

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

AUGUST 17, 1990

PRELIMINARY AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of July 18, 1990, Council meeting.

EXECUTIVE DIRECTOR'S REPORT

Item #1: Approved Step Increases

Item #2: Personnel Actions

Resignation of E.J. Hampson, Office Assistant,
Legislative Information Office

REPORTS FROM COUNCIL COMMITTEES

Search Committee for Director, Office of Fiscal and Program
Review

OLD BUSINESS

NEW BUSINESS

Item #1: Request for Funds for Interpreter Services for the
Advisory Council on the Telecommunications Relay
Services

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

REP. JOHN L. MARTIN
CHAIR

SEN. DENNIS L. DUTREMBLE
VICE-CHAIR



STATE OF MAINE

114th LEGISLATURE

LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL
WEDNESDAY, JULY 18, 1990
MEETING SUMMARY**

APPROVED AUGUST 17, 1990

SEN. CHARLES P. PRAY
SEN. NANCY RANDALL CLARK
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. DAN A. GWADOSKY
REP. JOSEPH W. MAYO
REP. MARY CLARK WEBSTER
REP. FRANCIS C. MARSANO

SARAH C. DIAMOND
EXECUTIVE DIRECTOR

CALL TO ORDER

The Legislative Council meeting was called to order in the Council Chambers by the Chair, Representative Martin, at 3:35 p.m.

ROLL CALL

Senators: Sen. Pray, Sen. Clark, Sen. Webster, Sen. Cahill
Absent: Sen. Dutremble

Representatives: Rep. Mayo, Rep. Gwadosky, Rep. Martin,
Rep. Marsano,
Absent: Rep. Webster

Legislative Officers: Sally Tubbesing, Executive Director,
Legislative Council
Martha Freeman, Director, Office of Policy
and Legal Analysis
David Kennedy, Revisor of Statutes
John Wakefield, Acting Director, Office of
Fiscal and Program Review
Joy O'Brien, Secretary of the Senate

SECRETARY'S REPORT

The summary of the June 11, 1990, Legislative Council meeting was approved and placed on file. (Motion by Rep. Marsano; second by Sen. Pray; unanimous)

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, presented the following items for the Council's consideration.

Item #1: Approved Step Increases

Ms. Tubbesing reported that a step increase had been approved for the following employee upon the recommendation of her Office Director, David Kennedy.

Anne Woodward, Legislative Technician, Revisor's Office, (Salary Range 4), from Step D to Step E, effective July 25, 1990.

She also noted that two employees had completed another year of service, but were not eligible for step increases:

J. Timothy Leet, Legislative Analyst, Office of Fiscal and Program Review, who has not been employed the required length of time to advance to Step Q; and

Simone Antworth, Administrative Secretary, Law and Legislative Reference Library, who is already at Step X, the final step in the salary scale.

Motion: That this report be accepted and placed on file.
(Motion by Rep. Mayo; second by Sen. Cahill; unanimous).

Item #2: Resignations

Ms. Tubbesing announced resignations of the following employees:

Todd Burrowes, Legislative Analyst, Office of Policy and Legal Analysis, ...

Linda Corbin, Proofreader, Office of the Revisor,

Angela Hallett, Office Assistant, Office of the Revisor,

Barbara McGinn, Research Assistant, Office of Policy and Legal Analysis,

Ms. Tubbesing requested Council authorization to proceed with filling the 2 vacancies in OPLA immediately, but indicated that David Kennedy was comfortable with delaying filling the two vacancies in his office until late November.

Motion: That the resignations be accepted and that the Executive Director's recommended schedule for filling the vacancies be approved. (Motion by Sen. Clark; second by Rep. Gwadosky; unanimous).

Item #3: Legislative Publications

Ms. Tubbesing pointed out that all three of the major post-session publications - **Laws of Maine; History and Disposition of Legislative Documents;** and the **Bill Summaries** had all been issued. She noted that this was the earliest date that the **Laws of Maine** had been available in years and commended the efforts of all those having responsibility for the three publications: David Kennedy and the entire Revisor's Office; Martha Freeman and the OPLA staff; the Legislative Information Office; and the Information Systems staff.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Sen. Clark, Committee Chair, reported that the Committee had met prior to the Council meeting; and, on behalf of the Committee, she presented the following recommendations in the form of motions:

Motion: That the Council accept the Committee's unanimous recommendation to grant family medical leave in accordance with the Personnel Policies. (Motion by Sen. Clark; second by Sen. Cahill; unanimous).

Motion: That the Council approve a job sharing arrangement involving Gro Flatebo in the Office of Policy and Legal Analysis for the coming year. (Motion by Sen. Clark; second by Rep. Marsano; unanimous).

Sen. Clark stated that the Personnel Committee strongly supported efforts by the Council to pursue innovative practices designed to support legislative employees' efforts to balance their work and family commitments. She further noted that the particular situation the Committee had reviewed would involve no additional cost to the Legislature: all benefits would be pro-rated based on the actual time worked.

Motion: That the Council adopt a formal procedure for the annual reviews of Office Directors and the Executive Director. (Motion by Sen. Clark).

Copies of a proposed procedure which had been developed by Sally Tubbesing were distributed to all Council members for their review. Sen. Clark noted that the proposal took into account both the demanding schedules of Council members and the important human resource needs of the Directors. Speaker Martin

suggested that the 2 week period that the draft policy provides for members of the Personnel Committee to raise objection to a step increase be changed to a total of 4 weeks. His suggestion was accepted by consensus; and the motion was restated, to include the lengthened time period. (Motion by Sen. Cahill; second by Rep. Marsano; unanimous).

EXECUTIVE SESSION

Motion: That the Legislative Council go into Executive Session for the purposes of discussing issues related to personnel and the investigation of the death of Rick LeTourneau. (Motion by Speaker Martin).

There being no objection, the Council went into Executive Session at 3:50 p.m.

RECONVENE

The Council reconvened in open session at 4:14 p.m., on the motion of the Chair, Speaker Martin.

OLD BUSINESS

Item #1: Request to Appoint an Investigating Committee Regarding Circumstances Surrounding the Death of Rick LeTourneau.
(Tabled at June 11 Council Meeting)

The request from Rep. Boutilier had been tabled at the June 11 Council meeting, pending the receipt of further information regarding the case. Council members had subsequently received letters from both Attorney General James E. Tierney and Jane Sheehan, the Child Welfare Services Ombudsman. Mr. Fernand LaRochelle, Chief of the Criminal Division in the Office of the Attorney General, was also present at the Council meeting.

Motion: That no investigating committee be appointed in light of the fact that this matter is presently before the courts. (Motion by Rep. Marsano; second by Rep. Mayo; unanimous).

Item #2: Request for an Interim Study on Drug Enforcement Oversight. (Tabled at June 11 Council Meeting)

The Chair pointed out that both Sen. Hobbins and Rep. Paradis were present and recognized Sen. Hobbins for the purpose of presenting the Committee Chairs' request.

Background: Sen. Hobbins noted that the Committee's concern about the drug enforcement program in Maine had originated in January, 1989, as a result of an article in the Bangor Daily News which appeared to question the effectiveness of Maine's program. Committee members were particularly concerned because they had supported a \$2 million appropriation of state funds to augment Maine's drug enforcement program, which had been passed during the previous legislative session and which established the Bureau of Intergovernmental Drug Enforcement (BIDE). Sen. Hobbins noted that members of both the Judiciary and Appropriations Committees had discussed forming a bipartisan special committee at that time to provide a vehicle for reviewing how the funds were being spent. Although such a committee was never formed, Sen. Hobbins reported that discussions with Commissioner of Public Safety John Atwood, U.S. Attorney Richard Cohen, and Attorney General Tierney, had produced agreement that, in the long run, a formal legislative review of the program would be beneficial. Finally, Sen. Hobbins stated that it was not his intent to make this a partisan inquiry, and he proposed that the 115th Legislature develop a mechanism to assure ongoing legislative oversight of the war on drugs in Maine.

The Chair then recognized Rep. Paradis. Rep. Paradis endorsed Sen. Hobbins' comments, but expressed concern that while the Judiciary Committee had been assured that there would be closer cooperation between the principals in the drug investigation effort and the Committee, there had been none, in his view. He distributed statistics comparing the number of drug-related arrests in 1988 and 1978 and pointed out that the increase in arrests was not commensurate with the increased funds appropriated for drug enforcement efforts.

General discussion ensued, during which the following points were raised:

- Raw statistics do not take into account the metamorphosis in drug trafficking - every aspect of which has been taken over by professionals. (Sen. Cahill)
- Maine's BIDE program must be having some positive results: the General Accounting Office has issued a report on the program which describes it as a model nationwide. (Sen. Cahill)

- The coordinated effort is extremely important; but it is also important to institute stronger and longer-term oversight and accountability before the Legislature puts any more resources into the program. (Sen. Hobbins)
- The Legislative Council has no constitutional or statutory authority to establish a special committee; and the Legislature, which clearly has the authority, has adjourned *sine die*. (Rep. Marsano)
Speaker Martin disputed Rep. Marsano's statement regarding the Council's authority.

The Chair then recognized Commissioner of Public Safety John Atwood, and asked him to comment on the presentation by the Committee Chairs. Commissioner Atwood expressed his appreciation for the opportunity to speak and went on to observe that the drug enforcement operations described in the newspaper article were federal (DEA), and not the new BIDE program. He questioned whether there was a need for a study at this point, asserting that BIDE's operations are in no way political, and he expressed concern that there was a partisan cast to the request because of its timing. Finally, he noted that it was important to put the statistics Rep. Paradis had presented in context: the 1988 statistics are for the year preceding the implementation of the BIDE program and do not reflect the impact of BIDE in any way. Finally, he assured members of the Council that he had offered to brief members of the Judiciary Committee at any time and continued to be available to do so.

The Chair inquired about the number of drug agents assigned to Aroostook County as a result of the BIDE program. After some discussion, it was agreed that Commissioner Atwood would provide this information to him following the Council meeting.

Motion: That the request from the Judiciary Committee for a Study of the State's Drug Enforcement Operations be approved. (Motion by Rep. Mayo; second by Sen. Pray; motion failed 4-3).

The Chair asked the Commissioner to provide copies of the GAO Report to all Council members.

REPORTS FROM COUNCIL COMMITTEES (continued)

Committee on Legislative Automation

Rep. Mayo, Committee Chair, reported that he and Rep. Webster had met, on behalf of the entire Legislative Automation Committee, with the Executive Director and members of the Information Systems staff on June 11 to review a proposal to upgrade the legislative computer system. He noted that an

upgrade had originally been a part of the long term plan for the continued development of the legislative system, but that the budget situation seemed to preclude it initially.

Rep. Mayo reported that an upgrade was desirable for several reasons, including:

- The opportunity to improve overall system performance;
- The opportunity to make certain features that were originally developed to support bill-drafting available to all legislative offices, including
 - WP-Plus;
 - Bill and amendment text on-line; and
 - Statute search and retrieval
- The need to replace the "aging" mainframe that was being used by the House, Senate and Law Library.

Because Wang came forward with some very favorable terms in conjunction with their overall "business recovery" plan, it became feasible to pursue the upgrade. Since the WANG offer promised cost savings, the Committee did not feel it necessary to seek the full Council's authorization to proceed. Rep. Mayo reported that he had made Speaker Martin aware of the opportunity, who agreed that formal Council action was not required.

Rep. Mayo reported that the upgrade has now been completed, and all offices are up and running. The package finally negotiated with WANG will actually reduce the cost of the Legislature's computer operation during the coming year. A precise dollar amount is not yet available, but the Committee has asked the Executive Director to provide a more detailed report for the August or September Council meeting.

Rep. Mayo recognized the extraordinary efforts of the Information Systems staff: Gerry Thibault, Marc Martin, Janet Grard, Donna Sullivan and Gerry Sawyer. He noted that the success and smoothness of the upgrade reflects their thorough planning, their attention to detail, their technical skill, their teamwork, their dedication - - and their courage! He again expressed his thanks and his congratulations for a job well done.

Motion: That the Committee's report be accepted and placed on file. (Motion by Sen. Cahill; second by Sen. Clark; unanimous).

NEW BUSINESS

- Item #1: Notification of Proposal to Dispose of Surplus Real Property in the Town of Poland, Androscoggin County. (Memo from John H. Cashwell, Director, Maine Bureau of Forestry)

Council members received a memo from John Cashwell, Director, Bureau of Forestry, regarding the Bureau's intent to dispose of the aforementioned real property. This notification to the Council was pursuant to statute (12 MRSA § 8003 § 3).

Motion: That the correspondence be accepted and placed on file. (Motion by Rep. Mayo; second by Sen. Pray; unanimous).

- Item #2: Request for Reimbursement of Expenses to Convene the First Meeting of the Special Commission to Study and Evaluate the Status of Education Reform in Maine. (Letter from Rep. Nathaniel J. Crowley, Sr., Commission Member)

In his letter, Rep. Crowley requested Council authorization to reimburse expenses to those who have now been appointed to the Commission for the Commission's first meeting. The Resolve establishing the Commission (Resolves of 1989, Chapter 88) provides that the Commission will seek outside funding to support its work and that expenditures may not be incurred in excess of these funds. Rep. Crowley estimated that the total expenditures for this purpose would be about \$250. Rep. Marsano indicated that he would oppose the motion.

Motion: That the request be approved. (Motion by Sen. Cahill; second by Sen. Clark; approved 6-1).

- Item #3: Request to Increase the Size and Authorized Activity Level of the AMHI Oversight Subcommittee. (Letter from Sen. Gauvreau and Rep. Manning).

The letter from Sen. Gauvreau and Rep. Manning requested Council approval to a) augment the membership of the current 4-member subcommittee with 2 members of the Appropriations Committee, and b) to increase the number of meetings from the 3 originally approved to a total of 7. The requests were made in anticipation of the issuance of a consent decree regarding AMHI.

Motion: That the request be approved. (Motion by Rep. Gwadosky; second by Sen. Pray; unanimous).

ANNOUNCEMENTS AND REMARKS

The Chair recognized Gary J. Remal, the new State House reporter for the Kennebec Journal.

The Chair announced that Rep. Webster had asked to be replaced on the Search Committee for the Director of the Office of Fiscal and Program Review due to scheduling conflicts on the particular meeting dates that had been set. Speaker Martin reported that he had accepted Rep. Webster's recommendation to appoint Rep. Marsano to the Committee in her place.

ADJOURNMENT

The Legislative Council meeting was adjourned at 5:00 p.m., on the motion of the Chair.

SARAH C. TUBBESING

EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

RICHARD N. SAWYER, JR.

ADMINISTRATIVE SERVICES
DIRECTOR



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

EXECUTIVE DIRECTOR'S REPORT

AUGUST 17, 1990

Approved Step Increases

Monique R. Caron, Library Associate, Law and Legislative Reference Library, (Salary Range 5), from Step G to Step Q, effective July 2, 1990.

Joan M. Gagne, Senior Legislative Technician, Office of the Revisor, (Salary Range 5), from Step Q to Step X, effective August 6, 1990

Bret A. Preston, Research Assistant, Office of Policy and Legal Analysis, (Salary Range 7), from Step A to Step B, effective August 20, 1990.

Stephanie Ralph, Associate Law Librarian, Law and Legislative Reference Library, (Salary Range 10), from Step C to Step D, effective July 2, 1990.

The following employee has completed another year of service but has not been employed the required length of time to advance to Step Q:

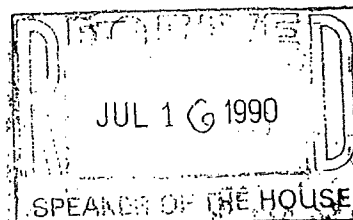
Kevin M. Madigan, Senior Legislative Analyst, Office of Fiscal and Program Review.

Governor Baxter School for the Deaf

Mackworth Island P.O. Box 799 Portland, ME 04104-0799 (207) 781-3165 TDD/V

July 13, 1990

The Honorable John L. Martin,
Speaker of the House
House of Representatives
114th Maine Legislature
State House
Augusta, Maine 04333



Received by:

| | |
|-----|-------|
| KPA | _____ |
| KWG | _____ |
| PAE | _____ |
| BDP | _____ |
| ALS | _____ |
| JMR | _____ |
| CPS | _____ |
| JCH | _____ |

Dear Speaker Martin:

On behalf of the Advisory Council on the Telecommunications Relay Services, the letter serves as a formal request for the consideration of the Legislative Council to provide funds for interpreter services for the future meetings of the Advisory Council in the upcoming meeting of the Legislative Council on July 18, 1990.

In accordance with Public Law Chapter 851 - 1990, the Advisory Council is created to "evaluate telecommunications relay services" in the State of Maine and to "provide advice to providers of telecommunications relay services." The Council is composed of eleven deaf and hearing members.

The first meeting of the Advisory Council was held at Mackworth Island on Thursday afternoon, June 29, 1990. Interpreter services for that meeting only were provided through the courtesy of the Division of Deafness and the New England Telephone Company.

Copies of P.L. Chapter 851, a list of members of the Council and the minutes of the June 29th meeting are enclosed for you and the Legislative Council.

As you may note, P.L. Chapter 851 provides no funds for the basic operating costs of the Advisory Council such as interpreter services, mailings of all minutes of the Council meetings and correspondences.

On the advice of Rep. Herbert C. Adams of Portland after his telephone consultation with Ms. Sally Diamond, Executive Director of the Legislative Council, the Advisory Council voted in favor of a motion to send a letter to the Chair of the Legislative Council requesting funds for interpreter services for the future Council meetings.

According to P.L. Chapter 851, the Council meets no fewer than four times during the calendar year. The projected cost for the current fiscal year to cover interpreter services in at least five meetings between August, 1990 and August, 1991 is \$750.00.

In closing, the Advisory Council wants to thank you and the Legislative Council for the consideration of its request for funds for interpreter services for the future Council meetings in order to carry out the legislative mandate and look forward to hearing from you.

Sincerely,

William H. Nye

William H. Nye,
Chair
Advisory Council
Telecommunications relay Services
State of Maine

WHN/whn

cc: Governor John R. McKernan, Jr.
Senator Stephen M. Bost
Representative Herbert E. Clark
Representative Cushman D. Anthony
Representative Herbert C. Adams
Charles A. Jacobs, Administrative Director, P.U.C.
* Norman R. Perrin, Director, Division of Deafness
Alton Warren, II, New England telephone Co.
Members of the Advisory Council
File

Enclosures:

P.L. Chapter 851
List of Members of the Advisory Council
Minutes of the June 29, 1990 meeting

ADVISORY COUNCIL
Telecommunications Relay Services
State of Maine

Provides funds to cover
interpreter services for
at least five meetings
during the fiscal year of
1990-'91. The projected cost
of interpreter services is
based on the use of two
interpreters for each
Council meeting at \$150.00
per meeting. \$ 750.00

ADVISORY COUNCIL
on the
TELECOMMUNICATIONS RELAY SERVICES

MEMBERSHIP

Division of Deafness, Department of Human Services

| | | |
|----------------------------|------|--------------------|
| Norman R. Perrin, Director | Tel. | |
| Division of Deafness | | 1-800-332-1003 TDD |
| 32 Winthrop Street | | |
| Augusta, Maine 04330 | | |

Advisory Committee, Division of Deafness

| | | |
|--------------------------------|------|--------------------|
| William H. Nye, Chair | Tel. | (H) TDD |
| | | 781-3165 (W) V/TDD |
| Cumberland Center, Maine 04021 | | |

Public Utilities Commission

| | | |
|--------------------------------------|------|----------------|
| Joel Shifman, Senior Utility Analyst | Tel. | 289-3831 V/TDD |
| Public Utilities Commission | | |
| State House Station #18 | | |
| Augusta, Maine 04333 | | |

Office of the Public Advocate

| | | |
|---------------------------|------|------------|
| John C. Dodge, Counsel | Tel. | 289-2445 V |
| Office of Public Advocate | | |
| State Office Building | | |
| State House Station #112 | | |
| Augusta, Maine 04333 | | |

Governor Baxter School for the Deaf*

| | | |
|---------------------------|------|-----|
| Lois Morin | Tel. | TDD |
| | | |
| East Baldwin, Maine 04024 | | |

Statewide Association for the Deaf*

| | | |
|-------------------------------------|------|--------------|
| Bonnie Snow, President | Tel. | 787-2250 TDD |
| Maine Association of the Deaf, Inc. | | |
| Box 181 | | |
| East Baldwin, Maine 04024 | | |

Center on Deafness*

| | | |
|---|------|----------------|
| Dr. Sharon Campbell, Executive Director | Tel. | 761-2533 V/TDD |
| Maine Center on Deafness | | |
| 175 Lancaster Street, Suite 102 | | |
| Portland, Maine 04101 | | |

Company Providing Telecommunications Relay Service*

Al Warren, II, Lobbyist
New England Telephone Company
1 Davis Farm Road
Portland, Maine 04103

Tel. 797-1277 V

General Public (TDD User)*

Jan K. Repass

Tel.

TDD

Portland, Maine 04103

General Public (TDD User)*

Clay C. Jordan

Tel.

/TDD

Scarboro, Maine 04074

Telephone Association in Maine*

Larry Sterrs

Tel.

Damariscotta, Maine 04543

* Appointed by the Governor

SARAH C. TUBBESING
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



RICHARD N. SAWYER, JR.
ADMINISTRATIVE SERVICES
DIRECTOR

MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

August 21, 1990

TO: Members of the Legislative Council

FROM: Sally *Sawyer*

SUBJECT: Peat Marwick Study Recommendations (Revisited)

I have enclosed a copy of the Recommendations that have been organized according to the Advisory Committee's recommended disposition of them.

The Recommendations are preceded by a Table of Contents, and each Recommendation includes a page reference to the complete Final Report should you wish to go back and read the related discussion.

Please call me if you have any questions.

Enclosure

PEAT MARWICK STUDY OF LEGISLATIVE STRUCTURE AND OPERATIONS

ADVISORY COMMITTEE CONCLUSIONS

- I. RECOMMENDATIONS TO BE REFERRED TO THE LEGISLATIVE COUNCIL (114th)
 - A. General Council Review
 - B. Personnel Committee
 - C. Legislative Automation Committee
 - D. Budget Committee
 - E. For Referral to Staff Directors for Further Research
- II. RECOMMENDATIONS RELATED TO THE PROPOSED BILL SYSTEM
- III. RECOMMENDATIONS TO BE REFERRED TO THE PRESIDING OFFICERS: 114th
- IV. RECOMMENDATIONS TO BE REFERRED TO THE PRESIDING OFFICERS: 115th
- V. RECOMMENDATIONS REGARDING HOUSE/SENATE STAFFING
- VI. RECOMMENDATIONS TO BE REFERRED TO THE 115th LEGISLATURE
 - A. Recommendations That Would Required Changes to Joint Rules
 - B. Recommendations That Would Require Amendment to the Statutes
- VII. RECOMMENDATIONS UPON WHICH THE ADVISORY COMMITTEE WAS UNABLE TO ACHIEVE CONSENSUS
- VIII. RECOMMENDATIONS WITH WHICH THE COMMITTEE DISAGREES AND RECOMMENDS NO FURTHER ACTION
- IX. RECOMMENDATIONS WHICH THE COMMITTEE BELIEVES DESERVE NO FURTHER CONSIDERATION

PEAT MARWICK STUDY OF LEGISLATIVE STRUCTURE AND OPERATIONS
ADVISORY COMMITTEE CONCLUSIONS REGARDING STUDY RECOMMENDATIONS

RECOMMENDATIONS TO BE REFERRED TO THE LEGISLATIVE COUNCIL (114TH)
FOR FURTHER REVIEW

- A. GENERAL COUNCIL REVIEW
- B. PERSONNEL COMMITTEE
- C. LEGISLATIVE AUTOMATION COMMITTEE
- D. BUDGET SUBCOMMITTEE
- E. STAFF DIRECTORS FOR RESEARCH AND IMPLEMENTATION WITH REPORT TO COUNCIL

A. GENERAL COUNCIL REVIEW

Recommendation #68 (page 93)

Establish a set of uniform rules of committee procedure.

Committee supports and recommends that the Legislative Council pursue implementation.

Recommendation #86 (page 114)

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.

Committee finds the recommendation regarding the commitment and support of leadership to be superfluous; however, the Committee strongly encourages the Council to undertake a thorough review of the scope and structure of the audit and program review process, including the goals and objectives of the process, the resources required to carry it out, and whether a joint standing Committee is needed.

Recommendation #88 (page 114)

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 maximum, five legislators of the committee should serve on a subcommittee.

(Same as above)

Recommendation #89
(page 115)

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.

(Same as above)

Recommendation #90
(page 115)

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 subcommittee has additional expertise and current knowledge in the issues facing the specific agency. This practice should continue, and the chairs and Audit and Program Review and of the relevant policy committee should appoint at least two policy committee members to each A&PR subcommittee.

(Same as above)

B. RECOMMENDATIONS TO BE REFERRED TO THE COUNCIL'S PERSONNEL COMMITTEE

Recommendation #4 (page 33)

Establish a Senior Budget Analyst position within the Office of the 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.

Committee supports this recommendation, but recommends that the Legislative Council refer this issue to the Personnel Committee for further research regarding how these functions are staffed in other state agencies of comparable size.

Recommendation #9 (page 36)

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.

Committee recommends that the Legislative Council direct the Office of Fiscal and Program Review to further explore the resource requirements involved in implementing these recommendations and to present a report of their findings to the Personnel Committee by November 1, 1990.

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 associates 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.

Recommendation #12
(page 37)

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.

(See recommendation above.)

Recommendation #13
(page 39)

The Office of the 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 (work processing), engrossing and proofreading. This will require the addition of one new attorney position.

Committee supports this recommendation with one dissenting vote.

Recommendation #14
(page 39)

The professional staff in this 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 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.

Committee supports the concept, but recommends that the Legislative Council direct the Personnel Committee to further explore the issues involved in implementing this recommendation.

Recommendation #20
(page 43)

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.

Committee recommends that the Legislative Council direct the Personnel Committee to work with the Director of OPLA and the Executive Director to develop a more complete analysis of staffing needs and priorities.

Recommendation #22
(page 43)

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

(See Recommendation above.)
114th and Long Term - Personnel Committee

Recommendation #29
(page 49)

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.

Committee recommends that the Legislative Council direct the Personnel Committee to meet with the Clerk of the House to fully explore the feasibility and implications of this recommendation.

Recommendation #31
(page 50)

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.

Committee recommends that the Legislative Council direct the Personnel Committee to meet with the Secretary of the Senate to fully explore the feasibility and implications of this recommendation.

Recommendation #42
(page 57)

We recommend that the Legislative Council engage an outside human resources firm to conduct a compensation study of both part-and full-time partisan and non-partisan personnel positions that are presently not part of the adopted classification and pay plans. This seems most appropriate for committee clerks, and for positions within the Office of Secretary of the Senate and Clerk of the House. Once implemented, the risk of salary inequities among positions would dissipate, and personnel would not feel mistreated and/or not recognized for job performance. Also, appropriate grade and/or step differentials would be provided to reflect varying workloads and position requirements.

Committee supports the recommendation.

Recommendation #43
(page 57)

We recommend that the Executive Director and Office Directors continue their efforts to develop a standardized program for performance appraisals to be implemented by all non-partisan offices as soon as possible. We also recommend that a similar effort be undertaken by the partisan offices both in format and context so that both employer and employee will both complete the evaluation and then have dedicated time to compare results, negotiate the individual's strengths and weaknesses and participate in the final evaluation which both persons will sign and then be included in the employee's personnel file. Such a program is an essential part of the classification and pay plans adopted by the Legislative Council in 1986, and was anticipated to be a major component in annual salary increases. The recommendation in the classification plan to create "a task force of legislators, staff and managers to develop the appraisal process and identify performance criteria" is still a valid one and should be completed as time permits.

Committee strongly endorses the implementation of performance appraisal programs in **all** legislative offices.

Recommendation #44
(page 58)

As a follow-up to our recommendation for performance appraisal, we also recommend that all non-partisan and partisan offices replace individual anniversary date performance and salary reviews with a formal once-a-year (annual) compensation/promotion review of all personnel. This would allow management to compare employees' performance against level of expectations and each other, and then allocate available funds based upon step increases, performance ranking and available funds. This process should be completed just prior to fiscal year-end and be responsive to available funds in the next year's approved budget.

Committee recommends that the Legislative Council refer this issue to the Personnel Committee for further study and the development of specific recommendations.

Recommendation # 41
(page 57)

The draft personnel manual on policies and procedures for non-partisan employees should be completed and formally promulgated as soon as possible. Such a document provides clear, consistent guidelines for all employees and supervisors to follow in the important areas of benefits, leave, overtime and compensatory time, and other conditions of employment. We also suggest that a similar manual be developed and issued for partisan staff, to assure that a consistent application of personnel rules is achieved, to the maximum extent possible, between and within partisan and non-partisan staff offices.

Committee notes that the Manual for non-partisan employees has now been formally distributed and strongly supports the recommendation to develop a comparable manual for partisan staff.

C. RECOMMENDATIONS TO BE REFERRED TO THE COUNCIL'S LEGISLATIVE AUTOMATION COMMITTEE

Recommendation #48 (page 60)

The bill tracking system currently available to executive branch users and public users (through on-line access) should be directly linked to the Legislature's bill-tracking system by means of an appropriate computer network; access to the system by the executive branch and public users (through subscriptions) should be made more "user friendly", so as to facilitate its use outside of the Legislature.

Committee supports this as a long-term goal and recommends that the Legislative Council direct its Automation Committee to explore in more detail the costs involved and the level of interest.

Recommendation #24 (page 46)

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 of the Legislative Council as part of the five-year systems plan.

Committee supports the spirit of the recommendation, but believes that it is the role of the Legislative Council to establish overall system priorities given available system and budget resources.

Recommendation #6 (page 33)

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 system plan that would be approved by the Executive Director, before it is included in the budget and submitted to the Legislative Council.

Committee understands that there has been a systems plan in place for, and recommends that this be referred to the Council's Automation Committee for information.

D. RECOMMENDATIONS TO BE REFERRED TO THE COUNCIL'S BUDGET SUBCOMMITTEE

Recommendation #2 (page 28)

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.

Committee strongly supports this recommendation.

Recommendation #5 (page 33)

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 practice on the part of interested parties, and will promote accountability for sound financial management and decision-making.

Committee strongly supports this recommendation.

Recommendation #33
(page 50)

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.

Committee strongly agrees and recommends that the Legislative Council Chair appoint a Subcommittee to develop policies and procedures for budget planning and development..

Recommendation #37
(page 52)

The partisan offices, Speaker, President, House Majority, Senate Majority, House 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 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.

The Committee supports this with some dissent, but recommends that this issue be included in the charge to the Legislative Council's Budget Subcommittee recommended previously.

Recommendation #45
(page 59)

Full-time positions with assigned responsibilities which are primarily session related should be evaluated on a regular basis; an objective determination of their work tasks and duties during the interim period should be made as part of the biennial budget process.

Committee recommends that this be referred to the Council's Budget Subcommittee.

Recommendation #50
(page 68)

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.

Committee supports and recommends that this be referred to the Council's Budget Subcommittee recommended previously.

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 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.

Recommendation #51
(page 69)

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.

Committee supports and recommends that this be referred to the Council's Budget Subcommittee.

Recommendation #52
(page 69)

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.

Committee supports and recommends that this be referred to the Council's Budget Subcommittee.

Recommendation #53
(page 69)

There should be 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

Committee supports and recommends that this be referred to the Council's Budget Subcommittee.

Recommendation #54
(page 69)

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:

- 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.

Committee supports and recommends that this be referred to the Council's Budget Subcommittee.

- estimate of this FY's expenditures
- position count by category of employee
- brief narrative with relevant statistics supporting budget requests

Recommendation #55
(page 70)

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.

Committee supports and recommends that this be referred to the Council's Budget Subcommittee.

Recommendation #56
(page 70)

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.

Committee supports and recommends that this be referred to the Council's Budget Subcommittee.

Recommendation #58
(page 71)

The Legislature's budget process, procedures, calendar and budget development standards should be formalized and documented in a Budget Manual.

Committee supports and recommends that this be referred to the Council's Budget Subcommittee.

Recommendation #59
(page 71)

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.

Committee supports the recommendation, but understands that the Executive Director's Office has been working actively with the Department of Finance to ensure that useful information is available.

Recommendation #60
(page 71)

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:

Committee supports and recommends that this be referred to the Council's Budget Subcommittee.

- 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)

Recommendation #62
(page 73)

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.

Committee is divided on this issue and recommends that it be referred to the Council's Budget Subcommittee with this notation.

Note: Implementation may require statutory language.

Recommendation #95
(page 117)

The minority party should also have both independence and accountability for those 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.

Committee strongly agrees that **both** parties should have independence and accountability with regard to their office budgets, consistent with policies and procedures adopted by the Legislative Council.

Recommendation #63
(page 74)

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.

Committee is divided on this issue and recommends that it be referred to the Council's Budget Subcommittee with this notation.

E. RECOMMENDATIONS TO BE REFERRED TO STAFF DIRECTORS FOR RESEARCH AND IMPLEMENTATION WITH REPORT TO COUNCIL

**Recommendation #7
(page 35)**

- a. 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.
- b. 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 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.

Committee supports the recommendation, but does not believe this is a major issue.

Committee supports the recommendation.

**Recommendation #8
(page 36)**

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.

Committee supports the recommendation, but understands that the 3 staff offices are already involved in reviewing this issue.

Recommendation #11
(page 36)

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

Committee supports the recommendation, but understands that there has already been substantial progress in this area during the past year.

Recommendation #16
(page 40)

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.

Committee supports the recommendation and encourages the Legislative Council to foster coordination among the staff offices. The Committee believes, however, that the more important issue here is the time that must be built into the process to assure proper legal review and recommends that the Legislative Council focus its attention on this issue.

Recommendation #21
(page 43)

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.

Committee supports the recommendation, but understands that it reflects existing policy.

Recommendation #23
(page 44)

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.

Committee does not oppose this recommendation, but understands that it reflects current practice in both OPLA and OFPR. The Committee supports specialization in the Revisor's Office to the extent that this is possible and desirable given the nature of that Office's work and recommends that the Legislative Council work with the Directors to further define the issues involved in supporting an effective team approach.

Recommendation #25
(page 46)

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.

Committee supports the recommendation.

Recommendation #26
(page 46)

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.

Committee supports the recommendation to the extent that it can be accomplished within the existing budget.

Recommendation #10
(page 36)

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.

Committee supports the concept of a direct tie-in to the MFASIS system for analytical purposes and recommends that the Legislative Council take the initiative in working with the appropriate parties to establish the parameters of this access.

PEAT MARWICK STUDY OF LEGISLATIVE STRUCTURE AND OPERATIONS
ADVISORY COMMITTEE CONCLUSIONS REGARDING STUDY RECOMMENDATIONS
RECOMMENDATIONS RELATED TO THE PROPOSED BILL SYSTEM

Recommendation #15
(page 40)

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).

Committee believes the successful implementation of the bill indexing system during the past session is an important component of this and supports the continued efforts of the presiding officers, the committee chairs and the Revisor to coordinate their efforts to expedite the flow of bills to committee.

Recommendation #18
(page 40)

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.

Committee believes this is a long-term issue and encourages the Legislative Council to undertake a thorough and serious review of the recommendations related to the adoption of a concept drafting system. (See also Recommendations #64, #84).

Recommendation #64
(page 82)

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.

Committee is unable to reach consensus on this issue and brings no recommendation to the Council for further action on this recommendation.

Recommendation #65
(page 82)

Amend Joint Rule 28. "Cosponsorship" to permit an unlimited number of members to sponsor any bill or resolve.

Committee is unable to reach consensus on this issue and brings no recommendation to the Council for further action on this recommendation.

Recommendation #78
(page 108)

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.

Recommendation #67
(page 82)

Amend Joint Rule 27. "Filing After Cloture" to require a two-thirds vote of both houses before any late filed measure can be introduced.

Recommendation #84
(page 112)

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.

Recommendation #93
(page 116)

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.

Committee supports the recommendation if concept drafting is adopted following the Legislative Council's further study.

PEAT MARWICK STUDY OF LEGISLATIVE STRUCTURE AND OPERATIONS
ADVISORY COMMITTEE CONCLUSIONS REGARDING STUDY RECOMMENDATIONS

RECOMMENDATIONS TO BE REFERRED TO THE PRESIDING OFFICERS: 114TH

Recommendation #39
(page 17)

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.

Committee strongly supports the recommendation, but understands that the issue is already being addressed in individual offices.

PEAT MARWICK STUDY OF LEGISLATIVE STRUCTURE AND OPERATIONS
ADVISORY COMMITTEE CONCLUSIONS REGARDING STUDY RECOMMENDATIONS

RECOMMENDATIONS TO BE REFERRED TO THE PRESIDING OFFICERS: 115TH

Recommendation #69
(page 93)

Enumerate and formally define the jurisdictions of each of the joint standing committees.

Committee supports and recommends that the Council consider disseminating the informal guide that is used in reference of bills more widely.

Recommendation #70
(page 32)

Establish two groups or sets of committees to eliminate scheduling conflicts.

Committee supports, but understands that the presiding officers already work with Committee Chairs to accomplish this.

Recommendation #73
(page 107)

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.

Committee supports the intent of this recommendation.

Recommendation #77
(page 107)

Reconfigure the table and seating arrangements in the Appropriations Committee room.

Committee agrees that this is desirable, but that it is not the highest priority among those recommendations that entail a cost.

PEAT MARWICK STUDY OF LEGISLATIVE STRUCTURE AND OPERATIONS
ADVISORY COMMITTEE CONCLUSIONS REGARDING STUDY RECOMMENDATIONS

RECOMMENDATIONS REGARDING HOUSE/SENATE STAFFING

Recommendation #34
(page 50)

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.

Committee strongly supports the recommendation.

Recommendation #35
(page 52)

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 number of members to be served.

Committee supports the concept of a core staff in each of the four leadership offices which is independent of the size of the caucus. Committee recommends that the Legislative Council refer this issue to the Personnel Committee for further review and the development of specific recommendations for Council consideration.

Recommendation #36
(page 52)

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.

Committee is unable to reach consensus regarding this recommendation.

Recommendation #40
(page 53)

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 the authority and resources to staff their offices as they believe is most appropriate to service partisan objectives.

Committee is unable to reach complete consensus on this recommendation, but strongly endorses the concept that adequate staff be allocated to these four offices to assist members in carrying out their responsibilities in an increasingly complex legislative environment.

PEAT MARWICK STUDY OF LEGISLATIVE STRUCTURE AND OPERATIONS
ADVISORY COMMITTEE CONCLUSIONS REGARDING STUDY RECOMMENDATIONS

RECOMMENDATIONS TO BE REFERRED TO 115TH LEGISLATURE

- A. RECOMMENDATIONS THAT WOULD REQUIRE CHANGES TO THE JOINT RULES
- B. RECOMMENDATIONS THAT WOULD REQUIRE AMENDMENT TO THE STATUTES

A. RECOMMENDATIONS THAT WOULD REQUIRE CHANGES TO JOINT RULES

Recommendation #71 (page 93)

Reduce the number of joint standing committees to a maximum of sixteen.

Committee is unable to reach consensus on this issue.

Recommendation #22 (page 43)

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.

Committee makes no recommendation.

Recommendation #78 (page 108)

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.

Committee supports this additional step, but recognizes that the Legislative Council has already adopted specific guidelines and procedures.

Recommendation #80
(page 109)

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.

Committee supports the recommendation.

Recommendation #85
(page 112)

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.

Committee is unable to reach consensus regarding this recommendation.

B. RECOMMENDATIONS THAT WOULD REQUIRE AMENDING THE STATUTES

Recommendation #3 (page 28)

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).

Committee is unable to reach consensus on this issue.

Recommendation #87 (page 114)

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 not true basis or need to a review.

Committee is unable to reach consensus on this issue.

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.

PEAT MARWICK STUDY OF LEGISLATIVE STRUCTURE AND OPERATIONS
ADVISORY COMMITTEE CONCLUSIONS REGARDING STUDY RECOMMENDATIONS

RECOMMENDATIONS UPON WHICH
THE ADVISORY COMMITTEE WAS UNABLE TO ACHIEVE CONSENSUS

Recommendation #74
(page 107)

Expand the size of the Appropriations Committee to allow more legislators to have direct involvement in this critical process.

Committee is unable to reach consensus on this issue, although the number **disagreeing** with the recommendation outweighed those in agreement.

Recommendation #75
(page 107)

Create standing subcommittees of the Appropriations and Financial Affairs Committee to specialize in their review of the Governor's Budget.

Committee is unable to reach consensus regarding this recommendation.

Recommendation #76
(page 107)

Appoint two members of each joint standing committee to the specialized subcommittees of Appropriations.

Committee is unable to reach consensus regarding this recommendation.

Recommendation #86
(page 114)

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.

Committee is unable to reach consensus regarding this recommendation

Recommendation #92
(page 116)

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.

Committee is unable to reach consensus regarding this recommendation.

Recommendation #94
(page 116)

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., the number of majority members to minority members) more closely reflect the representation of the political parties within the Legislature as a whole.

Committee is unable to reach consensus regarding this recommendation, but is in agreement that it is important for both major parties to be represented on all joint standing committees.

PEAT MARWICK STUDY OF LEGISLATIVE STRUCTURE AND OPERATIONS
ADVISORY COMMITTEE CONCLUSIONS REGARDING STUDY RECOMMENDATIONS

COMMITTEE DISAGREES WITH THE RECOMMENDATION
AND RECOMMENDS NO FURTHER ACTION

Recommendation #19
(page 40)

After a bill is engrossed, we recommend a final legal review of the bill by attorneys in ORS to identify any potential conflicts and 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.

Committee disagrees with this recommendation, based on the fact that requiring the Revisor to **certify** a bill with regard to its constitutionality is inappropriate: constitutionality at this level is the purview of the court.

Recommendation #32
(page 50)

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.

Committee **disagrees** with the recommendation.

PEAT MARWICK STUDY OF LEGISLATIVE STRUCTURE AND OPERATIONS
ADVISORY COMMITTEE CONCLUSIONS REGARDING STUDY RECOMMENDATIONS

RECOMMENDATIONS WHICH THE COMMITTEE BELIEVES DESERVE NO FURTHER CONSIDERATION

Recommendation #1
(page 28)

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.

Committee believes the recommendation is superfluous.

Recommendation #17
(page 40)

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.

Committee supports the idea, but believes the recommendation is superfluous; such a system **was** employed during the Second Regular Session.

Recommendation #27
(page 46)

The future space and physical location plans for the library must recognize the strong preference of both staff and of legislators to be 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.

Committee concurs with the finding regarding proximity, but finds the present hours of service to be adequate.

Recommendation #28
(page 47)

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.

Not a priority: Committee thinks that the location of this function is unimportant as long as the associated accounting and record keeping are carried out in conformance with policies and procedures established by the Executive Director's Office.

Recommendation #30
(page 50)

We recommend that the Maine Legislature continue to prepare a verbatim Legislative Record in 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.

Committee supports the recommendation to continue recording House and Senate debates, but recommends that the Legislative Council explore further how other states make the debate available to the public.

Recommendation #38
(page 53)

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

Committee believes the recommendation is superfluous.

Recommendation #46
(page 59)

Vacancies that occur in staff positions during the interim should be fully justified as to current workload levels before they are authorized to be filled; delays in filling vacant positions at various times during the year can provide cost savings and may have little or no effect on legislative support capabilities.

Committee understands that this is current practice.

Recommendation #47
(page 59)

The use of legislative interns to provide staff assistance in a variety of areas should be considered; a formal internship program for college and graduate-level students can provide useful assistance to legislators and staff, and can help to offset the need for year-round personnel.

Committee recognizes that interns have worked in various offices previously and supports the concept of interns with the following caveats:

1. Interns should **not** be viewed as a way to offset the need for year-round basis; and
2. The employment of interns involves both cost and commitment to supervision.

Recommendation #49
(page 60)

As a second priority, we recommend that the actual text of bills that have been referred to committee and drafted be made available to not only non-partisan staff, but to all system users as part of future system upgrades. This information is of great value to interested citizens and lobbyists who may not be able to obtain hard-copies of bill texts on a timely basis. The information will be available to all legislative offices this summer.

Committee understands that this is already underway.

The costs of such a system upgrade, as well as the cost of providing this information to the Executive Branch and outside subscribers, should be partially or totally recouped through increased subscription fees, which are now only a nominal amount.

Recommendation #57
(page 70)

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
- 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.

Committee finds that this recommendation is superfluous: this is the current policy of the State's Budget Office, and is an issue over which the Legislature has no control.

Recommendation #61
(page 73)

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.

Committee finds that this recommendation duplicates previous recommendations and requires no further comment.

Specifically, the Office of the 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.

Recommendation #72
(page 106)

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.

Committee finds that this recommendation is superfluous.

Recommendation #79
(page 109)

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.

Committee finds that this recommendation is superfluous given the previous recommendation.

Recommendation #81
(page 109)

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.

Committee supports the recommendation, but understands that this is current practice.

Recommendation #82
(page 109)

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.

Committee believes this recommendation is unrealistic in the first regular session and strongly recommends that the Legislative Council explore other ways to relieve the drafting logjam at the beginning of the session.

Recommendation #83
(page 109)

Finally, we recommend that the Drafting Guidelines for Enacted and Council-Approved Studies, issued in a memorandum on April 28, 1990, 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 activities and are consistent with the recommendations offered herein.

Committee finds that this recommendation duplicates previous recommendations.

Recommendation #91
(page 115)

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.

Committee concurs that the function should be reassigned, and understands that the Legislative Council has already directed staff to develop specific recommendations regarding this for Council consideration.