%
Screening legislature:	Good-Excellent	<u>ALL</u> 80%
	Poor-Fair	20%
Studying policy issues and problems:	Good-Excellent	<u>ALL</u> 70%
	Poor-Fair	30%
Scheduling public hearings:	Good-Excellent	<u>ALL</u> 90%
	Poor-Fair	10%

Scheduling working sessions:

Good-Excellent
Poor-Fair

ALL
75%
25%

Reporting out bills in accordance with
committee schedules and deadlines

Good-Excellent
Poor-Fair

ALL
82%
18%

APPENDIX C
SUPPORTING TABLES

APPENDIX C.1 Bill and Resolution Introductions and Enactments

APPENDIX C.2 Time Limits on Bill Introduction

APPENDIX C.3 Committee Workload

**BILL AND RESOLUTION INTRODUCTIONS AND ENACTMENTS:
1986 AND 1987 REGULAR SESSIONS***

State	Duration of Session	Introductions		Enactments	
		Bills	Resolutions	Bills	Resolutions
Alabama	Jan. 14-April 28, 1986	1,577	985	280	344
	April 21-Aug. 3, 1987	1,883	755	537	689
Alaska	Jan. 3-May 12, 1986	429	100	146	39
	Jan. 9-May 20, 1987	637	96	178	67
Arizona	Jan. 3-May 14, 1986	956	63	420	20
	Jan. 2-May 19, 1987	937	34	369	8
Arkansas	No regular session in 1986 Jan. 12-April 20, 1987	176	297	1,072	191
California	Dec. 3, 1984-Nov. 30, 1986	3,062	560	3,128	322
	Dec. 1, 1986-Nov. 30, 1987	4,389	274	1,034	115
Colorado	Jan. 8-May 27, 1986	528	N.A.	262	N.A.
	Jan. 7-Aug. 13, 1987	634	N.A.	338	N.A.
Connecticut	Feb. 5-May 7, 1986	1,736	207	493	N.A.
	Jan. 7-June 3, 1987	3877	252	701	N.A.
Delaware	Jan. 4-June 30, 1986	640	300	300	N.A.
	Jan. 13-June 30, 1987	682	436	194	16
Florida	April 8-June 7, 1986	2,546	205	465	155
	April 7-June 6, 1987	2,698	165	535	135
Georgia	Jan. 5-March 7, 1986	1,250	839	907	748
	Jan. 2-March 12, 1987	1,574	779	799	661
Hawaii	Jan. 5-April 23, 1986	2,239	976	348	425
	Jan. 21-April 30, 1987	3,716	1,185	384	504
Idaho	Jan. 6-March 28, 1986	693	88	356	28
	Jan. 12-April 1, 1987	619	88	367	49
Illinois	Jan. 8, 1986-Jan. 13, 1986	1,926	1,887	373	1,791
	Jan. 14-Nov. 6, 1987	4,497	1,882	784	1,753
Indiana	Nov. 9, 1985-March 5, 1986	956	18(d)	248	3(d)
	Nov. 18, 1986-April 29, 1987	1,420	19(d)	371	6(d)
Iowa	Jan. 3-May 3, 1986	799	105	201	24
	Jan. 2-May 10, 1987	609	149	234	45
Kansas	Jan. 3-June 6, 1986	938(e)	52	400	33(f)
	Jan. 2-May 21, 1987	1,063	44(f)	404	19(f)
Kentucky	Jan. 7-April 15, 1986 No regular session in 1987	1,388	384	462	317
Louisiana	April 21-July 1, 1986	3,235	169	1,083	4
	April 20-July 3, 1987	2,525	116	944	5
Maine	Jan. 8-April 16, 1986	519	43	341	37
	Dec. 3, 1986-June 30, 1987	1,883	51	691	48
Maryland	Jan. 8-April 7, 1986	2,938	127	865	43
	Jan. 14-April 13, 1987	2,668	113	778	25

*Council of the State Governments, The Book of States, 1988-1989.

State	Duration of Session	Introductions		Enactments	
		Bills	Resolutions	Bills	Resolutions
Massachusetts	Jan. 1, 1986-Jan. 6, 1987 Jan. 7, 1987-(i)	8,824	(h)	712	N.A.
Michigan	Jan. 8-Dec. 30, 1986 Jan. 14-Dec. 30, 1987	987 1,903	16(k) 26(k)	332 286	3(k) 0
Minnesota	Feb. 3-March 17, 1986 Jan. 6-May 18, 1987	1,625 3,241	21 38	166 405	2 9
Mississippi	Jan. 7-April 15, 1986 Jan. 6-April 5, 1987	2,390 2,472	500 438	514 569	200 229
Missouri	Jan. 8-May 5, 1986 Jan. 7-June 30, 1987	1,193 1,334	66 85	244 203	6 9
Montana	No regular session in 1986 Jan. 5-April 23, 1987	1,308	86	738	57
Nebraska	Jan. 8-April 16, 1986 Jan. 7-May 29, 1987	531 787	143 245	316 358	97 134
Nevada	No regular session in 1986 Jan. 19-June 18, 1987	1,491	235	824	164
New Hampshire	Jan. 8-June 10, 1986 Jan. 6-May 28, 1987	733 1,062	4 4	230 416	3 1
New Jersey	Jan. 14, 1986-Jan. 12, 1987 Jan. 13, 1987-Jan. 11, 1988	7,120 2,154	581 197	211 460	8(d) 11(d)
New Mexico	Jan. 21, 1986-Feb. 20, 1987 Jan. 20-March 21, 1987	592 1,415	36 33	120 399	9 3
New York	Jan. 8-July 3, 1986 Jan. 7, 1987-(i)	5,842 15,095	3,896 3,667	939 855	3,883 3,651
North Carolina	June 5-July 16, 1986 Feb. 9-Aug. 14, 1987	1,172 3,723	55 93	239 879	25 37
North Dakota	No regular session in 1986 Jan. 6-April 19, 1987	1,239	174	761	137
Ohio	Jan. 6-Dec. 30, 1986 N.A.	431 N.A.	N.A. N.A.	44 N.A.	N.A. N.A.
Oklahoma	Jan. 7-June 13, 1986 Jan. 6-July 16, 1987	722 866	186(o) 272	321 238	10 83
Oregon	No regular session in 1986 Jan. 12-June 28, 1987	2,571	144	906	60
Pennsylvania	Jan. 7-Nov. 26, 1986 Jan. 6-(q)	1,349 3,312	231 (p) 405(r)	275 145	152 234
Rhode Island	Jan. 7-June 26, 1986 Jan. 6-June 25, 1987	3,263 3,601	279 276	931 1,083	279 276
South Carolina	Jan. 14-June 19, 1986 Jan. 13-June 25, 1987	1,047 2,165 (h)	(h) (h)	328 791	(h) (h)
South Dakota	Jan. 14-March 17, 1986 Jan. 13-March 23, 1987	684 656	95 108	424 387	87 99

State	Duration of Session	Introductions		Enactments	
		Bills	Resolutions	Bills	Resolutions
Tennessee	Jan. 15-May 14, 1986	4,157	262	1,141 (s)	245
	Jan. 17-May 7, 1987	2,651	105	578 (s)	92
Texas	No regular session in 1986 Jan. 13-June 1, 1987	4,179	2,070	1,185	1,649
Utah	Jan. 13-Feb. 26, 1986	664	101	222	53
	Jan. 12-Feb. 25, 1987	595	80	255	53
Vermont	Jan. 7-May 3, 1986	493	108	116	79
	Jan. 7-May 22, 1987	698	110	136	85
Virginia	Jan. 8-March 8, 1986	1,603	387	644	283
	Jan. 14-Feb. 28, 1987	1,621	322	981	256
Washington	Jan. 13-March 12, 1986	1,426	98	325	23
	Jan. 12-April 26, 1987	2,334	129	528	26
West Virginia	Jan. 8-March 9, 1986	1,911	180	199	49
	Jan. 14-June 14, 1987	1,978	267	164	98
Wisconsin	Jan. 7-1985-Jan. 5, 1987	1,624	212	293	83
	Jan. 5, 1987-Jan. 3, 1989 (u)	1,609	201	232 (v)	110
Wyoming	Feb. 17-March 15, 1986	209	7	130	6
	Jan. 13-march 2, 1987	781	N.A.	242	4
American Samoa	Jan. 13-April 5, 1986	NA	NA	NA	NA
	July 14-Sept. 20, 1986	NA	NA	NA	NA
	Jan. 12-March 27, 1987	136 (w)	91 (w)	32 (w)	8 (w)
	July 13-Sept. 25, 1987	NA	NA	NA	NA
Puerto Rico	Jan. 13-June 5, 1986	705	1,582	152	148
	Jan. 12-May 18, 1987	613	1,170	93	117
Virgin Islands	Jan. 13, 1986-Jan. 12, 1987	485	47	145	25
	Jan. 16, 1987-Dec. 14, 1987	143	53	70	39

TIME LIMITS ON BILL INTRODUCTION**

State or other jurisdiction	Procedure for granting exception to time limits	State or other jurisdiction	Procedure for granting exception to time limits
Alabama	House: 4/5 vote of quorum present and voting. Senate: majority vote after consideration by Rules Committee	Indiana	House: 2/3 vote of membership; Senate: consent of Rules and Legislative Procedures Committee
Alaska	2/3 vote of membership (concurrent resolution)	Iowa	Constitutional majority
Arizona	Permission of Rules Committee	Kansas	Resolution adopted by majority of members of either house may make specific exceptions to deadlines
Arkansas	2/3 vote of membership	Kentucky	Majority vote of membership each house
California	(c)	Louisiana	2/3 vote of elected members of each house
Colorado	House, Senate Committees on Delayed Bills may extend deadline	Maine	Approval of majority of members of Legislative Council
Connecticut	2/3 vote of members present	Maryland	2/3 vote of elected members of each house
Delaware	_____	Massachusetts	Favorable vote of Rules Committee followed by 4/5 vote of members of each house
Florida	Senate committees on Rules and Calendar determine whether existence of emergency compels bill's consideration. House: 2/3 vote of members present.	Michigan	_____
Georgia	House: unanimous vote; Senate: 2/3 vote of membership	Minnesota	_____
Hawaii	Unanimous vote of membership	Mississippi	2/3 vote of members present and voting
Idaho	_____	Missouri	Majority vote of elected members each house; governor's request for consideration of bill by special message.
Illinois	House: rules governing limitations may not be suspended. Senate: rules may be suspended by affirmative vote of majority of members; suspensions approved by Rules Committee, adopted by majority of members present	Montana	2/3 vote of members.
		Nebraska	3/5 vote of elected membership (s)

** Council of State Governments, The Book of States, 1988-1989.

TIME LIMITS ON BILL INTRODUCTION

State or other jurisdiction	Procedure for granting exception to time limits	State or other jurisdiction	Procedure for granting exception to time limits
Nevada	2/3 vote of members present; also standing committee of a house if request is approved by 2/3 members of committee. Consent to suspend rule may be given only by affirmative vote of majority members elected.	South Dakota	2/3 of membership
		Tennessee	House: 2/3 vote of members; Senate: 2/3 vote of members or unanimous consent of Committee on Delayed Bills
New Hampshire	2/3 vote of members present or approval of 3/5 of Rules Committee	Texas	4/5 vote of members present and voting
		Utah	House: 2/3 vote of members present; Senate: majority of membership
New Jersey	_____		
New Mexico	2/3 vote of members present	Vermont	Approval by Rules Committee
New York	Unanimous vote (x)	Virginia	_____
North Carolina	House: 2/3 of members present and voting; Senate: 2/3 vote of membership, except in case of deadline for local bills which may be suspended by 4/5 of senators present and voting	Washington	2/3 vote of elected members of each house
		West Virginia	2/3 vote of members present.
North Dakota	2/3 vote or approval of majority of Committee on Delayed Bills		
Ohio	House majority vote on recommendation of bill by Reference Committee. Senate: 3/5 vote of elected members.		
Oklahoma	2/3 vote of membership		
Oregon	_____		
Pennsylvania	_____		
Rhode Island	2/3 vote of members present		
South Carolina	House: 2/3 vote of members present and voting; Senate: 2/3 vote of membership		

** Council of State Governments, The Book of States, 1988-1989.

COMMITTEE WORKLOAD
Average Workload of Committees—112th, 113th, and 114th Legislatures

JOINT STANDING COMMITTEES	FIRST SESSION		SECOND SESSION	
	NUMBER OF BILLS REFERRED	% OF TOTAL BILLS REFERRED	NUMBER OF BILLS REFERRED	% OF TOTAL BILLS REFERRED
GROUP I				
Audit and Program Review*	4	0.25%	4	0.60%
Housing & Economic Development	26	1.64%	14	2.11%
Marine Resources	34	2.14%	14	2.11%
Aging, Retirement & Veterans Affairs	39	2.45%	15	2.27%
TOTAL GROUP I		6.48%		7.10%
GROUP II				
Agriculture	40	2.52%	21	3.17%
Utilities	47	2.96%	32	4.83%
Fisheries and Wildlife	60	3.77%	29	4.38%
Labor	64	4.03%	21	3.17%
Banking and Insurance	79	4.97%	36	5.44%
TOTAL GROUP II		18.24%		21.00%
GROUP III				
Education	80	5.03%	26	3.93%
Business Legislation	91	5.72%	39	5.89%
Transportation	97	6.10%	28	4.23%
Human Resources	99	6.23%	49	7.40%
TOTAL GROUP III		23.08%		21.45%
GROUP IV				
Energy and Natural Resources	105	6.60%	49	7.40%
Legal Affairs	123	7.74%	32	4.83%
Taxation	131	8.24%	44	6.65%
State & Local Government	136	8.55%	53	8.01%
Judiciary	164	10.31%	65	9.82%
Appropriations & Financial Affairs	172	10.82%	91	13.75%
TOTAL GROUP IV		52.26%		50.45%

*Nature of committee work (studies and reviews) requires limited number of comprehensive bills.

APPENDIX D

SAMPLE PROPOSED BILLS AND FULLY DRAFTED COMMITTEE BILLS

This Appendix presents samples from the State of Connecticut of two proposed bills and their fully drafted counterparts.

APPENDIX D.1:

Proposed Bill No. 44: An Act to
Require a Biennial State Budget

Committee Bill No. 44: An Act to
Require a Biennial State Budget

APPENDIX D.2:

Proposed Bill No. 5097: An Act
Concerning "Per Se" License
Suspensions

Committee Bill No. 5097: An Act
Concerning "Per Se" License
Suspensions

	STATE OF CONNECTICUT	3
Proposed Bill No. 44	Page 1 of 1	4
Referred to Committee on	APPROPRIATIONS	5
	LCO No. 645	6
Introduced by SEN. HARPER, 6th DIST.		7
REP. DYSON, 94TH DIST.		8
SEN. FREEDMAN, 26TH DIST.		9
REP. ARTHUR, 42ND DIST.		10
SEN. LARSON, 3RD DIST.		11
REP. BALDUCCI, 27TH DIST.		12
SEN. SMITH, 8TH DIST.		13
REP. JAEKLE, 122ND DIST.		14
SEN. DIBELLA, 1ST DIST.		15
REP. GILLIGAN, 28TH DIST.		16
SEN. HERBST, 35TH DIST.		17
REP. BELDEN, 113TH DIST.		18
REP. KRAWIECKI, 78TH DIST.		19
	General Assembly	20
	February Session, A.D., 1990	21
AN ACT TO REQUIRE A BIENNIAL STATE BUDGET.		23
Be it enacted by the Senate and House of Representatives in General Assembly convened:		25 26
That part II of chapter 50 of the general statutes, concerning budget and appropriations, be amended to provide that the general assembly shall adopt a biennial budget in the odd-numbered year sessions and may make necessary revisions to such budget in the even-numbered year sessions.		27 28 29 30 31
STATEMENT OF PURPOSE: To require the adoption of a biennial state budget.		34 35
Co-Sponsors: SEN. MORRIS, 10th DIST.		

STATE OF CONNECTICUT	3
Committee Bill No. 44	Page 1 4
Referred to Committee on	5
	LCO No. 2621 6
Introduced by (APP)	7
	General Assembly 8
	February Session, A.D., 1990 9

AN ACT TO REQUIRE A BIENNIAL STATE BUDGET. 11

Be it enacted by the Senate and House of Representatives in 13
 General Assembly convened: 14

Section 1. Section 2-34 of the general statutes is repealed 15
 and the following is substituted in lieu thereof: 16

The title of [each bill for an act making appropriations from 17
 the treasury shall be "An Act making Appropriations for" (here 18
 insert the object) "for the Fiscal Year ending June Thirtieth" 19
 (here insert the calendar year)] THE BIENNIAL BUDGET BILL SHALL 20
 BE "AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING 21
 JUNE THIRTIETH," (HERE INSERT THE CALENDAR YEAR) "AND MAKING 22
 APPROPRIATIONS THEREFOR." THE TITLE OF THE DEFICIENCY BILL SHALL 23
 BE "AN ACT MAKING DEFICIENCY APPROPRIATIONS FOR THE FISCAL YEAR 24
 ENDING JUNE THIRTIETH," (HERE INSERT THE CALENDAR YEAR). THE 25
 TITLE OF ALL OTHER BILLS MAKING APPROPRIATIONS FROM THE TREASURY 26
 SHALL BE "AN ACT CONCERNING" (HERE INSERT THE PURPOSE) "AND 27
 MAKING AN APPROPRIATION THEREFOR." 28

Sec. 2. Section 2-35 of the general statutes is repealed and 29
 the following is substituted in lieu thereof: 30

All bills carrying or requiring appropriations and favorably 31
 reported by any other committee, except for payment of claims 32
 against the state, shall, before passage, be referred to the 33
 joint standing committee of the general assembly having 34
 cognizance of matters relating to appropriations and the budgets 35
 of state agencies, unless such reference is dispensed with by a 36

vote of at least two-thirds of each house of the general 37
assembly. Resolutions paying the contingent expenses of the 38
senate and house of representatives shall be referred to said 39
committee. Said committee may originate and report any bill which 40
it deems necessary and shall, from time to time, report such 41
appropriation bills as it deems necessary for carrying on the 42
departments of the state government and for providing for such 43
institutions or persons as are proper subjects for state aid 44
under the provisions of the statutes. [, for one year from the 45
following thirtieth day of June.] Each appropriation bill shall 46
specify the particular purpose for which appropriation is made 47
[,] AND shall be itemized as far as practicable. [and] THE STATE 48
BUDGET ACT may contain any legislation necessary to implement its 49
appropriations provisions, provided no other general legislation 50
shall be made a part of such [appropriation bill] ACT. The 51
[appropriations] STATE BUDGET act passed by the legislature for 52
funding the expenses of operations of the state government in the 53
ensuing [fiscal year] BIENNIUM shall contain a statement of 54
estimated revenue, itemized by major source, for each 55
appropriated fund. The statement of estimated revenue applicable 56
to each such fund shall include, for any fiscal year, an estimate 57
of total revenue with respect to such fund, which amount shall be 58
reduced by an estimate of total refunds of taxes to be paid from 59
such revenue in accordance with the authorization in section 60
12-39f. Such statement of estimated revenue, including the 61
estimated refunds of taxes to be offset against such revenue, 62
shall be supplied by the joint standing committee of the general 63
assembly having cognizance of matters relating to state finance, 64
revenue and bonding. The total estimated revenue for each fund, 65
as adjusted in accordance with this section, shall not be less 66
than the total net appropriations made from each fund. On or 67
before July first of each fiscal year said committee, through its 68
cochairpersons, shall report to the comptroller any revisions in 69
such estimates required by virtue of legislative amendments to 70
the revenue measures proposed by said committee. 71

Sec. 3. Section 2-36 of the general statutes is repealed and 72
the following is substituted in lieu thereof: 73

(a) On or before the twenty-fifth day of each month, the 74
secretary of the office of policy and management shall submit to 75
the governor, the comptroller and the joint standing committee of 76
the general assembly having cognizance of matters relating to 77
appropriations and the budgets of state agencies, through the 78
legislative office of fiscal analysis, a list of appropriation 79
accounts in which a potential deficiency exists. Such list shall 80
be accompanied by a statement which explains the reasons for each 81
such potential deficiency. 82

(b) On the day the governor submits a budget document to the 83
general assembly, OR A REPORT ON THE STATUS OF THE BUDGET ENACTED 84
IN THE PREVIOUS YEAR, pursuant to section 4-71, AS AMENDED BY 85
SECTION 4 OF THIS ACT, the secretary of the office of policy and 86
management shall submit to the treasurer and said joint standing 87
committee, through the office of fiscal analysis, any items to be 88
included in a deficiency bill, which may be passed by the general 89
assembly to pay expenses of the current FISCAL year OF THE 90
BIENNIUM. Each such item shall be accompanied by a statement 91
which explains the need for a deficiency appropriation. Any 92
agency which has an item to be included in the deficiency bill 93
shall, on such day, submit a report to said joint standing 94
committee, through the office of fiscal analysis, concerning any 95
steps taken by the agency to reduce or eliminate the deficiency. 96

Sec. 4. Section 4-71 of the general statutes is repealed and 97
the following is substituted in lieu thereof: 98

Not later than the first session day following the third day 99
of February in each odd-numbered year, the governor shall 100
transmit to the general assembly a budget document setting forth 101
his financial program for the ensuing [fiscal year] BIENNIUM WITH 102
A SEPARATE BUDGET FOR EACH OF THE TWO FISCAL YEARS and having the 103
character and scope hereinafter set forth, provided, if the 104
governor has been elected or succeeded to the office of governor 105
since the submission of the last-preceding budget document, he 106

shall transmit such document to the general assembly not later 107
than the first session day following the fourteenth day of 108
February. In the even-numbered years, ON THE DAY ON WHICH THE 109
GENERAL ASSEMBLY FIRST CONVENES, the governor shall transmit 110
[such budget document on the day on which the general assembly 111
first convenes] A REPORT ON THE STATUS OF THE BUDGET ENACTED IN 112
THE PREVIOUS YEAR WITH ANY RECOMMENDATIONS FOR ADJUSTMENTS AND 113
REVISIONS. The budget document shall consist of four parts, the 114
nature and contents of which are set forth in [sections] SECTION 115
4-72, AS AMENDED BY SECTION 6 OF THIS ACT, SECTION 4-73, AS 116
AMENDED BY SECTION 7 OF THIS ACT, AND SECTIONS 4-74 and 4-74A 117
4-72, 4-73, 4-74 and 4-74a and shall be accompanied by the 118
statement of grants to towns compiled pursuant to the provisions 119
of section 4-71a and by the computation of the cost of an indexed 120
increase in assistance payments made pursuant to section 4-71c. 121

Sec. 5. Section 4-71b of the general statutes is repealed and 122
the following is substituted in lieu thereof: 123

Not later than sixty days after the governor signs the STATE 124
BUDGET act [making appropriations for the expenses of the state 125
for such fiscal year], the secretary of the office of policy and 126
management shall compile, for each state grant-in-aid program 127
which is determined by statutory formula, the estimated amount of 128
funds each town in the state can expect to receive for [the] EACH 129
fiscal year OF THE BIENNIUM under each such program from funds 130
appropriated for EACH such fiscal year. 131

Sec. 6. Section 4-72 of the general statutes is repealed and 132
the following is substituted in lieu thereof: 133

Part I of the budget document shall consist of the governor's 134
budget message in which he shall set forth as follows: (1) His 135
program for meeting all the expenditure needs of the government 136
for [the] EACH fiscal year OF THE BIENNIUM to which the budget 137
relates, indicating the classes of funds, general or special, 138
from which such appropriations are to be made and the means 139
through which such expenditure shall be financed; (2) financial 140
statements giving in summary form: (a) The financial position of 141

all major state operating funds including revolving funds at the 142
end of the last-completed fiscal year in a form consistent with 143
accepted accounting practice. He shall also set forth in similar 144
form the estimated position of each such fund at the end of the 145
year in progress and the estimated position of each such fund at 146
the end of [the] EACH FISCAL year OF THE BIENNIUM to which the 147
budget relates if his proposals are put into effect; (b) a 148
statement showing as of the close of the last-completed fiscal 149
year, a year by year summary of all outstanding general 150
obligation and special tax obligation debt of the state and a 151
statement showing the yearly interest requirements on such 152
outstanding debt; (c) a summary of appropriations recommended for 153
[the] EACH FISCAL year OF THE BIENNIUM to which the budget 154
relates for each budgeted agency and for the state as a whole in 155
comparison with actual expenditures of the last-completed fiscal 156
year and appropriations and estimated expenditures for the year 157
in progress; (d) a summary of permanent full-time positions 158
setting forth the number filled and the number vacant as of the 159
end of the last-completed fiscal year, the total number intended 160
to be funded by appropriations without reduction for turnover for 161
the fiscal year in progress, the total number requested and the 162
total number recommended for [the] EACH FISCAL year OF THE 163
BIENNIUM to which the budget relates; (e) a summary of the 164
revenue estimated to be received by the state during [the] EACH 165
FISCAL year OF THE BIENNIUM to which the budget relates 166
classified according to sources in comparison with the actual 167
revenue received by the state during the last-completed fiscal 168
year and estimated revenue during the year in progress, and (f) 169
such other financial statements, data and comments as in his 170
opinion are necessary or desirable in order to make known in all 171
practicable detail the financial condition and operations of the 172
government and the effect that the budget as proposed by him will 173
have on such condition and operations. If the estimated revenue 174
of the state for the ensuing [year] BIENNIUM as set forth in the 175
budget on the basis of existing statutes, plus the estimated 176

unappropriated surplus at the close of the year in progress 177
 available for expenditure in the ensuing [fiscal year] BIENNIUM, 178
 is less than the aggregate appropriations recommended for the 179
 ensuing [fiscal year] BIENNIUM as contained in the budget, the 180
 governor shall make recommendations to the general assembly in 181
 respect to the manner in which such deficit shall be met, whether 182
 by an increase in the indebtedness of the state, by the 183
 imposition of new taxes, by increased rates on existing taxes or 184
 otherwise. If the aggregate of such estimated revenue plus such 185
 estimated unappropriated surplus is greater than such recommended 186
 appropriations for the ensuing [fiscal year] BIENNIUM, he shall 187
 make such recommendations for the use of such surplus for the 188
 reduction of indebtedness, for the reduction in taxation or for 189
 other purposes as in his opinion are in the best interest of the 190
 public welfare. 191

Sec. 7. Section 4-73 of the general statutes is repealed and 192
 the following is substituted in lieu thereof: 193

(a) Part II of the budget document shall present in detail 194
 for EACH FISCAL YEAR OF the ensuing [fiscal year] BIENNIUM the 195
 governor's recommendation for appropriations to meet the 196
 expenditure needs of the state from the general fund and from all 197
 special and agency funds classified by budgeted agencies and 198
 showing for each budgeted agency and its subdivisions: (1) A 199
 narrative summary describing the agency, the governor's 200
 recommendations for appropriations for the agency and a list of 201
 agency programs, the actual expenditure for the last-completed 202
 fiscal year, the estimated expenditure for the current fiscal 203
 year, the amount requested by the agency and the governor's 204
 recommendations for appropriations for EACH FISCAL YEAR OF the 205
 ensuing [fiscal year] BIENNIUM; (2) a summary of permanent 206
 full-time positions by fund, setting forth the number filled and 207
 the number vacant as of the end of the last-completed fiscal 208
 year, the total number intended to be funded by appropriations 209
 without reduction for turnover for the fiscal year in progress, 210
 the total number requested and the total number recommended for 211

[the] EACH FISCAL year OF THE BIENNIUM to which the budget 212
relates. 213

(b) In addition, programs shall be supported by: (1) The 214
statutory authorization for the program; (2) a statement of 215
program objectives; (3) a description of the program, including a 216
statement of need, eligibility requirements and any 217
intergovernmental participation in the program; (4) a statement 218
of performance measures by which the accomplishments toward the 219
program objectives can be assessed, which shall include, but not 220
be limited to, an analysis of the workload, quality or level of 221
service and effectiveness of the program; (5) program budget data 222
broken down by major object of expenditure, showing additional 223
federal and private funds; (6) a summary of permanent full-time 224
positions by fund, setting forth the number filled and the number 225
vacant as of the end of the last-completed fiscal year, the total 226
number intended to be funded by appropriations without reduction 227
for turnover for the fiscal year in progress, the total number 228
requested and the total number recommended [by the] FOR EACH 229
FISCAL year OF THE BIENNIUM to which the budget relates; (7) a 230
statement of expenditures for the last-completed and current 231
fiscal years, the agency request and the governor's 232
recommendation for EACH FISCAL YEAR OF the ensuing [fiscal year] 233
BIENNIUM and, for any new or expanded program, estimated 234
expenditure requirements for the fiscal year next succeeding the 235
[fiscal year] BIENNIUM to which the budget relates and (8) an 236
explanation of any significant program changes requested by the 237
agency or recommended by the governor. [The provisions of this 238
subsection shall apply to budgeted agencies as follows: (1) On 239
and after March 1, 1982, said provisions shall apply to three 240
budgeted agencies, as determined by the secretary of the office 241
of policy and management; (2) on and after March 1, 1983, said 242
provisions shall apply to ten additional budgeted agencies, as 243
determined by said secretary and (3) on and after March 1, 1984, 244
said provisions shall apply to all budgeted agencies.] 245

(c) There shall be a supporting schedule of total agency 246
 expenditures including a line-item, minor object breakdown of 247
 personal services, contractual services and commodities and a 248
 total of state aid grants and equipment, showing the actual 249
 expenditures for the last-completed fiscal year, estimated 250
 expenditures for the current fiscal year and requested and 251
 recommended appropriations for EACH FISCAL YEAR OF the ensuing 252
 [fiscal year] BIENNIUM, classified by objects according to a 253
 standard plan of classification. 254

(d) All federal funds expended or anticipated for any purpose 255
 shall be accounted for in the budget. The document shall set 256
 forth a listing of federal programs, showing the actual 257
 expenditures for the last-completed fiscal year, estimated 258
 expenditures for the current fiscal year and anticipated funds 259
 available for expenditure for EACH FISCAL YEAR OF the ensuing 260
 [fiscal year] BIENNIUM. Such federal funds shall be classified by 261
 program in each budgeted agency but shall not include research 262
 grants made to educational institutions. 263

(e) Part II of the budget document shall also set forth the 264
 budget recommendations for the capital program, to be supported 265
 by statements listing the agency's requests and the governor's 266
 recommendations with the statements required by section 4-78, AS 267
 AMENDED BY SECTION 10 OF THIS ACT. 268

(f) The appropriations recommended for the legislative branch 269
 of the state government shall be the estimates of expenditure 270
 requirements transmitted to the secretary of the office of policy 271
 and management by the joint [standing] committee on legislative 272
 management pursuant to section 4-77, AS AMENDED BY SECTION 9 OF 273
 THIS ACT, AND THE RECOMMENDED ADJUSTMENTS AND REVISIONS OF SUCH 274
 ESTIMATES SHALL BE THE RECOMMENDED ADJUSTMENTS AND REVISIONS, IF 275
 ANY, TRANSMITTED BY SAID COMMITTEE PURSUANT TO SAID SECTION 4-77. 276

Sec. 8. Section 4-76 of the general statutes is repealed and 277
 the following is substituted in lieu thereof: 278

The governor or his authorized representative or agent shall 279
 appear before the appropriate committees of the general assembly 280
 to explain the details of the budget document TRANSMITTED BY THE 281
 GOVERNOR IN THE ODD-NUMBERED YEARS AND THE REPORT TRANSMITTED BY 282
 THE GOVERNOR IN THE EVEN-NUMBERED YEARS PURSUANT TO SECTION 4-71, 283
 AS AMENDED BY SECTION 4 OF THIS ACT, to answer questions and to 284
 give information as to the items included therein. 285

Sec. 9. Section 4-77 of the general statutes is repealed and 286
 the following is substituted in lieu thereof: 287

(a) The administrative head of each budgeted agency shall 288
 transmit, on or before September first of each EVEN-NUMBERED 289
 year, to the secretary of the office of policy and management, on 290
 blanks to be furnished by him not later than the preceding August 291
 first, and to the joint standing committee of the general 292
 assembly having cognizance of matters relating to appropriations 293
 and the budgets of state agencies, through the office of fiscal 294
 analysis, and the standing committee having cognizance of matters 295
 relating to such budgeted agency, estimates of expenditure 296
 requirements for EACH FISCAL YEAR OF the next [fiscal year] 297
 BIENNIUM. ON OR BEFORE SEPTEMBER FIRST OF EACH ODD-NUMBERED YEAR, 298
 SAID AGENCY HEAD SHALL TRANSMIT RECOMMENDED ADJUSTMENTS AND 299
 REVISIONS, IF ANY, OF SUCH ESTIMATES. The secretary shall set 300
 guidelines for standard economic and planning factors and for 301
 unit costs, based on source of supply, for fuel oil, electricity, 302
 gas and water usage by state agencies, which shall be used by all 303
 agencies in the preparation of their estimates of expenditure 304
 requirements. The expenditure requirements shall be classified to 305
 show expenditures estimated for each major function and activity, 306
 project or program of the budgeted agency and its subdivisions, 307
 grants or aids to governmental units and capital outlay, and 308
 shall include details setting forth the estimated expenditures 309
 classified by objects according to a standard plan of 310
 classification, with citations of the statutes, if any, relating 311
 thereto. Each expenditure requirement for any purpose other than 312
 capital outlay involving an increase in or addition to any 313

appropriation of the current fiscal year shall be accompanied by 314
 an explanation of the increase or addition. Each expenditure 315
 requirement involving a capital outlay shall be accompanied by 316
 such supporting schedules of data and explanations as may be 317
 required by the secretary. 318

(b) The administrative head of each budgeted agency shall 319
 transmit, on or before September first of each year, to the 320
 secretary, in the form required by him, and, on or before 321
 November fifteenth of each year, to the joint committee of the 322
 general assembly having cognizance of matters relating to state 323
 finance, revenue and bonding, through the office of fiscal 324
 analysis, a statement showing in detail the revenue and estimated 325
 revenue of the agency for the current fiscal year, [and] an 326
 estimate of the revenue from the same or any additional sources 327
 for the next fiscal year [together with his] AND, IN THE 328
 EVEN-NUMBERED YEAR, FOR THE NEXT BIENNIUM. SAID AGENCY HEAD SHALL 329
 INCLUDE IN SUCH STATEMENT recommendations as to any changes in 330
 the management, practices, regulations or laws governing his 331
 budgeted agency affecting the amount of revenue from operations, 332
 fees, taxes or other sources or the collection thereof, and any 333
 other information required by the secretary. 334

(c) If any budgeted agency fails to submit such estimates 335
 within the time specified, the secretary shall cause such 336
 estimates to be prepared for the budgeted agency. The 337
 administrative head of each budgeted agency shall transmit a copy 338
 of the agency's monthly financial status report and monthly 339
 personnel status report to the office of fiscal analysis. 340

Sec. 10. Section 4-78 of the general statutes is repealed and 341
 the following is substituted in lieu thereof: 342

The budget recommendations for the capital program to be paid 343
 from appropriated funds, proceeds of authorized bond issues or 344
 any federal or other funds available for capital projects shall 345
 be supported by statements indicating recommended priorities for 346
 projects and setting forth for each project: (a) The total 347
 estimated cost at completion; (b) appropriations, bond 348

authorizations and federal or other funds received to date; (c) 349
 additional appropriations or bond authorizations required for 350
 completion; (d) the amount available for expenditure from bond 351
 authorizations, appropriations or federal or other funds of prior 352
 years; (e) the bond authorization or appropriation recommended 353
 for EACH FISCAL YEAR OF the ensuing [fiscal year] BIENNIUM; (f) 354
 the amount available for EACH FISCAL YEAR OF the ensuing [fiscal 355
 year] BIENNIUM if the budget recommendation is approved; (g) bond 356
 authorizations or appropriations estimated to be required for 357
 subsequent fiscal years for completion; and (h) the estimated 358
 addition to the operating budget when completed. All capital 359
 projects authorized, begun or completed in prior years shall be 360
 reviewed annually in terms of requirement for continuation of 361
 appropriations made to date and, where appropriation balances 362
 remain at completion or no imminent forwarding of the project is 363
 contemplated or where the project has been abandoned, 364
 recommendation shall be made for the reduction of such authorized 365
 bond issues or the lapsing of such appropriation balances. 366

Sec. 11. Section 4-84 of the general statutes is repealed and 367
 the following is substituted in lieu thereof: 368

The budget as submitted by the governor to the general 369
 assembly shall include a recommended appropriation for 370
 contingencies not to exceed one hundred thousand dollars for EACH 371
 FISCAL YEAR OF the ensuing [fiscal year] BIENNIUM. Wherever an 372
 emergency exists and the governor is of the opinion that the 373
 necessities of a budgeted agency warrant an increased 374
 appropriation or it is necessary to provide for emergency 375
 expenditures, he may approve such expenditures as he deems 376
 necessary and for the best interest of the public from such 377
 contingency appropriation, provided the total amount of 378
 individual allotments from such appropriation shall not exceed 379
 the total amount of the contingency appropriation as established 380
 by the general assembly. Additions to specific appropriations for 381
 current expenses of any state court or for current expenses of 382
 state institutions or for maintenance of inmates therein or for 383

the reimbursement of towns for relief, support and 384
hospitalization furnished state paupers or for forest fire 385
suppression shall not be considered as within the total 386
appropriation for such contingencies. The governor shall report 387
to the general assembly, not later than the first session day 388
following THE THIRD DAY OF February [fourteenth of each regular 389
session] EACH EACH ODD-NUMBERED YEAR, all increases made by him 390
under authority of this section and the reasons therefor. IN THE 391
EVEN-NUMBERED YEARS, THE GOVERNOR SHALL SUBMIT SUCH REPORT ON THE 392
DAY ON WHICH THE GENERAL ASSEMBLY FIRST CONVENES. 393

Sec. 12. Section 4-85d of the general statutes is repealed 394
and the following is substituted in lieu thereof: 395

The secretary of the office of policy and management shall 396
annually submit to the joint standing committee of the general 397
assembly having cognizance of matters relating to energy planning 398
and activities, at the same time that the [governor transmits 399
the] budget document IS TRANSMITTED BY THE GOVERNOR IN THE 400
ODD-NUMBERED YEARS AND THE REPORT IS TRANSMITTED BY THE GOVERNOR 401
IN THE EVEN-NUMBERED YEARS to the general assembly under section 402
4-71, AS AMENDED BY SECTION 4 OF THIS ACT, an estimated 403
accounting of all federal funds for energy programs that will be 404
carried over into the following fiscal year and an estimated 405
accounting of federal energy funds which the state anticipates 406
receiving in such fiscal year, accompanied by a detailed 407
description of how such carried over and anticipated funds will 408
be expended. The provisions of this section shall not apply to 409
energy assistance programs and funds. 410

Sec. 13. Section 4-99 of the general statutes is repealed and 411
the following is substituted in lieu thereof: 412

Any [annual] appropriation FOR A FISCAL YEAR OF A BIENNIUM 413
shall be available for commitment fifteen days before the 414
beginning of the fiscal period for which such appropriation was 415
made, provided the comptroller shall have on file an allotment 416
covering such commitment, but no commitment thus effected shall 417
be liquidated before the beginning of such fiscal period. 418

Sec. 14. Section 1 of public act 89-279 is repealed and the following is substituted in lieu thereof.

The estimates of expenditure requirements transmitted by the administrative head of each budgeted agency to the secretary of the office of policy and management, pursuant to section 4-77 of the general statutes, AS AMENDED BY SECTION 9 OF THIS ACT, shall include an estimate of the amount required by such agency for the payment of the workers' compensation claims of the employees of each such agency. Any appropriations for the payment of such claims (1) recommended in the budget document transmitted by the governor IN THE ODD-NUMBERED YEARS OR THE REPORT TRANSMITTED BY THE GOVERNOR IN THE EVEN-NUMBERED YEARS to the general assembly pursuant to section 4-71 of the general statutes, AS AMENDED BY SECTION 4 OF THIS ACT, or (2) contained in the [annual appropriations] STATE BUDGET act or any deficiency bill, as provided in section 2-36 of the general statutes, AS AMENDED BY SECTION 3 OF THIS ACT, shall be made directly to each such agency.

STATEMENT OF PURPOSE: To require the adoption of a biennial state budget.

[Proposed deletions are enclosed in brackets. Proposed additions are all capitalized or underlined where appropriate, except that when the entire text of a bill or resolution or a section thereof is new, it is not capitalized or underlined.]

Co-Sponsors:	SEN. HARPER, 6th DIST.	453
	REP. DYSON, 94th DIST.	454
	SEN. FREEDMAN, 26th DIST.	455
	REP. ARTHUR, 42nd DIST.	456
	SEN. LARSON, 3rd DIST.	457
	REP. BALDUCCI, 27th DIST.	458
	SEN. SMITH, 8th DIST.	459
	REP. JAEKLE, 122nd DIST.	460
	SEN. DIBELLA, 1st DIST.	461
	REP. GILLIGAN, 28th DIST.	462
	SEN. HERBST, 35th DIST.	463
	REP. BELDEN, 113th DIST.	464
	REP. KRAWIECKI, 78th DIST.	465
	SEN. MORRIS, 10th DIST.	466
	REP. LUPPI, 88th DIST.	467
	REP. FRITZ, 90th DIST.	468
	SEN. SULLIVAN, 5th DIST.	469
	REP. TRUGLIA, 145th DIST.	470
	REP. FARR, 19th DIST.	471

Introduced by REP. PRAGUE, 8th DIST.

REP. CARTER, 7th DIST.

REP. THOMPSON, 13th DIST.

REP. FARR, 19th DIST.

REP. RAIA, 23rd DIST.

REP. DANDROW, 30th DIST.

REP. MAZZOTTA, 32nd DIST.

REP. GIONFRIDDO, 33rd DIST.

REP. TUREK, 43rd DIST.

REP. LESCOE, 49th DIST.

REP. GORDES, 62nd DIST.

REP. NANIA, 63rd DIST.

REP. AVITABILE, 65th DIST.

REP. MIGLIARO, 80th DIST.

REP. MUSHINSKY, 85th DIST.

REP. FRITZ, 90th DIST.

REP. HAUSER, 97th DIST.

REP. HANCHURUCK, 102nd DIST.

REP. RELL, 107th DIST.

REP. GYLE, 108th DIST.

REP. BELDEN, 113th DIST.

REP. ADAMO, 116th DIST.

REP. SMITH, 119th DIST.

REP. JAEKLE, 122nd DIST.

REP. COCCO, 127th DIST.

REP. WILBER, 133rd DIST.

REP. MEYER, 135th DIST.

REP. FUCHS, 136th DIST.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

REP. HANCHURUCK, 102nd DIST.	519
REP. BETKOSKI, 105th DIST.	520
REP. SCHMIDLE, 106th DIST.	521
REP. RELL, 107th DIST.	522
REP. GYLE, 108th DIST.	523
REP. IRELAND, 111th DIST.	524
REP. BELDEN, 113th DIST.	525
REP. ADAMO, 116th DIST.	526
REP. SMITH, 119th DIST.	527
REP. JAEKLE, 122nd DIST.	528
REP. COCCO, 127th DIST.	529
REP. WILBER, 133rd DIST.	530
REP. MEYER, 135th DIST.	531
REP. FUCHS, 136th DIST.	532
REP. GILL, 142nd DIST.	533
REP. TRUGLIA, 145th DIST.	534
REP. OSLER, 150th DIST.	535
SEN. MEOTTI, 4th DIST.	536
SEN. SULLIVAN, 5th DIST.	537
SEN. SMITH, 8th DIST.	538
SEN. MATTHEWS, 9th DIST.	539
SEN. MUSTONE, 13th DIST.	540
SEN. SCOTT, 14th DIST.	541
SEN. PRZYBYSZ, 19th DIST.	542
SEN. MALONEY, 24th DIST.	543
SEN. EADS, 30th DIST.	544
SEN. HERBST, 35th DIST.	545

D-19

Committee Bill No. 5097	Page 1 of 16	3
Referred to Committee on JUDICIARY		4
LCO No. 3554		5
Introduced by (JUD)		6
General Assembly		7
January Session, A.D., 1989		8

AN ACT CONCERNING ADMINISTRATIVE "PER SE" LICENSE SUSPENSIONS. 11

Be it enacted by the Senate and House of Representatives in 13
General Assembly convened: 14

Section 1. Section 14-227b of the general statutes is 15
repealed and the following is substituted in lieu thereof: 16

(a) Any person who operates a motor vehicle in this state 17
shall be deemed to have given his consent to a chemical analysis 18
of his blood, breath or urine and, if said person is a minor, his 19
parent or parents or guardian shall also be deemed to have given 20
his consent. 21

(b) If any such person, having been placed under arrest for 22
MANSLAUGHTER IN THE SECOND DEGREE WITH A MOTOR VEHICLE OR ASSAULT 23
IN THE SECOND DEGREE WITH A MOTOR VEHICLE OR FOR operating a 24
motor vehicle while under the influence of intoxicating liquor or 25
any drug or both or while his ability to operate such motor 26
vehicle is impaired by the consumption of intoxicating liquor, 27
and thereafter, after being apprised of his constitutional 28
rights, having been requested to submit to a blood, breath or 29
urine test at the option of the police officer, having been 30
afforded a reasonable opportunity to telephone an attorney prior 31
to the performance of such test and having been informed that his 32
license or nonresident operating privilege will be suspended in 33
accordance with the provisions of [subsection (d), (e) or (f) of] 34
this section if he refuses to submit to such test OR IF HE 35
SUBMITS TO SUCH TEST AND THE RESULTS OF SUCH TEST INDICATE THAT 36

AT THE TIME OF THE ALLEGED OFFENSE THE RATIO OF ALCOHOL IN HIS BLOOD WAS TEN-HUNDREDTHS OF ONE PER CENT OR MORE OF ALCOHOL, BY WEIGHT, and that evidence of ANY such refusal shall be admissible in accordance with subsection (f) of section 14-227a and may be used against him in any criminal prosecution, refuses to submit to the designated test, the test shall not be given; provided, if the person refuses or is unable to submit to a blood test, the police officer shall designate the breath or urine test as the test to be taken. The police officer shall make a notation upon the records of the police department that he informed the person that his license or nonresident operating privilege would be suspended if he refused to submit to such test OR IF HE SUBMITTED TO SUCH TEST AND THE RESULTS OF SUCH TEST INDICATED THAT AT THE TIME OF THE ALLEGED OFFENSE THE RATIO OF ALCOHOL IN HIS BLOOD WAS TEN-HUNDREDTHS OF ONE PER CENT OR MORE OF ALCOHOL, BY WEIGHT.

(c) If the person arrested refuses to submit to such test or analysis OR SUBMITS TO SUCH TEST OR ANALYSIS AND SUCH TEST OR ANALYSIS INDICATES THAT AT THE TIME OF THE ALLEGED OFFENSE THE RATIO OF ALCOHOL IN THE BLOOD OF SUCH PERSON WAS TEN-HUNDREDTHS OF ONE PER CENT OR MORE OF ALCOHOL, BY WEIGHT, the police officer shall immediately [revoke] TAKE POSSESSION OF the motor vehicle operator's license or, IF SUCH PERSON IS A NONRESIDENT, SUSPEND THE nonresident operating privilege of such person, [for a twenty-four-hour period and prepare a written report of such refusal. Such written report shall be endorsed by a third person who witnessed such refusal.] ISSUE A NOTICE OF LICENSE OR OPERATING PRIVILEGE SUSPENSION AND ISSUE A TEMPORARY OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE VALID FOR THE PERIOD COMMENCING TWENTY-FOUR HOURS AFTER ISSUANCE AND ENDING THIRTY-ONE DAYS AFTER ISSUANCE.

(d) THE POLICE OFFICER, ACTING ON BEHALF OF THE COMMISSIONER OF MOTOR VEHICLES, SHALL AT THE TIME OF SUCH ARREST SERVE THE NOTICE OF SUSPENSION PERSONALLY UPON SUCH PERSON. SUCH NOTICE SHALL INDICATE: (1) THE EFFECTIVE DATE OF THE SUSPENSION OF SUCH PERSON'S OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE,

WHICH DATE SHALL BE THIRTY-ONE DAYS FROM THE DATE OF SERVICE OF SUCH NOTICE, (2) THE RIGHT OF SUCH PERSON TO REQUEST A HEARING BY THE DEPARTMENT OF MOTOR VEHICLES, (3) THE PROCEDURE FOR REQUESTING SUCH A HEARING, (4) THE DATE BY WHICH A REQUEST FOR SUCH A HEARING MUST BE MADE, WHICH DATE SHALL BE SEVEN DAYS FROM THE DATE OF SERVICE OF SUCH NOTICE, AND (5) THE POTENTIAL PERIOD OF SUSPENSION OF SUCH PERSON'S OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE.

(e) THE POLICE OFFICER SHALL PREPARE A WRITTEN REPORT OF THE INCIDENT AND SHALL MAIL IT TO THE DEPARTMENT OF MOTOR VEHICLES WITHIN THREE BUSINESS DAYS TOGETHER WITH A COPY OF THE COMPLETED NOTICE OF SUSPENSION FORM, A COPY OF THE COMPLETED TEMPORARY LICENSE FORM, ANY OPERATOR'S LICENSE TAKEN INTO POSSESSION AND A COPY OF THE RESULTS OF ANY CHEMICAL TEST OR ANALYSIS. The report shall be made on a form approved by the commissioner of motor vehicles and shall be sworn to under penalty of false statement as provided in section 53a-157 by the police officer before whom such refusal was made OR WHO ADMINISTERED OR CAUSED TO BE ADMINISTERED SUCH TEST OR ANALYSIS. IF THE PERSON ARRESTED REFUSED TO SUBMIT TO SUCH TEST OR ANALYSIS, THE REPORT SHALL BE ENDORSED BY A THIRD PERSON WHO WITNESSED SUCH REFUSAL. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for MANSLAUGHTER IN THE SECOND DEGREE WITH A MOTOR VEHICLE OR ASSAULT IN THE SECOND DEGREE WITH A MOTOR VEHICLE OR FOR operating a motor vehicle while under the influence of intoxicating liquor or any drug or both or while his ability to operate such motor vehicle is impaired by the consumption of intoxicating liquor, and shall state that such person had refused to submit to such test or analysis when requested by such police officer to do so OR THAT SUCH PERSON SUBMITTED TO SUCH TEST OR ANALYSIS AND SUCH TEST OR ANALYSIS INDICATED THAT AT THE TIME OF THE ALLEGED OFFENSE THE RATIO OF ALCOHOL IN THE BLOOD OF SUCH PERSON WAS TEN-HUNDREDTHS OF ONE PER CENT OR MORE OF ALCOHOL, BY WEIGHT.

106 [(d)] (f) [Upon receipt of such report of a first refusal,
107 the commissioner of motor vehicles shall suspend any license or
108 nonresident operating privilege of such person for a period of
109 six months. Any person whose license or operating privilege has
110 been suspended in accordance with this subsection shall
111 automatically be entitled to an immediate hearing before the
112 commissioner.] SUCH PERSON MAY REQUEST A HEARING BY THE
113 DEPARTMENT OF MOTOR VEHICLES TO CONTEST THE SUSPENSION OF HIS
114 OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE UNDER THIS
115 SECTION. TO REQUEST A HEARING, SUCH PERSON OR HIS ATTORNEY SHALL
116 APPEAR IN PERSON AT THE MAIN OFFICE OF THE DEPARTMENT OR SUCH
117 OTHER OFFICE AS MAY BE DESIGNATED BY THE COMMISSIONER NOT LATER
118 THAN SEVEN DAYS FROM THE DATE OF THE SERVICE OF THE NOTICE OF
119 SUSPENSION BY THE POLICE OFFICER PURSUANT TO SUBSECTION (d) OF
120 THIS SECTION AND SHALL BRING WITH HIM A COPY OF SUCH NOTICE OF
121 SUSPENSION. IF SUCH PERSON OR HIS ATTORNEY DOES NOT REQUEST A
122 HEARING WITHIN SAID SEVEN DAYS, THE COMMISSIONER SHALL SUSPEND
123 THE OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE OF SUCH
124 PERSON IN ACCORDANCE WITH SUBSECTION (i) OF THIS SECTION.

125 (g) IF SUCH PERSON OR HIS ATTORNEY APPEARS IN PERSON AND
126 REQUESTS A HEARING PURSUANT TO SUBSECTION (f) OF THIS SECTION,
127 THE DEPARTMENT SHALL THEREUPON ASSIGN SUCH PERSON A DATE, TIME
128 AND PLACE FOR A HEARING WHICH DATE SHALL NOT BE LATER THAN
129 FIFTEEN DAYS FROM THE DATE OF SUCH REQUEST. A REASONABLE PERIOD
130 OF CONTINUANCE MAY BE GRANTED FOR GOOD CAUSE, EXCEPT THAT THE
131 GRANTING OF A CONTINUANCE SHALL NOT STAY THE SUSPENSION OF SUCH
132 PERSON'S OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE
133 BEYOND A DATE FORTY DAYS FROM THE DATE OF SERVICE OF THE NOTICE
134 OF SUSPENSION PURSUANT TO SUBSECTION (d) OF THIS SECTION. The
135 hearing shall be limited to a determination of the following
136 issues: (1) Did the police officer have probable cause to arrest
137 the person for MANSLAUGHTER IN THE SECOND DEGREE WITH A MOTOR
138 VEHICLE OR ASSAULT IN THE SECOND DEGREE WITH A MOTOR VEHICLE OR
139 FOR operating a motor vehicle while under the influence of
140 intoxicating liquor or drug or both or while his ability to

141 operate such motor vehicle is impaired by the consumption of
142 intoxicating liquor; (2) was such person placed under arrest; (3)
143 did such person refuse to submit to such test or analysis OR DID
144 SUCH PERSON SUBMIT TO SUCH TEST OR ANALYSIS AND SUCH TEST OR
145 ANALYSIS INDICATED THAT AT THE TIME OF THE ALLEGED OFFENSE THE
146 RATIO OF ALCOHOL IN THE BLOOD OF SUCH PERSON WAS TEN-HUNDREDTHS
147 OF ONE PER CENT OR MORE OF ALCOHOL, BY WEIGHT; and (4) was such
148 person operating the motor vehicle. IN THE DETERMINATION OF SAID
149 ISSUES, THE COMMISSIONER MAY RELY ON THE WRITTEN REPORT OF THE
150 POLICE OFFICER SUBMITTED PURSUANT TO SUBSECTION (e) OF THIS
151 SECTION AND SUCH POLICE OFFICER SHALL NOT BE REQUIRED TO BE
152 PRESENT AND TESTIFY AT THE HEARING EXCEPT IN RESPONSE TO A
153 SUBPOENA ISSUED BY THE COMMISSIONER OR SUCH PERSON.

154 (h) [If, after] AFTER such hearing, IF the commissioner finds
155 on any one of the said issues in the negative, [the commissioner]
156 HE shall reinstate such license or operating privilege. IF THE
157 COMMISSIONER DOES NOT FIND ON ANY ONE OF THE SAID ISSUES IN THE
158 NEGATIVE OR IF SUCH PERSON FAILS TO APPEAR AT SUCH HEARING, THE
159 COMMISSIONER SHALL AFFIRM THE SUSPENSION CONTAINED IN THE NOTICE
160 OF SUSPENSION AND SUSPEND THE OPERATOR'S LICENSE OR NONRESIDENT
161 OPERATING PRIVILEGE OF SUCH PERSON FOR THE APPROPRIATE PERIOD IN
162 ACCORDANCE WITH SUBSECTION (i) OF THIS SECTION. THE COMMISSIONER
163 SHALL RENDER A DECISION AT THE CONCLUSION OF SUCH HEARING OR SEND
164 A NOTICE OF HIS DECISION BY CERTIFIED MAIL TO SUCH PERSON NOT
165 LATER THAN THIRTY-ONE DAYS FROM THE DATE OF SERVICE OF THE NOTICE
166 OF SUSPENSION BY THE POLICE OFFICER PURSUANT TO SUBSECTION (d) OF
167 THIS SECTION. THE NOTICE OF SUCH DECISION SENT BY CERTIFIED MAIL
168 TO THE ADDRESS OF SUCH PERSON AS SHOWN BY THE RECORDS OF THE
169 COMMISSIONER SHALL BE SUFFICIENT NOTICE TO SUCH PERSON THAT HIS
170 OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE IS
171 REINSTATED OR SUSPENDED, AS THE CASE MAY BE, UNLESS A CONTINUANCE
172 IS GRANTED TO SUCH PERSON UNDER SUBSECTION (g) OF THIS SECTION,
173 IF THE COMMISSIONER FAILS TO RENDER A DECISION WITHIN SAID
174 THIRTY-ONE DAY PERIOD, HE SHALL REINSTATE SUCH PERSON'S
175 OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE.

(1) THE COMMISSIONER SHALL SUSPEND THE OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE OF A PERSON WHO DID NOT REQUEST A HEARING PURSUANT TO SUBSECTION (f) OF THIS SECTION, WHO FAILED TO APPEAR AT A HEARING OR AGAINST WHOM, AFTER A HEARING, THE COMMISSIONER HELD PURSUANT TO SUBSECTION (h) OF THIS SECTION, EFFECTIVE THIRTY-ONE DAYS FROM THE DATE OF SERVICE OF THE NOTICE OF SUSPENSION PURSUANT TO SUBSECTION (d) OF THIS SECTION OR, IF A CONTINUANCE WAS GRANTED UNDER SUBSECTION (g) OF THIS SECTION, EFFECTIVE NOT LATER THAN FORTY DAYS FROM THE DATE OF SERVICE OF THE NOTICE OF SUSPENSION PURSUANT TO SUBSECTION (d) OF THIS SECTION, FOR A PERIOD OF: (1) (A) NINETY DAYS, IF SUCH PERSON SUBMITTED TO A TEST OR ANALYSIS THE RESULTS OF WHICH INDICATED A BLOOD ALCOHOL CONCENTRATION OF TEN-HUNDREDTHS OF ONE PER CENT OR MORE, OR (B) SIX MONTHS IF SUCH PERSON REFUSED TO SUBMIT TO SUCH TEST OR ANALYSIS, (2) ONE YEAR IF SUCH PERSON HAS PREVIOUSLY HAD HIS OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE SUSPENDED UNDER THIS SECTION, AND (3) TWO YEARS IF SUCH PERSON HAS TWO OR MORE TIMES PREVIOUSLY HAD HIS OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE SUSPENDED UNDER THIS SECTION.

D-22

((e) If a police officer revokes a person's operator's license or nonresident operating privilege for twenty-four hours pursuant to subsection (c), such officer shall (1) keep a written record of the revocation of a license, including the name and address of the person and the date and time of the revocation; (2) provide the person with a written statement of the time from which the revocation takes effect, the duration of the revocation, the location where the license may be recovered upon termination of the revocation and acknowledging receipt of the revoked license; and (3) provide the department of motor vehicles with a copy of the notice of revocation of the license of such person, the name and address of such person and the date and time of revocation.

(f) Upon receipt of a report of a refusal by a person (1) whose motor vehicle operator's license or nonresident operating privilege has previously been suspended for a refusal, (2) who

176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210

has previously been found guilty under subsection (a) of section 14-227a or (3) who has previously participated in the pretrial alcohol education system under section 54-56g, the commissioner of motor vehicles shall immediately schedule a hearing concerning the suspension of any license or nonresident operating privilege of such person. The hearing shall be limited to a determination of the following issues: (1) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug or both or while his ability to operate such motor vehicle is impaired by the consumption of intoxicating liquor; (2) was such person placed under arrest; (3) did such person refuse to submit to such test or analysis; and (4) was such person operating the motor vehicle. Unless, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall suspend such license or operating privilege of such person for a period of one year for such refusal to submit to such test and for a period of three years for any such subsequent refusal.]

211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244

[(g)] (j) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subdivision (5) of subsection (c) of section 14-227a.

[(h)] (k) The provisions of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

[(i)] (l) The state shall pay the reasonable charges of any physician who, at the request of a municipal police department, takes a blood sample for purposes of a test under the provisions of this section.

(m) THE COMMISSIONER OF MOTOR VEHICLES SHALL ADOPT REGULATIONS IN ACCORDANCE WITH CHAPTER 54 TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

Sec. 2. Section 14-227a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person shall operate a motor vehicle while under the influence of intoxicating liquor or any drug or both. A person commits the offense of operating a motor vehicle while under the influence of intoxicating liquor or any drug or both if he operates a motor vehicle on a public highway of this state or on any road of a district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or on any private road on which a speed limit has been established in accordance with the provisions of section 14-218a, or in any parking area for ten or more cars or on any school property (1) while under the influence of intoxicating liquor or any drug or both or (2) while the ratio of alcohol in the blood of such person is ten-hundredths of one per cent or more of alcohol, by weight.

(b) No person shall operate a motor vehicle on a public highway of this state or on any road of a district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or on any private road on which a speed limit has been established in accordance with the provisions of section 14-218a, or in any parking area for ten or more cars or on any school property while his ability to operate such motor vehicle is impaired by the consumption of intoxicating liquor. A person shall be deemed impaired when at the time of the alleged offense the ratio of alcohol in the blood of such person was more than seven-hundredths of one per cent of alcohol, by weight, but less than ten-hundredths of one per cent of alcohol, by weight.

(c) Except as provided in subsection (d) of this section, in any criminal prosecution for violation of subsection (a) or (b) of this section, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis of the defendant's breath, blood or urine shall be admissible and competent provided: (1) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and

245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279

consented to the taking of the test upon which such analysis is made; (2) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty-four hours or by the end of the next regular business day, after such result was known, whichever is later; (3) the test was performed by or at the direction of a police officer according to methods and with equipment approved by the department of health services and was performed by a person certified or recertified for such purpose by said department or recertified by persons certified as instructors by the commissioner of health services. If a blood test is taken, it shall be on a blood sample taken by a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, an emergency medical technician II or a registered nurse; (4) the device used for such test was checked for accuracy immediately before and after such test was performed by a person certified by the department of health services; (5) an additional chemical test of the same type was performed at least thirty minutes after the initial test was performed, provided however the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and such additional test was not performed or was not performed within a reasonable time, or the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and (6) evidence is presented which demonstrates that the test results and the analysis thereof accurately reflect the blood alcohol content at the time of the alleged offense.

(d) In any prosecution for a violation of subdivision (1) of subsection (a) of this section, reliable evidence respecting the amount of alcohol or drugs in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis of the defendant's blood, breath or urine, otherwise admissible under subsection (c) of this section, shall be admissible only at the request of the defendant.

280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314

D-23

not

Commissioner of health services shall ascertain the
of each method and type of device offered for
testing purposes of blood, of breath and of urine and
by those methods and types which he finds suitable for use
in testing blood, testing breath and in testing urine in this
state. He shall adopt regulations governing the conduct of
chemical tests, the operation and use of chemical test devices
and the training, certification and annual recertification of
operators of such devices as he finds necessary to protect the
health and safety of persons who submit to chemical tests and to
insure reasonable accuracy in testing results.

(f) In any criminal prosecution for a violation of subsection
(a) or (b) of this section, evidence that the defendant refused
to submit to a blood, breath or urine test requested in
accordance with section 14-227b shall be admissible provided the
requirements of subsection (b) of said section have been
satisfied. If a case involving a violation of subsection (a) of
this section is tried to a jury, the court shall instruct the
jury as to any inference that may or may not be drawn from the
defendant's refusal to submit to a blood, breath or urine test.

(g) If a person is charged with a violation of the provisions
of subsection (a) of this section, the charge may not be reduced,
nolle or dismissed unless the prosecuting authority states in
open court his reasons for the reduction, nolle or dismissal.

(h) Any person who violates any provision of subsection (a)
of this section shall: (1) For conviction of a first violation,
(A) be fined not less than five hundred dollars nor more than one
thousand dollars and (B) be (i) imprisoned not more than six
months, forty-eight consecutive hours of which may not be
suspended or reduced in any manner or (ii) imprisoned not more
than six months, with the execution of such sentence of
imprisonment suspended entirely and a period of probation imposed
requiring as a condition of such probation that such person
perform one hundred hours of community service, as defined in
section 14-227e, and (C) have his motor vehicle operator's

D-24

315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349

license or nonresident operating privilege suspended for one
year; (2) for conviction of a second violation within five years
after a conviction for the same offense, be fined not less than
five hundred dollars nor more than two thousand dollars and
imprisoned not more than one year, ten days of which may not be
suspended or reduced in any manner AND SHALL BE SERVED IN
SEGMENTS OF NOT LESS THAN FORTY-EIGHT CONSECUTIVE HOURS, and have
his motor vehicle operator's license or nonresident operating
privilege suspended for two years; (3) for conviction of a third
violation within five years after a prior conviction for the same
offense, be fined not less than one thousand dollars nor more
than four thousand dollars and imprisoned not more than two
years, one hundred twenty days of which may not be suspended or
reduced in any manner AND SHALL BE SERVED IN SEGMENTS OF NOT LESS
THAN FORTY-EIGHT CONSECUTIVE HOURS, and have his motor vehicle
operator's license or nonresident operating privilege suspended
for three years; and (4) for conviction of a fourth and
subsequent violation within five years after a prior conviction
for the same offense, be fined not less than two thousand dollars
nor more than eight thousand dollars and imprisoned not more than
three years, one year of which may not be suspended or reduced in
any manner AND SHALL BE SERVED IN SEGMENTS OF NOT LESS THAN
FORTY-EIGHT CONSECUTIVE HOURS, and have his motor vehicle
operator's license or nonresident operating privilege permanently
revoked upon such fourth offense. For purposes of the imposition
of penalties for a second, third or fourth and subsequent offense
pursuant to this subsection, a conviction under the provisions of
subsection (a) of section 14-227a in effect on October 1, 1981,
or as amended thereafter, and a conviction under the provisions
of either subdivision (1) or (2) of subsection (a) of this
section shall constitute a prior offense.

(1) Any person who violates subsection (b) of this section
shall have committed an infraction.

350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382

(j) (1) The suspension of a motor vehicle operator's license or nonresident operating privilege imposed under subsection (h) of this section shall take effect immediately upon the expiration of any period in which an appeal of any conviction under subsection (a) of this section may be taken; provided if an appeal is taken, the suspension shall be stayed during the pendency of such appeal. If the suspension takes effect, the defendant shall immediately send his motor vehicle operator's license or nonresident operating privilege to the department of motor vehicles. (2) The motor vehicle operator's license or nonresident operating privilege of a person found guilty under subsection (a) of this section who is under eighteen years of age shall be suspended for the period of time set forth in subsection (h) of this section, or until such person attains the age of eighteen years, whichever period is longer.

(k) In addition to any fine or sentence imposed pursuant to the provisions of subsection (h) of this section, the court may order such person to participate in an alcohol education and treatment program.

(l) If a person is arrested as an alleged offender of the provisions of subsection (a) of this section and a blood alcohol test conducted in accordance with subsection (c) of this section or section 14-227b indicates that at the time of the alleged offense the ratio of alcohol in the blood of such person was ten-hundredths of one per cent or more of alcohol, by weight, the arresting police officer shall immediately revoke the motor vehicle operator's license or nonresident operating privilege of such person for a twenty-four hour period. Such officer shall (1) keep a written record of the revocation of a license, including the name and address of the person and the date and time of the revocation; (2) provide the person with a written statement of the time from which the revocation takes effect, the duration of the revocation, the location where the license may be recovered upon termination of the revocation and acknowledging receipt of the revoked license; and (3) provide the department of motor

vehicles with a copy of the notice of revocation of the license of such person, the name and address of such person, the date and time of revocation and the ratio of alcohol in the blood of such person at the time of the alleged offense.

(m) Notwithstanding the provisions of subsection (c) of this section, evidence respecting the amount of alcohol or drug in the blood of an operator of a motor vehicle involved in an accident who has suffered or allegedly suffered physical injury in such accident, which evidence is derived from a chemical analysis of a blood sample taken from such person at a hospital after such accident, shall be competent evidence to establish probable cause for the arrest by warrant of such person for a violation of subsection (a) of this section and shall be admissible and competent in any subsequent prosecution thereof if: (1) The blood sample was taken in the regular course of business of the hospital for the diagnosis and treatment of such injury; (2) the blood sample was taken by a person licensed to practice medicine in this state, a qualified laboratory technician, an emergency technician or a registered nurse; (3) a police officer has demonstrated to the satisfaction of a judge of the superior court that such officer has reason to believe that such person was operating a motor vehicle while under the influence of intoxicating liquor or drug or both and that the chemical analysis of such blood sample constitutes evidence of the commission of the offense of operating a motor vehicle while under the influence of intoxicating liquor or drug or both in violation of subsection (a) of section 14-227a; and (4) such judge has issued a search warrant in accordance with section 54-33a authorizing the seizure of the chemical analysis of such blood sample.

Sec. 3. Section 14-215 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person to whom an operator's license has been refused, or whose operator's license or right to operate a motor vehicle in this state has been suspended or revoked, shall operate any

D-25

motor vehicle during the period of such refusal, suspension or 453
 revocation. No person shall operate or cause to be operated any 454
 motor vehicle, the registration of which has been refused, 455
 suspended or revoked, or any motor vehicle, the right to operate 456
 which has been suspended or revoked. 457

(b) Except as provided in subsection (c) of this section, any 458
 person who violates any provision of subsection (a) of this 459
 section shall be fined not less than one hundred fifty dollars 460
 nor more than two hundred dollars or imprisoned not more than 461
 ninety days or be both fined and imprisoned for the first 462
 offense, and for any subsequent offense shall be fined not less 463
 than two hundred dollars nor more than six hundred dollars or 464
 imprisoned not more than one year or be both fined and 465
 imprisoned. 466

(c) Any person who operates any motor vehicle during the 467
 period his operator's license or right to operate a motor vehicle 468
 in this state is under suspension or revocation on account of a 469
 violation of subsection (a) of section 14-227a, AS AMENDED BY 470
 SECTION 2 OF THIS ACT, [subsection (d) or (f) of] section 471
 14-227b, AS AMENDED BY SECTION 1 OF THIS ACT, or section 53a-56b 472
 or 53a-60d, shall be fined not less than five hundred dollars nor 473
 more than one thousand dollars and imprisoned not more than one 474
 year, thirty days of which may not be suspended or reduced in any 475
 manner AND SHALL BE SERVED IN SEGMENTS OF NOT LESS THAN 476
 FORTY-EIGHT CONSECUTIVE HOURS. 477

STATEMENT OF PURPOSE: To insure that the driver's license of a 480
 person who is arrested for drunken driving and refuses to take a 481
 chemical test or takes a chemical test and has an elevated blood 482
 alcohol concentration is suspended as quickly and certainly as 483
 possible. 484

[Proposed deletions are enclosed in brackets. Proposed 486
 additions are all capitalized or underlined where appropriate, 487
 except that when the entire text of a bill or resolution or a 488
 section thereof is new, it is not capitalized or underlined.] 489

Co-Sponsors: REP. PRAGUE, 8th DIST. 491
 REP. CARTER, 7th DIST. 492
 REP. THOMPSON, 13th DIST. 493
 REP. RENNIE, 14th DIST. 494
 REP. COHEN, 15th DIST. 495
 REP. RAPOPORT, 18th DIST. 496
 REP. FARR, 19th DIST. 497
 REP. RAI, 23rd DIST. 498
 REP. DANDROW, 30th DIST. 499
 REP. MAZZOTTA, 32nd DIST. 500
 REP. GIONFRIDDO, 33rd DIST. 501
 REP. MARKHAM, 34th DIST. 502
 REP. HOYE, 37th DIST. 503
 REP. TUREK, 43rd DIST. 504
 REP. LESCOE, 49th DIST. 505
 REP. SAVAGE, 50th DIST. 506
 REP. WYMAN, 53rd DIST. 507
 REP. KINER, 59th DIST. 508
 REP. GORDES, 62nd DIST. 509
 REP. NANIA, 63rd DIST. 510
 REP. AVITABILE, 65th DIST. 511
 REP. ROGG, 67th DIST. 512
 REP. FLAHERTY, 68th DIST. 513
 REP. MIGLIARO, 80th DIST. 514
 REP. MUSHINSKY, 85th DIST. 515
 REP. WARD, 86th DIST. 516
 REP. FRITZ, 90th DIST. 517
 REP. HAUSER, 97th DIST. 518



MAINE STATE LEGISLATURE
Augusta, Maine 04333

JOINT SELECT COMMITTEE ON RULES

September 3, 1993

TO: Legislative Council

FROM: Joint Select Committee on Rules
Sen. Beverly Bustin, Senate Chair
Rep. Charlene Rydell, House Chair

RE: Concept Drafting and Cloture Issues

The Joint Select Committee on Rules is required by Joint Rule 13-B to report to the Legislative Council regarding concept drafting and cloture issues. Attached is a copy of our report.

While the Rules Committee has come to the conclusion that a classic "concept drafting" system would require too many changes in the workings of the Maine Legislature to be advisable, we are recommending some changes in rules and Legislative procedures that contain many of the same advantages that a concept drafting system would be designed to accomplish. We believe that implementation of these changes would result in significant improvements in the committee process of consideration of legislation as well as make more efficient use of both legislators' and staff time.

We look forward to discussing these recommendations with you.

5334LHS

SUMMARY

<u>PROPOSED CHANGE</u>	<u>IMPLEMENTING ACTION</u> <u>SECOND REGULAR SESSION 116TH LEGISLATURE</u>	<u>IMPLEMENTING ACTION</u> <u>FIRST REGULAR SESSION 117TH LEGISLATURE</u>
I. Confidentiality rules should be relaxed to permit bill titles, names of sponsors, indexing information and sponsor-provided summary to be made available as soon as possible after cloture.	I. Not necessary for Second Regular Session because information is available on all bills as soon as approved for introduction by the Legislative Council. Revisor should be directed to amend drafting request form to permit sponsors to provide brief summary (optional this year).	I. Requires Joint Rule change for First Regular Session to permit title, sponsor, indexing information and sponsor-provided summary to be made available to committees shortly after cloture. (Est. time -- late December, early January)
II. Committees would meet soon after bill information is made available to establish a schedule for consideration of legislation likely to come before them during the session.	II. Requires either the Legislative Council or the Speaker and the President to authorize committees to meet for a day shortly after the date set for appeal of Council action on admission of bills.	II. No action necessary. Committees could meet during the first week of January to propose a schedule.
III. Drafting priorities would be established based upon schedules adopted by the committees.	III. No action necessary. Can be implemented administratively by Revisor of Statutes working with committee staff persons.	III. No action necessary. Can be implemented administratively by Revisor of Statutes working with committee staff persons.
IV. Committees would adopt proposed schedule of public hearings and work sessions on bills by subject matter.	IV. It would be helpful to know likely deadlines for final committee action at this point so that committees would know the time frames available to them in which to schedule their work. Different deadlines could be established (as currently) for small, moderate and heavy work load committees.	IV. It would be helpful to know likely deadlines for final committee action at this point so that committees would know the time frames available to them in which to schedule their work. Different deadlines could be established (as currently) for small, moderate and heavy work load committees.
V. Committees would be given authority to combine related bills that have been referred to them and report them out as a committee bill or with combined sponsorship.	V. Requires a change in the Joint Rules. If this provision is to be implemented in the Second Regular Session, a change could be adopted early in January before most committees are ready to report out bills.	V. Requires a change in the Joint Rules.

VI. Initial drafting efficiencies would be adopted to speed up the flow of the initial drafting process.

- A. A two-tier level of cloture would be established in the First Regular Session to encourage early submission of bill requests.
- B. The Revisor of Statutes would no longer try to identify duplicates and closely related bills for purposes of expediting consolidation.
- C. Some detailed technical refinements would not be completed at the initial drafting stage and would be moved to the committee amendment stage (or another stage for bills not referred to committee).

- A. Not applicable
- B. Can be implemented administratively.
- C. Can be implemented administratively.

- A. Requires a change in the Joint Rules
- B. Can be implemented administratively.
- C. Can be implemented administratively.

VII. Additional issues to keep in mind:

- A. The relationship between indexing of bill requests and determination of suggested reference needs to be explored further.
- B. Committee schedules will need to be coordinated with the further consideration of the role of policy committees in the budget process.
- C. Consideration should be given to whether, in the 117th Legislature, committee jurisdictions or numbers should be changed to make more even workload in order to provide more efficient use of legislative time.

- A. A group of staff involved in these functions has been asked to explore this issue and report back to the Rules Committee.
- B. The Legislature's TQM committee is reviewing the budget process. Both the Rules Committee and the TQM Committee are aware of the need for coordination in this area. There is some overlap in membership of the two committees, and each is following closely the work of the other.
- C. The Rules Committee intends to look at this question in further detail in the future.

REPORT ON CONCEPT DRAFTING AND OTHER METHODS OF IMPROVING COMMITTEE AND LEGISLATIVE EFFICIENCY

INTRODUCTION

The subcommittee identified the following goals for improving the flow of legislative work:

1. Make more effective use of legislator time
2. Strengthen the committee process
3. Make more efficient use of non-partisan staff
4. Increase public understanding of and public access to the legislative process
5. Improve public image of the Legislature and its workings
6. Reduce costs
7. Maintain quality of Maine Statutes
8. Keep the "playing field" as level as possible to support the expression of all members' points of view
9. Support the Legislature as an independent and co-equal branch of state government

Concept drafting is ordinarily described as a system whereby bill requests are initially drafted not in the form of legislation but as a brief description of the intent of the bill. Details and statutory language are worked out ordinarily at Committee level. Connecticut is the state that appears to use concept drafting in its purest form. A few other states offer concept drafting as an option that is rarely, if ever, pursued.

Concept drafting was originally suggested by the Peat Marwick Legislature Management Study commissioned by the Legislature in 1989. At that time the Advisory Committee on Legislative Structure and Operations appointed to review the Peat Marwick report was unable to reach agreement on concept drafting. Since that time numerous changes have been made in the drafting process. Most have brought efficiencies and cost savings to the drafting process.

The subcommittee reviewed with nonpartisan staff directors options for accomplishing the goals identified by the subcommittee. The subcommittee examined how concept drafting would work in the Maine Legislature. We were impressed by the extent to which changing to a concept drafting system would affect almost every aspect of the way individual legislators and the Legislature as an institution conducts its work. In considering all of the implications of concept drafting, we came to the conclusion that the benefits were outweighed by the costs.

In the course of identifying goals for improving the processing of legislation and investigating concept drafting, the subcommittee was able to identify several changes in the legislative process that could significantly improve the organization and flow of legislative work during the session and go a long way toward accomplishing the goals identified by the Committee. These changes would also incorporate some of the attractive elements of concept drafting at the committee level. We have called this the "committee efficiency process."

RECOMMENDATIONS FOR IMPROVING PROCESSING OF LEGISLATION

I. Confidentiality should be relaxed to permit bill titles, names of sponsors and indexing information to be made available as soon as possible after cloture during a First Regular Session. Information relating to bills introduced by the Executive Branch after cloture would become available when the request is provided to the Revisor of Statutes.

Currently, during a First Regular Session, information concerning bills being drafted is confidential until the bill is actually introduced in the Senate or House. This means that neither joint committees nor the Legislature as a whole can engage in any planning directed towards orderly flow of legislation because it is never possible to anticipate what legislation will appear or when.

If bill titles and sponsors are made public information at the time of cloture, bills can be indexed and committees could know early in the session what bills are likely to be before them. Indexing information is derived from a bill intake form. It includes a major subject area, a minor subject area and a detail area. This information identifies an estimate of the committee to which a bill may be referred and additional information regarding the subject of the bill. Although indexing is not as precise as the suggested reference that is made by the Secretary of the Senate and the Clerk of the House after a bill has been drafted, it could be used for initial scheduling purposes. The Rules Committee also recommends that legislators be required to use a drafting request form and provide the Revisor's Office with a one or two sentence description of a drafting request that would be forwarded, without editing, to the indexed committee. This should be optional for the upcoming Second Regular Session.

Indexing could take the place of "suggested reference" determinations by the Secretary or Clerk as a method of efficiency, although there would probably be some increase in deviations from "suggested reference" because it would not be possible to be as accurate at the time of indexing as at the time of current "suggested reference" decisions when bills are fully drafted. The Rules Committee has identified the relationship between indexing and "suggested reference" as a subject for additional review (see Recommendation VII.A, below).

A committee could group bills according to subject matter and adopt a proposed schedule of subjects for consideration in a way that would ensure adequate time for consideration of issues determined to be a priority by the Committee. It would also permit establishment of drafting priorities and scheduling of public hearings and work sessions by subject matter as further discussed in these recommendations.

Confidentiality is not an issue during a Second Regular Session because the required information is available at the time the Legislative Council meets (usually in October or early November) to decide which bills may be submitted.

- **II. Committees would meet soon after bill information is made available to establish a schedule for consideration of legislation likely to come before them during the session.**

If committees are provided with a list of bill titles that are likely to come before them in the legislative session and indexing information, the committees can group bills into subject areas and plan their work to provide an appropriate division of the committee's time spent on each subject. A committee could adopt a proposed schedule for consideration of issues (bills) by subject matter within deadlines for committee work as currently established by the presiding officers. The committee could establish priorities that would facilitate timely consideration and enable the time of legislators, staff and the public to be allocated in a more efficient manner. There would need to be some flexibility in a proposed schedule, both to accommodate the numerous unanticipated demands on committee time and to recognize that early lists of bills likely to be referred to committee will not be exactly the same as the ultimate reference of the bills when introduced on the floor.

It is estimated that during a First Regular Session bill title and indexing information could be available approximately two weeks after cloture (i.e. early in January). During a Second Regular Session information could be available shortly after the Legislative Council has made final decisions on which bills will be admitted during the session.

III. Drafting priorities would be established based upon proposed schedules adopted by the committees.

A recommendation similar to this was also made by the Peat Marwick report in 1990. Once committees have identified the order in which they will conduct their work, priorities for drafting can be established to enable bills to be drafted in the order in which they are needed to facilitate committee work. Guidelines will need to be established that balance the committee's requests for early drafting against available staff resources. Some flexibility will be required and committees will need to keep in mind when drawing up their schedules that all complicated bills cannot be drafted for consideration early in the session. Sponsors of bills and outside providers of proposed bill drafts will need to understand that if information is not provided to Revisor of Statutes to allow adequate time for drafting or if bills are not signed in a timely manner that those bills may not be able to be introduced in time to be considered by the committee as fully as timely bills. After cloture approved bills would be drafted last unless, in approving the after deadline request, the Legislative Council approves an earlier time.

IV. Committees would adopt proposed schedule of public hearings and work sessions on bills by subject matter.

Currently, standard practice is to schedule a public hearing on every bill that is printed. Although committees have been making a serious attempt to schedule hearings and worksessions on similar bills at the same time, the inability to anticipate what bills will be introduced on a given subject and the timing of the introduction of those bills results in inefficient use of committee and staff time and inconvenience to the public when public hearings may be held at different times on closely related subjects. Although a procedure has been established to permit committees to request permission to dispense with a public hearing on a bill, such a request requires time to process and may not always be granted. In addition, dispensing with a public hearing now is clearly a practice that is outside the norm and is sometimes seen by some legislators and members of the public as a negative reflection on the bill or the sponsor rather than as a standard method of streamlining committee work. The establishment of procedures that result in hearings being scheduled on bills according to subject matter will provide clear expectations of those situations when a committee might choose not to hold a public hearing on a late-received bill.

V. Committees would be given authority to combine related bills that have been referred to them and report them out as a committee bill or with combined sponsorship.

Currently, a committee may report out a newly generated bill only if a joint order is passed permitting it to do so. If a committee chooses a favorable recommendation on several closely related bills, it must either report out each bill separately or go through the joint order process resulting in a committee bill. Establishing a procedure permitting committees to combine closely related bills already in the committee's possession would permit the committee to make combinations in an efficient manner. Combination bills would be required to be reported out according to the same deadlines that apply to other committee bills. This would have the benefit of reducing processing time and cost of numerous committee amendments on separate bills or the delay of joint orders. Issues relating to identification of combined bills and sponsors need to be addressed, and the Rules Committee is continuing to look at the most efficient way to implement this recommendation. It also reduces the possibility of conflicts between separate bills affecting the same section of the statutes that require resolution in a subsequent year's Errors Bill.

Committee management of legislation could also be facilitated if committees were permitted to carry over legislation without requiring further permission.

VI. initial drafting efficiencies would be adopted to speed up the flow of the initial drafting process.

- A. In order to facilitate the early drafting of bills in the First Regular Session a two tier level of cloture could be established as is done in several other states. Currently, cloture for the First Regular Session is the third Friday in December. Under a two tier procedure, legislators would be able to introduce bills without a limitation on numbers until the first cloture date that would be set earlier (perhaps the first Friday after the first Wednesday (convening day) in December). Additional efforts should be made to assist new legislators in understanding the procedures for requesting bills. Between the first cloture date and January 15th, each legislator would be able to introduce one additional bill. This would give legislator's an opportunity to consult with colleagues in January and do research regarding complicated bills. In this manner, legislators would still maintain unlimited ability to introduce bills but would have to decide on the bulk of those bills earlier in order to enable drafting and indexing to be

finished earlier. The second deadline would still permit last minute inclusion, but of a limited number of bills, thereby making most bills available for drafting at an earlier date.

- B. Significant additional time for drafting could be made available if the ROS was not required to contact sponsors of duplicate and "closely related" bills to provide sponsors with the opportunity to combine requests and reduce the number of printed bills. This process, established in recent years by the Legislative Council for the purpose of reducing the cost of duplicate measures, requires a enormous amounts of staff time and has been a significant source of frustration to legislators. The subcommittee believes that time would better be spent drafting even if the result is some duplicate bills. Making bill titles available earlier and early committee grouping by subject matter should encourage legislators who are interested in combining bills to pursue that avenue on there own without requiring staff time needed for drafting bills.
- C. Additional drafting time could be made available by eliminating some of the details currently provided in initial drafts of bills. These include:
- i. Cross reference checks to determine whether repealed sections are mentioned in any other sections of law;
 - ii. Name changes made throughout the statutes whenever a name (e.g. an agency, department, program, officer, etc.) is being changed; and
 - iii. Style corrections in sections of current law that are being amended.

It must be recognized, however, that while these changes would provide some additional time in the initial drafting stage, these details would need to be attended to later for any bill reported out of committee and would add to the time required to process committee amendments.

The Maine Legislature: An Examination of Practices, Procedures and Organization

by
Brian Weberg, project director
Corina Eckl
Brenda Erickson
Bruce Feustel
Pam Greenberg



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

National Conference of State Legislatures
William T. Pound, Executive Director

7700 East First Place
Denver, Colorado 80230
(303) 364-7700

444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20011
(202) 624-5400

www.ncsl.org

December 2005

**STATE OF MAINE
119TH LEGISLATURE
FIRST REGULAR SESSION**

**Final Report
of the**

**LEGISLATIVE COUNCIL SUBCOMMITTEE
TO STUDY THE STRUCTURE AND OPERATION
OF THE MAINE LEGISLATURE**

March 2000

Staff:

David C. Elliott, Legislative Analyst

**Office of Policy & Legal Analysis
13 State House Station
Augusta, Maine 04333
(207) 287-1670**

Members:

**Rep. G. Steven Rowe, Chair
Sen. Richard Bennett
Sen. Anne Rand
Rep. Michael Saxl
Rep. Richard Campbell**

119th LEGISLATURE
LEGISLATIVE COUNCIL SUBCOMMITTEE TO STUDY
THE STRUCTURE AND OPERATION OF THE MAINE LEGISLATURE

I. Introduction

At its July 14, 1999 meeting, the Legislative Council created a subcommittee to study improvements in the operation and structure of the Maine Legislature. That action was taken to investigate a widespread belief among legislators, staff and the public that, despite compiling a list of significant achievements during recent sessions, in some important ways the Legislature as an institution is not adequately carrying out its fundamental responsibility. The basic responsibility of the Legislature in our tripartite form of government is to formulate state policy through a legislative process that carefully considers policy alternatives and implications, establishes funding priorities for execution of that policy and performs timely oversight of its implementation.

The council subcommittee was chaired by Speaker Rowe and, in addition, consisted of Sen. Bennett, Sen. Rand, Rep. Mike Saxl, Rep. Tom Murphy and Rep. Campbell.

Early in its discussion, the subcommittee established the following set of goals to direct its considerations.

The Maine legislative process should:

- Facilitate public understanding of and involvement in the legislative process;
- Make it easier for individuals to serve in the Legislature;
- Enhance the quality of the Legislature's operations, deliberations and enactments; and
- Empower the Legislature to act as an independent, co-equal branch of Maine government, consistent with its Constitutional charge.

The subcommittee convened on September 22, 1999 and met 6 times through January 2000. Consideration was given to a wide range of issues affecting the organization of the Legislature and the way it carries out its responsibilities. The subcommittee met with representatives of the Executive Branch, representatives of legislative staff offices, municipal government representatives and bipartisan representatives of the Appropriations Committee to discuss various proposals for structural and procedural reform and to seek input. One of the Legislative Council's charges to the subcommittee was to seek the opinions of other legislators in its deliberations. Toward that end, the subcommittee surveyed current legislators on their positions regarding the various proposals to improve the performance of the Legislature.

The results of that survey helped guide the subcommittee in developing its recommendations. A summary of the results of the survey is available in the Office of Policy and Legal Analysis.

Generally, the subcommittee considered structural or operational changes in the following 7 broad areas of the legislative process.

- Changes in the legislative session schedule to more efficiently handle the existing workload
- Reversing the long and short legislative sessions to allow for more organizational and orientation activities at the outset of a legislative biennium
- Limiting the number of bills introduced and considered in the 1st Regular Session to reduce the current workload
- Improvements to protect the integrity of the committee process and enhance the committees' ability to handle an increasing workload
- Improvements in the process for adoption of the biennial budget and clearing of the Special Appropriations Table
- Streamlining floor action and debate to avoid any over emphasis on ceremonial and administrative matters at the expense of substantive debate
- Considering ways to make more effective use of the interim period between regular sessions

II. Recommendations for improvement

As a result of its deliberations the subcommittee recommends the following changes in legislative rules and policies to improve the structure and operation of the Maine Legislature.

1. Control the workload of the Legislature by placing reasonable limits on the number of bills requested by legislators.

- Limit the number of bills that legislators may request for drafting in the 1st Regular Session to 12 per member and relax the cloture date as follows:
 - By the 3rd Friday in December, each legislator may request drafting of up to 12 bills;
 - Between the 3rd Friday in December and the 3rd Friday in January, each legislator may request 7 bills or the number of additional bills that brings his or her total drafting requests for the session to 12; whichever is less; and
 - Between the 3rd Friday in January and the 3rd Friday in February, each Legislator may request 2 more bills or the number of bills that brings his or her total drafting requests for the session to 12, whichever is less.

This limitation on bill introduction and relaxation of the cloture deadline should be conducted on an experimental basis to determine whether limiting the overall bill

workload of the Legislature will result in an enhanced ability to formulate sound policy. The issues of the cloture date, whether bills should be limited and the limit set should be reviewed periodically by the Joint Select Committee on Joint Rules pursuant to Joint Rule 354.

- Eliminate the “By Request” category of bill sponsorship.

2. Reduce the amount of floor time devoted to routine matters

- The Secretary of the Senate and the Clerk of the House should jointly refer bills to the appropriate joint standing or select committee for public hearing and order printing subject to the following:
 - Approval by the President of the Senate and the Speaker of the House;
 - Posting of notice of the referral for 2 days immediately prior to referral and written notice sent to the prime sponsor; and
 - Within the 2 day posting, any member may appeal the referral to the President and the Speaker
- Floor leaders and presiding officers should encourage members’ debate on ceremonial matters such as special sentiments to be brief, relevant and non repetitive.

3. Require a minimum threshold showing of support for bills reported by committees to reduce the likelihood that floor time will be devoted to unnecessary debate. Committee reports recommending passage (Ought to Pass/Ought to Pass as Amended/Ought to Pass in New Draft) must receive a minimum of 3 votes from the committee in order to be reported to either chamber. The minimum number of votes must include the vote of at least one member of each chamber.

4. Allow committees to make better use of the interim period to prepare for the session and to free up session time for consideration of legislative policy matters. Each joint standing and select committee may meet once per month during the time between adjournment *sine die* of the preceding regular session and convening of the next regular session. The purpose of the meetings is to carry out necessary oversight of administrative agencies and conduct committee studies. Committees may also hold public hearings and work sessions on bills and resolves in their possession and conduct other necessary committee business. The specific days of the meetings must be approved by the presiding officers and should be regularly scheduled.

5. The presiding officers should more fully consider the needs of committee members when devising the session schedule.

- The presiding officers should continue to take into account committee schedules when planning and conducting daily sessions, including assigned meeting days throughout the week and daily starting and ending times, adhere to the announced

schedule and periodically inform members of their scheduling plans and the chamber's progress.

- Early in the session, the presiding officers should minimize the frequency of floor sessions and schedule sessions only when significant debate or other chamber business warrants thereby holding as many full days as possible open for committee work. Daily sessions should not be scheduled solely or primarily for consideration of ceremonial matters such as special sentiments.
- Especially during the 1st Regular Session, the presiding officers should schedule at least one week each session for "catch up" during which non partisan staff would be expected to work on drafting and bill and fiscal analysis and legislators would catch up on their commitments outside of Augusta. Committees that had not met their reporting deadlines would be expected to work during that week, however. In scheduling, the presiding officers should take into account holidays and traditional school vacation periods.

7. Consider ways to reduce legislator scheduling conflicts. The Joint Select Committee on Rules of the 119th Legislature should review the number and jurisdiction of joint standing and select committees to address the serious issue of member absenteeism due to scheduling conflicts and multiple committee assignments.

8. Implement changes to improve the budget and Special Appropriations Table processes.

- The presiding officers should encourage both policy committees and the Appropriations Committee to fully comply with Joint Rule 314 for participation in budget hearings and work sessions
- The subcommittee considered but was unable to reach consensus on the issue of adoption of a 3- or 4-year budget instead of the traditional biennial budget. The subcommittee believes that issue should be studied further.

G:\OPLAGEA\GEASTUD\119TH\LEGISPRO.DOC\finrpt.doc



The National Conference of State Legislatures is the bipartisan organization that serves the legislators and staffs of the states, commonwealths and territories.

NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues and is an effective and respected advocate for the interests of the states in the American federal system.

NCSL has three objectives:

- To improve the quality and effectiveness of state legislatures.
- To promote policy innovation and communication among state legislatures.
- To ensure state legislatures a strong, cohesive voice in the federal system.

The Conference operates from offices in Denver, Colorado, and Washington, D.C.



Printed on recycled paper

©2005 by the National Conference of State Legislatures. All rights reserved.

ISBN 1-58024-432-7

CONTENTS:

Acknowledgments	vi
Executive Summary.....	viii
Introduction	1
Project Overview	1
Methodology.....	1
Themes to Findings.....	2
1. Maine Legislative Budget Issues.....	4
Role of the Legislative Council	4
Budget Flexibility and Accountability	5
Financial Orders/Separation of Powers.....	7
Maine's Legislative Budget Process	8
Legislative Budget Processes in Other States.....	9
2. Legislative Council	15
Legislative Council Priorities.....	16
Legislative Council Committees in Other States	17
Membership.....	17
Powers and Duties.....	18
3. The Maine Legislative Services Agency.....	20
Create the Maine Legislative Services Agency (MLSA)	21
A Unified Legislative Service Agency	23
Enhance Personnel Authority of Executive Director	25
Improve Communication.....	27
4. Maine Legislative Information Technology Issues.....	30
Authorize a Temporary Study Group.....	31
Reorganize LIS Functions	32
Create a Permanent Information Systems Review Team.....	33
Other States' IT Management and Decision-Making Structures.....	36
Develop a Long-Term Plan.....	37
5. Maine State Law and Legislative Reference Library.....	38
Merge Libraries	39
Improved Oversight at the Maine State Library.....	40
Better Integration of Library Services.....	41
Placement in Judicial Branch an Unfavorable Option.....	41
Change Can Occur Without Effect on Service to Legislature	42
Amend Newspaper Clipping Service.....	44
Legislative Libraries in Other States	45
6. Revisor of Statutes	48
Discussion of Recommendation and Background on Maine Drafting Practices	48
Current Practices.....	49
Commit Drafters to Electronic Drafting.....	50

Initial Drafter Should Create a Polished Draft.....	51
Separate Editing and Proofreading Steps.....	51
Allow Position Reduction to Occur Naturally in the Transition to Electronic Drafting.....	52
Interviews from Comparison States.....	52
Electronic Drafting.....	53
Editing.....	53
Workload.....	53
7. Sentiments.....	54
Maine Procedures for Courtesy Resolutions.....	54
Courtesy Resolutions in Other State Legislatures.....	57
Using Citations, Tributes or Certificates.....	57
Restricting the Drafting or Use of Ceremonial Resolutions.....	58
8. The Constituent Services Unit.....	60
The Maine Constituent Services Unit.....	62
Full-Time Constituent Services Staff.....	63
Full-Time Constituent Service Manager.....	63
Recordkeeping and Reporting.....	64
Accountability and Better Constituent Service.....	64
More Focused Caucus Staff.....	65
Lower Cost to the Legislature.....	65
What the CSU Does Not Do.....	66
Nonpartisan Constituent Services Offices in Other State Legislatures.....	67
9. The Legislative Information Office.....	70
Committee Clerks.....	71
Move the Committee Clerks to OPLA.....	71
Change Hiring Process for Committee Clerks.....	72
Public Information.....	72
Benefits for Session-only Employees.....	74
10. Legislator Training.....	76
Maine Training Practices.....	77
Interactive and Practically Focused Training.....	77
Planning and Outreach Efforts.....	78
Committee Chair and Leads Training.....	78
Participant-Centered Focus to Legislative Policy Forums.....	78
Legislator Training in Other State Legislatures.....	79
New Member Orientation.....	79
Planning.....	79
Duration.....	79
Reimbursements.....	79
Training Tools.....	79
Faculty.....	80
Substantive Issues.....	80
Procedural Topics.....	80
Technology Issues.....	80
Continuing Education.....	80
Advice.....	81
Committee Chair Training.....	81

Appendices

A. Legislative Budget Processes in Selected States	83
B. Maine Legislative Service Agency (MLSA).....	95
C. Colorado General Assembly Legislative Management Team Charter.....	96
D. Maine Library Usage Statistics.....	98
E. 122 nd [Maine] Legislature Guidelines for Legislative Sentiments and in Memoriam Resolutions	99
F. Example of Louisiana House Certificates.....	101
G. Example of Louisiana House Certificates.....	102
H. Example of Virginia Senate Commendation.....	103
I. Example of Virginia Joint Commendation	104

List of Tables

1. Legislator Satisfaction with Staff Services	2
2. Legislative Budget Processes in Selected States.....	11
3. Titles of Nonpartisan Staff Office: Selected States	23
4. Legislative Libraries in Selected States: Total Employees	46
5. Drafting Workload and Electronic Drafting Comparisons	52
6. Number of Sentiments	55
7. Scenario for Partisan Office Staff Reductions to Allow Creation of a New Constituent Services Unit	66

ACKNOWLEDGMENTS

This report, the culmination of months of effort, could not have been completed without the support, insight and cooperation of dozens of people.

The NCSL study team thanks Senate President Beth Edmunds and Speaker John Richardson for their support, feedback and encouragement throughout the conduct of the study. They afforded us precious time from their demanding schedules and were forthright about their opinions and expectations of our work. We also thank the members of the Legislative Council who met with us on multiple occasions to answer our questions, comment on our ideas and clarify our purpose. We concluded our work with deep appreciation for the care and commitment of Maine's legislative leadership and Council members.

The Legislative Council designated four staff as point persons for us at the Legislature to help coordinate the project and our on-site work. Many thanks to David Boulter, Joanne D'Arcangelo, Rick McCarthy and Ted Potter for their regular feedback on our work and progress and for their aid with on-site logistics and coordination. Their candor, hospitality and good ideas improved our work and this report.

During the course of our many visits to Augusta, we interviewed dozens of partisan and nonpartisan legislative staff. We could not be more impressed with the quality, dedication, skill and talent of these employees. Their generous gifts of time, ideas and information made our work possible.

One important aspect of our study methodology was the participation of a review group of legislative staff practitioners. We were fortunate to engage three terrific staff professionals on the Maine project. Mary Janicki, director of Connecticut's Office of Legislative Research, Lorne Malkiewich, director of Nevada's Legislative Counsel Bureau, and Dennis Prouty, director of Iowa's Legislative Services Agency, reviewed our work and met with us in Denver to discuss and critique our ideas. Their practical perspective helped us to see new options and strengthened our conclusions.

The study team relied heavily on the thoughtful reflection and input of Ron Snell, NCSL's director of Economic, Fiscal and Human Resources. Ron brought his good common sense and deep knowledge about Maine and its Legislature to our deliberations, providing us with invaluable encouragement, feedback and guidance.

Lisa Houlihan, research analyst in NCSL's Fiscal Affairs Program, performed wizardry on the writing contributions of the study team members, pulling together all the pieces into a clean, professional and accessible document. Leann Stelzer, NCSL's book editor, performed similar feats with our words, phrases and grammar. Bev DePriest, senior staff assistant in NCSL's Legislative Management Program, tallied survey results and worked the long hours necessary to prepare final copies of the report. We are indebted to them for their professionalism, patience and hard work.

EXECUTIVE SUMMARY

In April 2005 the Maine Legislative Council contracted with the National Conference of State Legislatures (NCSL) for the systematic study and evaluation of legislative operations and practices at the Maine State Legislature. The goals of the study were to identify opportunities for improved efficiency and effectiveness in key legislative areas and to present specific recommendations that responded to those opportunities. We were asked to focus on the following goals:

1. To assess the efficiency and effectiveness of key legislative operations in Maine;
2. To assess the logic, effectiveness and efficiency of the current organizational structure of the Maine Legislature;
3. To examine the relevance and efficiency of each staff agency and/or staff group currently providing services to the Maine Legislature;
4. To review the role and structure of the Legislative Council; and
5. To identify practical opportunities for streamlining legislative operations that preserve the integrity of essential legislative activities and services.

We observed a Maine Legislature that provides excellent service to the state's citizens. Legislators take their work seriously, and leaders in both parties show a genuine desire to improve effectiveness and efficiency, even when tough decisions are involved. Maine staff are similarly devoted, showing a strong work ethic and loyalty to their staff organizations.

NCSL's recommendations are based on survey results, interviews, observations of committee and floor proceedings and review of work products such as bills and fiscal notes. In addition, we reviewed our basic recommendations with a team of staff directors from Connecticut, Iowa and Nevada; with key Maine leaders in both parties and both houses; and with key Maine staff directors. We also sought considerable comparative information from legislatures in Arizona, Arkansas, Colorado, Connecticut, Iowa, Indiana, Nevada, New Hampshire, Ohio, Oregon, Rhode Island, South Dakota and Vermont, as well as selected information from other state legislatures.

Chapter 1. Maine Legislative Budget Issues

The Legislative Council has not fully exercised its legal authority over the budget. The Legislature's budget is primarily one consolidated account with limited autonomy, cost accountability and transparency by chamber.

Recommendations:

1. The Legislative Council should re-assert its legal authority over the Legislature's budget. Any and all changes affecting the budget (including new positions and adjustments to line items) should receive advance Council approval before being implemented.
2. The House and Senate office budgets should be partitioned into separate reporting organizations under Maine's budget management system.
3. Upon final budget approval by the Legislative Council, the presiding officer of each chamber should be delegated the authority to make spending decisions within the approved budgets for his or her respective chamber.
4. The presiding officers should not be allowed to exceed the budgeted amounts in any line category within their budgets or incur any ongoing, unbudgeted expenses without advance approval of the Legislative Council.
5. To maintain the independence of the legislative branch, the Maine Legislature should discontinue its practice of submitting financial orders to the governor for approval.

Chapter 2. Legislative Council

The institutional importance of the Legislative Council cannot be overstated. Especially in an era of term limits, the role of the Legislative Council becomes critical to the institution's success. The NCSL study team is impressed with the stature of the Legislative Council within the Maine Legislature, with its routine of regular meetings, and with its record of engagement on key institutional matters and decisions. Term limits make the role of the Council increasingly important. Its work, influence and strategic institutional role should be fostered and encouraged.

Recommendations:

6. The Maine Legislative Council should fully execute its statutory authority and role, especially in areas of institutional reform and progress that require longer-term strategic planning and where actions by the Council can promote consensus and a sense of shared mission among all legislators and legislative employees.
7. The Legislative Council should authorize a temporary study group or committee of legislators, staff and other appropriate participants to examine the status and viability of

the MELD bill drafting system and to develop strategic goals, objectives and deliverables for finalizing the bill drafting system and to set the stage for future deployment and application of information technology within the Legislature. (See chapter 4 for details on this recommendation.)

Chapter 3. The Maine Legislative Services Agency

The so-called “federation” of offices reporting to the Legislative Council could be more coordinated in their planning and services. They should be more closely bound together in purpose and mission through the creation of a single identity for all nonpartisan employees who currently work beneath the Legislative Council umbrella.

Recommendations:

8. The Maine Legislature should establish a Maine Legislative Services Agency (MLSA) to be directed by the executive director of the Legislative Council, who should serve as the Agency’s chief administrative officer. The MLSA should be created through the merger of all nonpartisan staff and offices that currently report to the Council, including the Office of the Revisor, the Office of Policy and Legal Analysis, the Office of Fiscal and Program Review, the Office of Legislative Information Services and the Office of the Executive Director. The MLSA should not include the Office of Program Evaluation and Government Accountability. The Maine State Law and Legislative Reference Library should be placed under the jurisdiction of the Maine State Library.
9. The executive director to the Legislative Council should have final authority regarding the hiring, review and firing of all employees of the Maine Legislative Services Agency. However, the hiring of directors should be subject to the approval of the Legislative Council. The current three-year term of appointment for directors should be repealed.
10. The executive director of the Maine Legislative Services Agency should institute strategies to improve and maintain communication and build trust among MLSA offices and staff and also between the MLSA and the staff of the House and Senate.

Chapter 4. Maine Legislative Information Technology Issues

The Legislature needs to strengthen information technology oversight and planning. The NCSL study team has identified strategic actions that should be taken to ensure that information technology improves efficiency within the Legislature, reduces redundant work processes, and meets the needs of legislators and staff. The Legislature should take the following approaches to institute oversight and accountability measures, increase user input, improve long-term strategic planning, and ensure coordination of information system decisions so that the overall effectiveness of the Senate, the House of Representatives and legislative agencies may be improved.

Recommendations:

11. The Legislative Council should authorize a temporary study group or committee of legislators, staff and other appropriate participants to examine the status and viability of the MELD bill drafting system; to develop strategic goals, objectives and deliverables for finalizing the bill drafting system; and to set the stage for future deployment and application of information technology within the Legislature.
12. Legislative Information Services (LIS) should be housed within the Executive Director's office. The LIS legislative indexer position should be moved from LIS to the Office of the Revisor. The Office of Legislative Information should be removed from LIS. Its committee clerk function and staff should be moved to the Office of Policy and Legal Analysis. The public information staff should be placed within the Executive Director's office as a separate and distinct function.
13. The Legislature should create a permanent Information Systems Review Team, comprising the secretary of the Senate, the clerk of the House of Representatives or their designees, the director of each of the legislative staff offices or their designees, and a staff member appointed by the majority and minority party of each chamber. The goal of this group is to identify needs, set priorities, monitor progress on IT projects, and develop a long-term strategic plan for information technology for review and approval by the Legislative Council.
14. The LIS director and the Information Systems Review Team should develop a long-term plan for the system, including a mission statement, list of goals, activities to reach the goals, and performance measures to gauge whether the goals have been met.

Chapter 5. Maine State Law and Legislative Reference Library

In the 50 states, the Maine State Law and Legislative Reference Library is unique, representing the only case where a "state law library" is supported separately within the legislative branch of government. Its unique status in the state and its broad charge to serve the public, the legal community, the Legislature and state government could be better served by removing it from the jurisdiction of the Legislative Council and the Legislature.

Recommendations:

15. The Maine State Law and Legislative Reference Library should be removed from the jurisdiction of the Legislature and placed within the organizational structure of the Maine State Library. Its operations should remain located at the State House, and the Legislature should stipulate that the Law and Legislative Reference Library continue to provide specific services, including those related to legislative history, to the Legislature.

16. The State Law Librarian (also called the director of the Maine State Law and Legislative Reference Library) should report to the State Librarian. All personnel oversight functions related to the State Law Librarian should be invested in the State Librarian. Current law stipulating that the State Law Librarian is appointed by the Legislative Council should be repealed.
17. The Maine State Law and Legislative Reference Library should significantly amend or discontinue its current newspaper clipping service, at the same time being careful to preserve the contents of its existing newspaper clipping subject files through its conversion into an electronic database. This conversion should be performed by a private contractor.

Chapter 6. Revisor of Statutes

The Office of the Revisor of Statutes should streamline its bill drafting procedure and take advantage of technological improvements.

Recommendation:

18. The Office of the Revisor of Statutes should:
 - Commit its drafters to electronic drafting.
 - Direct drafters to create “polished” first drafts.
 - Separate editing and proofreading steps in the drafting procedure.
 - Allow position reduction to occur naturally in the transition to electronic drafting.

Chapter 7. Sentiments

The Maine Legislature spends too much time and too many resources on legislative sentiments.

Recommendations:

19. The Maine Legislature should use a legislative citation or certificate—which does not require drafting, introduction, committee hearing, floor debate or vote—as the main instrument for expressing commendation, condolences, appreciation or congratulations.
20. The Maine Legislature should strengthen chamber rules to restrict the use of formally drafted ceremonial resolutions.

Chapter 8. The Constituent Services Unit

Legislator demand for constituent service assistance from staff is on the rise. The Maine Legislature currently uses a caucus-based system of staff support on constituent problems. NCSL believes that an alternative approach could improve the effectiveness of Maine's constituent service and also reduce the overall cost of providing that service.

Recommendation:

21. The Maine Legislature should create a nonpartisan Constituent Services Unit (CSU), organized within the current Office of Policy and Legal Analysis. The CSU should be staffed with six full-time analysts, one of whom would serve as manager of the unit. The partisan staff offices should be reduced by a total of 10 FTEs, contributing six to the new CSU, with the remaining four FTEs eliminated and contributed to savings in the legislative budget.

Chapter 9. The Legislative Information Office

The functions of the Legislative Information Office could be redeployed to improve service to legislators and the public. Changes in the method of hiring committee clerks would enhance the nonpartisan status of these employees. Benefits paid to committee clerks and other session-only employees are generous compared to most other state legislatures.

Recommendations:

22. The Legislative Information Office should be discontinued and its two main functions reorganized as follows:
 - The session-only committee clerks should be transferred to the Office of Policy and Legal Analysis. Committee clerks should be hired by OPLA.
 - The Legislative Information Manager, the three FTE Legislative Information Assistants and the part-time Legislative Information Associate should be transferred to the Office of the Executive Director. Efforts should be made to enhance the public information activities of these staff and to eliminate duplication with other offices in the areas of bill status and tracking, data entry, and reporting.
23. The Maine Legislature should reexamine its policy that pays year-round benefits to session-only employees.

Chapter 10. Legislator Training

Maine legislators need more training on institutional and policy topics and skills due to the effects of term limits and the increasing complexity of state issues.

Recommendation:

24. Maine legislator training should be revised to:

- Make the training more interactive and practically focused.
- Increase planning time and develop a working group of leaders, new legislators and senior staff.
- Increase the outreach effort about the importance of training.
- Revise committee chair and leader training to emphasize best practices in building consensus; strategic planning, time management; and working with leaders, colleagues, staff and the media.
- Provide a participant-centered focus to the legislative policy forums so that attendees can apply what they have learned to help them vote, craft policy alternatives and work with their constituents on the issue.

INTRODUCTION

Project Overview

In April 2005 the Maine Legislative Council contracted with the National Conference of State Legislatures (NCSL) for the systematic study and evaluation of legislative operations and practices at the Maine State Legislature. The goals of the study were to identify opportunities for improved efficiency and effectiveness in key legislative areas and to present specific recommendations that responded to those opportunities. We were asked to focus on the following goals:

1. To assess the efficiency and effectiveness of key legislative operations in Maine;
2. To assess the logic, effectiveness and efficiency of the current organizational structure of the Maine Legislature;
3. To examine the relevance and efficiency of each staff agency or staff group currently providing services to the Maine Legislature;
4. To review the role and structure of the Legislative Council; and
5. To identify practical opportunities for streamlining legislative operations that preserve the integrity of essential legislative activities and services.

Methodology

NCSL has extensive experience conducting studies of legislative operations. During the past 20 years, we have performed in-depth reviews of staff organization, rules and procedures, internal management and legislative personnel systems in 23 state legislatures.

In Maine, the NCSL Study Team consisted of Brian Weberg (Project Director), Corina Eckl, Brenda Erickson, Bruce Feustel and Pam Greenberg. We made five separate trips to Augusta to interview legislators and staff, observe legislative operations and review legislative work products. During those interviews, we talked with many legislators in both parties and both houses, plus staff at all levels of their organizations. Several key individuals, such as the Speaker, Senate President, other legislative leaders, leader chiefs of staff, Secretary of the

Senate, Clerk of the House and Executive Director of the Legislative Council were interviewed several times. We also conducted surveys of legislators and staff, hearing back from 40 legislators and 102 legislative staff.

NCSL's recommendations are based on the survey results, interviews, observations of committee and floor proceedings and review of work products such as bills and fiscal notes. In addition, we reviewed our basic recommendations with a team of staff directors from Connecticut, Iowa and Nevada; with key Maine leaders in both parties and both houses; and with key Maine staff directors. We also sought considerable comparative information from legislatures in Arizona, Arkansas, Colorado, Connecticut, Iowa, Indiana, Nevada, New Hampshire, Ohio, Oregon, Rhode Island, South Dakota and Vermont, as well as selected information from other state legislatures. The states were chosen for their similarity to Maine on several criteria, including population, region, expenditures, term limits and legislative procedure.

Themes to Findings

We observed a Maine Legislature that provides excellent service to the state's citizens. Legislators take their work seriously, and leaders in both parties show a genuine desire to improve effectiveness and efficiency, even when tough decisions are involved. Maine lawmakers have a strong commitment to making good policy and budget decisions, handling committee work in a way that improves legislation and involves the public, and providing constituent service.

Maine partisan and non-partisan staff are similarly devoted, showing a strong work ethic and loyalty to their staff organizations. The work they do is top notch. We were impressed with our independent review of their work, and the legislator surveys confirmed this opinion (see table 1).

<i>Satisfaction</i> with services provided to you by the following legislative staff offices and groups.	Average Score
1. Office of Executive Director of the Legislative Council	3.7
2. Office of Fiscal and Program Review	3.9
3. Office of Information Services (computer services)	3.8
4. Committee Clerks to Standing Committees (located within Office of Information Services)	4.3
5. Office of Policy and Legal Analysis	4.4
6. Office of the Revisor of Statutes	4.4
7. Office of Secretary of the Senate or Clerk of the House (as applicable in your chamber)	4.2
8. Law and Legislative Reference Library	4.0
9. Office of the Speaker of the House (as applicable in your chamber)	4.0
10. Office of the President of the Senate (as applicable in your chamber)	3.9
11. Your Caucus Staff Office	4.4

Table 1 measures satisfaction on a one to five scale, with five being "extremely satisfied" and one being "extremely dissatisfied."

Generally, the Legislature and its staff operations are working effectively and efficiently. However, some key theme areas need to be addressed:

- The Legislature faces major technology challenges, both in short-term areas such as refining the new bill drafting system and in long-term areas such as strategic planning to integrate the various systems used by staff and to anticipate future needs. We make specific recommendations for short-term and long-term technology issues and for the Office of the Revisor of Statutes regarding electronic bill drafting.
- The staff structure, responsibilities and history have created some challenges concerning communication and cooperation among the offices. We suggest structural, procedural and communication revisions, along with clarification of lines of authority, to foster a sense of the interdependence of all staff.
- The Law and Legislative Reference Library is included in the Legislature's budget, yet the Legislature is not a major user of the library. We recommend placing that library within the organizational structure of the Maine State Library, as well as making other changes.
- Term limits have had a major effect on the Maine Legislature, significantly reducing the amount of experience that legislative leaders and individual members bring to their work. We make a number of suggestions regarding training, budgets and procedures to respond to the challenges of term limits.
- The Maine Legislative Council plays a critical role in communicating and cooperating between the chambers and in enhancing the authority of the legislative branch of government in Maine. We recommend methods to strengthen the Legislative Council and streamline its procedures.
- Constituent service is highly valued, but caucus staff do not have time to specialize and build the necessary relationships and skills to become really good at it. We suggest creating a separate constituent services unit to improve these services, create better records and save money.
- The use of legislative sentiments is increasingly taking up the time and resources of legislators and staff. We suggest some alternative ways to continue to recognize significant constituent achievements in a more efficient and less costly manner.

1. MAINE LEGISLATIVE BUDGET ISSUES

The Legislative Council has not fully exercised its legal authority over the budget. The Legislature's budget is primarily one consolidated account with limited autonomy, cost accountability and transparency by chamber.

Separation of powers—a fundamental principle of American government—mandates, among other requirements, each branch of government to develop and maintain its own operating budget. This enables each branch to operate independently from the other, hire professional staff and allocate resources according to its priorities. Important checks govern this process: budget review, deliberation, enactment and oversight. These checks help attain the goals of public budgeting, which include accountability, transparency, efficiency and proper accounting controls. Although these principles guide the budgets for each branch of government, this discussion focuses on the Legislature's budget.

The Maine Legislature operates under a consolidated budget with separate accounts for specific functions such as the overall Legislature, the Law and Legislative Reference Library and the Office of Program Evaluation and Government Accountability, among others. The overall account for the Legislature includes several sub-accounts (programs) for legislative operations such as the Commission on Uniform Laws, State House Renovations, Special Studies and others. Specifics of the process are detailed later in this section.

Role of the Legislative Council

The Office of the Executive Director of the Legislative Council is the centralized entity responsible for day-to-day budget management and administration of the Legislature's budget. Final responsibility for the budget resides with the Legislative Council, as established by statute in MRSA Title 3, §162.

Although the Legislative Council has fulfilled its fiduciary responsibilities, its leadership role over the budget seems to have ebbed. Most recently, the Council was left to find funding to support one expanded and three new positions in one of the chambers—after the positions

already had been filled. This after-the-fact approval of staffing and budgeting decisions undermines the authority of the Legislative Council in controlling the Legislature's budget.

An important statutory change was made in the 2005 session that clarifies and strengthens the Legislative Council's role over the legislative budget, including position control. This amended law also takes a meaningful step to enhance the Legislature's autonomy vis-à-vis the executive branch (PL 2005, C. 12, Part LL-2 5 MRSA §1521). Necessary statutory authority currently exists that clearly identifies the Legislative Council's role and responsibilities over the Legislature's budget. That authority needs to be fully exercised.

Recommendation 1. The Legislative Council should re-assert its legal authority over the Legislature's budget. Any and all changes affecting the budget (including new positions and adjustments to line items) should receive advance Council approval before being implemented.

Budget Flexibility and Accountability

There are many merits to Maine's legislative budget system. The current structure and process are efficient because budget preparation, administration, accounts management and other budget-related functions are centrally administered through the Office of the Executive Director of the Legislative Council. The current structure also allows flexibility because some funds in the Legislature's overall umbrella account can be moved to accommodate changes in spending plans.

At the same time, this flexibility undermines budget accountability and transparency—two principles of sound budgeting practices. Limitations of the current system were demonstrated when new positions were added to the budget without prior Legislative Council approval: the budgetary impact was absorbed by reducing other legislative line items. There was limited direct impact (accountability) on the chamber that added the positions. Moreover, the consolidated budget does not clearly reveal budget decisions by each chamber because they are lumped into the overall legislative account (undermining transparency). The current system also fails to provide stability and predictability in line-item amounts because they can be (and have been) adjusted.

The drawbacks of the current system are exacerbated under term limits because legislative leaders and other legislators are less likely to be clear about their authority over and the accessibility of funds in the budget structure. The current system does not appear to set sufficiently clear guidelines for appropriate uses and amounts of legislative spending, although some of this confusion could be resolved by the Legislative Council re-asserting its budgetary authority, as recommended above.

Although the recent action by one chamber to change its staffing patterns had a ripple effect on the overall Legislature and its budget, it is not uncommon for legislative chambers to have some level of authority to make intra-chamber budget and staff decisions. Most state

legislatures recognize the need for each chamber to operate cooperatively yet independently from the other. The challenge for any state legislature is to balance responsibility for a shared budget while respecting each chamber's need for autonomy to set spending priorities, establish staffing levels, and control other budget decisions.

Some legislatures have accomplished this goal by establishing distinct and separate budgets for each chamber. Separate budgets typically take two different forms: 1) entirely separate budgets that are transmitted to the executive for inclusion in the state budget bill as distinct appropriations requests, or 2) distinct budgets loosely organized under an overall legislative umbrella account. Under either approach, separate budgets typically require the addition of staff to manage and administer those budgets, leading to deliberate duplication of accounting functions within the legislative branch. The NCSL study team explored the feasibility of separate budgets for the Maine Legislature but rejected them for several reasons. First, they run counter to Maine's tradition and culture of a small, centralized staff who do not duplicate functions (efficiency). Moreover, it would be extremely difficult to accommodate such a change within the Legislature's well-established budgeting and accounting system.

Entirely separate budgets are not the only way to give chambers more autonomy. Within Maine's legislative budgeting and accounting system, it is possible to give each chamber some operating budget discretion by partitioning the House and Senate office budgets into separate reporting organizations under the budget management system ("report organizations"). This level of budget detail currently is applied to nonpartisan offices and should be applied throughout all legislative offices.

There are several benefits to partitioning House and Senate budgets within the overall legislative budget umbrella. Foremost, this separation infuses more accountability and transparency into the Legislature's overall budget. Each chamber becomes responsible for operating strictly within the funds it has been allocated through the appropriations process, which boosts accountability. In addition, legislative budget details for House and Senate offices are separately tracked, thereby increasing budget transparency.

Recommendation 2. The House and Senate office budgets should be partitioned into separate reporting organizations under Maine's budget management system.

Recommendation 3. Upon final budget approval by the Legislative Council, the presiding officer of each chamber should be delegated the authority to make spending decisions within the approved budgets for his or her respective chamber.

Recommendation 4. The presiding officers should not be allowed to exceed the budgeted amounts in any line category within their budgets or incur any ongoing, unbudgeted expenses without advance approval of the Legislative Council.

Although it is reasonable and commonplace for legislative chambers to have some degree of budgetary autonomy from the other, this independence should not supersede the statutory authority over the Legislature's budget already assigned to the Legislature's joint

management body. In Maine's case, upon final budget approval by the Legislative Council (and, ultimately, by the Legislature through the appropriations process), the presiding officer of each chamber should be delegated the authority to make spending decisions within the approved budgets for his or her respective chamber, but only within budgeted amounts and within line categories—Personal Services, All Other and Capital. To stay within the approved legislative budget and to avoid placing unbudgeted costs on other legislative accounts, the presiding officers should not be allowed to exceed the budgeted amounts in any line category within their budgets or incur any ongoing, unbudgeted expenses without advance approval of the Legislative Council.

If the Legislature chooses to partition House and Senate operating budgets into separate reporting organizations, it might consider a further change regarding how legislators' expenses are managed in the overall legislative budget. Currently, legislators' expenses for interim committee work are budgeted in the Office of the Executive Director of the Legislative Council, while legislators' expenses during session are assigned to House and Senate line items. It makes sense to manage all these expenses uniformly in separate report organizations under the control and oversight of the Legislative Council. This change would ensure two important objectives: 1) funds are adequately budgeted and sufficient to make payments to legislators as authorized by law or rule, and 2) funds for legislators' expenses do not become commingled with or diverted to general operational expenses of the House or Senate (if the recommendation to establish separate reporting organizations for them is adopted). The NCSL team is not making this a formal recommendation, but urges the Legislative Council to give it serious consideration after further discussion with the Executive Director of the Legislative Council, the House Clerk and Senate Secretary.

Financial Orders/Separation of Powers

A separate yet important issue that affects the legislative budget pertains to the Legislature's relationship to the executive. Under current law, the Maine Legislature must seek executive approval to move funds across legislative accounts (Title 5, Chapter 145, §1585), even after the proposed transfer is reviewed by the joint standing committee of the Legislature that has jurisdiction over appropriations and financial affairs. This practice seems to violate the fundamental separation of powers. It also is uncommon in the states reviewed for this project.

The NCSL review team did not undertake a legal review of Maine's Constitution for this project; however, there appears to be no constitutional basis for imposing such a requirement upon the Legislature. According to the Distribution of Powers clause, Article III, §2:

To be kept separate. No person or persons, belonging to one of these departments (legislative, executive, judicial) shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.

Because the executive is legally bound by Constitution (Article IX, §14) and statute (Title 5, Chapter 149, §1664) to ensure that the state's budget is balanced, it is reasonable to restrict each branch of government to operate with the resources allocated to it during the appropriations process. As long as the adjustments do not result in any increase in the total legislative appropriation, however, these adjustments should not be subject to gubernatorial approval or denial. If and when adjustments within legislative accounts are deemed necessary by the Legislative Council, the Office of the Executive Director should direct the State Controller to make such authorized adjustments to the legislative accounts.

Recommendation 5. To maintain the independence of the legislative branch, the Maine Legislature should discontinue its practice of submitting financial orders to the governor for approval.

The Legislature can seek to eliminate this practice via permanent statutory change, or it can follow the route used by Nevada, where the provision must be adopted each session as part of the budget approval process. The Nevada language (see Statutes of Nevada, Chapter 434, §41) is as follows:

The sums appropriated to the Legislative Fund by section 10 of this act (the General Appropriations Act) for the support of the Legislative Commission, the various divisions of the Legislative Counsel Bureau and Interim Legislative Operations are available for both Fiscal Years 2005-2006 and 2006-2007, and may be transferred among the Legislative Commission, the various divisions of the Legislative Counsel Bureau and the Interim Legislative Operations and from one fiscal year to another with the approval of the Legislative Commission upon the recommendation of the Director of the Legislative Counsel Bureau.

Maine's Legislative Budget Process

The Legislature's budget is assembled by the Legislative Finance Director in the Office of the Executive Director of the Legislative Council with direct input from the Clerk of the House, Secretary of the Senate and all nonpartisan office directors. The vast majority of the Legislature's budget is contained in a single account (a consolidated budget), with smaller, separate accounts for specific purposes (e.g., the Commission on Uniform State Laws, Miscellaneous Studies, the State House and Capitol Park Commission, the Law and Legislative Reference Library).

The Finance Director provides budget preparation information to the Clerk, Secretary and nonpartisan staff directors. This information includes an overview of executive budget instructions provided to all state departments and historical information regarding "all other" costs. The "personnel services" request is prepared by the Finance Director in consultation with each office, based upon the number of positions authorized for the House, Senate and each nonpartisan office and the benefit rates provided by the state's Budget Office. The consolidated budget also contains the budget requests for the Office of the Executive Director, as well as the requests from the five nonpartisan staff agencies.

Any significant deviations from the previous budget amount or in the number of positions (head count) must first be justified before the Legislative Council's Budget Subcommittee, followed by the full Legislative Council. The Legislative Council ultimately sets the overall budget and the head count and oversees execution of the budget.

Legislative staff are tracked under two head count categories: the legislative count, which includes full- and part-time permanent staff; and 2) full-time equivalents (FTEs), which counts session-only staff. The head count is authorized by the Legislature in accordance with statute (Title 5). The Legislature has available a limited number of "spare" positions. These positions are authorized but not funded.

Legislative Budget Processes in Other States

State legislatures are diverse in the way they develop, manage and oversee their operating budgets. Of the 16 states (including Maine) reviewed for this project, 10 operate with consolidated budgets and six with separate ones for the various legislative entities (e.g., House, Senate, central nonpartisan staff). In some states, budget development, management and control are centralized, while in others, these processes are very decentralized. Table 2 (on page 11) and appendix A provide more detail on the legislative budget processes in 16 selected states.

Legislatures generally fall into four categories regarding their operating budgets:

1. Consolidated budget, centralized management and control (e.g., Maine);
2. Consolidated budget, decentralized management and control (e.g., New Hampshire);
3. Three separate budgets—House, Senate, central nonpartisan staff agency (e.g., Iowa);
4. Separate budgets for multiple legislative entities (e.g., Arizona).

States with consolidated budgets differ considerably in their degree of decentralization in budget development and management. Unlike Maine, many of them give budget development, management and control to specific entities within the House, Senate and specified legislative agencies. Under this system, budget oversight is provided by the Speaker for the House, Senate President for the Senate, and Legislative Council (or other joint leadership management team) for central, nonpartisan staff.

This decentralized system works best when the separate line items within the consolidated budget are strictly adhered to and honored. Each entity is expected to operate within its own line item for all expenses, including those for administration, staffing, travel and so forth. When successfully executed, this structure provides budget managers with flexibility, discretion and accountability if they are held responsible for their line items within the unified budget.

Many states with nonpartisan staff operations have chosen to adopt separate budgets for their three major legislative structures: House, Senate and nonpartisan staff organization. Once amounts are appropriated, the three budget managers (e.g., House Clerk, Senate Secretary and central staff director) have considerable budget flexibility and discretion over their budgets (and there is no need to coordinate with others on budget execution). There also is clear accountability for the effective management of the budget. Budget transparency is enhanced because spending levels and staff size clearly are identified within each separate budget.

This system works best when there is clear oversight responsibility assigned to each budget. In this case, that responsibility would fall to the Speaker, Senate President and Executive Director of the Legislative Services Agency (or their designees).

Several state legislatures operate under decentralized budgeting structures. In these states, each legislative agency is responsible for developing, managing and controlling its own budget. This gives agency budget managers (usually the executive directors of the agencies) significant latitude in organizing and managing their operation, including decisions about staffing levels, travel, and professional development and training.

This system works best when there are legislative committees with specific oversight responsibility over each agency (e.g., the joint fiscal committee for the legislative fiscal office). Under this scenario, the committee chair or full committee reviews and approves budget and staff requests. These individual agency requests may or may not be reviewed by leadership (via a joint management committee) before advancing to the governor for inclusion in the budget. In these systems, each agency typically employs one or more staff devoted to budget management and administration (e.g., accounts receivable). This option would be a radical change from the process currently used in Maine and is not recommended by the NCSL study team.

Table 2. Legislative Budget Processes in Selected States

State	Budget Format		Budget Development	Budget Management and Control	Budget Oversight	FTE Authorization	Status of Legislative Budget Request
	Consolidated	Separate					
<i>Arizona</i>		X	<ul style="list-style-type: none"> •House •Senate •Legislative Council •Joint Legislative Budget Committee (JLBC) •Auditor General •Library and Archives 	<ul style="list-style-type: none"> •House •Senate •Each agency director 	<ul style="list-style-type: none"> •House Speaker •Senate President •Each agency director •Relevant oversight committees 	Via the General Appropriations Act for the staff agencies. The Speaker and Senate President can increase FTEs for their respective chambers if they have funding available.	Subject to regular appropriations process. ¹
<i>Arkansas</i>		X	<ul style="list-style-type: none"> •House •Senate •Legislative Council •Joint Legislative Audit Committee (JLAC) 	<ul style="list-style-type: none"> •House •Senate •Each agency director 	<ul style="list-style-type: none"> •House Speaker/House Management Committee •Senate President/Senate Efficiency Committee •Legislative Council •JLAC 	Via Appropriations Act	Subject to regular appropriations process. ²
<i>Colorado</i>	X		<ul style="list-style-type: none"> •House •Senate •Legislative Council •Joint Budget Committee •Legislative Services •State Auditor 	<ul style="list-style-type: none"> •House •Senate •Each agency director 	<ul style="list-style-type: none"> •House Speaker •Senate President •Relevant oversight committees •Legislative Management Team 	Executive Committee and relevant oversight committees	Subject to regular appropriations process
Connecticut	X ³		<ul style="list-style-type: none"> •Office of Legislative Management (OLM) 	<ul style="list-style-type: none"> •OLM •Four caucuses 	<ul style="list-style-type: none"> •Joint Committee on Legislative Management •OLM 	Newly authorized positions are negotiated between the legislature and the governor ⁴	Governor must recommend legislature's request ⁴
Hawaii	X		<ul style="list-style-type: none"> •House •Senate •Legislative Auditor •Legislative Reference Bureau •Ombudsman 	<ul style="list-style-type: none"> •House •Senate •Each agency director 	<ul style="list-style-type: none"> •House Speaker •Senate President •Each agency director 	Via regular appropriations process	Subject to regular appropriations process
Indiana		X	<ul style="list-style-type: none"> •House •Senate •Legislative Services Commission (LSC) 	<ul style="list-style-type: none"> •House •Senate •LSC •Agency bookkeepers 	<ul style="list-style-type: none"> •Four leaders •House Speaker •Senate President •LSC 	Four leaders	Included in governor's budget as submitted by the legislature. The appropriation is open-ended.

Table 2. Legislative Budget Processes in Selected States, continued

State	Budget Format		Budget Development	Budget Management and Control	Budget Oversight	FTE Authorization	Status of Legislative Budget Request
	Consolidated	Separate					
Iowa		X	<ul style="list-style-type: none"> • House • Senate • Legislative Services Agency (LSA) 	<ul style="list-style-type: none"> • House • Senate • LSA 	<ul style="list-style-type: none"> • Legislative Council • House and Senate Rules and Administration Committees 	Leaders	Included in governor's budget as submitted by the legislature. The appropriation is open-ended.
Maine	X ²		<ul style="list-style-type: none"> • Legislative Finance Director (with input from House, Senate and nonpartisan staff agencies) 	<ul style="list-style-type: none"> • Executive Director of Legislative Council 	<ul style="list-style-type: none"> • Budget Subcommittee of Legislative Council • Full Legislative Council 	Legislative Council	Subject to regular appropriations process
Maryland		X	<ul style="list-style-type: none"> • House • Senate • Department of Legislative Services (DLS) 	<ul style="list-style-type: none"> • House • Senate • DLS 	<ul style="list-style-type: none"> • DLS (although the presiding officers have ultimate oversight authority) 	Presiding officers	Final when sent to the executive Department of Management and Budget. ⁶
Nevada	X		<ul style="list-style-type: none"> • Legislative Counsel Bureau (LCB) • Legislative division • Interim Legislature 	<ul style="list-style-type: none"> • Executive Director of LCB • Each division director • Chamber staff 	<ul style="list-style-type: none"> • Legislative Commission 	Via the budget process	Subject to regular appropriations process
New Hampshire	X		<ul style="list-style-type: none"> • House Administration • Senate Administration • Joint Committee on Legislative Facilities (JCLF) w/agency input⁷ • Office of the Legislative Budget Assistant 	<ul style="list-style-type: none"> • Speaker • Senate President • JCLF • Legislative Budget Assistant • Each agency director 	<ul style="list-style-type: none"> • House and Senate Subcommittees for Legislative Management • JCLF • Fiscal Committee for the Office of the Legislative Budget Assistant 	Via the budget process	Subject to regular appropriations process. ⁷
Ohio		X	<ul style="list-style-type: none"> • House • Senate • Legislative Services Commission • Other legislative commissions 	<ul style="list-style-type: none"> • House • Senate • Commission directors 	<ul style="list-style-type: none"> • Speaker • Senate President • Legislative Services Commission • Each agency's oversight committee 	Legislative Service Commission chair and vice chair (Speaker and Senate President)	Subject to regular appropriations process

Table 2. Legislative Budget Processes in Selected States, continued

State	Budget Format		Budget Development	Budget Management and Control	Budget Oversight	FTE Authorization	Status of Legislative Budget Request
	Consolidated	Separate					
Oregon	X ⁸		<ul style="list-style-type: none"> • Legislative Administration Committee (LAC) • Legislative Assembly • Legislative Counsel Committee • Legislative Fiscal Office • Legislative Revenue Office • Commission on Indian Services 	<ul style="list-style-type: none"> • Six offices and their appointing authorities 	<ul style="list-style-type: none"> • Office appointing authorities 	Via the budget process: enhancements via policy packages that are subject to the regular appropriations process	Subject to regular appropriations process
Rhode Island	X		<ul style="list-style-type: none"> • Executive Director of the Joint Committee on Legislative Services (with input from six agencies) 	<ul style="list-style-type: none"> • Speaker • Legislative Council 	<ul style="list-style-type: none"> • Speaker • Legislative Council 	Via the budget process	Approved as submitted by the General Assembly ⁹
<i>South Dakota</i>	X		<ul style="list-style-type: none"> • Legislative Research Council (LRC) • Department of Legislative Audit (DLA) 	<ul style="list-style-type: none"> • Executive Board • LRC • DLA 	<ul style="list-style-type: none"> • Executive Board 	Via legislation, the general appropriations bill or an amendment to the general appropriations bill	Subject to regular appropriations process
Vermont	X		<ul style="list-style-type: none"> • Staff of the Legislative Council (with input from other staff agencies) • Joint Fiscal Committee • Sergeant-at-Arms 	<ul style="list-style-type: none"> • Legislature • Legislative IT • Legislative Counsel • Joint Fiscal Committee • Sergeant-at-Arms 	<ul style="list-style-type: none"> • Leaders • Each legislative agency's oversight committee 	Via the budget process. ¹⁰	Subject to regular appropriations process

States in *italics* are subject to term limits.

Notes

1. **Arizona:** Technically, the governor does not make recommendations on legislative budgets. As a practical matter, however, the governor includes the prior year's appropriations for the legislative entities in the budget as placeholders.
2. **Arkansas:** Only the budget requests for the Bureau of Legislative Research and the Division of Legislative Audit are forwarded to the executive, which compiles all budget requests for presentation to the legislature. There is no executive recommendation made on either of them. The House and Senate staff bills are introduced during the session as recommended by the governing committees of each. All bills (including appropriations bills) require the governor's signature; without his signature, they become law after a certain number of days.
3. **Connecticut.** There are separate budgets for the five legislative commissions. Any newly authorized positions that are negotiated between the legislature and the governor are reflected in the Office of Fiscal Analysis budget book publication (which is referenced by special act)
4. **Connecticut.** Although the governor must recommend the legislature's budget request, changes may occur during the budget adoption and finalization process.
5. **Maine.** The vast majority of the Legislature's budget is contained in a single account (a unified budget), with smaller, separate accounts for specific purposes (e.g., the Commission on Uniform State Laws, the State House and Capitol Park Commission, the Law and Legislative Reference Library).

Table 2. Legislative Budget Processes in Selected States, continued

6. **Maryland:** Although the legislature's budget is final when sent to the executive Department of Budget and Management and in terms of hearings on the budget, it can change in conference committee or in the course of the budget process. For example, when the governor included a cost of living adjustment for all employees, the executive provided funds for all branches. Conversely, appropriations have been reduced in the legislative budget for the state match for deferred compensation. Also, it has happened on occasion where the conference committee increased the members' district account money. These instances are rare, however.
 7. **New Hampshire:** The Joint Committee on Legislative Facilities is the umbrella organization for the Office of Legislative Services, General Court Information Systems, Legislative Accounting, State House Operations, Health, Protective Services and the Visitor's Center. As a courtesy, the governor accepts the General Court's budget as submitted. Because it is subject to the regular appropriations process, it is subject to change (although it typically passes without changes).
 8. **Oregon.** Although the legislature's budget is passed as one bill, funds are appropriated directly to each agency, and spending is separate.
 9. **Rhode Island:** When the General Assembly's budget is submitted to the governor for inclusion in the full budget, the governor cannot change the legislature's monetary request, although he can fail to include FTE increases. When this happened recently, the positions were added back through the legislative budget process.
 10. **Vermont:** Position authorizations are part of the regular budget process with leaders making recommendations for the legislature, the Legislative Council for legislative staff positions and the Joint Fiscal Committee for fiscal positions.
- Source: NCSL survey, October-November, 2005.

2. LEGISLATIVE COUNCIL

The full exercise of Legislative Council authority and institutional prerogatives is essential to the ongoing effectiveness and efficiency of the Legislature.

The institutional importance of the Legislative Council cannot be overstated. Especially in an era of term limits, the role of the Legislative Council becomes critical to the institution's success. Through its subcommittees, the Council exercises important oversight of personnel, facilities and legislative budgeting decisions. By regularly bringing together House and Senate leaders, the Council serves as a bridge for communication, collaboration and consensus building between the chambers and as a forum for development of strategies that enhance the role of the legislative branch in Maine state government.

The work of the Legislative Council is not glamorous. Participation in Council meetings, debate and decisions rarely garners headlines and generally takes place as background to the more attention-getting public policy work of the joint standing committees. Most legislators do not run for office based on a pledge to improve or manage the institution, nor do they actively seek these roles within the Legislature.

The Legislative Council concept, as practiced in Maine and many other state legislatures, is ingenious in its design to place legislative leaders in charge of institutional planning and decision making. However, in almost all state legislatures, it is typical that "council" duties take a back seat to legislative leaders' more pressing political and policy agendas.

The NCSL study team is impressed with the stature of the Legislative Council within the Maine Legislature, with its routine of regular meetings, and with its record of engagement on key institutional matters and decisions. Term limits make the role of the Council increasingly important. Its work, influence and strategic institutional role should be fostered and encouraged.

Recommendation 6. The Maine Legislative Council should fully execute its statutory authority and role, especially in areas of institutional reform and progress that require longer-term strategic planning and where actions by the Council can promote consensus and a sense of shared mission among all legislators and legislative employees.

Recommendation 7. The Legislative Council should authorize a temporary study group or committee of legislators, staff and other appropriate participants to examine the status and viability of the MELD bill drafting system; to develop strategic goals, objectives and deliverables for finalizing the bill drafting system; and to set the stage for future deployment and application of information technology within the Legislature. (See chapter 4 for details on this recommendation.)

Legislative Council Priorities

The Maine Legislative Council is unique, representing the only committee dedicated to the institutional well-being of the Legislature. One pressing need at the Maine Legislature is the development of a cohesive and comprehensive plan for technology development that integrates legislative operations, delivers additional technology options to legislators, and takes full advantage of recent computer investments. This includes the need to rapidly resolve the current issues surrounding implementation of the MELD system. The Legislative Council is the only authority that can oversee this implementation and planning in a holistic manner, taking into account all aspects of legislative activities, including those of the House and the Senate.

At the same time that the Legislative Council is turning its attention to key strategic issues, it probably should delegate a few of its more routine, internal management activities. For example, in the next section of this report, we will recommend the creation of a new Legislative Services Agency that would include all nonpartisan staff. The executive director of the agency should have additional authority to conduct personnel reviews and have enhanced hire and fire authority for the directors of the various agency divisions, or what are now called "offices." The current Council role in those personnel decisions would be changed into an oversight role, rather than the direct management it now conducts. In addition, NCSL will recommend in subsequent sections of this report that the Legislative Council discontinue its oversight of the Law and Legislative Reference Library by transferring authority for that operation to the Maine State Library. This shift will further the Council's ability to focus on key legislative matters.

The Maine Legislative Council plays a key role in the flow of bills that enter the legislative process. It establishes the cloture date for the second regular session of the biennium and serves at the gatekeeper for all bills that miss cloture deadlines. This gatekeeper role has significant institutional implications. Interviews with members and staff, along with survey results, suggest that too many late bills are entering the system, clogging the process and encouraging members to file late introductions. Certainly, political considerations play into these decisions. The Legislative Council should revisit its practices on late bill filings and

send a strong message to members that future introduction deadlines will be more strictly enforced.

The Legislative Council also should continue to fully assert its statutory responsibility for oversight of the Legislature's budget. Recent changes to the law (P.L. 2005, Chapter 12, Part LL) expand this authority to include oversight of "position control," in addition to its ongoing role as overseers of legislative appropriations and accounts. These oversight roles are critical for the efficient and appropriate allocation of legislative funding and link directly to the Council's ability to enact Legislature-wide strategic initiatives. Chapter 1 contains more detail on the budgetary roles of the Legislative Council.

Legislative Council Committees in Other States

The current structure and operation of the Maine Legislative Council is effective, allowing it to make important contributions to the management of the Legislature. Its membership and powers, as set out in statute and rule, parallel those found in similar joint management committees in other states.

Membership

The Maine Legislative Council's membership is typical of other states' joint management committees. These bipartisan committees almost always include the legislative leaders from both chambers. The House and Senate presiding officers usually serve as chair and vice-chair and typically rotate this assignment from session to session.

Legislative council committees' membership size varies from five (Rhode Island) to 50 (Arkansas). However, most legislatures set the range between 10 and 16, with committee membership coming from the ranks of leaders or appointed by the presiding officers. Indiana offers an approach that may represent the "average" approach in creation of a legislative council committee, with some membership specified in law and others appointed by leaders. Indiana law also stipulates the rotation of the council chair.

Indiana Code 2-5-1.1-1 Creation; membership

Sec. 1. There is hereby created a legislative council which shall be composed of sixteen (16) members of the general assembly as follows:

(a) From the senate: The president pro tempore, the minority leader, the majority caucus chairman, the minority caucus chairman, three (3) members appointed by the president pro tempore, and one (1) member appointed by the minority leader.

(b) From the house of representatives: The speaker of the house, the majority leader, the minority leader, the majority caucus chairman, the minority caucus chairman, two (2) members appointed by the speaker, and one (1) member appointed by the minority leader.

IC 2-5-1.1-2 Chairman and vice-chairman

Sec. 2. (a) The president pro tempore shall be chairman of the council beginning January 1 of odd-numbered years and vice-chairman beginning January 1 of even-numbered years. (b) The speaker shall be chairman of the council beginning January 1 of even-numbered years and vice-chairman beginning January 1 of odd-numbered years. As added by Acts 1978, P.L.5, SEC.1.

The Maine Legislative Council has a slightly smaller membership (10) than similar committees in many states and its membership is fixed by statute. Maine law does not stipulate chair rotation, but requires only that “the Legislative Council shall elect a chairman from within its own membership.” However, as the Maine Legislative Web site explains, “The Legislative Council . . . members elect a Chair and Vice-Chair at the beginning of each legislative biennium; the chairmanship alternates between the Senate and House by tradition every two years.”

Clearly, there are many ways to construct a joint management committee. The current approach used in Maine is appropriate and workable. The inclusion of key legislative leaders is an important feature of Maine’s Legislative Council structure and one that becomes especially meaningful in an era of term limits.

Maine’s Joint Rule 354 authorizes the Joint Select Committee on Joint Rules to review and make recommendations concerning the Legislative Council. “This review shall include, but not be limited to the structure and operations of the Legislative Council and possible creation of a Joint Committee on Legislative Management to replace the functions of the Legislative Council.” NCSL finds no compelling reason to change the current legislative council approach and cautions against any weakening of the Legislative Council without careful thought about how these changes might affect the Legislature as a whole. As suggested many times in this report, the Maine Legislative Council committee plays a critical role in maintaining an efficient and effective Legislature, especially as term limits act to erode members’ sense of the Legislature as an institution.

Powers and Duties

Most joint management committees in the various states share similar institutional roles. These typically include the authority to establish a nonpartisan staff service, allocate and operate capitol space and facilities, establish the legislature’s operating and capital budgets, enter into contracts, subpoena witnesses and, as stated in Indiana’s code, “do all other things necessary and proper to perform the functions of the legislative department of government...” Arizona and Colorado add an important role to their councils—a responsibility for preparing an analysis of ballot measures scheduled for a vote in statewide elections.

The Maine Legislative Council is a powerful management committee. In addition to the traditional roles summarized above, Maine’s council committee has oversight of the OPEGA budget, the power to establish operating policies of the various nonpartisan staff offices,

approve transfers within legislative appropriations, and broad authority over the preservation and development of the State House and grounds.

NCSL acknowledges and respects the important powers and roles of the Maine Legislative Council. No other committee embodies the institution as it does. No other formalized group of legislators is compelled by law and rule to address critical legislative issues or has a similar ability to think strategically about the future of the legislative institution and its constitutional role within state government. The Legislative Council is at the heart of the Legislature. It should be nurtured and its powers fully exercised to serve the best interests of the members and the public.

3. THE MAINE LEGISLATIVE SERVICES AGENCY

The so-called “federation” of offices reporting to the Legislative Council could be more coordinated in their planning and services. They should be more closely bound together in purpose and mission through the creation of a single identity for all nonpartisan employees who currently work beneath the Legislative Council umbrella.

There has been an ad hoc aspect to the development of nonpartisan staff offices at the Maine Legislature. During previous decades, offices have been added and deleted as times changed and as new needs arose. The Maine staff experience is not an uncommon one. During the period of the 1970s through today, most legislatures underwent at least modest and often dramatic change in their staffing investment and approach.

In 1985, the Maine Legislature created a new executive director position designed to serve as principal staff to the Council and to coordinate the activities of the various nonpartisan staffing groups. The executive director was assigned a broad range of new responsibilities and powers not previously held by a single staff person at the Legislature. They included supervisory authority over “the activities of the legislative offices,” including roles in personnel, budgeting, facilities and planning.

The creation of the executive director position was bold and appropriate. However, it suffered in three key ways. First, it came late in the evolutionary process of staff development at the Maine Legislature. By the time the first executive director was hired, the other staff offices in Maine already were well established and set in their ways of doing things. The executive director role was layered on top of this entrenched establishment and, it is probably safe to say, was not a universally welcomed idea.

The second challenge facing the executive director was the somewhat limited personnel power granted to the position. Specifically, the Legislative Council reserved the right, as stated in law, to hire and conduct the reviews of office directors. This provision, still in effect today, acts to marginalize the executive director’s management choices and influence when

facing difficult internal challenges or, perhaps more critically, when attempting to implement strategies that affect the status quo.

Finally, the establishment of the executive director position did not go far enough to bind the various nonpartisan offices into a coordinated whole. Perhaps it would have been too big a step to take 20 years ago. However, in today's term-limited environment, and with critical challenges of change confronting the nonpartisan staff, it is time to take the next step in the process that began in 1985. The Legislature should create a new, single identity for the staff and offices that report to the Legislative Council. This gesture will be more than symbolic. Over time it will help move the old federation toward a more unified sense of purpose, improving the effectiveness and efficiency of the nonpartisan staff.

Recommendation 8. The Maine Legislature should establish a Maine Legislative Services Agency (MLSA) to be directed by the executive director of the Legislative Council, who should serve as the Agency's chief administrative officer. The MLSA should be created through the merger of all nonpartisan staff and offices that currently report to the Council, including the Office of the Revisor, the Office of Policy and Legal Analysis, the Office of Fiscal and Program Review, the Office of Legislative Information Services and the Office of the Executive Director. The MLSA should not include the Office of Program Evaluation and Government Accountability. The Maine State Law and Legislative Reference Library should be placed under the jurisdiction of the Maine State Library.

Recommendation 9. The executive director to the Legislative Council should have final authority regarding the hiring, review and firing of all employees of the Maine Legislative Services Agency. However, the hiring of directors should be subject to the approval of the Legislative Council. The current three-year term of appointment for directors should be repealed.

Recommendation 10. The executive director of the Maine Legislative Services Agency should institute strategies to improve and maintain communication and build trust among MLSA offices and staff and also between the MLSA and the staff of the House and Senate.

Create the Maine Legislative Services Agency (MLSA)

During NCSL's interviews at the Maine Legislature, the current arrangement of the nonpartisan staff offices was sometimes described as a federation. This may be an appropriate term. Here are a few selected definitions of "federation":

- A form of government in which powers and functions are divided between a central government and a number of political subdivisions that have a significant degree of political autonomy.
- An alliance which has gone one step further in recognizing that the commonality of objectives is of a continuing nature, and the shared objective can be furthered by giving a stable and formal character to the alliance. However, the social differences between the participating organizations are such that they do not wish to give up their autonomy....

- A federation (from the Latin *foedus*, “covenant”) is a state comprised of a number of self-governing regions (often themselves referred to as “states”) united by a central (“federal”) government. In a federation, the self-governing status of the component states is constitutionally entrenched and may not be altered by a unilateral decision of the central government.

One can see how the evolution of nonpartisan legislative staff agencies in Maine brought about a “federative” result, especially when, in 1985, the Legislature layered a central authority onto the existing collection of independent staff offices. Institutional momentum being what it is, each office continued along its independent trajectory, expecting to some degree to be able to continue to conduct business as usual. The central office—the executive director—had to determine how to work with the existing structure to achieve inter-office coordination and important overarching goals, sometimes running afoul of processes, procedures, systems and people that were not aligned with the executive director’s initiatives.

It is important to acknowledge that the nonpartisan offices at the Maine Legislature have been very successful. NCSL’s survey of legislators indicates high levels of satisfaction with nonpartisan staff services. The nonpartisan staff are highly qualified professionals who take their roles seriously and are dedicated to excellence and quality. The federation has worked fairly well. However, NCSL believes that a new organizational arrangement can help make the nonpartisan staff even more effective.

Federations may be appropriate for governments, but are not very good for government service organizations. Federation members often duplicate work and systems, have trouble implementing coordinated responses to change, and often support a decision-making matrix where one group can derail a plan that might have merit for the whole organization.

NCSL believes that signs of these weaknesses are beginning to appear in Maine. The most notable example is in the area of technology. The MELD implementation went forward without broad-based planning and participation. It has been, and remains, a costly venture. The nonpartisan staff also have not been able to resolve duplication of management information processes and databases related to the bill status and “tracker” systems. There is no consensus on the value of various reports generated by these systems and whether there are opportunities for their consolidation or cancellation. Staff continue to work on systems that are nearly obsolete. As management guru Michael Hammer says, “Working hard at the wrong thing is no virtue.”

Perhaps the most compelling reason for moving away from the old federation model of staff offices toward a more centrally directed organization is term limits. Term limits are a threat to nonpartisan staff operations. Studies of term-limited states find that nonpartisan staff can be marginalized in a setting where legislators turn over rapidly, and where they possess less and less institutional memory. The irony is that these studies also find that nonpartisan staff become more important to legislators and the institution under term limits. The Maine

Legislature needs a nonpartisan staff that is strong, flexible and efficient, and that is resilient under the pressure of term limits. The old federation is a barrier to achieving these goals.

A Unified Legislative Service Agency

Many state legislatures organize their nonpartisan employees within a single staff agency administered by an executive director. This unified approach to staff organization has some obvious benefits, especially for citizen legislatures. It promotes coordination between staff offices, aiding the execution of important planning and change initiatives. Improved coordination fosters efficiency and better use of time and resources during the pressurized periods of the session and also during the interim. The single agency approach fosters a shared sense of mission among staff and an identity that all hands are on deck in the pursuit of common goals and objectives. In a term-limited legislature, a single agency makes it easier for new members to understand staffing patterns and services and allows the staff agency to "brand" its products and services under a recognizable banner. It also is easier to hold staff accountable for their performance through a unitary staff agency set up. This benefits the Legislative Council in its important oversight role.

One of the more common names used in state legislatures to identify the nonpartisan staff group is "legislative services agency." NCSL believes that this is an appropriate and useful title to adopt in Maine. Table 3 outlines the various staff organization titles used in some selected states with unified nonpartisan staff offices.

State	Office Name
Arkansas	Bureau of Legislative Research
Idaho	Legislative Services Office
Indiana	Legislative Services Agency
Iowa	Legislative Services Agency
Kentucky	Legislative Research Commission
Maryland	Department of Legislative Services
Nevada	Legislative Counsel Bureau
Ohio	Legislative Service Commission
South Dakota	Legislative Research Council
Wyoming	Legislative Service Office

NCSL believes that the creation of the Maine Legislative Services Agency would, in many ways, complete the initiative begun in 1985 to coordinate the activities of the nonpartisan staff. This step really is the missing piece of the 1985 idea. Other legislatures in recent years have consolidated separate nonpartisan staff offices under a single director. These legislatures also were careful to create a single identity for the new staff entity.

In 1993, the Idaho Legislature created its Legislative Services Office through the consolidation of three formerly separate offices. The Maryland General Assembly completed a similar restructuring in 1997 through the combination of three independent nonpartisan staff agencies. The resulting Maryland Department of Legislative Services has four divisions and employs more than 350 people. Iowa completed its consolidation of nonpartisan staff agencies in 2003 by merging three nonpartisan operations into a single Legislative Services Agency. In each of these states, an executive director acts as chief administrative officer of the legislative staff agency.

NCSL recommends that the new Maine Legislative Services Agency be organized into the following divisions and office:

1. **Office of the Executive Director.** This office houses all administrative functions provided by the MLSA, including human resources and budgeting, payroll and accounting. In addition, this office would house the information technology and public information services currently provided by the Office of Legislative Information Services.
2. **Division of Bill Drafting and Legal Services.** New name for the current Office of the Revisor of Statutes.
3. **Division of Research and Committee Services.** New name for the current Office of Policy and Legal Analysis.
4. **Division of Fiscal Analysis.** New name for the current Office of Fiscal and Program Review.

An organization chart illustrating the proposed MLSA arrangement is provided in appendix B of this report.

As described in another section of this report, the MLSA would not include the current Law and Legislative Reference Library. NCSL believes that the library operation should be moved to the jurisdiction of the Maine State Library.

The organizational scheme proposed by NCSL also suggests new nomenclature for what currently are called “offices,” such as the *Office* of Program and Legal Analysis. It is common to use the term “division” for subunits within a legislative staff agency. NCSL believes this terminology could be useful. A more important change, though, would be to rename the current offices to more accurately reflect the services they provide to members. For example, it makes sense to change the name of the current Office of the Revisor of Statutes to the Division of Bill Drafting and Legal Services. Similarly, renaming the current Office of Policy and Legal Analysis to the Division of Research and Committee Services would more clearly reflect the services provided.

No doubt, any name change will be met with consternation—and, perhaps, probably resistance—by some who, over the years, have become familiar and comfortable with the

current terminology. This may be especially true in the case of the Office of Policy and Legal Analysis; its acronym, pronounced O-PLUH, has become part of the vernacular of the Legislature. However, NCSL believes that these name changes could serve the members well, especially new legislators who need to learn the process quickly and need to know where to go for critical staff services.

The creation of the Maine Legislative Services Agency would be more than a symbolic act. However, NCSL believes that symbolism is important in organizations and that, in this case, it may be the symbolic aspects of the change that argue most potently in its support. The Legislature needs to complete the concept started in 1985 with creation of the executive director position. The nonpartisan employees need to begin to see themselves as part of a single mission. Their identity as employees of a particular office or division should be secondary to their identity as MLSA staff. This shift will take time, but it will bear fruit in terms of efficiency, effectiveness and the ability of nonpartisan staff services to remain relevant in a changing world.

Enhance Personnel Authority of Executive Director

Maine statutes authorize the Legislative Council “to appoint an Executive Director ... and other such office directors as the council deems necessary” and that each is appointed for a three-year term. State law also vests the Council with the responsibility for reviewing the performance of the office directors and for their reappointment pending a favorable review. NCSL believes that the Legislature should formally delegate some aspects of the Council’s personnel authority and responsibility to the executive director. This change would complement creation of a new Legislative Service Agency, adding modestly but usefully to the executive director’s ability to effectively run the organization. It also would relieve the Council of some duties that are better placed with a professional administrator.

The Legislative Council must have effective, ongoing oversight of legislative personnel. Maine law provides the Council with many avenues to exercise this oversight. The Council oversees the Legislature’s budget, including “position control” over the number of legislative employees. The Council establishes salary and benefits schedules for all employees and, with two-thirds of its members approving, can make changes in the organization of legislative staff offices.

Most important to this discussion, however, is the Legislative Council’s authority to hire, review and fire the executive director. Because this relationship exists, NCSL believes it is reasonable and prudent for the Legislature to delegate some of its other personnel authority to the executive director. Strong Council oversight of the executive director ensures that the person in that role always will leaven his or her key personnel decisions with the useful advice and counsel of Legislative Council members.

The executive director should have the authority to hire office directors (titled *division* directors under the recommended MLSA organizational scheme) and the authority for final approval of other new hires recommended by the office directors. Legislative Council approval of the executive director's choice should be required when hiring an office director. The Legislature should be careful to retain—and the Council to enforce—those provisions of Maine law that require all staff appointments to be “based solely on their ability to perform their duties and without regard to political affiliation.”

The executive director should conduct annual performance reviews of the office directors and submit those reviews to the Personnel Committee of the Legislative Council for its review and comment. The executive director's performance should be reviewed annually by the Council (or by the Personnel Committee), at which time the executive director would also present the office director performance evaluation results. This annual review approach would replace the current three-year evaluation conducted by the Council and its Personnel Committee.

The executive director should be authorized to fire any “Council” employee (MLSA employee), showing appropriate cause for the termination and using accepted personnel procedures. Any decision to fire an employee should be reviewed by the Personnel Committee of the Legislative Council in advance of its implementation. However, the Council could not overturn a termination decision made by the executive director.

NCSL believes that expanding the personnel authority of the executive director as described above will help the person in that role to implement organization-wide strategies and enhance the Agency's ability to react to changing needs and new challenges. By holding ultimate authority over the employment prospects of the executive director, the Council can have confidence that decisions coming from that office will remain in line with its thinking and with the expectations and needs of the Legislature.

The arrangement for personnel authority outlined above is available to legislative staff executive directors in some other states, where it is exercised with success and effectiveness. Executive directors in Colorado, Kentucky and Oregon have complete personnel discretion over all nonpartisan employees, holding personnel powers well beyond those recommended here. Nevada's Legislative Counsel Bureau director appoints his division directors with approval of the Legislative Commission and has independent authority to fire any employee. The Legislative Service Bureau director in Michigan works under these rules:

The director of the bureau shall be the chief administrative officer of the bureau. With the approval of the council, the director shall employ such employees as may be necessary and fix their compensation within the appropriation made by the legislature for this purpose. Persons employed by the director shall be non-tenured, at-will employees. The director may discipline, transfer, demote, suspend, or summarily discharge an employee.

In addition to the changes recommended above, the Legislature should repeal the three-year term of employment that currently applies to the executive director and office directors. As at-will employees, their period of employment is indefinite and subject to review and possible termination at any time by the appropriate authority. The three-year appointment seems inconsistent with this condition of employment and implies a contractual agreement that is at odds with the personnel discretion of the executive director. It also is more effective to evaluate employees annually, a practice suggested earlier in this discussion.

Improve Communication

The nonpartisan staff offices that report to the Legislative Council work well together and generally are viewed as accessible, cooperative and responsive by legislators and other staff. However, NCSL has discovered through its interviews and survey work that some deep divides exist between key staff players and offices at the Legislature. Some staff relationships have become confrontational in nature.

To successfully implement the concept of the Maine Legislative Services Agency, these divides must be explored and made less debilitating. Collaboration is critical between staff that hold such immense responsibility for the well-being of the Legislature. Indeed, whether or not the MLSA is created, the Legislative Council should demand that staff in all corners of the Legislature support a productive and cooperative working environment that recognizes their collective purpose to support an effective institution and its elected members.

The following list outlines some communication practices that have practical benefits. Some already are in place in Maine in one form or another.

- Regular MLSA division director staff meetings, especially before and during session.
- Periodic meetings of all MLSA staff.
- Regular "team" meetings between MLSA directors and House and Senate staff principals.

Regular MLSA division director staff meetings

The executive director should convene regular meetings of office (division) directors and other key nonpartisan staff managers to share information on services, operating challenges, workload, personnel news, and upcoming events. These meetings should occur weekly, perhaps on Monday morning, during the weeks leading up to the session and weekly during the session when coordination is critical to effective staff service. During the interim, these meetings may be held less regularly, perhaps once a month. In addition to division directors, the meetings should include the director of information technology, the director of human resources and the supervisor of committee clerks. At the discretion of the executive director, it would also be appropriate to include the director of the law and legislative reference library (who would formally report to the State Librarian).

Periodic meetings of all MLSA staff

At least once a year, the executive director should convene a meeting of all MLSA employees. An all-inclusive meeting of this sort is critical to promoting a shared sense of belonging to the MLSA and to the need to ensure that all MLSA staff receive the same information on key personnel, planning and operational issues.

NCSL believes—and cannot overemphasize—that an office-wide meeting for all MLSA employees will be an important part of the implementation of the MLSA concept. The executive director should encourage an all-staff meeting as soon as possible after announcement of the new MLSA. Legislative leaders should be encouraged to participate in this meeting to explain their perspective and support for the idea. Questions should be encouraged.

Regular “team” meetings between MLSA directors and House and Senate staff principals

Perhaps the greatest communication challenge for senior staff in Maine is between the directors of the nonpartisan staff, the political leadership staff and the directors of the chamber staff. The legislative institution cannot operate efficiently unless these staff leaders talk with each other routinely and in a way that fosters collaboration and trust.

Unfortunately, NCSL’s interviews and survey work indicated that these important staff connections are sometimes tenuous at the Maine Legislature. Relations among these staff directors are adequate to conduct daily business, but probably are inadequate to achieve the necessary cooperation to fully explore or embrace novel institutional ideas that can challenge the status quo. In an environment where each staff director holds a potential veto on change, collaboration and trust building are crucial.

NCSL suggests that the principal staff at the Maine Legislature consider creating a formal roundtable or management team. This group would comprise the following staff:

- Executive Director of the MLSA
- Executive Director of OPEGA
- Clerk of the House
- Secretary of the Senate
- Chief of Staff to the Speaker of the House
- Chief of Staff to the Senate President

This formal staff roundtable also could include staff director of the minority parties.

In Colorado, senior staff directors have formed a Legislative Management Team along the lines suggested above. They have formalized the arrangement through a charter that sets out a process of rotating chairs for the team and its purpose:

[T]o foster communication among the agencies and to improve service to the Legislature by ensuring thorough evaluation of significant policy and operational matters affecting all service agencies. Such matters shall include, but not be limited to, issues regarding physical plant, security, information systems, telecommunications, personnel, and financial activity.

A complete copy of the Colorado charter is available in appendix C.

The Maine staff may not need to be as formal as Colorado, but the goals of that collaboration are worthy and applicable to Maine.

4. MAINE LEGISLATIVE INFORMATION TECHNOLOGY ISSUES

The Legislature needs to strengthen information technology oversight and planning.

Information technology has become an integral and important part of the operation of state legislatures. Technology and the Internet have vastly improved the public's access to the legislative process and the efficiency and functioning of internal legislative operations. Maine's legislative information technology systems provide legislators and legislative staff with most of the functions performed by legislative systems in other states. Maine's Web site provides good public access to legislative information.

However, the Legislature has no viable means of ensuring accountability and obtaining user input to the development of information technology systems. The apparent inability to move bill drafting and other critical legislative systems off the obsolete Wang system places the Legislature at risk. The NCSL study team was not engaged to evaluate the technical aspects of the new MELD bill drafting system, but the difficulties in its implementation are a symptom of broader problems of information technology deployment within the Legislature.

The NCSL study team has identified strategic actions that should be taken to ensure that information technology improves efficiency within the Legislature, reduces redundant work processes, and meets the needs of legislators and staff. The Legislature should take the following approaches to institute oversight and accountability measures, increase user input, improve long-term strategic planning, and ensure coordination of information system decisions so that the overall effectiveness of the Senate, the House of Representatives and legislative agencies may be improved.

Recommendation 11. The Legislative Council should authorize a temporary study group or committee of legislators, staff and other appropriate participants to examine the status and viability of the MELD bill drafting system; to develop strategic goals, objectives and deliverables for finalizing the bill drafting system; and to set the stage for future deployment and application of information technology within the Legislature.

Authorize a Temporary Study Group

Legislative Information Systems (LIS) is in the process of implementing a new bill drafting system, MELD, that has been in development for more than five years. The new system holds promise for moving the Legislature from an obsolete and unsupported system to a standard format (XML) that can streamline content creation, management and publishing throughout various legislative processes. At least 15 states and Congress have recently completed or are currently developing new bill drafting systems, and all are moving to systems using XML and software components similar to that of the new MELD system.

Unfortunately, the MELD system contractor has been unable to meet the Legislature's contract specifications, and negotiations have been drawn out and problematic. Legislative Council meeting minutes for the past five years make it clear that this is a longstanding and serious problem. In meeting minutes from August 2001, there are repeated references to completing final user acceptance tests and subsequent failure of those tests.

Despite the optimistic tone of the July 2005 minutes, it is the study team's understanding that new problems have since been identified with the system that may be serious and could cause additional delays of unknown duration.

It may be little consolation that similar delays and failures are not unusual in state and federal government projects and in the corporate world. Developing and implementing a complex IT project carries considerable risk. Studies indicate that as few as one-quarter of all large-scale systems development projects are completed on time and within budget, and almost 30 percent are abandoned because they do not meet requirements.

Many state legislatures use contractors for special projects, but the trend in the past decade has been to move away from relying extensively on outside contractors for applications development and maintenance. Several state legislatures, after experiencing major IT project failures, have strengthened in-house staffing levels and expertise and have instituted a culture of project management methodologies and performance measures to improve applications development and IT services.

Legislative Information Services and the Legislature face the difficult prospect of evaluating whether the MELD vendor can meet contract requirements and deliver a working system.

Given the significant investment the Legislature has already made in the project and the critical risks posed by continued delays, the Legislative Council should authorize a temporary

study group or committee consisting of the LIS director, the director of the Office of the Revisor of Statutes, the executive director, legislators, legal advisors, and other appropriate participants. This group should examine the status and viability of the MELD bill drafting system to develop strategic goals, objectives and deliverables for finalizing the bill drafting system and to set the stage for future deployment and application of information technology within the Legislature.

This group should review the MELD contract and warranty provisions to determine options available to the Legislature should the vendor be unable to meet contract requirements. Based on this analysis and legal review, the group should develop specific guidelines that will be used to determine whether the MELD system is viable or if other options should be pursued. The LIS director also should demonstrate that a contingency plan is in place to ensure continued operation of legislative systems if Wang equipment fails or if key individuals who support Wang no longer are available to do so.

Recommendation 12. Legislative Information Services (LIS) should be housed within the Executive Director's office. The LIS legislative indexer position should be moved from LIS to the Office of the Revisor. The Office of Legislative Information should be removed from LIS. Its committee clerk function and staff should be moved to the Office of Policy and Legal Analysis. The public information staff should be placed within the Executive Director's office as a separate and distinct function.

Reorganize LIS Functions

LIS sees itself as a service entity, not a production entity like the Revisor of Statutes and other legislative agencies. However, the current placement of the office, as a division parallel to the other legislative agencies, undermines this service role. The work of LIS tends to be reactive rather than proactive—LIS tries to implement IT improvements by developing programs for the individual nonpartisan offices, hoping that other staff offices will see the benefits of these systems after development, rather than involving all groups in initial development. The importance of integrating systems so that they can work together also is undermined by this structure, since each office develops systems and processes to support its own operations without an enterprise-wide view of how technology could be deployed to support individual offices' operations and control over information and thus reduce redundant work processes.

No Legislature-wide strategic planning process is in place to allow LIS to develop and implement technology decisions that could increase the efficiency of the legislature and to hold LIS accountable if it is not successful. The Legislative Council previously had a technology subcommittee, and currently reviews LIS projects. However, the Council does not have the time nor the day-to-day, in-depth knowledge and involvement with legislative systems and procedures to be able to identify detailed IT goals and objectives and to evaluate whether those needs are being met by LIS. In addition, term limits and turnover within the

Legislative Council mean that some members may not have a retrospective view to evaluate longer term IT projects nor the long-term outlook necessary to develop a vision of future legislative IT development.

LIS should be placed within the Executive Director's office, the Legislative Indexer position should be moved to the Office of the Revisor of Statutes, and the Legislative Information Office should be moved out of LIS and reorganized as recommended below and in Chapter 9 of this report. LIS should continue to serve as a central office providing coordinated information technology services to the entire legislature.

The Legislative Information Office and indexer positions are not tied in any significant way to LIS functions and operations, and the skill sets of these positions would be a better match in other legislative agencies. LIS does not have the capability to back up these positions if they were to become vacant, and these additional positions can only serve as a distraction from the more critical need for LIS to focus on information technology.

It makes more sense to place the legislative indexer position within the Office of the Revisor of Statutes, where other staff also have indexing functions and could serve as backup if needed, and where the indexer could also contribute to the functioning of that office.

The Legislative Information Office should be discontinued and its two main functions reorganized as follows:

- The session-only committee clerks should be transferred to the Office of Policy and Legal Analysis. Committee clerks should be hired by OPLA.
- The Legislative Information Manager, the three FTE Legislative Information Assistants and the part-time Legislative Information Associate should be transferred to the Office of the Executive Director. Efforts should be made to enhance the public information activities of these staff and to eliminate duplication with other offices in the areas of bill status and tracking, data entry, and reporting.

Recommendation 13. The Legislature should create a permanent Information Systems Review Team, comprising the secretary of the Senate, the clerk of the House of Representatives or their designees, the director of each of the legislative staff offices or their designees, and a staff member appointed by the majority and minority party of each chamber. The goal of this group is to identify needs, set priorities, monitor progress on IT projects, and develop a long-term strategic plan for information technology for review and approval by the Legislative Council.

Create a Permanent Information Systems Review Team

In our interviews with legislative staff and legislators, the NCSL study team heard general satisfaction with the computer support and technology services provided by LIS. However, staff and legislators do not seem to view LIS as a source for ideas about, and support for, new applications that could improve operations. LIS staff do not appear to have the influence and are not empowered to make and be accountable for critical IT decisions. Problems with the

MELD system also have engendered skepticism about LIS's ability to implement successful systems.

Decisions about the use of technology within the Legislature should be made from an enterprise-wide view, but the Legislature has no formal mechanism to make decisions about and prioritize IT support and development of information systems.

As a result, staff in some offices within the Legislature make their own IT decisions and develop their own applications. This makes sense from the perspective that each office knows its own needs and operations best and rightfully feels that it should have ownership and control of information that comes from its office. For example, the House and Senate have separate International Roll Call (IRC) front desk systems that are not formally supported by LIS (although they are called upon to assist when problems arise). LIS is in the position of occasionally supporting systems that it did not develop and that are not necessarily compatible with other legislative systems.

Duplicate data entry also is occurring and redundant data bases are supported throughout the Legislature. Some bill status information produced by the House and Senate IRC systems also is being entered by staff of the Legislative Information Office. Separate databases for workflow tracking and bill status information are maintained by different offices, resulting in conflicting data that must be reconciled. Several offices are entering and using duplicate address lists. In addition, offices are using different methods and systems for maintaining personnel timekeeping, vacation and overtime records.

The Legislature should form an Information Systems Review Team to ensure coordination of information system decisions so that the overall effectiveness of the Senate, the House of Representatives, and the legislative offices is improved. Decisions about information technology priorities should be made through the involvement and agreement of all offices within the Legislature.

The role of the Information Systems Review Team is to analyze the effect of technology on all offices and interoffice relations, refine IT plans and policies, and make recommendations to the Legislative Council, when final approval on budget and policy adoption is needed. The team should meet regularly (and more frequently during the interim) to help LIS identify, coordinate and prioritize the necessary IT projects within the Legislature and ensure that the priority projects for each legislative office are completed on a timely basis. In addition, the team should consider ways of consolidating information and reducing duplication of effort through short-term and long-term plans.

In the short term, the Information Systems Review Team should address duplication of work processes and explore options for merging and integrating systems to improve efficiency and to move data off the obsolete Wang system. For example, the Information Systems Review Team should examine the information generated by the bill status, committee status, "tracker," fiscal tracking and International Roll Call bill status systems and explore options to

integrate the information. The team should determine what information is needed in the system and which offices will have responsibility for entering and controlling the flow, release of and access to various types of data. This type of review is not easy and requires real commitment from management and staff in the offices involved to identify workflow processes and requirements of a system.

The team's endorsement of discrete or incremental steps to be taken toward such an integrated system, to be completed by LIS (or others, such as International Roll Call, with the involvement of LIS), if completed within a short period and with deliverables that can be measured for success, could have a positive effect on the success of future IT projects for the Legislature.

Another example of a shorter-term project that could directly affect efficiency and perceptions of equity within the Legislature is the personnel time and accounting system currently being developed by LIS. The system, however, needs to be developed with input from the Information Systems Review Team and should be endorsed by the Legislative Council for legislative-wide use.

Information Systems Review Team members also should regularly discuss and coordinate plans for upcoming changes, such as network upgrades, system changes, significant Web site updates, and other technology-related projects throughout the Legislature. The meetings provide the means for two-way communication between legislative staff users and LIS. Although the team should provide direction and determine priorities, LIS should be given the authority to choose the technical tools and methods that will enable them achieve the desired results.

These recommendations for increasing user input in the design and operation of information systems will help to identify enhancements that will meet the needs of users. The meetings of the Information Systems Review Team will set priorities for the system, and regular communication with the Legislative Council should provide a means for legislators to recognize and support long-term systems goals and monitor progress in reaching them.

Studies have identified several organizational and governance factors likely to contribute to successful IT programs:

- Leaders who are champions of IT and emphasize its value for achieving state missions.
- Involvement of stakeholders, those individuals or offices that will use the IT systems and services, who set the agenda by proposing initiatives, justifying the financing, and being continuously involved in the planning and testing of IT projects.
- An incremental approach to the development and implementation of IT initiatives, starting with prototypes and producing periodic deliverables whose success can be assessed.

- A collaborative management style that emphasizes positive rather than negative motivations and that shows a commitment to employees during periods of change.

The success of a new IT governance structure and the success of IT projects within the Maine Legislature will depend on the active involvement, cooperation and commitment of all stakeholders.

Other States' IT Management and Decision-Making Structures

Successful IT departments in other states formalize stakeholder involvement in various ways. In Colorado, the Legislative Management Team is comprised of the six legislative agency directors who make decisions about operational matters that affect the legislature. Agency directors serve as chair and vice chair of the team for a one-year term, with the chair and vice chair positions rotating among all agency directors. The team aims for consensus decisions, but any member may call for a vote on an issue where consensus cannot be achieved.

In Kansas, meetings of an Information Systems Team allows the IT staff to announce any plans they may have for conversions, upgrades or system downtime. This keeps the staff informed and also allows them to have input into any issues or scheduling problems these changes might cause. The meetings also allow the staff to bring up other issues of concern and to negotiate priorities for the IT staff. A Systems Review Team is responsible for the IT budget, planning and policy issues. The Systems Review Team analyzes the effects on department and interdepartmental relations, refines the plans and policies, and makes recommendations. An Information Systems Steering Committee composed of legislative leadership makes final budget approval and adopts policies.

In addition, other states have mechanisms to ensure user involvement and collaboration in IT decision-making. Wisconsin has periodic focus groups that guide future development and use of technology. Main topics of discussion include current and planned projects as well as existing technology and its capabilities and limitations.

Nevada assigns an IT liaison to legislative offices. The liaison meets regularly with staff in each office, serving a help desk role and becoming familiar with the office's operations and needs. The IT liaison can improve communication by serving as an interpreter and advocate for the needs of the users and the capabilities of the IT office.

Recommendation 14. The LIS director and the Information Systems Review Team should develop a long-term plan for the system, including a mission statement, list of goals, activities to reach the goals, and performance measures to gauge whether the goals have been met.

Develop a Long-Term Plan

The LIS director shared with the NCSL study team a draft of an information technology management plan for 2005. The plan serves as a good starting point in developing a long-term plan. However, the plan reflects an ad hoc process and a reactive, rather than a proactive, strategic and collaborative process for the design and operation of information technology within the legislature.

The LIS director should share his information technology management plan with the Information Systems Review Team to solicit feedback and recommendations on the short- and long-term goals for information technology. After input from the team has been considered and consensus or decisions reached, the team should finalize the plan for the Legislative Council's review. This document should describe the agreed-upon short- and long-term goals for the use of technology, activities to reach those goals, a timeline, estimated costs for completing the activities, and outcome and performance measures. This document would form the baseline for the Legislative Council to use in directing and overseeing the future development of the system. The Legislative Council also could use it to develop the Legislature's annual budget. The document should be updated annually.

5. MAINE STATE LAW AND LEGISLATIVE REFERENCE LIBRARY

In the 50 states, the Maine State Law and Legislative Reference Library (LLR) is unique, representing the only case where a “state law library” is supported separately within the legislative branch of government. Its unique status in the state and its broad charge to serve the public, the legal community, the Legislature and state government could be better served by moving it from the jurisdiction of the Legislative Council and the Legislature.

The Maine State Law and Legislative Reference Library is located on the second floor of the House wing of the Capitol. The LLR serves as the “state law library” in Maine and provides legislative reference services to legislators, legislative staff, members of the public, state government and the legal community. The LLR also is viewed as the law library of “last resort” by other law libraries in Maine. It is a well-respected library that provides effective service to its clients. Legislators and staff who use the library generally praise its operation.

The library maintains an informative Web site and offers walk-in, call-in and e-mail accessible reference services. It is a “partial” depository for federal documents and holds court reporters, legal journals, books, periodicals, videos, newspaper clippings and Maine’s only 50-state collection of state statutes. One of its central roles is keeper of the legislative history in Maine, and many of its services to the Legislature relate to this purpose.

The LLR has recorded about 6,500 reference requests per year during the past seven years. About 12 percent per year come from the legislature. By far the largest client group is the general public, accounting for almost one-half of the reference desk workload. Total non-legislative requests average about 88 percent of total annual demand for service. Interestingly, the judicial branch is a very light user of the state law library, averaging around 1 percent per year. A significant user of the library services is the private legal community, which averages just over 11 percent of LLR requests per year. However, this component of the LLR reference workload has declined as technology has made legal resources more available over the Internet.

These data represent raw request numbers, not the time spent on requests for each type of client. For example, one could argue that requests from legislators might be more complex than those from the general public and, therefore, that legislative requests actually take up more than 12 percent of the library's real reference workload. However, even if this were true (which is extremely difficult to determine), it remains a fact that the bulk of the LLR reference workload is conducted for non-legislative clients. Data on LLR reference workload is presented in appendix D.

Only Arizona and Maine organize their state law libraries within the legislative branch of government. In Arizona, this occurs because the entire state library system, which includes its law and research library division, is housed within the Legislature. The Arizona State Library, Archives and Public Records is supervised by a board comprising four state legislators, including the presiding officers of the House and Senate. This board is separate from the Arizona Legislative Council and other joint legislative committees. The board appoints the director of the state library.

In 39 states, the state law library is organized within the judicial branch and usually as a part of the state supreme court. The remaining states place the state law library within the executive branch. In most cases, therefore, state law libraries are physically located in judicial buildings. At least seven state law libraries, including Maine's, are located at the State House building.

Recommendation 15. The Maine State Law and Legislative Reference Library should be removed from the jurisdiction of the Legislature and placed within the organizational structure of the Maine State Library. Its operations should remain located at the State House, and the Legislature should stipulate that the Law and Legislative Reference Library continue to provide specific services, including those related to legislative history, to the Legislature.

Recommendation 16. The State Law Librarian (also called the director of the Maine State Law and Legislative Reference Library) should report to the State Librarian. All personnel oversight functions related to the State Law Librarian should be invested in the State Librarian. Current law stipulating that the State Law Librarian is appointed by the Legislative Council should be repealed.

Recommendation 17. The Maine State Law and Legislative Reference Library should significantly amend or discontinue its current newspaper clipping service, at the same time being careful to preserve the contents of its existing newspaper clipping subject files through its conversion into an electronic database. This conversion should be performed by a private contractor.

Merge Libraries

NCSL believes that moving the LLR into the Maine State Library (MSL) system makes sense and can be done without diminishing services provided by the LLR to the Legislature. This

change would reconstitute a system that existed before 1971, when the LLR was physically and organizationally split from the MSL and shifted to the legislative branch.

The reconstitution of these two entities into one consolidated state library operation offers several benefits to the Legislature and to the Maine library community. First, the Maine Legislative Council, ill-suited to oversee a state law library (especially in the term limits era), can release this duty to the director of the Maine State Library and the oversight offered by the Library Commission, a 17-member board appointed by the governor. The Legislative Council then will have more time to focus on key strategic issues of legislative management and development. Second, by merging the two libraries, LLR operations are more likely to be integrated effectively into the statewide library system of purchasing, planning and outreach, and legal research resources, resulting in efficiencies and potentially better services for library clients. Third, the Maine State Library is the logical choice for the organizational placement of the LLR. Although most state law libraries are located in the judicial branch, the judicial option is not favorable in Maine. Finally, this all can be done without diminishing LLR services to the Legislature. Several state legislatures depend on judicial or executive branch versions of the LLR, with completely satisfactory results.

Improved Oversight at the Maine State Library

The Legislative Council plays a crucial institutional role within the Legislature. As reinforced throughout this report, NCSL believes that the Council should assert its powers and responsibilities, focusing on key institutional planning and development issues such as information technology. Under these circumstances, and within a framework influenced by term limits, it seems logical that the Council should relinquish certain responsibilities where doing so makes sense. NCSL believes that oversight of the State Law and Legislative Reference Library is tangential, at best, to the central concerns and business of the Council.

The Maine State Library (MSL) is the guiding force for library development in the state. Its mission is to “to provide, broaden, and improve access to information and library services to all Maine residents.” On its Web site, the MSL makes the follow statements about its role and goals:

[The] Maine State Library is unique in having a physical presence and for its combination of services for the public and for librarians, all within the same organization. The State Library, serving all citizens and visitors, provides access to its information, services, and policies in order to meet educational, informational, recreational and cultural needs.

The State Library is addressing changes in its traditional role under an older economy by focusing on new roles demanded by the present changing economy. No longer is the role of librarians to just gather and select information but instead to facilitate, organize, and access information.

Change is a substantial and daily challenge for organizations engaged in the business of assembling and providing information. Technology advances and the shifting expectations of information consumers mean that providers need to be institutionally agile and prepared for

new opportunities. NCSL believes that the LLR will be better situated to meet the challenge of change under the direction of the MSL, its director and the Maine Library Commission.

Better Integration of Library Services

The overall scheme for providing state library services to the public and other key clients in Maine could be made more efficient by blending the missions and operations of the Maine State Library and the Law and Legislative Reference Library. This alignment of resources is not uncommon, with examples located as close to Maine as Connecticut and as far away as Arizona. NCSL believes that the LLR should be a division of the Maine State Library. It would have a distinct identity, operate in the same State House location that it does today, but also work with the MSL to identify duplication and find savings in areas such as collections, purchasing, circulation and reference services. Unique aspects of LLR services would be maintained according to the desires of the Legislature and according to how those services fit into the overall MSL plan and operations.

Although NCSL did not conduct a salary study of legislative positions (a large task, and outside the scope of this project), it seems likely, based on initial evidence, that some significant differences may exist in compensation paid to comparable positions in the MSL and the LLR. By combining the two libraries, it will be easier to determine and set appropriate compensation levels and pay equity within the state library system and to maintain an appropriate compensation plan over the long term.

Placement in Judicial Branch an Unfavorable Option

The vast majority of states locate their state law library within the judicial branch, where it serves the state Supreme Court and, often, other clients, including, in some cases, the legislature. Maine is quite different in this respect. Compared to most states, the law library system in Maine is quite limited, and legal research resources provided for the judicial branch are poorly funded. As stated previously, the LLR houses the only publicly available hard copy set of the 50 states' statutes.

Maine provides citizen access to legal resources through a system of 17 "public court libraries" located in counties throughout the state. These sites represent Maine's dedication to maintaining an informed and civically engaged citizenry. Resources at most of these libraries are limited, however, to Lexis on-line searching and small collections of Maine-related legal documents.

Only the Cumberland County Law Library (also known as the Cleaves Law Library) in Portland is staffed (with one librarian). All other county law libraries are self-service. The Cleaves library is the main source of legal reference for the Maine Supreme Judicial Court and also serves Superior Court and District Court justices and clerks located in Portland. Cleaves is supported largely by an endowment and fundraising. Financial support from the judicial branch accounts for about 12 percent of Cleaves' total operations budget. All 17 public court libraries receive oversight from the State Court Library Committee, appointed

by the chief justice of the Maine Judicial Supreme Court. The director the Maine State Law and Legislative Reference Library serves as an ex officio member of the committee. Daily direction and management of the system is provided by the State Court Library Supervisor, who is located in Bangor.

The Donald L. Garbrecht Law Library is located at the University of Maine School of Law in Portland. Besides the LLR and the state court library system, including Cleaves, the Garbrecht library is the only other comprehensive legal reference resource in Maine. The library has 14 employees and a collection of more than 335,000 volumes. Its collection is open to the public, but the mission and activities of the library focus on service to students, faculty and staff of the law school.

NCSL believes that the judicial branch is unable to absorb and successfully manage the LLR. Its future in a traditionally underfunded environment would be threatened, and little synergy or collaborative benefit would result from the merger. The LLR is much better placed at the Maine State Library, where it can thrive and more effectively serve all branches of state government.

Change Can Occur Without Effect on Service to Legislature

Many state legislatures derive important reference service, legislative document management and collection access from libraries that are not part of the legislative branch. In Iowa, for example, the state law library is part of the State Library of Iowa, which operates within the Iowa Department of Education. Here is the library's statement of purpose, found on its Web site:

Located in the Capitol building, the law library provides Iowa lawmakers, government employees, the Iowa legal community and the general public with a highly specialized legal collection of treatises and both state and federal statutory, regulatory and case law. The collection also contains the abstracts and arguments of the Iowa Supreme Court and Court of Appeals, legal periodicals, and materials produced by the Iowa legislature. Research assistance is available.

The Iowa General Assembly uses its state law library in much the same fashion as the Maine Legislature uses its State Law and Legislative Reference Library. These services are augmented by a small legislative library operated by Iowa's Legislative Services Agency, which is staffed by a single librarian. The legislative library holds a small collection of state reports, periodicals, bill books and other "publications of significance to the legislative process." Because of its small size and limited staff, the legislative library provides limited reference and research services.

Kansas offers a good example of a state library that provides research and reference services to lawmakers, based on a clear mandate from the Legislature. Kansas law stipulates the following:

Chapter 46.—LEGISLATURE

Article 12.—LEGISLATIVE COORDINATING COUNCIL

Library services for legislative branch of government; state librarian to acquire and maintain books and materials determined essential by legislative coordinating council at approved location; loan of materials by state law librarian; exchange of materials with other states and territories; state librarian to confer with legislative coordinating council.

One of the functions of the state library shall be to provide library services to the legislative branch of state government.

Under the direction and supervision of the legislative coordinating council, and with due regard for avoiding unnecessary duplication of materials in the supreme court law library, the state librarian shall acquire and maintain for use in the state library such books, pamphlets, documents and periodicals as are determined by the legislative coordinating council to be essential and of singular importance in providing legislative research and legal and bill drafting services to the legislative research department, the office of the revisor of statutes, other offices of the legislative branch of government and to members of the legislature. Books, pamphlets, documents and periodicals determined by the legislative coordinating council to be essential to the legislative branch of government shall be maintained at a location approved by the legislative coordinating council...

The state librarian shall from time to time confer with the legislative coordinating council concerning services provided to the legislative branch of government.

In response to this clear charge from the Legislature, the Kansas State Library has established a legislative reference service, located in the State House and available to legislators, staff and the public. Through its Web site, the reference service offers potential clients this greeting, which clearly outlines its purpose:

We welcome your legislative information questions. Our staff of legislative reference librarians are knowledgeable about legislative issues and skilled in legislative research.

We can help you find:

- *bills amendments, status, authors*
- *legislative news clippings*
- *legislative history information*
- *session law assistance*
- *statutes*
- *statute changes*
- *journal entries*
- *and much more....*

NCSL believes that the Maine State Law and Legislature Reference Library, under the auspices of the Maine State Library, can continue to provide essential legislative services guided by a specific mandate from the Legislature, similar to the Kansas model. In fact, it is likely that services to the Legislature could improve under this new organizational scheme. By combining the two libraries, the entire body of resources available from both collections and staffs might more readily be applied to the needs of the Legislature. In addition,

organizational efficiencies identified through collaboration of the state librarian and director of LLR should help to streamline and focus reference practices and services and allow for forward-looking planning that addresses the changing needs of the Legislature.

Amend Newspaper Clipping Service

The LLR wears many hats. It functions as Maine's state law library, serves a broad public clientele, and also provides key reference and collection work to the Legislature. NCSL believes that its staffing level of 13 FTEs is probably appropriate, given its current range of responsibilities and activities. Merging with the Maine State Library should reveal some opportunities for modest staff reduction. However, as it currently exists, the LLR has an opportunity to streamline its work in one key area—the newspaper clipping service.

The LLR clipping service and collection is valued by the Legislature, and especially by caucus staff. However, it also is an anachronism in the digital age. Too much staff time is spent on the enterprise. Three factors support the need for change in this LLR activity. First, the Legislature has been slow to digitize the existing collection. Second, the LLR tries to do too much with the clipped materials. Third, there is a rapidly developing on-line alternative to the LLR clipping file.

The existing newspaper clipping collection is located in original hard copy in subject files and in special subject binders that are shelved near the subject files. These materials cannot be checked out by patrons but are available to the public for review and photocopying.

It is important that the subject files be digitized and stored electronically to preserve these documents and to make them more readily available to a broader range of users. The Legislature should contract out for this service. The LLR secured a bid to do this work several years ago at a cost of almost \$1 million. This amount seems incredibly high.

NCSL spoke to one document digitizing firm about this project. Based on very general information provided to them about the collection and database development goals, that company's estimate was below \$20,000. Even if this estimate is off by a factor of 10, it would still be less than one-quarter the amount proposed to the LLR when it previously explored the option. NCSL encourages the Legislature and the LLR to re-bid this project. Currently, LLR staff are painstakingly scanning in old news clips as time allows. The Legislature should have this important task performed by a professional service and allow LLR staff to focus on more important duties.

The LLR should discontinue the practice of creating special collections of the news clippings. Although this attempt at adding value to the collection is commendable, it is not necessary and serves a very limited clientele. Once the collection is fully digitized and indexed, the LLR will be able to construct "virtual" binders within the clippings database, if it pleases. Better

yet, on-line users should be able to do this on their own, given appropriate access and search tools.

There is some reason to question whether the news clipping activities at the LLR should go forward at all. Many Maine newspapers are available on-line, although few currently provide an on-line archive. The Connecticut Law and Legislative Reference Unit of the Connecticut State Library discontinued its clipping service when the *Hartford Courant* began offering an on-line searchable archive of past editions.

The current collection of news clippings has important historical value because they are unique and exist nowhere else. Future clippings will increasingly duplicate records available on-line. In fact, the Maine Legislature currently supports an impressive effort to provide on-line newspaper access to Maine citizens through MARVEL! ("Maine's Virtual Library") and its "Maine's Newsstand" feature. NCSL staff were able to use MARVEL! and Maine's Newsstand to research subjects for this study.

NCSL believes that potential savings of up to one FTE is possible at the LLR by adopting the ideas outlined above.

Legislative Libraries in Other States

Most state legislatures have their own legislative library. These resources typically are fairly small operations, designed to collect and make available a very specialized catalog of books, periodicals and government documents. Most legislative libraries offer limited reference services, with a few notable exceptions. As stated earlier, Arizona and Maine are the only legislatures that combine their legislative reference library with the state law library, making them unique among their state legislative peers.

Table 4 shows the number of staff employed in legislative libraries in this study's comparative states. The illustration also includes examples of two state legislatures (Maryland and Texas) that house a large legislative library with collections and staff rivaling and sometimes surpassing those of the LLR.

State	Staff
<i>Arizona</i>	31
<i>Arkansas</i>	1
<i>Colorado</i>	2
<i>Connecticut</i>	4
<i>Indiana</i>	0
<i>Iowa</i>	1.5
Maine	13
Maryland	24
<i>Nevada</i>	3.5
<i>New Hampshire</i>	0
<i>Oregon</i>	1
<i>Rhode Island</i>	0
<i>South Dakota</i>	1
Texas	20
<i>Utah</i>	2
<i>Vermont</i>	0
Note: Study comparison states in <i>italics</i> .	
Source: NCSL, 2005.	

The average staff size of legislative libraries in our comparative states (excluding Arizona because of its unique status as part of the state library) is just over one FTE. This staffing level reflects the limited role that most legislative libraries play in providing comprehensive collections, lending services, and research and reference work.

Legislative libraries in Maryland and Texas might compare better to Maine's LLR than libraries in our comparison states. Legislative libraries in these states hold relatively large collections, paralleling in many ways the materials made available by the LLR. For example, here is the collection statement found on the Web site of the Legislative Reference Library of Texas, which employs 20 staff:

The Library maintains a specialized collection of materials designed to support legislators in their work. Library holdings include:

- *Legislative bill files*
- *Books and reports on issues of interest to the Legislature*
- *Texas state documents — Documents published by Texas state agencies and universities include: budgets, annual reports, legislative appropriations requests, and strategic plans. The collection also includes legislative interim reports and minutes from state agency meetings.*
- *State and Federal legal collection—Texas reference books include: Gammel's Laws, Texas Statutes, General and Special Laws of Texas, House and Senate Journals, West's Texas Digest, Texas cases from the Southwestern Reporter, Texas Register, and the Texas Administrative Code. Federal holdings include: statutes from all 50 states, United States Code Annotated, Federal Register, and Code of Federal Regulation.*

The Texas legislative library also provides a clipping service similar to the one supported by the LLR. Oversight is provided to the library by a six-member Legislative Reference Library Board with a membership of legislators, including the presiding officers from each chamber.

The Maryland Office of Library and Information Services is housed within the nonpartisan Department of Legislative Services. It employs 24 staff, and its collection of 95,000 volumes is smaller than the LLR's 111,000. It provides many of the same services as the LLR, but also includes several other functions that help explain its larger staff. First, it services a public information function for the legislature, offering education briefings, staffing information desks, materials preparation and guided tours of the legislative building. Its reference staff provides extensive research backup to the General Assembly and also prepares various documents and notices, including end-of-session summaries.

Connecticut offers a final and interesting point of comparison to the LLR. The functions of the Law and Legislative Reference Unit of the Connecticut State Library are, in many ways, parallel to the LLR. Here is the unit's statement of purpose and services from its Web page:

The Law and Legislative Reference Unit maintains and provides access to comprehensive collections of legal, legislative, and public policy resources in support of the Connecticut State Library's mission to "...provide high quality library and information services to state government and the citizens of Connecticut."

We encourage you to visit the Law and Legislative Reference Unit in order to make the most effective use of our resources. The staff will help you devise and refine search strategies; use catalogs, indexes, and research guides to identify and locate pertinent library and archival resources; use the collections and electronic reference resources; and operate photocopiers and microform equipment.

The Law and Legislative Reference Unit staff responds to telephone, letter, e-mail, and fax inquiries regarding the unit's collections and services, and to brief, factual, reference questions that pertain to legal or legislative issues.

The Connecticut LLR Unit employs 11 staff. In addition to the duties and services outlined above, the unit also operates a bill room, and two of its staff are dedicated to indexing legislative bills, House and Senate proceedings and public hearings. It also maintains the archives of the Connecticut General Assembly.

The Connecticut LLR Unit is located at the State Library building across the street from the State House. In addition to services provided by the LLR Unit, the General Assembly has created a small specialized legislative library dedicated to legislative clients, with limited assistance available to the public. With only 3.5 FTEs, the Connecticut Legislative Library is organized within the nonpartisan Office of Legislative Research and is housed in the Legislative Office Building, where most members and legislative staff have offices. Its small, noncirculating collection of about 8,500 titles focuses on legislative reports, Connecticut law, selected periodicals and five newspapers.

6. REVISOR OF STATUTES

The Office of the Revisor of Statutes should streamline its bill drafting procedure and take advantage of technological improvements.

All state legislative bill drafting agencies must balance the goals of quality and speed in setting up a drafting procedure. The bills must be clear, concise, well-organized and legally sound, so that, upon passage, they can become laws of the state. However, the political nature of legislative work demands that drafting agencies produce bills swiftly after the legislator makes a bill request. Drafting agencies must work hard to meet the twin demands of quality and speed. To that end, drafting agencies need to employ highly qualified personnel, use effective and efficient drafting practices, and take advantage of technological advances.

Recommendation 18. The Office of the Revisor of Statutes should:

- **Commit its drafters to electronic drafting.**
- **Direct drafters to create “polished” first drafts.**
- **Separate editing and proofreading steps in the drafting procedure.**
- **Allow position reduction to occur naturally in the transition to electronic drafting.**

Discussion of Recommendation and Background on Maine Drafting Practices

Several legislators, in their interviews, raised the issue of examining the Revisor’s Office drafting procedures. Some of those legislators became curious when they saw some of the office proofreaders sitting around a table in groups of three reading to each other. The legislators felt that the office was using an outdated procedure for a fairly mundane task and wondered if there might be ways to streamline the office’s processes and take better advantage of technology to speed up their work.

Current Practices

The Revisor's office uses a drafting procedure that begins when a legislator makes a bill request and the drafter creates a bill draft and sends it to the technician. The technician takes the copy (usually written, sometimes electronic) provided by the drafter and puts it into proper bill form. A team of proofreaders (usually three) reviews the documents (drafter's version, technician version, drafting instructions and other materials) to look for errors. A single proofreader then reviews the work again, looking for errors. If time permits, a second single proofreader review is done.

In considering recommendations for possible changes to this procedure, there are certain key findings to keep in mind.

- The Revisor has very few drafters compared to other states, especially given their higher workload in the first year of the biennium when bill requests are much higher than in the second year (see table 5). Four attorneys, two paralegal assistants and one session-only employee draft, fewer than might be expected given their workload. Drafters are encouraged to draft well but quickly, relying on an intensive proofreader review to follow. Drafters may "cut and paste," type out a draft or otherwise use any method to create the first version of the draft. Drafters are told to move things out, not agonize over reviewing the drafts, especially at deadline times.
- At certain times of the year, as many as 25 percent of the drafts will be drafted by other legislative agencies, primarily the Office of Policy and Legal Analysis (OPLA). The drafts usually go directly to the Revisor's technicians without work or review by the Revisor's drafters. The proofreader review is even more crucial on these outside agency drafts because they are prepared by people who are not full-time drafters.
- The office proofreaders perform a range of functions, including a fairly sophisticated editing of the bill drafts. We independently examined numerous bill drafting files in the Revisor's Office. That examination indicates that the proofreaders systematically spot problems such as a failure to completely follow through on the requester's intent, proper placement of new law in the statutes, logical inconsistencies and improper use of terms. The proofreaders make key substantive corrections that clearly and positively affect quality, and the bill drafters rely on the fact that the substantive review will be made.
- The combination of the previous three factors causes the Maine Revisor of Statutes to rely more on "back end" review to achieve bill draft quality than is found in other states' drafting agencies. The other states tend to have more drafters on staff, encourage those drafters to turn in a fairly polished product, and provide editing by a single editor or reviewer.
- The new MELD (computer) system is not designed to be "drafter friendly." Even the most computer savvy of the Revisor's drafters will not be using the new MELD system in late 2005 for electronic drafting (also referred to as "online drafting" or "drafting on the computer").

- Legislators think the office does a very good job on both quality and timeliness. Legislators gave the office a 4.4 satisfaction rating on a scale of 1 to 5, which is a tie for the top-rated agency. In general, legislators think that the office does very good work.

Given these points, our recommendations focus on modifying some of the drafting procedures to take advantage of technology and some drafting practices from other states, but not undermine the good work that the office currently produces.

Commit Drafters to Electronic Drafting

Most of the comparison states (see following section for details) described themselves as using electronic drafting 94 percent to 100 percent of the time. Electronic drafting means that the initial drafters are creating their drafts electronically, either in the same system as used for the final work product or some other system such as Microsoft Word. They save their drafts and forward the draft by computer to the next person involved in the drafting process. Maine drafters gave various estimates about how much electronic drafting is done by the office drafters, but it currently is probably no more than one-third of the drafts. The other states' drafting directors are clear that committing to electronic drafting was a critically important step for them:

- "Online drafting has tremendously improved our productivity."
- "We are probably producing twice the volume of text with the same number of drafters."
- "We work less overtime in the peak periods."
- "We've reduced our secretarial positions significantly."
- "There are no drawbacks."
- "It makes it easy to make a change in a draft."
- "We can track our work better."
- "It has helped us greatly with drafting amendments."

Although the drafters in the comparison states strongly support electronic drafting now that they have it, the transition can be painful. For older, more experienced drafters, the change can be wrenching. Some states have allowed the older drafters to use their old drafting methods (such as copy, cut and paste) if they choose, but insist that new drafters draft electronically. As the older drafters retire or decide to learn the new system, the states have moved to the 94 percent to 100 percent range mentioned.

The application of these insights from other states' experiences to Maine suggests that it would be counterproductive to immediately require all drafts to be prepared electronically. The new MELD system has not been developed to foster electronic drafting. A new session is fast approaching, and there are enough worries just to get the new MELD system to work for the technicians. Rather, after the next session, the Revisor's Office should start a long-time commitment to electronic drafting that allows plenty of time for experimentation and adjustment of the MELD system. For those long-time drafters who are convinced that they don't want to draft online, they could continue their current practices, using a "mixed use"

system that other states have followed in their transition periods. This recommendation for electronic drafting is applicable only to the Revisor's office, as drafters in other legislative agencies (such as OPLA) routinely draft electronically.

Initial Drafter Should Create a Polished Draft

Drafting attorneys in the comparison states made many comments about how important it is that the initial drafter does a thorough job on a draft and attempts to harmonize all the key pieces of existing law with the changes contained in the draft. The better the quality the drafter creates in the initial bill draft, the better the final product will be. The drafter is the one person in the process who gives the most comprehensive thought to how the new bill will work when applied in the real world and how the legal issues must be solved. All the states place a high value on subsequent review and editing, but that review process is no substitute for putting the bill in as good a shape as possible in the initial drafting phase. Maine's current approach of having the drafter put out a less than "polished" draft makes sense, given the number of drafters and their present workload. However, the elimination of the office responsibility for drafting sentiments (see chapter 7) should allow drafters more time to spend on each bill drafting request, thereby complying with this recommendation for more polished initial drafting.

Separate Editing and Proofreading Steps

The comparison states generally do not combine their editing and proofreading reviews at the same step, as Maine does. The typical approach is to have one editor review the draft for issues such as grammar, style, organization, logic, consistency, clarity and numerical cross-references. Having these issues checked early in the process allows mistakes to be corrected before word processing and proofreading occur. The drafting directors and senior drafters in comparison states also told us that an editing review for these issues is complicated enough without adding proofreading in the same step. Although the Maine Revisor's staff feels that a group of three proofreading reviewers adds quality to the review, the comparison states typically use one editor for the editing process (with one or two reviews, depending on the state and certain variables) and then later use two proofreaders for a separate proofreading process.

We recommend that Maine separate the editing and proofreading processes. Our examination of the Revisor's bill files indicates that the current proofreaders have tremendous talent in finding the problems in bill drafts relating to grammar, style, organization, logic, consistency, clarity and numerical cross-references. The more experienced proofreaders could fill the editor roles without further training. The states vary on whether they use a single or double editing process, and we suggest that the Maine Revisor's Office experiment with different editing procedures until it finds an acceptable process. Simple drafts, drafts by experienced drafters and rush drafts might more logically use a single review, while complicated drafts, drafts by inexperienced drafters and "non-rush"

drafts might use a review by two editors. The two-editor review would be consecutive reviews by each editor working alone.

Allow Position Reduction to Occur Naturally in the Transition to Electronic Drafting

We do not recommend any position reductions in the Revisor's Office as a result of this study. Other states indicate that they have been able to decrease the number of word processing or technician positions after implementing electronic drafting procedures, but those changes did not occur overnight. Over time, by revising the drafting process, increasing the commitment to electronic drafting, and taking time to test and improve the MELD system, the office will likely be able to reduce some of its positions. All these changes should be guided by keeping the very high-quality drafting standards that the office traditionally has followed. The experience in the comparison states shows that a commitment to electronic drafting ultimately will improve quality, efficiency and productivity.

Interviews from Comparison States

We conducted interviews with drafting directors and senior drafters from the comparison states of Arizona, Arkansas, Colorado, Iowa, Indiana, Maine, Nevada, New Hampshire, Ohio and Oregon. The drafting statistics they shared are noted in table 5. The interviews indicated some similarities and differences in creating bill drafting procedures.

State	Annual Bill Drafts	Number of Drafters	Average Drafter Bill Workload	Percentage of Electronic Drafting
Arizona	1,870	9	207.7	98%
Arkansas	1,680	11	152.7	33%
Colorado	1,078	25	43.1	100%
Iowa	2,525	16	157.8	94%
Indiana	1,683	22.5	74.8	100%
Maine	1,036 (777)	7	111	"Relatively few" (no % estimate)
Nevada	1,581	31	51	100%
New Hampshire	1,000	6	166.7	"Much of it" (no % estimate)
Ohio	2,118	38	55.7	0%
Oregon	2,000	13	153.8	100%

Notes:
Arkansas figures exclude fiscal bills and fiscal drafters.
Indiana annual bill draft figures are approximate, and an average yearly figure is based on the most recent two-year biennium.
Maine annual bill draft figures are an average yearly figure based on the most recent two-year biennium. The parentheses indicate the approximate number drafted by drafters (attorneys, contract attorney and paralegals) in the Revisor's Office, and the average workload includes only drafters in the Revisor's Office. The average bill drafting workload is much higher in the first year of the biennium and much lower in the second year of the biennium, when bill drafts are restricted.
New Hampshire figures are approximate and include resolutions.
Oregon annual bill draft figures are approximate, and the yearly figure is an average based on the most recent two-year biennium.

States vary on the type of tasks drafters may handle in addition to bill drafting, such as code revision and committee staffing.
Source: NCSL, 2005.

Electronic Drafting

Almost all the comparison states have committed to electronic drafting by their drafters. Ohio does not use this approach, and Arkansas is just starting its conversion to electronic drafting, but all the others are in the 94 percent to 100 percent range. As indicated in the earlier recommendation discussion, the drafting directors are positive about the benefits of this method. From their perspective, there is no going back. There is a definite adjustment period, but once this is finished the quality and productivity are better than they were before. The South Dakota director indicated that he was initially skeptical of making the change, as he thought it would be a waste of time to have drafters doing so much "keystroking." Now that they are experienced, drafters are very quick in using their computers for drafting. Newly hired drafters come to the profession expecting full use of technology.

Editing

The states vary widely in exactly how they edit bill drafts, but they all use some form of review by someone other than the person who drafted the bill. Some states, such as Iowa and South Dakota, use a senior drafter to review the office's drafts. Others, such as Indiana and Oregon, use editors who have experience looking for the kinds of problems that typically can occur in the drafting process. Some states vary the number of editing steps using a more thorough review for new drafters and complicated drafts and a faster review for experienced drafters and simple drafts.

Both systems (review by a senior drafter or editor) can work well, and some states use a combination of the two approaches. The key factor, according to the directors, is that the reviewers should be well-trained and should have drafting manuals and other memoranda or guidelines to help them make editing decisions. Further, drafting directors think it is crucial for them to stress to all staff the importance of the editing process and to urge drafters and reviewers to work in a collegial fashion.

Workload

The annual drafting statistics show a huge variance in the annual average bill-drafting workload that individual drafters carry in the various states. The average workloads range from 43 in Colorado to 207 in Arizona. The variables that affected workload included length of session, use of bill request limits and deadlines, length and complexity of bills, the types of other duties that drafters perform, legislator expectations and availability of funding. The drafting directors had no strong insights about workload, although they believe that, when the workload is on the high end of the range, quality can definitely suffer.

7. SENTIMENTS

The Maine Legislature spends too much time and too many resources on legislative sentiments.

State legislatures express congratulations, commendation or sympathy through a variety of documents. These ceremonial instruments—called “sentiments” or “in memoriam resolutions” in Maine—cover everything from anniversaries to condolences to sports victories.

Although the individuals or organizations may deserve recognition, legislatures are finding the cost—in time and dollars—of processing congratulatory instruments to be prohibitive. As a result, many legislative chambers have implemented ways to save valuable time, minimize the interruption of floor sessions and reduce production costs.

Although the Maine Legislature has taken some strides to streamline its procedures for sentiments and memoriam resolutions, it should go further. NCSL believes it should change its procedures for expressing congratulations or sympathy to:

- Maintain the meaning and importance of such expressions of legislative sentiment,
- Improve legislative efficiency, and
- Save money.

Maine Procedures for Courtesy Resolutions

Maine Joint Rule 213 currently states:

All expressions of legislative sentiment must conform to guidelines issued by the President of the Senate and the Speaker of the House and must be presented in a manner standardized by the Revisor of Statutes.

Each expression of legislative sentiment must contain the residency of the recipient and must, at a minimum, be cosponsored by the Senator and

Representative who represent the recipient unless the Senator or Representative affirmatively declines.

The expressions of legislative sentiment may not be part of the permanent journal or the legislative record but must appear on the Advance Calendar and Journal of each body. The Secretary of the Senate and the Clerk of the House shall print the expressions in an appendix to the legislative record. When the Legislature is not in session, the President of the Senate and the Speaker of the House may authorize expressions of legislative sentiment at the request of legislative members.

The current guidelines established pursuant to Joint Rule 213 are attached (see appendix E). The guidelines specify the subjects for which sentiments may—and may not—be used.

These guidelines are meant to control the processing and printing costs of sentiments or memoriam resolutions; however, the number of sentiments is increasing. During our interviews, individuals reported that “as many as 1,800 sentiments or memoriam resolutions are processed during a legislative session.” (The actual yearly average is 1,483; see table 6).

Chamber	2000	2001	2002	2003	2004	2005	Average
Senate		577	456	451	311	846	528
House	750	803	809	1,000	837	1,531	955
Total	750	1,340	1,265	1,451	1,148	2,377	1,483

Recommendation 19. The Maine Legislature should use a legislative citation or certificate—which does not require drafting, introduction, committee hearing, floor debate or vote—as the main instrument for expressing commendation, condolences, appreciation or congratulations.

Although individuals or organizations may deserve recognition, the Maine Legislature may find it more efficient and cost effective to change the document format used to honor them.

Sentiments currently are drafted by the Revisor’s Office, may be referred to committee, and may be considered on the floor. Significant savings may be found by switching to a format—such as a citation or certificate—that reduces the number of ceremonial resolutions that receive such formal treatment. For example, if drafters spend an average of 30 minutes on each sentiment and 1,000 sentiments are processed each year, the Revisor’s Office staff spends 500 hours per year writing sentiments. A change to a simpler, “non-drafted” format for sentiments would free this drafting time for work on substantive policy bills and amendments. It also would save editing and word processing time in the Revisor’s Office and time in committee and on the floor.

The Maine Legislature (or the Senate and House separately) should design a legislative certificate. The document should be a single page and suitable for framing. The style could be similar to the examples from the Louisiana House and Virginia Senate shown as appendices F–I.

By using a certificate with a simple, uniform design, document processing becomes much easier. No elaborate statements are drafted; only the necessary names and events must be entered. The data entry and printing may be done either by staff in the offices of the Senate secretary or House clerk or by caucus staff. Typically, if the processing is done by the offices of the Senate secretary or House clerk, it is slightly more formal—the certificates are numbered, recorded into a log and thus can be “tracked.” If done by caucus staff, no records of the certificates issued often are kept, so no historical documentation is created.

The Legislature already has seen a loss of institutional memory due to term limits. Therefore, we suggest that the Maine Legislature use the slightly more formal process, which centralizes sentiment processing within the offices of the Senate secretary and House clerk, creates a log of sentiments issued, allows tracking and maintains historical records.

Recommendation 20. The Maine Legislature should strengthen chamber rules to restrict the use of formally drafted ceremonial resolutions.

The current guidelines for sentiments allow sentiments to be issued for:

- The death of a prominent local or state figure
- Wedding anniversaries of 50 or more years
- Top 10 lists for high school honors and honor rolls
- Birthdays of 75 years or more at five-year intervals
- Birthdays over age 100 at yearly intervals
- Sports honors and awards
- Eagle Scout
- Gold and Silver Girl Scout
- Chamber of Commerce awards
- Civic appreciations, congratulations and acknowledgements
- First and second place pageant and athletic awards
-

The guidelines also were established “to ensure that sentiments are not trivialized so that their meaning and importance is lost.” Unfortunately, the guidelines do not seem to be fulfilling their mission. In our interviews and surveys, several individuals noted that sentiments are being used so often that they have lost their significance and purpose—serious recognition.

Circumstances undoubtedly exist under which the Legislature may wish to present a formal (drafted) ceremonial resolution. We recommend, however, that the Maine Legislature adopt rules that restrict the use of such resolutions—either by limiting for whom, what, or how many may be requested.

The Legislature could more narrowly define for whom or for what such formal resolutions may be used. For example, use formal ceremonial resolutions to honor only those individuals listed below. For any other person or purpose, a legislative certificate would be used.

- Former or current members of the Maine Legislature
- Former or current members of the State Supreme Judicial Court
- Former or current federal or statewide elected officials
- A person or group from Maine for an international or national meritorious achievement
-

As an alternative, if the Legislature does not wish to change the individuals or events for which a drafted sentiment may be used, it could simply limit the number that each legislator may request—as is done in several legislatures. For example, in the Colorado General Assembly (which has 35 senators and 65 representatives), no member of the Senate may introduce more than three sentiments during any regular or special session, nor may any member of the House introduce more than two. In the Nebraska Unicameral Legislature (which has 49 legislators), each member is limited to eight per session. Since the Maine Legislature is relatively large in size (186 total legislators), however, the limit per member must be relatively small in order to make a significant reduction in the total number of ceremonial resolutions. If the Maine Legislature instituted restrictions the same as Colorado's, the maximum number of drafted ceremonial resolutions would be 407—that is, 105 by senators (3 x 35) and 302 by representatives (2 x 151).

Of course, the Legislature could choose to do both—that is, restrict the events for which a formal ceremonial resolution may be used **and** limit the number that each legislator may request.

Courtesy Resolutions in Other State Legislatures

The American Society of Legislative Clerks and Secretaries (ASLCS) surveyed its members about personal, congratulatory or courtesy resolutions in 1988 and 2002. We also reviewed current legislative rules to gather more information on the topic. The ASLCS surveys and our investigations show a national trend to change the processing of these legislative documents in order to improve legislative efficiency and save money. Provided below are examples of how this is being done.

Using Citations, Tributes or Certificates

Many legislatures have switched the format through which they offer recognition or sympathy. Simple citations, tributes or certificates are being used more frequently.

For example, the Kentucky Senate and House Rules establish a "Legislative Citation" as the mechanism to extend commendation, condolences or congratulations. The rules also specify

that citations may not be used for “procedural matters, matters of a controversial or partisan political nature, nor in place of resolutions memorializing the U.S. Congress.” They specify that each citation is “prepared in a single copy on an artistically designed form, suitable for framing, shall bear the signature of the sponsor and the name of the person or event cited ...”

New Mexico Joint Rule 6-1 states, “The legislative instrument for official expression of condolence by either house in case of death or sickness and for congratulatory messages and acknowledgements of achievement shall be a certificate of a design which is both appropriate and aesthetically sensitive to the expression being extended and to the dignity of the legislature, which certificate for each category of expression shall be uniform in design and expression except for necessary names, addresses and dates.”

Utah Senate and House Rules specify, “Legislators shall use the legislative citation form exclusively” to express the commendation or condolence of the Legislature, Senate or House.

The Virginia Senate and House also use certificates.

Restricting the Drafting or Use of Ceremonial Resolutions

To maintain the “value” of ceremonial resolutions, many legislative chambers have adopted rules that restrict (or attempt to limit) their use.

For example, although Illinois House Rule 16 permits any member to file a congratulatory resolution for consideration by the House, there is a caveat. The principal sponsor must pay a reasonable fee—determined by the House clerk with the approval of the speaker—to offset the actual cost of producing the congratulatory resolution. The provision that requires the sponsor to pay the fee may not be suspended.

The Illinois House is not alone in charging for production. In the Louisiana House, members who want a resolution in an official presentation form can have it printed on parchment paper and placed in a nice binder at a cost of \$2.25 per copy. In the Missouri House, a member must pay for any extra copies of congratulatory resolutions from his or her office expense account.

The Michigan Senate limits the drafting of ceremonial resolutions to those for statewide elected officers and former members. Tributes—which do not come before the body—are used as the main format for the recognition of other individuals or groups.

New Mexico Joint Rule 6-1 specifies, “No bill, resolution or memorial shall be used for official expressions of condolence, congratulations or acknowledgements of achievement.” As previously noted, the rule also establishes a certificate as the legislative instrument for these purposes.

The North Carolina House excludes from introduction and consideration “all memorializing, celebration, commendation and commemoration resolutions, except those honoring the memory of deceased persons.”

In the North Dakota Senate and House, a commendatory resolution is allowed only if it honors a person or group for an achievement that has brought national attention or recognition. The Pennsylvania House has a similar restriction—the person or group must have won first place in a state or national contest.

The Rhode Island Senate restricts to one day of the week the time that resolutions of congratulations, sympathy or condolences may be considered, except if the resolution is for “former or present members of the General Assembly, general officers, members of the judiciary, and elected state or federal officials.”

The Delaware and West Virginia houses have rules that define the types or classes of resolutions. Delaware House Rule 17 describes simple resolutions (that deal with the internal affairs of the House only); concurrent resolutions (that “achieve the same purpose in relation to the General Assembly that the simple resolution achieves for either the House or Senate singly”); and joint resolutions (the most formal type of resolution, which address matters outside the internal affairs of the General Assembly or either chamber and may have the force of law for limited purposes). The rule also sets forth the process by which members may issue tributes and memoriams.

West Virginia Rule 108 defines its three classes of resolutions—joint, concurrent and House—and the general purposes for each. In addition, House Rule 108a sets forth a stricter policy for concurrent and House resolutions; it states:

It is hereby declared to be the policy of the House of Delegates that concurrent and house resolutions be limited to the general purposes set forth in subdivisions (2) and (3) of Rule 108 and shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Such resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: Provided, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

Before any concurrent or house resolution is filed with the Clerk for introduction, it shall be submitted to the Committee on Rules for determination of compliance with this rule and no such resolution shall be introduced without the approval of said committee.

8. THE CONSTITUENT SERVICES UNIT

Legislator demand for constituent service assistance from staff is on the rise. The Maine Legislature currently uses a caucus-based system of staff support on constituent problems. NCSL believes that an alternative approach could improve the effectiveness of Maine's constituent services and also reduce the overall cost of providing that service.

Constituent services is a growth area for state legislatures across the nation. There is no single, identifiable reason for this trend. The traditionally strong constituent service roles of U.S. House members probably has rubbed off on state legislators. There also may be a reelection motive at the heart of constituent case work as state legislative seats become more desirable and as campaigns for these seats become more competitive. The Internet, e-mail and other newer forms of communication also enhance the ability of citizens to reach their legislative representatives about problems they have with government programs and services.

Whatever the cause, it is clear that legislative staff are spending more time helping legislators with their constituents' concerns. It also seems clear that, once a legislature commits staff resources to constituent service, there is little turning back. Legislators and citizens come to depend upon the service and to expect it. Legislators find its benefits irresistible, both in terms of those derived for citizens and in terms of the good will that an effective constituent service operation can produce.

Citizens in Maine are close to their government and to their legislators. They should expect help from the Legislature with problems that they cannot solve through normal channels of state government. In response, Maine legislators have turned to their partisan caucus staff for help. This is logical and consistent with the way many state legislatures structure their constituent service process. Caucus staff tend to be closest to the members, who have confidence that their partisan aides will follow through on constituent problems carefully and expeditiously.

Maine legislators indicate a high level of satisfaction with the performance of their partisan staff and are satisfied with their work on constituent problems. Unfortunately, this approach

to staffing constituent services also is costly and somewhat inefficient. The partisan staff offices are doing a good job on constituent casework. NCSL believes there is an even better way to get this work done.

As currently practiced in Maine, constituent service work is performed by all four caucus offices and, to some extent, by the leadership staff offices. A part-time staff person for the Green party also provides constituent support. This arrangement has three key weaknesses. First, it allows for some unavoidable level of duplication. One office may not know that another is working on the same issue or even the same constituent problem. The decentralized approach makes it difficult to share that knowledge. Second, staff who currently work on constituent relations have limited ability to develop expertise in critical subject areas. Turnover among caucus staff is higher than in most other staff offices, and the expertise that does develop can be lost at the next election. Finally, the current approach provides little opportunity to learn from past experiences or to develop strategies for getting better at performing constituent service tasks.

NCSL believes that the Maine Legislature could restructure its approach to staffing constituent services to cut costs and make the service more effective. A few state legislatures have created central, nonpartisan professional constituent service offices that are very successful. Maine could adopt this more centralized approach and provide a more responsive service to its legislators and citizens.

Recommendation 21. The Maine Legislature should create a nonpartisan Constituent Services Unit (CSU), organized within the current Office of Policy and Legal Analysis. The CSU should be staffed with six full-time analysts, one of whom would serve as manager of the unit. The partisan staff offices should be reduced by a total of 10 FTEs, contributing six to the new CSU, with the remaining four FTEs eliminated and contributed to savings in the legislative budget.

NCSL's interviews and survey work make it clear that constituent service is the most prominent activity of "legislative aides" who work for the caucus offices. These staff also provide a range of other services to their members, including media relations, speechwriting, legislation tracking, policy research, constituent outreach and general clerical support.

NCSL believes that the bulk of the constituent service workload of all the caucuses could be transferred to a new nonpartisan, professional and full-time staff of six constituent service experts. This new Constituent Services Unit, to be organized within the current Office of Policy and Legal Analysis, would develop subject expertise, form critical and long-term relationships with key public service providers, maintain records of their workload, and establish a base of institutional memory on the best ways to handle constituent problems. Legislators would receive better service on constituent problems, and citizens would receive better service from the Legislature on these matters. All this could be achieved without sacrificing the important link between a member and his or her constituent and at a savings in total staffing for the Legislature.

It is interesting to note that the Maine Legislature might have been a pioneer in this area had it followed through on an idea that it placed in law in 1973 (P.L. 1973, Ch. 590, Sec. 12). That year, the Legislature created a "Constituent Services Officer" whose duties would include the development of a nonpartisan constituent service function for the Legislature. The law included this provision:

The constituent services officer shall perform the following functions and duties.

Constituent service. Receive, from any member of the Legislature or from any legislative committee, any inquiry or complaint concerning services which may or may not be provided by any governmental unit within the State of Maine. Such inquiry or complaint shall be investigated, processed and answered in accordance with procedures which may be established by the Legislative Council.

As far as NCSL can determine, the constituent services position never was filled. However, the 1973 initiative was a visionary idea. NCSL believes that the time is right for its implementation.

The Maine Constituent Services Unit

The Maine Constituent Services Unit will be part of the new Maine Legislative Services Agency (see chapter 3) and organized within MLSA's division of research and committee services (currently the Office of Policy and Legal Analysis). The CSU will have six full-time employees. One of the six will serve as manager of the unit and one of the six will provide clerical support in addition to other duties. This model is based on similar nonpartisan constituent service offices that have operated successfully for many years at legislatures in Arkansas, Kentucky and Nevada (see discussion below for more detail on these operations).

The Constituent Services Unit will have the following advantages over the current, caucus-based approach to constituent service support:

- The productivity of a full-time, professional staff dedicated to constituent service activities.
- Reduced turnover of staff who conduct constituent service, meaning better retention of institutional memory—a critical advantage in a term-limited legislature.
- A full-time constituent services manager responsible for balancing staff workloads, ferreting out duplication of effort, identifying trends, and developing strategies that help legislators deal more effectively with constituent service demands.
- The ability to develop an automated recordkeeping system of constituent requests to help CSU staff learn from past activities, generate periodic reports for members on requests from their districts, and identify trends and "hot spots" in state government services.
- Accountability to members and to the Legislature for performance and for designing strategies for continuous improvement of services.

- Better and quicker service for citizens, reflecting favorably on legislators and the Legislature.
- Better service from partisan staff who are freed from constituent casework and able to concentrate on other critical legislator needs.
- Lower overall cost to the Legislature.

Full-Time Constituent Services Staff

The Maine Legislature has the opportunity to develop a professional core of constituent relations specialists dedicated only to the resolution of constituent requests for help with government services. These professionals will develop critical expertise on common citizen problems and on the best courses of action for solving those problems. By maintaining this core of experts, the Legislature will build stronger relations over time with important service providers at all levels of government. Ultimately, good constituent case work relies upon knowing whom to call and being able to get a favorable response when the call is made. This requires relationship building and the development and maintenance of institutional memory. A dedicated, nonpartisan, professional staff can do this better than one that has other, competing responsibilities and higher turnover.

Full-Time Constituent Service Manager

The Maine Legislature's current decentralized approach to conducting constituent services lacks leadership and a vision for making those services better. A manager of constituent services will fill that void and provide a more streamlined and efficient service for members and citizens. The CSU manager will perform constituent casework duties, and also will have these important leadership responsibilities and expectations:

- Train CSU staff in skills critical to effective constituent casework;
- Develop office policies and describe the mission of the CSU and its commitment to professionalism, confidentiality and quality;
- Manage office workload to ensure efficient use of resources;
- Develop systems for recording and tracking requests and for the creation of customized reports for members;
- Perform outreach to caucus offices and members, describing CSU services and how to use them effectively; and
- Conceptualize and implement new, proactive strategies and tools that help legislators solve constituents' problems.

The manager of constituent services will play a key role in helping legislators of all political parties and caucus staff understand the new nonpartisan service and to trust it to conduct constituent casework effectively, confidentially and in manner that honors the relationship of legislators and the citizens in their districts.

Recordkeeping and Reporting

Most organizations that field client requests for assistance record those requests in some sort of database that allows staff to measure and track their workload, retrieve information useful for subsequent requests, and generate reports that help identify trends or strategic opportunities. For example, the Maine State Law and Legislative Reference Library keeps detailed annual data on library patrons that helps them match their services and collection to client demands. NCSL enters information request data into a system that allows request tracking, retrieval, and production of workload reports and data on how states are using the organization's services.

Currently, the Maine Legislature is not learning from its constituent services workload. NCSL was unable to determine that any data was being retained on constituent problems in a manner that made that data useful for analysis or planning. The new CSU, working with the Legislature's information technology staff, will be able to develop a database for these purposes. This database has particular application for legislators who will be able to ask the CSU for regular or periodic reports about the volume, source and nature of constituent requests in their districts. Over time, legislators will be able to monitor trends and identify recurring problems that require legislative attention.

Accountability and Better Constituent Service

The Constituent Service Unit will have one job—to deliver world-class constituent service on behalf of Maine legislators. This focused mission also implies accountability. By setting clear goals for the unit and establishing a regular process for reporting, evaluation and feedback, the Legislature and Legislative Council will be able to measure how well the CSU is meeting its promise. Legislators who use the new service will have an immediate sense of CSU performance. The Legislative Council, through its oversight of nonpartisan staff offices, will find it easier to assess the performance of a constituent service function that is conveniently located in one place rather than in four or five.

One primary challenge posed by this change from partisan to nonpartisan constituent service support is the ability to obtain support and confidence in the idea from members of all political parties. Each legislator will ask whether this office can respond effectively to the issue nuances and special circumstances of constituents in his or her district.

Can the CSU staff represent all legislators and respond to citizens in all districts with equal sensitivity, care and effectiveness? Based on experiences of similar offices in other state legislatures, the answer is an unequivocal yes. The keys to success are:

- Recruitment of high-quality CSU employees who possess critical communication skills, common sense and mature judgment;
- Development of policies and procedures that protect confidentiality and promote quality and equal service for all requests;

- Routine training on those policies and on the key skills required for the job;
- An effective CSU manager who communicates and exemplifies important office values and skills; and
- Strong oversight by the Legislative Council to ensure that the CSU operation is meeting its objectives.

These keys to success are not outside the reach of the Maine Legislature. Each is achievable. The Maine Legislature enjoys a long and successful tradition of nonpartisan staff support. NCSL sees no reason that an effective constituent relations operation cannot become part of that impressive tradition.

More Focused Partisan Staff

NCSL believes that relieving the partisan staff offices of their constituent casework also will make those offices more effective. Although the majority and minority caucuses offices will give up one or more position to accommodate the creation of the CSU, they also will be able to focus their remaining complement of staff on other, more "partisan" services. Matters such as media relations, speechwriting, talking points, bill tracking, constituent outreach (letters, mailers, newsletters, Websites, etc.) can move to the forefront in partisan offices.

When a partisan office receives a constituent request, it will be able to forward it to the CSU knowing that the request will be handled professionally, confidentially, expeditiously and on behalf of the appropriate legislator. This last point is important. The CSU will essentially be invisible to citizens. Its work will be on behalf of legislators and their partisan staff offices. All work at the CSU will be credited to the appropriate legislator. There will be no CSU letterhead. Citizens who receive help from the CSU only will know that they got great service from their state legislator.

Lower Cost to the Legislature

NCSL proposes that the new Constituent Service Unit (CSU) be funded through a transfer of FTEs from the partisan offices to the new CSU. However, because the CSU will specialize in constituent service matters, it will be more efficient than the current caucus-based approach. Therefore, NCSL believes that it is feasible for the caucuses to contribute 10 FTEs to the proposal, but that only six positions need to be funded at the CSU. The efficiency gains realized through creation of the CSU should allow the Legislature to cut its overall staffing by four FTEs, while improving overall service.

It is important to add that this transfer of resources from the partisan offices to the new CSU concerns FTEs, not current employees. That is, NCSL is *not* recommending that current partisan staff employees be transferred to work at the CSU. In fact, this would be a serious mistake. The new CSU must be staffed with employees who are clear of any partisan label so that they can work alternatively for one party or another, and also with equal trust from

members of both chambers. It is critical to the success of the CSU that it enjoy strong recognition from legislators as a nonpartisan office.

According to figures requested from the Council's personnel office, the average cost (salary and benefits) of a caucus legislative aide is \$70,000. The shift in resources and workload described above can save the Legislature approximately \$280,000 per year.

The proposal for transfer of FTEs presented in table 7 seeks to evenly distribute staff reductions at the various partisan offices. NCSL believes that these caucus staff reductions will not harm the level or quality of staff services available to legislators.

Office	Current Full-Time Staff Allocation*	FTE Staff Reductions	Post-Reduction Full-Time Staff Allocation
Office of the Speaker	7	1	6
House Majority Office	11	3	8
House Minority Office	9	2	7
Office of the President	6	1	5
Senate Majority Office	7	2	5
Senate Minority Office	5	1	4
Totals	45	10	35

Source: Data provided by Maine Legislative Council Human Resources Office, November 2005.

In summary, NCSL recommends the following strategy for creating the new Constituent Services Unit:

- Reduce staff allocations to the partisan staff offices by a total of ten 10 FTEs (see table 7);
- Allocate six of the FTEs derived from the partisan offices to the new Constituent Services Unit (but not actual employees from those offices);
- Eliminate four of the FTEs (as savings to the Legislative budget);
- Hire people to fill the six new nonpartisan CSU positions who possess appropriate job qualifications.

What the CSU Does Not Do

Constituent service offices in other states have found that it is important to actively market their services to legislators. These offices find it equally important to clearly articulate what services they **do not** provide. The performance of a constituent service operation can be seriously diminished when it is asked to provide help in areas outside its central mission.

The Maine Constituent Services Unit will help citizens resolve problems they are having with government programs and services. The CSU and its staff will not:

- Investigate or evaluate other government offices or their services;
- Write speeches, conduct research, prepare newsletters, answer general correspondence, provide clerical assistance, or perform for legislators other office duties that are not related to the resolution of a constituent problem;
- Draft legislation or prepare congratulatory citations;
- Appear in official capacity at political functions;
- Represent a legislator at a meeting or other public event;
- Track the progress of bills or otherwise monitor the legislative process; or
- Prepare or distribute reports, pamphlets, newsletters or other documents that are not consistent with the mission of the office.

Nonpartisan Constituent Services Offices in Other State Legislatures

Nonpartisan staff, especially committee and research staff, have always provided some small level of constituent help to legislators. It is an unavoidable and usually appropriate part of the job. However, as constituent casework has increased in state legislatures, it typically has become the responsibility of partisan staff.

A few state legislatures, recognizing the constituent services trend, have taken a more novel approach to the challenge, creating nonpartisan offices similar to the one NCSL recommends for Maine. The following descriptions profile nonpartisan constituent services offices in three states.

Arkansas Senate

The Arkansas Senate Constituency Services Office (CSO) was created in 1995. It is staffed by a director, two "constituent advisors," an administrative assistant and an attorney who also has other duties in the Senate. The staff are organized around topic areas, and the director assigns casework to them. Request data is managed in an ACCESS database designed by the director. Here is the mission statement for the office:

To provide nonpartisan assistance to all Members of the Arkansas Senate in helping their constituents resolve problems and concerns through the provision of professional and comprehensive casework, limited legal services, and administrative support.

The Arkansas CSO handles about 1,200 constituent cases each year. It has become a trusted source of staff support by members of both parties. The staff is careful to credit its work to

the appropriate senator and, according to the director “everything goes out over a senator’s signature ... we identify our call [to a constituent] on behalf of the senator.”

In the beginning stages of its operation, the Arkansas CSO realized that senators would naturally ask them to provide service outside its mission. The office therefore developed a policies and procedures statement that includes a section on “services **not** provided.”

Services **not** provided:

1. Any request of a personal, political, or partisan nature.
2. Research, legal or otherwise, for any private business or law or other practice.
3. Contacting a presiding judge or administrative hearing officer for the purpose influencing her/his decision on a pending case.
4. Drafting bills and amendments.
5. Investigation of or research on an individual.
6. Research on a matter that is the subject of or otherwise related to current or pending litigation to which the person requesting the information is a party.

The director of the Arkansas office reports to the Senate chief of staff and the Senate Efficiency Committee. A similar office operates in the House, but it performs many other duties in addition to constituent services.

Kentucky

The Kentucky Office of Constituent Services is a seven-person, central, nonpartisan operation organized within the Legislature’s Legislative Research Commission (LRC) staff structure. It has been in operation since 1983, making it the oldest nonpartisan legislative constituent service office in the nation. The office works for all legislators and handles about 3,500 requests per year. All work is referred to the office by legislators. The staff does not take calls directly from the public. All constituent contact is made on behalf of the appropriate legislator, and written responses to citizens go out on a member’s letterhead.

Recordkeeping is managed on a software system designed by the legislature’s information technology staff. The software assigns sequential numbers to requests as they are received; provides for input of the name of the requestor, constituent contact information, description of the action taken in response to the request; and allows tracking of workload volume and pending (open) cases.

The office reports directly to the director of the LRC staff.

Nevada

The Nevada Constituent Services Unit, created in 1999, is organized within the research division of the nonpartisan Legislative Counsel Bureau staff. The unit employs eight staff, including a director. The Nevada CSU enjoys a strong relationship with Nevada legislators. The unit keeps a file of member stationary for its use on requests, and some legislators allow the office to use their electronic signature on correspondence. According the unit's director, most legislators allow the office to respond to citizens using the member's e-mail address. Some legislators route all their constituent e-mail directly to the unit.

The Nevada CSU uses a standard form to take initial requests, and it takes requests directly from the public. The organization of the office within the research division of the nonpartisan staff benefits the work of the unit, according to its director, providing additional resources to support its work.

The Nevada Legislature meets on a biennial session calendar—one session year in every two-year cycle. The CSU handles approximately 5,400 requests per biennium, with the bulk received in the session year.

9. THE LEGISLATIVE INFORMATION OFFICE

The functions and staff of the Legislative Information Office could be redeployed to improve service to legislators and the public.

The Legislative Information Office (LIO) is organized within the Office of Legislative Information Services (LIS)—the Legislature’s information technology department. The LIO includes two staff groups: 1) the 15 session-only committee clerks to the joint committees; and 2) the staff (3.5 FTEs) who work on “public information” activities, including bill status and tracking and staffing two information desks. The LIO staff are supervised by a manager.

LIO work has some connection to the roles of the Legislature’s IT staff, but the organizational placement of LIO functions within LIS is less than optimal. NCSL believes that a realignment of LIO staff could benefit the Legislature and support the success of the new Maine Legislative Service Agency described earlier in this report.

Recommendation 22. The Legislative Information Office should be discontinued and its two main functions reorganized as follows:

- The session-only committee clerks should be transferred to the Office of Policy and Legal Analysis. Committee clerks should be hired by OPLA.
- The Legislative Information Manager, the three FTE Legislative Information Assistants and the part-time Legislative Information Associate should be transferred to the Office of the Executive Director. Efforts should be made to enhance the public information activities of these staff and to eliminate duplication with other offices in the areas of bill status and tracking, data entry, and reporting.

Recommendation 23. The Maine Legislature should reexamine its policy that pays year-round benefits to session-only employees.

Committee Clerks

The organizational placement of the committee clerks within the Office of Legislative Information Systems is not logical. In addition, current hiring practices for these staff can introduce partisanship, or at least the perception of it, into what should be a nonpartisan function.

Committee work is the heartbeat of state legislatures. This famous remark about Congress by President Woodrow Wilson has equal relevance to state legislatures:

... Congress in its committee rooms is Congress at work.

Maine's joint committees provide an important communication bridge between House and Senate members and offer the state's citizens their best opportunity to participate in the legislative process. The joint committees do the hard work of the Legislature, and service on them is a key feature of a legislator's lawmaking experience.

State legislatures, recognizing the fundamental importance of good committee work, almost universally support their committee activities with staff resources—both professional and administrative. In Maine, the nonpartisan Office of Policy and Legal Analysis and the Office of Fiscal and Program Review are the main sources of professional committee staff expertise for the Legislature. This staffing approach is common in legislatures similar to Maine's.

Professional committee staff "experts" typically are the high-profile members of a committee staffing corps, and often too little credit and recognition are afforded to the administrative "clerks" who make sure the committees operate efficiently and in concert with the needs of the committee chair, members and public. Committee clerks who do their job well make a contribution to the legislative process equal to that of any legislative staff.

NCSL believes that Maine's system for providing clerks to the committees is a good one. However, a few significant changes have the potential to make the system better and more reliable.

Move the Committee Clerks to OPLA

The current organizational location of the committee clerks does not make sense. NCSL knows of no state legislature that houses its committee clerks within its information technology office. A more productive placement would be at the Office of Policy and Legal Analysis. OPLA provides professional staff support to most joint committees. By placing the committee clerks within the same organization, the OPLA director can maximize coordination of staff services to the Legislature's committees. The combination also should foster a stronger sense of teamwork and interdependence between the committee staff professionals and the committee clerks.

The committee clerk operation will continue to require a manager to oversee hiring, training, scheduling and performance review. This supervisor role could be filled by the deputy

director at OPLA. The current LIO manager FTE should be combined with the remaining 3.5 FTE public information staff to form a new office of public information within the executive director's office (see further discussion below).

The transfer of committee clerks to OPLA also has benefits for the Office of Legislative Information Services. The Legislature's IT function and services need to focus on key strategic issues. The LIS director should be freed from concerns about committee operations to concentrate his or her energy on IT implementation and strategy.

Change Hiring Process for Committee Clerks

Committee clerks currently are hired by the presiding offices (based on the recommendation of the committee chairs), and supervision is shared between the chairs and the LIO manager. This mild form of patronage hiring seems to work fairly well. NCSL interviews indicate that, in general, committee clerks are qualified and good at their work. However, a more merit-based and nonpartisan hiring approach would produce a more consistent corps of clerk talent. It also would protect the nonpartisan staff offices from any suggestion of partisan influence.

The current hiring process for committee clerks should be changed. The OPLA deputy director (as manager of the committee clerks), in consultation with the OPLA director, should hire all committee clerks based on clearly articulated job qualifications and the criteria set out in Maine law "To appoint...qualified persons to legislative staff positions based solely on their ability to perform their duties and without regard to party affiliation." NCSL believes it is important that the hiring of committee clerks be subject to the same requirements as all other nonpartisan employees.

Many state legislatures maintain a strictly nonpartisan approach to both committee professionals and clerks. In most of these states, this requires a careful balancing of nonpartisan objectives with the needs and preferences of committee chairs. Managers of committee staff must be knowledgeable about each chair's interests and style and do the best possible job of creating an effective match between staff and the committees. The key is to establish a record of effective committee staffing that earns the trust and confidence of legislators. This kind of record is built by hiring, training and retaining the best possible employees. Maine's nonpartisan legislative staff have earned this trust for its professional committee work. NCSL believes the same model can work for the committee clerks.

Public Information

The Maine Legislature employs 3.5 FTEs in what it calls a public information office. The manager of the Legislative Information Office supervises these staff, in addition to the committee clerks. Compared to public information operations in other states, the Maine approach is an odd mix of clerical and public outreach activities. NCSL believes that public information offices play an important role in helping legislatures communicate with and

engage citizens. The Maine office should be redesigned to more actively pursue traditional public information office goals.

Most legislative public information offices are engaged in the following types of activities:

- Development of Web sites for citizen access to legislative information;
- Development and publication of materials (pamphlets, videos, directories, rosters, interactive Web pages) that describe the legislature and legislative process;
- Staffing of information desks at key state house locations during session and other periods of heavy legislative activity;
- Coordination and conduct of state house tours and briefings on the legislature for citizens and groups; and
- Publication of summaries of legislative activity and public notice of legislative meetings and floor session calendars.

The Minnesota Legislature has a long history of strong investment in its public information offices. Here is the mission statement for the Minnesota House Public Information Service Department:

The mission of the Minnesota House of Representatives Public Information Services Department is to provide credible and timely nonpartisan services that inform the general public of legislative actions, educate the public about the legislative process, and encourage public participation in the Minnesota Legislature.

The Minnesota office provides most of the services listed above and also produces television coverage of house floor and committee activities, in cooperation with its partner office in the Senate. It also publishes the *Session Weekly*, a summary of each week's legislative activity. The office's Web site provides access to its publications and quick access to a full range of legislative information.

NCSL is not suggesting that Maine emulate the Minnesota example. In fact, the current Maine public information office provides many excellent products and services. Its Web site offers a useful selection of materials, legislative data and helpful links. It staffs information desks at the State House and at the Cross Building. The office also publishes a *History and Final Disposition of Bills* at the end of each session. This is an impressive range of work for a small staff. NCSL believes the office could, and should, however, do more work in the areas of public outreach on behalf of the Legislature. To move in this direction, the office will need to cast off or streamline its responsibilities related to bill status data entry.

NCSL recommends that the 3.5 FTEs and manager position currently dedicated to public information activities be reorganized into the Office of the Executive Director. This organizational location is consistent with the development of a new Maine Legislative Services Agency and should promote a more integrated approach to conducting public information activities at the State House.

The new public information office will require strong direction and leadership. NCSL recommends that the current LIO manager position be redesigned as a full-time director of public information at the Legislature. The full potential of the office will require a focused, visionary, and dedicated leader who pulls together resources and ideas from all corners of the Legislature and who can develop creative new strategies for getting the Legislature's story and information to Maine citizens.

The organizational relocation of the public information function within the executive director's office also will benefit the strategic rethinking of certain information technology systems recommended in chapter 4 of this report. As suggested in that discussion, the Legislature should take steps to reduce duplication and streamline its computer systems. The public information staff need to be consulted in that process. This is best accomplished if they have a more defined public information mission and an organizational location that allows them to explore new opportunities.

Benefits for Session-only Employees

The NCSL study team was encouraged throughout its work to look for cost-saving opportunities or for areas that seemed out of line with generally accepted practices in most other state legislatures. For that reason, it is appropriate to discuss the current benefits policy for session-only staff.

According to personnel documents provided to NCSL, the Maine Legislature employs more than 40 session-only staff. The committee clerks make up 15 of these employees. As the Maine Joint Rules state, "... The employment of the committee clerks terminates no later than the end of the session."

In general, this means that session-only employees, including the committee clerks, are under the employ of the Legislature for about 10 months in each biennium. However, the Maine Legislature pays full benefits to most of these employees for all 24 months. This is a generous benefits policy, compared to most other state legislatures.

Most state legislatures hire session-only staff. It is the most efficient way to increase staff services for the session without carrying these staff on the payroll during the slower interim period. Compensation plans for session staff vary considerably from state to state, and there is no clear pattern or common practice regarding the payment of benefits to these employees.

An NCSL survey of session-only benefits policy in several legislatures reveals a wide range of practices. Some legislatures, including Indiana, New Hampshire and South Dakota, do not pay any benefits to session-only employees. Other legislatures pay benefits only during periods when the staff receive salary. Several states in the NCSL sample pay benefits during the session and then use a variety of approaches to help these staff retain benefits during the interim. Here are a few examples:

Arizona House: Session-only staff receive full benefits during session. Employees can contribute accrued vacation time during the interim to cover cost of continuing benefits. If vacation is depleted, employee can pay for benefits out of pocket.

Colorado House: Session-only staff receive full benefits during session. When session is over, they can elect to pay both the state share and employee share to continue benefits coverage.

Oregon: Session-only staff receive full benefits during session. The state contribution ends at the end of session. Employees can continue to receive benefits through COBRA. This policy is reassessed for each biennium.

According to the Maine Legislature's document, "Personnel Policies and Guidelines for Legislative Committee Clerks," session-only staff in Maine receive a full range of employee benefits, including health, dental, life insurance, child care and temporary disability. The Legislature also pays 60 percent of the health and dental premiums for eligible dependents. Session employees also accrue vacation and sick leave.

The Maine Legislature clearly is at the more generous end of the range of benefits paid to session-only staff in state legislatures. However, NCSL is unable to make any recommendations on this issue without a full review of session-staff pay and how benefits fit into the total compensation plan. Such a review is outside the scope of this project. Rather, in keeping with the Legislature's interest in efficiency, NCSL is compelled to call attention to this issue and suggest further examination by the Legislative Council and its Personnel Committee.

NCSL asked staff at the Legislative Council to estimate the cost to the Legislature of providing health and dental benefits to session-only employees during the interim when they technically are not employed by the Legislature. Based on a total of 14 interim months per biennium, the total out of session biennial benefit cost is approximately \$375,000. In other words, the Legislature could save about \$187,500 per year by limiting benefits for session-only employees to periods when they are working. This calculation illustrates the potential for cost savings. As stated above, NCSL is not making a recommendation on this topic. The Legislature should explore the full range of options for session-only employee benefits including:

- Maintaining the current benefits policy;
- Modifying payment of benefits during the interim to include additional employee contribution;
- Discontinuing payment of benefits during the interim; and
- Discontinuing payment of benefits during session and interim.

10. LEGISLATOR TRAINING

Maine legislators need more training on institutional and policy topics and skills due to the effects of term limits and the increasing complexity of state issues.

Legislating is complex work, and there is little time for new members to adjust to their new responsibilities. Being a state legislator means having to make tough decisions on spending and policy and dealing with constituent problems. Although a person's business or professional life and previous political experience provide a helpful start, state legislatures use new member orientation and other training to help legislators prepare for their difficult new duties.

This is especially true in states with legislator term limits. In interviews with numerous members and staff, the NCSL review group heard that more time and effort need to be spent on legislator training, particularly in the areas of new member training and committee chair training. NCSL has conducted recent surveys and workshop sessions on legislator training and has identified certain trends that would help Maine to make training improvements.

Across the country, new member orientation is getting a makeover. Although it has been fairly common practice to orient new legislators to their duties, state legislatures are taking it more seriously and are modifying training based on feedback and surveys, understanding of adult learning styles, and the new needs in today's legislature. States are beginning their planning earlier each time, trying to make the training "hands on" and practical, recognizing the key role technology has to play in the legislative process, and covering topics such as ethics and sexual harassment that may not have been included 10 years ago. New legislators will not have the opportunity to ease into their duties—they will need to be effective right from the start, and new member orientation can help them meet those expectations.

Recommendation 24. Maine legislator training should be revised to:

- **Make the training more interactive and practically focused.**
- **Increase planning time and develop a working group of leaders, new legislators and senior staff.**

- Increase the outreach effort about the importance of training.
- Revise committee chair and lead training to emphasize best practices in building consensus; strategic planning, time management; and working with leaders, colleagues, staff and the media.
- Provide a participant-centered focus to the legislative policy forums so that attendees can apply what they have learned to help them vote, craft policy alternatives and work with their constituents on the issue.

Maine Training Practices

Maine legislative staff and legislators are doing excellent work on legislator training. They have formal training that involves four major pieces: a new member orientation, pre-legislative conference, committee chair and lead (ranking minority members) orientation, and legislative policy forum. The formal training, spread out in short periods over several months, covers critically important information. Senior staff work together to prepare and conduct the training. The legislative leaders send out letters noting the importance of training and urging members to participate. All this is in addition to the great effort senior staff make toward informal training. For example, the Clerk of the House provides brown bag lunch teaching sessions about the rules, does extensive scripting for new members, and makes repeated offers of one-on-one instruction to anyone who asks for help. Additional training is provided by the caucuses for their members. The formal and informal training in Maine includes many of the best practices described in the following section on legislator training in other state legislatures.

Despite the dedication and strong effort currently invested in legislator training, our interviews with legislators and staff indicated a consistent desire for better legislator training and better focus for that training. With a few changes to the training plan, we believe Maine's legislator training can be more effective.

Interactive and Practically Focused Training

The Maine pre-legislative conference simply tries to convey too much information in too short a time period. Adult learning experts advise trainers to give participants a chance to reflect on and apply the information they are learning. If adults hear presentation after presentation, without the chance to participate in some personal way, they will simply stop listening. The current conference format relies heavily on individual or group presentations with question and answer sessions following. The conference needs some small group breakout sessions using case studies, discussion questions or some other training tool to help break up the day and give participants a chance to talk through the practical aspects of what they have learned. This also gives trainers a chance to see if the participants understand the key points. The need for more interactive training also applies to the committee chairs and leads orientation and legislative policy forum. In each case, it will require reducing the amount of information and topics covered to allow more time for participants to work in small groups.

Planning and Outreach Efforts

The legislative leaders need an earlier and stronger commitment to the training process. Although they sent out a letter in February 2005 prior to the March legislative policy forum asking committees not to meet during forum times, some committees still met at those times. The outreach has to be more assertive. Information from other states indicates that leaders or their legislator designees have to make a personal connection, by phone or in person, to get their colleagues to training. The planning has to start six months or more in advance of the actual training and should involve leaders, new legislators and senior staff, including the Secretary of the Senate, Clerk of the House, Executive Director of the Legislative Council, and others the leaders deem appropriate. The message about the training dates and the importance of training needs to go out early and often.

Committee Chair and Leads Training

The committee chair and leads orientation needs to focus more on the “people” skills involved. Experienced committee chairs need to share the best practices involved in building consensus; strategic planning; time management’ and working with leaders, colleagues, staff and the media. The comments we heard indicated that the participants really do not learn enough about how the chair has to lead the committee and make sure the group reaches the correct outcome. As described earlier, this orientation also needs interactive exercises where the new chairs and leads can test their ideas on how to deal with typical problems, then get feedback from the faculty of experienced legislator chairs and leads.

Participant-Centered Focus to Legislative Policy Forums

The legislative policy forum is a great idea, although the most recent forum had very low attendance due to scheduling conflicts. The forum before that drew a large audience. NCSL does not recommend any specific topic, because Maine legislators are in the best position to make a selection. The best approach is to ask the question: “What policy issues are so important that every legislator needs a good understanding to be effective?” Other states have targeted taxes, education, health and welfare, and the judiciary, but that is a state-by-state choice. The important factor in creating the legislative policy training is to give the forum a practical focus so that legislator attendees can apply what they have learned to help them vote, craft policy alternatives and work with their constituents on the issue.

The consistent theme in all the training recommendations is to plan the training with the participants in mind. The trainers have to continually focus on what the participants need to know and how they will then apply that knowledge in their legislative work.

Legislator Training in Other State Legislatures

New Member Orientation

In 2001 and 2002, NCSL surveyed state legislatures to learn more about these important new member orientation and legislator training programs. Seventy-four of the 99 state legislative bodies and the Puerto Rico House of Representatives responded with detailed information about the topics, method, duration and faculty used in their programs. They also provided tips and guidelines for their colleagues.

Planning

Planning for new member orientation is often a joint venture that involves the House or Senate chief clerk or secretary, one or more legislative agencies, and legislative leadership. States tend to find that planning needs to start early, that a variety of viewpoints are needed in the planning process, and that the backing of leadership for training is critical. In addition to these three traditional sources of planning, states such as Alabama, North Carolina and Texas receive help from their higher educational institutions.

Duration

Most state legislatures provide a new member orientation that is in the one day to 2.5 days range, finding that is the right balance between imparting key information and respecting legislators' busy schedules. California, Colorado and the Florida House have greatly increased the time spent on the orientation, finding it a valuable experience. They also are breaking the training into phases of two or three days so that legislators have time to think and reflect on what they've learned in a previous phase. This approach provides training in manageable "chunks" rather than overwhelming the participants with too much information at once. Missouri includes a two-week road trip to visit state facilities and programs in addition to a five-day orientation.

Reimbursements

State legislatures most commonly provide a mileage reimbursement for new legislators who attend orientation. More than half the respondents reported that participating legislators are paid salary or a per diem. Some states provide for expenses under a voucher system, with only a handful of states using unvouchered expense reimbursements.

Training Tools

One of the most significant changes in new member orientation concerns how the training is provided. Traditional methods of presentations and panels still are highly popular, but states use mock floor sessions and committee sessions to give new legislators some "hands on" training. Presentations often are made with PowerPoint to enhance participant's understanding. States also supplement the training with handbooks, audiotapes and

videotapes to help legislators educate themselves at their own pace and convenience. A few states include case studies and mock media sessions in their training.

Faculty

States tend to rely on current legislators and legislative staff to provide the training for new member orientation. In addition, many states include lobbyists, state agency officials and staff, and former legislators as part of their faculty. A few states also include university faculty, NCSL staff and other outside consultants, trainers and facilitators.

Substantive Issues

States vary greatly on the types of substantive issues they include in new member orientation. Some bodies, such as the Florida House, place a great emphasis on learning about substantive issues, while states at the other end of the spectrum believe legislators will learn these issues largely through the committee process and "on the job" training. Most of the states provide some training around ethics and conflict of interest laws and policies. Many states provide overviews of their taxes and tax policy, education system, health and welfare programs, environmental policy and judiciary. An increasing number of states also cover their sexual harassment policies.

Procedural Topics

Understanding the legislative process has been the cornerstone of new member orientations, and it continues to be a critical topic. The orientation almost always covers the bill enactment process, legislative rules (parliamentary procedure), the role of staff, the committee system, and administrative details such as expense reimbursement. States often include the budget process, media relations, constituent service, state government organization and the role of party caucuses. Legislative staff directors who explain their agency responsibilities need to focus their presentations to tell legislators how to effectively use the agency and not be concerned about the details of all the work the agency does.

Technology Issues

As legislatures become increasingly reliant upon technology, more states are making technology training a part of new member orientation. Legislators typically learn how to use their laptops or other computers, the rules regarding legislative technology, the particulars about the legislature's Web site and how to use the legislative e-mail system. A handful of states provide assistance in creating a legislator's personal Web site. Many states indicated that their technology issues are really handled by some group orientation and training, followed by individually focused assistance and training.

Continuing Education

Some states are developing continuing education sessions as a follow-up to new member orientation. Although less than half of the respondents use continuing education programs, it

is on the rise. Typical topics are computer training, budget process, parliamentary procedure, sexual harassment policies and emerging policy issues.

Advice

The staff and members who plan new member orientation have strong opinions about what leads to a successful program. They emphasize:

- Plan well ahead.
- Get ownership by leadership.
- Don't overwhelm the participants.
- Focus on the essentials.
- Make it "hands on."
- Give the participants time to get to know each other.
- Be flexible and make necessary on-the-spot adjustments.
- Provide training in segments that allow time for reflection.
- Customize your computer training for a wide ability range.
- Give participants materials that allow them to continue learning.
- Get feedback and adjust future programs based on the feedback.

Committee Chair Training

Under term limits, additional pressure is placed on committee chairs who often have little experience before they must lead their committees. State legislatures have been spending more training time in this area as well. The goal is to provide the new chairs with basic information about leading the committee and to allow some time to strategize about how they will plan the committee workload; run effective committee meetings; work with leadership, committee colleagues, staff, the public and the media; and handle the inevitable problems that will come their way. The committee chair training often includes a panel of experienced committee chairs who share their advice on these aspects of committee chair responsibilities and some practical application case studies or role plays where the new committee chairs can practice and think through common committee chair challenges. NCSL has provided this kind of committee chair training in Colorado, Hawaii, Idaho, Kentucky, Missouri, Oregon and Vermont in recent years. The training usually involves one or more experienced committee chairs from other states and places emphasis on interactive participation.

Appendix A. Legislative Budget Processes in Selected States

Arizona

The House, Senate, Legislative Council, Joint Legislative Budget Committee (JLBC), Auditor General and Library and Archives each have separate budgets in the general appropriations act. They are separately developed, managed and controlled by the head of each agency (Speaker of the House, President of the Senate, JLBC director, etc.). Each entity manages its own administrative operations (e.g., printing, payroll, invoices), although information technology is a centralized legislative function.

Total spending is controlled by the general appropriations act. Within that lump sum, the head of each agency is authorized to spend its allocation (legislative agencies are just like any other state agency in this regard). Transfers across legislative entities are allowed, but rare.

Except for the House and Senate, full-time equivalents (FTEs) are authorized in the General Appropriations Act. FTEs do not appear in the House and Senate bills, so the Speaker and Senate President are able to increase FTEs so long as they have available funding in their respective budgets. Although all other legislative entities have an FTE ceiling, the directors are free to hire staff as long as they remain under their spending limits.

Once the Legislature's budgets are submitted to the executive, they are subject to the regular appropriations process. Technically, the governor does not make recommendations on the legislative budgets. As a practical matter, the governor includes the previous year's appropriations for the legislative entities in the budget as placeholders.

Arkansas

The operating budgets for the Legislature are developed, managed and controlled by various entities in separate appropriation acts. The appropriations for House and Senate staff are developed and managed by each respective body. The appropriations for the staffs of the Bureau of Legislative Research and the Division of Legislative Audit are developed and managed by the directors of each, with guidance from the Legislative Council and Joint Legislative Auditing Committee, respectively.

Only the budgets for the Bureau of Legislative Research and the Division of Legislative Audit are transmitted directly to the executive, which compiles all budget requests for presentation to the legislature. No recommendation is made on either of them. The House and Senate staff bills are introduced during the session, as recommended by the governing bodies of each.

Budget administration (e.g., printing, payroll, invoices) is decentralized in the four entities. Transfers across budgets are not allowed.

Salary requests for House and Senate members are sent to and paid by the state auditor. Requests for per diem and mileage for members are paid by the House, Senate, Legislative Council or the Joint Legislative Audit Committee, depending on which committees and meetings are attended. Authorized expenditures include "Regular Salary" sections that authorize the titles, salary levels and numbers of positions.

Colorado

The budget is developed annually by each legislative agency (State Auditor, Director of Legislative Council, Director of Legislative Services, Chief Clerk of the House, Secretary of the Senate, and Director of the Joint Budget Committee). The overall guidelines are established by the Executive Committee and provided to the staff directors. Each director then presents the budget request to the committee responsible for oversight of that group of staff. For instance, the Joint Budget Committee (JBC) budget is developed by the staff director of the JBC and presented to the full JBC, the staff director of Legislative Council develops and presents that budget to the Legislative Council, the Chief Clerk of the House develops and presents the House budget to the Speaker, and so on.

Once the individual budgets are approved by the appropriate oversight committees, the budgets are combined into one request and presented by all directors to the Executive Committee for final approval. Although the Director of the Legislative Council staff is responsible for assembling the components and taking the lead in the presenting it to the Executive Committee, each agency director speaks to the component of the budget that affects his or her agency. The final budget is drafted into bill form and is cosponsored by the majority leaders of both houses. The bill works its way through the system as any other piece of legislation would. Once the bill becomes law, each director is responsible for managing his or her individual portion of the budget.

The directors of each agency must highlight, explain and defend requests above and beyond the general guidelines provided by the Executive Committee (especially new positions) to both their respective oversight committees and the Executive Committee. If requests are approved by both the oversight committee and the Executive Committee, they then are added to the final budget. Legislative Council staff prepare the annual public report on the budget request and track the bill's progress through the legislative process, updating the budget request information as necessary as the bill progresses.

Colorado has a Legislative Management Team (LMT) that consists of the six agency directors. The LMT meets as a group to discuss individual requests and how they affect the budget request as a whole. However, each individual still is responsible for his or her portion of the budget. The LMT, as a group, is responsible for the Legislative Information Services (LIS) division because it provides support to all agencies. The LMT votes on the level of funding for LIS. The LIS request is then added to the General Assembly portion of the overall budget.

Connecticut

The Joint Committee on Legislative Management (JCLM) is the administrative arm of the General Assembly. All appropriations for the legislative branch are under the jurisdiction of the JCLM and are administered by its nonpartisan staff in the Office of Legislative Management (OLM). The JCLM comprises the top legislative leaders of both parties and chambers. During budget formulation, OLM staff consult the legislative leaders, who may set policy priorities.

A single budget for the operations of the General Assembly includes funding for the caucuses and staffs, professional nonpartisan staffs, the capitol police, the administrative staff and building operations. OLM is responsible for submitting the requested budget and for all budget implementation. Each of the four caucuses determines how best to use its own funds and directs OLM on how to process the payments. There are separate budgets for each of the five legislative commissions, although they rely on OLM for administrative support. The Auditors of Public Accounts have their own budget and operate autonomously.

Newly authorized positions are negotiated between the General Assembly and the governor. The outcome is reflected in Office of Fiscal Analysis' budget book publication, which is referenced by special act.

Pursuant to statute, the governor must recommend whatever the legislative agencies request. During the budget adoption and finalization process, changes may occur. Once the budget is enacted, the governor's budget office is responsible for allotting the funds. Some funds are "held back" by the executive to effectuate built-in lapse savings. In addition, in times of fiscal exigencies, the governor has used his or her statutory rescission authority on legislative agencies, except for the Auditors of Public Accounts.

The General Assembly is treated like other state agencies for budgetary purposes. At the agency's discretion, transfers below \$50,000 or 10 percent of a line item can be made between line items within an agency. Statute requires that transfers of more than \$50,000 or 10 percent of affected line items require approval of the Finance Advisory Committee. The committee comprises legislative members and executive branch constitutional officers, including the governor, who controls the agenda. Generally, transfers between agencies are not permitted.

Hawaii

The Legislature operates under a unified budget (Act I). There are lump sums for the House, the Senate and each of the three nonpartisan staff agencies: the Legislative Auditor's Office, the Legislative Reference Bureau and the Office of the Legislative Ombudsman.

No formal budget guidelines govern the process. The three directors of the nonpartisan agencies work with the chief clerks on overall parameters. The nonpartisan directors also coordinate with each other in developing their requests.

Each entity develops its budget request and submits it to the Legislature's money committees (House Finance and Senate Ways and Means) for review and deliberation. The staff for these committees screen the requests and ask questions about them. Staff directors submit written testimony and are available to answer questions during deliberation on their respective budgets. Although there is no FTE cap, any proposals to increase the number of staff or the size of the entities' budgets are questioned. Staff directors tend to work under self-imposed limits.

Once budget amounts are appropriated, the clerks and staff directors have budget flexibility and discretion, and each is held accountable for effectively managing his or her budget. There is no need to coordinate with others on budget execution. Moreover, budget transparency is enhanced because the budgets are public documents, they contain workload indicators, and they are subject to annual financial audits.

Indiana

The General Assembly has separate budgets for the House, Senate and Legislative Services Agency (LSA). There are separate line items for each chamber to pay for legislator salaries. The actual day-to-day management of each budget is assigned to the Clerk of the House, the Secretary of the Senate and the director of the LSA for that agency's budget.

By law, the legislature makes appropriations, then the state Budget Agency makes "allotments" throughout the year. For the executive branch, the allotment process often results in forced reductions to the amounts appropriated. However, there is no known instance where the Budget Agency has not allotted 100 percent of the appropriations made to the House, Senate or LSA. Each of the appropriations is "open ended," with language in the budget bill that says, "if such amounts are insufficient to (take care of House/Senate/LSA) responsibilities, then there is additionally appropriated such amounts as are necessary to take care of the House/Senate/LSA responsibilities."

Each entity (House, Senate, LSA) develops its own budget. Each submits a separate electronic document to the State Budget Agency, which by law gathers all the executive, legislative and judicial budget requests into one document. The legislature is to follow certain formatting rules set forth in the budget instructions. These instructions concern matters that eventually are expressed as line items in the governor's "As Submitted" budget bill. (It is rare for the Budget Agency to change the numbers submitted by the House, Senate or LSA. The Budget Agency does change most of the numbers submitted by executive branch agencies.)

The Office of the Speaker of the House in recent years has developed the House budget. The Speaker (via the Chief of Staff) needs certain types of information from the Clerk regarding insurance costs and other spending matters. The Speaker may or may not confer with the House Minority Leader as a part of this process. In the end, majority and minority staffs, and most other operational costs, are funded from a single line item.

The Senate bookkeeper produces the initial set of numbers for the Secretary of the Senate. Ultimately, the President Pro Tem sets the policies that determine how much funding is actually requested.

The LSA Executive Director develops the budget request for this agency. The director does not receive specific instructions from the four legislative leaders (Speaker, President Pro Tem of the Senate, and the two minority leaders) to whom he or she reports. However, the director has been given policies from the leaders to implement in forming a budget. In addition, the final budget request is always taken to the four legislative leaders for their final review and approval. The four leaders must approve any new additions to the LSA position table.

The LSA executive director has assistance from the bookkeeper, the IT person (for major software and hardware requests), and from members of the fiscal staff. At the beginning of a fiscal year, they down and establish a spending plan. Each month, the bookkeeper updates this document with the actual expenditures made. This gives the executive director a monthly picture that allows spending adjustments along the way.

The House and Senate each have bookkeepers (who report to the Secretary of the Senate and the Clerk of the House, respectively) to manage day-to-day spending. They watch expenditures and notify their supervisors about how closely their spending is following the planned spending. Major adjustments to the spending plan come from the leadership of each chamber.

Iowa

The legislature operates with three separately developed budgets: one for the House, one for the Senate and one for the Legislative Services Agency (LSA), which houses the legislature's central, nonpartisan staff. Budget requests for each entity are approved separately by three different bodies, transmitted separately and administered separately. When the LSA prepares its financial tracking document during the appropriations process, the three budgets are combined as a single legislative budget document. The Legislature operates with a standing, unlimited appropriation.

The respective chambers' Rules and Administration committees provide oversight for their budgets, establish salary levels, and set personnel policy for chamber and caucus staff. The two clerks play an important role in managing their respective chamber's budget.

The LSA manages and is responsible for its own budgeting and accounting through a centralized system. The Legislative Council oversees the LSA budget, with the management assistance of the executive director. The Council also sets policy and benefit levels for LSA staff. Any new, large expenditures or projects are discussed between the LSA director and leadership.

The House and Senate tend to operate under the same policies (with some exceptions). The LSA follows suit.

Maine

The Legislature's consolidated budget is assembled by the Legislative Finance Director in the Office of the Executive Director of the Legislative Council with direct input from the Clerk of the House, Secretary of the Senate and all nonpartisan office directors. The vast majority of the Legislature's budget is contained in a single account (a consolidated budget), with smaller, separate accounts for specific purposes (e.g., the Commission on Uniform State Laws, Miscellaneous Studies, the State House and Capitol Park Commission, the Law and Legislative Reference Library). The Legislature's budget in fiscal year 2005 was \$24.7 million.

The Finance Director provides an overview of the instructions provided to all state departments and historical information to the Clerk and Secretary regarding "all other" costs and all other offices. The "personnel services" request is prepared by the Finance Director in consultation with each office, based upon the number of positions authorized for the House, Senate and each nonpartisan office and on the benefit rates provided by the state's Budget Office. The unified budget also contains the budget requests for the Office of the Executive Director, as well as the requests from the five nonpartisan staff agencies.

Any significant increases or deviations from the previous budget in positions (or head count) first must be justified before the Legislative Council's Budget Subcommittee, followed by the full Legislative Council. The Legislative Council ultimately sets the overall budget and the head count and oversees execution of the budget.

Legislative staff are tracked under two head count categories: the legislative count, which includes full- and part-time permanent staff; and 2) full-time equivalents (FTEs), which counts session-only staff. The head count is authorized by the Legislature in accordance with statute (Title V). The Legislature has available a limited number of "spare" positions. These positions are authorized but not funded.

The current legislative budget is viewed as being flexible because amounts can be transferred across agency lines to keep the overall legislative budget balanced.

Maryland

Maryland operates under three separate legislative budgets: one for the House of Delegates (Code B75A0102), one for the Senate (Code B75A0101) and one for the overall General Assembly (Code B75A01). The budget for the overall General Assembly includes funding for the central, nonpartisan Department of Legislative Services (DLS). Each of the three budgets includes the budget allocation and number of authorized staff. Generally, the budgets do not vary much from year to year.

The presiding officers and their chiefs of staff convene to discuss their respective chamber's budget. This discussion enables each leader to see the other's budget submission and establish overall direction and guidelines for the two chamber and DLS budgets. Although there are no formal caps on the number of FTEs, the General Assembly operates under self-imposed limits.

The DLS executive director meets with the presiding officers and their staff to discuss the DLS budget and identify funding or staffing issues that need to be addressed. The executive director then meets with the Management Subcommittee of the Legislative Policy Committee (LPC) before meeting with the full LPC. Both the subcommittee and the LPC vote on the department's budget proposal. The entire budget for the legislative branch is submitted to the Executive Department of Management and Budget for inclusion in the budget bill with no further deliberation or discussion.

Nevada

In the summer of even-numbered years, the Legislative Counsel Bureau (LCB) and the Interim Nevada Legislature (the three people per chamber who work in the Clerk's and Secretary's offices during the interim) develop their budget proposals for the biennium that begins the following July. That budget covers the Assembly, Senate and five LCB divisions. The cost of session, including the 250 people hired during session, is paid directly from the Legislative Fund. The Chief Accountant develops that budget (about \$18 million per biennial session). It is spent to meet session expenses and needs (if additional equipment or construction is needed, for instance, it is added to the appropriation).

The executive director of the LCB generally is in charge of assembling the budget request. Because appropriations are made to the five different divisions, each division chief has control over his or her appropriation. Language in the General Appropriations Act allows the LCB executive director to request approval of the Legislative Commission to move money from one division to another (in case one division overspends). As for actual expenditures, each division approves expenditure of the money appropriated to it.

The proposals are reviewed by a budget subcommittee of the Legislative Commission, then submitted to the full Commission. The subcommittee usually makes some changes and, on occasion, has made substantial reductions. The Commission merely approves sending it to

the executive branch for inclusion in the governor's budget. Approving the budget at this point does not commit the members to supporting anything in it, so the Commission's review is generally pro forma.

The governor includes the Legislature's request in his or her budget, usually without change (the executive is not supposed to change it, but sometimes will pay a continuing expense out of one-time money or something similar). When the executive budget is delivered before the start of session, the legislative budget is one of the hundreds of budgets that require review. The budget is presented to the Senate Finance and Assembly Ways and Means committees for review and deliberation.

New positions are part of the budget request. Such additions must be approved by the budget committees of both houses. The budget cannot be finalized unless both committees approve the same number of positions.

The General Appropriations Act contains a provision allowing the Legislative Commission to approve, upon the recommendation of the Counsel Bureau director, transfers from one division to another. Executive approval is not needed for such transfers because the governor already has approved the General Appropriations Act, which includes language authorizing transfers.

New Hampshire

The governor's office assembles the state budget, which is due to the General Court by February 15 of each year. For the legislature's budget, the governor uses the previous year's budget as a placeholder in determining the coming year's budget amount.

The General Court operates under a unified budget that contains several different groups: House and Senate administration offices; the Office of the Legislative Budget Assistant; and the Joint Committee on Legislative Facilities (which includes the Office of Legislative Services, General Court Information Systems, Legislative Accounting, State House Operations, Health, Protective Services and the Visitor's Center). Although these offices are subject to the personnel policies and salary ranges established by the Joint Committee on Legislative Facilities, they may operate under their own internal office policies.

Each office submits its budget request for inclusion in the unified budget. The Fiscal Committee reviews the budget submitted by the Office of the Legislative Budget Assistant. With the exception of the House and Senate administrative offices, the remaining budgets are reviewed by the Joint Committee on Legislative Facilities, a 10-member committee that oversees legislative operations. The Senate president and Speaker share management authority over the budget, although the agency directors have authority for the budgets under which they operate.

The House and Senate each operate with their own subcommittees for legislative management. All transfers within the House or Senate appropriations and all salaries require the approval of the respective subcommittee.

FTEs are authorized through the normal appropriations process. The number of positions is stable and predictable.

The current system does not allow overspending. Money must be transferred to stay within the appropriated amount. Transfers across legislative budgets are infrequent and do not require executive approval.

Ohio

The legislature operates with three separate budgets: one for the House; one for the Senate; and one for the Legislative Services Commission (LSC). There also are separate line items within the LSC budget for several independent commissions such as the Correctional Institution Inspection Committee. There are informal meetings during the fiscal year among House, Senate and LSC staff to discuss legislative operations, including budgets and legislative expenditures.

The Executive Director of the LSC submits a two-year budget request and briefs the Speaker and Senate President on the key items in the request. Any plans to add staff are discussed with the Chair and Vice Chair of the LSC or the full 14-member Commission. There are no firm FTE caps—if additional staff are needed, authorization to hire them generally is given. The LSC director also is given considerable discretion in how to modify staffing patterns to best meet the needs of the legislature. The director also may move funds between personnel and maintenance allotments during the course of the fiscal year.

The House and Senate budgets are developed by the Executive Secretary of the House and Senate Clerk and Chief of Staff, respectively. The House and Senate make staffing level changes as necessary.

The LSC drafts the governor's budget proposal at the request of a member of the legislature (usually the chair of the House Finance Committee), who agrees to introduce the budget bill for the governor. Although the legislature's budget is subject to the same appropriations process as executive agencies, the legislature's request rarely is changed. The legislature normally agrees to accept the same percentage reductions as executive agencies when the budget has been cut. The legislature cannot spend more than is approved in the appropriations bill, and any unspent appropriation lapses to the General Revenue Fund.

All invoices for the LSC are reviewed by that agency and the LSC chairman, usually either the House Speaker or Senate President. The House and the Senate have their own staff who review invoices for expenses for their respective operations. The legislative committees that operate independently of the LSC staff provide oversight of their legislative expenses by

requiring the chair to sign invoices before they can be vouchered. In addition, the chair of the LSC reviews all these invoices. This two-step review provides considerable oversight and accountability for legislative expenditures. Approved invoices are submitted to the state agency where checks are drafted. The checks then are returned to the House, Senate or LSC for mailing to vendors.

Oregon

The legislature operates with six independent offices: the Legislative Administration Committee (LAC), the Legislative Fiscal Office, the Legislative Revenue Office, the Legislative Counsel Committee, the Commission on Indian Services and the Legislative Assembly (which has two budgets—one for session and one for the interim). Directors of the six agencies develop their budgets and submit them to their appointing authority for approval. Although the legislature's budget is passed as one bill, funds are appropriated directly to each agency, and spending is separately managed by each individual director.

The legislature's budgets are submitted to the governor, who produces the initial overall state budget. Although the governor does not take action on the individual budgets, he or she can reduce the requested total if executive agencies are subject to a reduction in the governor's recommended budget. The bill then is subject to the regular appropriations process.

FTEs are authorized as part of the regular appropriations process. Any funding enhancements, including funds for new positions, are requested in policy packages that are submitted by the agency directors, either in the original budget bill or directly to the Joint Committee on Ways and Means during budget deliberations. Policy packages are included in the legislature's budget bill and therefore are subject to the regular appropriations process.

Because funding is appropriated directly to each office, there is no ability to transfer funds across the six legislative agencies. Separately, funds are appropriated to the Emergency Board—a legislative committee that operates during the interim—to address unforeseen issues that arise when the legislature is not in session. The Emergency Board can allocate additional funds to any of the six legislative agencies, but cannot reduce funding.

Rhode Island

The unified budget is a single line item of approximately \$27.9 million in the state's overall budget. The General Assembly's budget has several separate lines within it for the General Assembly (members and pages); the House Fiscal Office; the Legislative Council (legal staff); the Joint Committee on Legislative Services (JCLS), which includes the Senate Fiscal Office; the Auditor General; and Special Legislative Commissions.

The executive director of the JCLS assembles the various budgets and submits them to the JCLS. The full Legislative Council—comprising three House members (speaker, majority

leader, minority leader) and two Senate members (Senate president and minority leader)—has approval authority. The Council also is responsible for management and control of the budget.

The General Assembly budget is restricted by an FTE cap, which can be increased through the budget process. When the General Assembly's budget is submitted to the governor for inclusion in the full budget, the governor cannot change the legislature's monetary request, although he or she can fail to include FTE increases. When this happened recently, the positions were restored through the legislative budget process.

South Dakota

The unified legislative budget covers two agencies: the Legislative Research Council (LRC) and the Department of Legislative Audit. The Auditor General formulates a budget request, which is rolled into the LRC budget. The two budgets are separately managed, although the Executive Board approves and oversees both budgets.

The accounting system breaks the budget into two categories: personnel services and all other operating expenses. The LRC budget covers salaries and travel for members and staff. The Auditor General's budget covers funding for the financial auditors and audit staff. The number of FTEs is budgeted for both agencies. The number can be increased only through legislation, the general appropriations bill or an amendment to the general appropriations bill. The House and the Senate receive the same amount of funding and number of FTEs.

Vermont

Legislative Council staff provide general administrative and management support to the legislature. This includes preparing and administering the legislature's budget, which provides funds for the salary and operating expenses of the legislature and its members. The Council also processes members' payroll and expense vouchers.

The legislature's budget also includes the budgets for the House clerk's office and the Senate secretary's office. The Council prepares and administers its own budget, which is mostly for cost of personnel it employs. The chief legislative counsel is in charge of his or her department's budget and oversees the legislative appropriation. Expenditures beyond those anticipated often are cleared with leadership. The two other legislative staff agencies—the Joint Fiscal Offices and the Sergeant-at-Arms—each administer and manage their own budgets.

The unified legislative budget is submitted to the eight-member Legislative Council for approval. There are four separate line items, with leaders or others providing oversight: the legislature (which includes the House and Senate budgets); the Legislative Counsel; the Joint Fiscal Office (Joint Fiscal Committee oversight); and the Sergeant at Arms (the Joint Fiscal

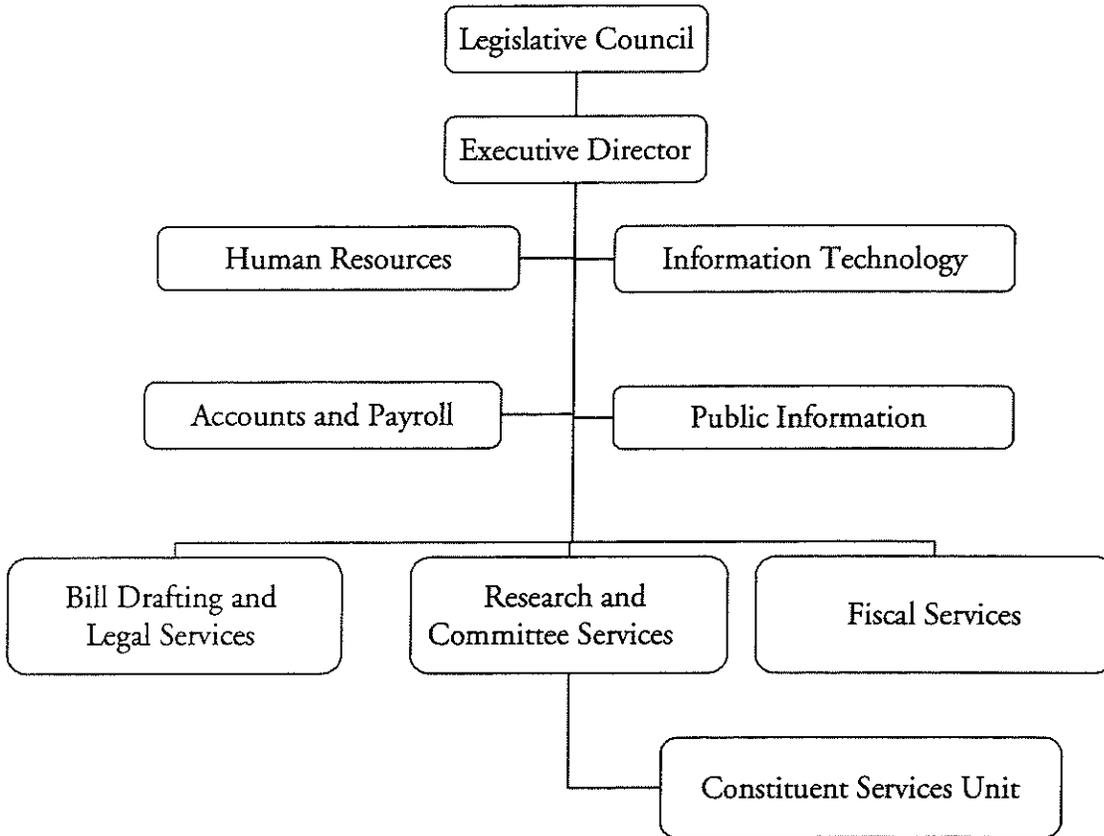
Office works with them to get their budget proposal in line). Legislative IT also is becoming a separate appropriation, and oversight for IT is in flux.

Expenditures are authorized by the Legislative Council for legislative positions and by the Joint Fiscal Committee for fiscal positions. Expenditures also may be authorized through the appropriations process by the appropriations committees as part of budget deliberations.

The legislative budget is submitted to the administration, which either uses it or does not in making its recommendation. It then goes through the appropriations process with the rest of the budget.

Appendix B. Maine Legislative Service Agency (MLSA)

Organizational Chart



Source: National Conference of State Legislatures, 2005.

Appendix C. Colorado General Assembly Legislative Management Team Charter

Original Adoption: January, 2003

Updated for Signatories: December, 2004

Amended: August, 2005

We the undersigned do hereby establish the Legislative Management Team of the Colorado General Assembly. The Team shall be comprised of the six legislative service agency directors. The purpose of the Team shall be to foster communication, to serve as a collective resource to the Executive Committee, and to improve service to the Legislature by cooperating on operational matters affecting service agencies. Such matters shall include, but not be limited to, issues regarding physical plant, security, information systems, telecommunications, personnel, and financial activity. The Team may periodically establish subcommittees for the purpose of carrying out its mission. Any member may call for a vote on an issue where consensus cannot be achieved. A majority of the Team must vote in the affirmative for a motion to be carried. The Team shall meet on a regular basis. Meetings shall be open to staff except that any member may ask that a meeting be closed.

Agency directors shall serve as Chair and Vice Chair of the Team for a term of one year. The Vice Chair shall assume the duties of the Chair at the end of the Chair's term. The Chair and Vice Chair shall rotate in the following order:

Director, Joint Budget Committee, Fiscal Year 2006
Clerk of the House, Fiscal Year 2007
Secretary of the Senate, Fiscal Year 2008
State Auditor, Fiscal Year 2009
Director, Legislative Legal Services, Fiscal Year 2010
Director, Legislative Council, Fiscal Year 2011
Repeat Rotation

The deputy director or acting director of the agency whose executive director is currently serving as Chair or Vice Chair shall fill any vacancy until such time as an actual executive director is named. Successors to the current executive director shall indicate their approval of the Charter by adding their signature below.

Duties of the Chair related to the Team shall include selecting the date, time, and place of meetings and leading discussions. In addition the Chair shall be responsible for overseeing Legislative Information Services (LIS), including evaluating the LIS Director. The Chair, in consultation with Team members, shall establish the performance plan, prepare the evaluation, and set the salary of the LIS Director. The Chair shall work with the LIS Director to prepare the LIS budget request. In the event of a vacancy in the position of LIS Director, the Chair shall initiate the search for a new Director. The Chair shall provide resumes to the Legislative Management Team who shall interview and select a Director.

Duties of the Vice Chair shall include establishing the team meeting agenda and maintaining a record of actions taken. The Vice Chair shall preside at any meeting and over any action required by the absence of the Chair.

Kirk Mlinek, Director, Legislative Council Date

John Ziegler, Director, Joint Budget Committee Date

Karen Goldman, Secretary of the Senate Date

Marilyn Eddins, Chief Clerk of the House Date

Joanne Hill, State Auditor Date

Charles W. Pike, Director, Legislative Legal Services Date

Members of the Executive Committee of the Colorado General Assembly:

As you know, the Executive Committee has expressed an interest in fostering communication among the General Assembly's service agencies. To date, interaction among agencies has, for the most part, been limited to matters affecting information systems.

In the interests of promoting interagency cooperation, the directors of the six service agencies (Senate, House, Legislative Council, Legislative Legal Services, Joint Budget Committee, and State Auditor's Office) have established a new Legislative Management Team. The Management Team will replace the former LIS Steering Committee. The Chair and Vice Chair will rotate annually among the service agency directors.

The purpose of the Team is to foster communication among the agencies and to improve service to the Legislature by ensuring thorough evaluation of significant policy and operational matters affecting all service agencies. We expect that such matters will include, among others, issues regarding physical plant, security, information systems, telecommunications, personnel, and financial activity.

We welcome your input and would be happy to address any areas of concern. Please do not hesitate to contact me or Doug Brown should you have any questions or ideas.

Sincerely,

Joanne Hill, CPA
State Auditor
Chair, Legislative Management Team

Doug Brown, Esq.
Director, Legislative Legal Services
Vice Chair, Legislative Management Team

Appendix D. Maine Library Usage Statistics

Maine State Law and Legislative Reference Library—User Statistics														
Year (July–June)	Legislative Requests				Total Legislative Requests	Non-Legislative Requests							Total Non- Legislative Requests	Total Requests
	Offices		Representatives	Senators		Attorney	Correc- tions	Judiciary	Other State Government	Out-of- State	Public*	All Other Requests		
	Non- partisan	Partisan												
2004-05	87	222	385	67	761	539	185	71	454	526	3,558	359	5,692	6,453
<i>% total</i>	<i>1.3</i>	<i>3.4</i>	<i>6.0</i>	<i>1.0</i>	<i>11.8</i>	<i>8.4</i>	<i>2.9</i>	<i>1.1</i>	<i>7.0</i>	<i>8.2</i>	<i>55.1</i>	<i>5.6</i>	<i>88.2</i>	
2003-04	73	182	259	43	557	613	174	53	474	518	3,819	136	5,787	6,344
<i>% total</i>	<i>1.2</i>	<i>2.9</i>	<i>4.1</i>	<i>0.7</i>	<i>8.8</i>	<i>9.7</i>	<i>2.7</i>	<i>0.8</i>	<i>7.5</i>	<i>8.2</i>	<i>60.2</i>	<i>2.1</i>	<i>91.2</i>	
2002-03	125	222	375	110	832	567	193	42	403	487	3,686	342	5,720	6,552
<i>% total</i>	<i>1.9</i>	<i>3.4</i>	<i>5.7</i>	<i>1.7</i>	<i>12.7</i>	<i>8.7</i>	<i>2.9</i>	<i>0.7</i>	<i>6.2</i>	<i>7.4</i>	<i>56.3</i>	<i>5.2</i>	<i>87.3</i>	
2001-02	75	193	251	78	597	661	150	69	468	648	3,079	345	5,420	6,017
<i>% total</i>	<i>1.2</i>	<i>3.2</i>	<i>4.2</i>	<i>1.3</i>	<i>9.9</i>	<i>11.0</i>	<i>2.5</i>	<i>1.1</i>	<i>7.8</i>	<i>10.8</i>	<i>51.2</i>	<i>5.7</i>	<i>90.1</i>	
2000-01	106	179	466	91	842	613	152	93	542	517	3,127	405	5,449	6,291
<i>% total</i>	<i>1.7</i>	<i>2.8</i>	<i>7.4</i>	<i>1.4</i>	<i>13.4</i>	<i>9.7</i>	<i>2.4</i>	<i>1.5</i>	<i>8.6</i>	<i>8.2</i>	<i>49.7</i>	<i>6.4</i>	<i>86.6</i>	
1999-00	144	139	378	80	741	803	264	69	503	525	3,162	480	5,806	6,547
<i>% total</i>	<i>2.2</i>	<i>2.1</i>	<i>5.8</i>	<i>1.2</i>	<i>11.3</i>	<i>12.3</i>	<i>4.0</i>	<i>1.1</i>	<i>7.7</i>	<i>8.0</i>	<i>48.3</i>	<i>7.3</i>	<i>88.7</i>	
1998-99	144	136	555	100	935	888	298	79	708	530	2,723	542	5,768	6,703
<i>% total</i>	<i>2.1</i>	<i>2.0</i>	<i>8.3</i>	<i>1.5</i>	<i>13.9</i>	<i>13.2</i>	<i>4.4</i>	<i>1.2</i>	<i>10.6</i>	<i>7.9</i>	<i>40.6</i>	<i>8.1</i>	<i>86.1</i>	
1997-98	131	111	350	71	663	932	204	69	720	470	2,552	542	5,489	6,152
<i>% total</i>	<i>2.1</i>	<i>1.8</i>	<i>5.7</i>	<i>1.2</i>	<i>10.8</i>	<i>15.1</i>	<i>3.3</i>	<i>1.1</i>	<i>11.7</i>	<i>7.6</i>	<i>41.5</i>	<i>8.8</i>	<i>89.2</i>	
Average Total	111	173	377	80	741	702	203	68	534	528	3213	394	5641	6,382
<i>Average Percent</i>	<i>1.7</i>	<i>2.7</i>	<i>5.9</i>	<i>1.3</i>	<i>11.6</i>	<i>11.0</i>	<i>3.2</i>	<i>1.1</i>	<i>8.4</i>	<i>8.3</i>	<i>50.4</i>	<i>6.2</i>	<i>88.4</i>	

* 2003-04 "Public" includes citizens, business, municipalities, libraries and students.

Source: NCSL, 2005.

Appendix E. 122nd [Maine] Legislature Guidelines for Legislative Sentiments and in Memoriam Resolutions

Joint Rule 213 provides that the President of the Senate and the Speaker of the House establish guidelines for legislative sentiments, which are significant expressions of the sense of the Legislature. These guidelines, which also apply to in memoriam resolutions, are important to control processing and printing costs of sentiments; to ensure efficient processing, consistency and fair priority determinations; and to ensure that sentiments are not trivialized so that their meaning and importance are lost. The Revisor's Office is charged with processing sentiments for significant individual, civic or organizational accomplishments or other important events.

I. Subject Matter Guidelines:

IN MEMORIAM resolutions are to express sympathy regarding the death of a prominent local or state figure.

SENTIMENTS are for:

1. Wedding anniversaries 50 or more years.
2. Top 10 lists for high school honors and honor parts (e.g. Valedictorian, Salutatorian, Honor Essayist). A Top Ten list is prepared as one sentiment with all names listed. Single honors are prepared as individual sentiments.
3. Birthdays 75 years or more old at 5-year intervals (75, 80, 85, etc.).
4. Birthdays over 100 years old may be recognized yearly.
5. Sports honors and awards. Team honors and awards are prepared as one sentiment with names listed, if desired. Individual sports honors and awards are prepared as individual sentiments.
6. Eagle Scout.
7. Gold and Silver Girl Scout.
8. Chamber of Commerce awards.
9. Civic appreciations, congratulations and acknowledgements.
10. First and second place pageants and athletic awards.

SENTIMENTS may not be for:

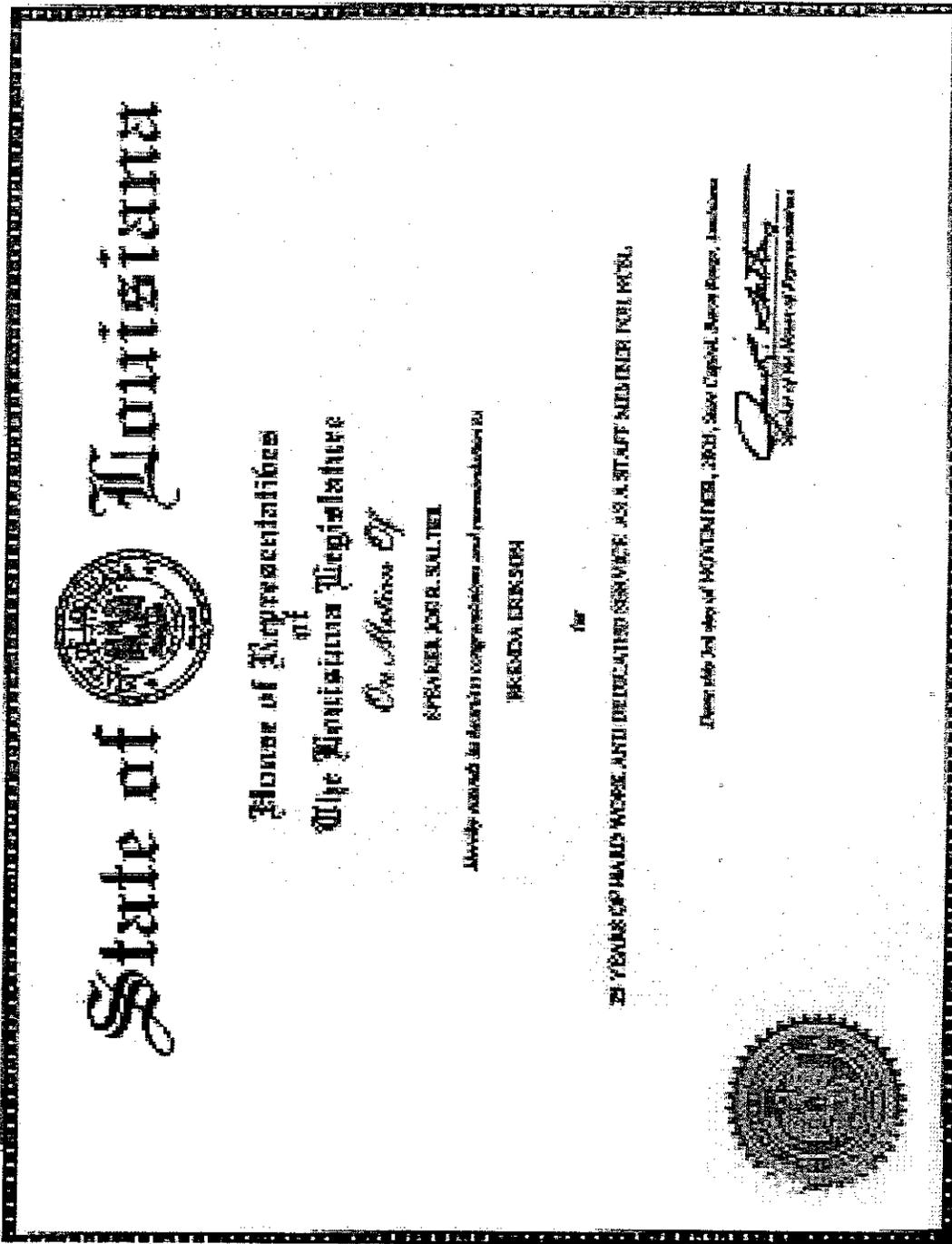
1. Births, engagements or weddings.
2. Memberships in honor societies or honor rolls.
3. High school, college or graduate program graduations.
4. Acceptance into scholastic or professional programs.
5. Business or trade awards, except for business anniversaries of 25 years or more, at quarter-century intervals.
6. Wedding anniversaries less than 50 years.
7. Animals and inanimate objects.

II. Processing Guidelines:

1. Each expression of legislative sentiment must contain the **residency** of the recipient and must, at a minimum, be **cosponsored** by the Senator and Representative who represent the recipient unless the Senator or Representative affirmatively declines. The Revisor's Office will include the name of any such mandatory cosponsor, and the sponsor may not direct the Revisor's Office to do otherwise.

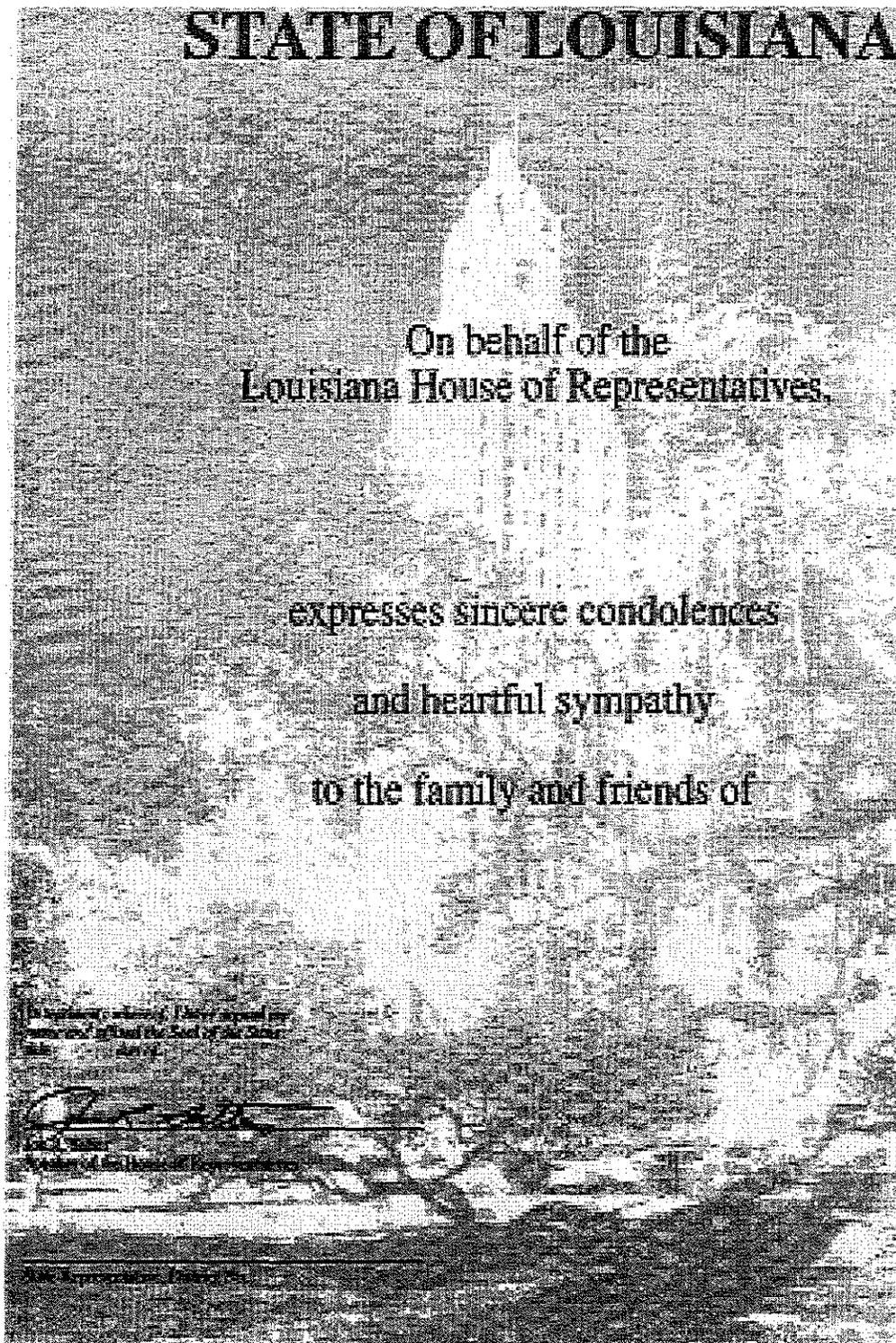
2. A request is considered complete when all information necessary to draft it is filed in the Revisor's Office. Complete requests are processed on first-in, first-out basis.
3. Subsequent requesters are referred to original sponsors concerning cosponsorship.
4. Requests may have up to 3 cosponsors, and at least 1 cosponsor must be from the opposite chamber. A sentiment having more than 3 cosponsors requires prior approval by the President of the Senate and the Speaker of the House, except when an entire municipal or county delegation or the entire membership of a joint standing committee of the Legislature is requested or required.
5. Requests must be filed with the ROS at least 3 working days before needed, so that processing does not disrupt other more pressing legislative business.
6. Requests are to be submitted Monday through Friday, between 8 a.m. and 5 p.m., or when the Legislature is in session and may be made by mail, e-mail, fax or phone or in person.
7. Requests may not be pre-filed or reserved.
8. The presiding officers may jointly declare a moratorium on the processing of sentiments when other legislative business requires.
9. Any exception to these guidelines requires prior approval from the Speaker of the House and the President of the Senate.
10. The Secretary of Senate may act in the absence of the President of the Senate on matters relating to these guidelines and the Clerk of the House may act in the absence of the Speaker of the House on matters relating to these guidelines.

Appendix F. Example A of Louisiana House Certificates



[Size adjusted for reproduction; original is printed on 11" x 14" parchment paper.]

Appendix G. Example B of Louisiana House Certificates



[Size adjusted for reproduction; original is printed on 8.5" x 11" parchment paper.]

Appendix H. Example of Virginia Senate Commendation

[SENATE SEAL]

Commendation

*The Senate of the Commonwealth of Virginia
hereby offers sincerest congratulations to*

JOHN DOE

*in recognition of his
100th Birthday*

*Offered by Senator James F. Johnson
on January 1, 1994*

Clerk of the Senate

[Size adjusted for reproduction; original is printed on commendation paper.]

Appendix I. Example of Virginia Joint Commendation

[STATE SEAL]

The General Assembly of Virginia

Commendation

*The Senate and House of Delegates
of the
Commonwealth of Virginia*

hereby commend and congratulate

JOHN H. JONES

in recognition of his

81st BIRTHDAY

~ January 1, 2005 ~

*Offered by Senator John Doe and
Delegate Jane Doe*

Clerk of the Senate

Clerk of the House of Delegates

[Size adjusted for reproduction; original is printed on commendation paper.]