

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL

September 30, 1992

REVISED AGENDA

CALL TO ORDER

ROLL CALL

SECRETARY'S REPORT

Summary of August 26, 1992, Council Meeting.

EXECUTIVE DIRECTOR'S REPORT

Item #1: Personnel Actions

a. Notification of New Employees Hired to Fill Existing Vacancies

- Carrie C. McFadden and John G. Kelly to fill two vacant Research Assistant positions in OPLA.
- Micki Hoddinott to fill vacant position (half-time) of Paralegal Assistant with the Revisor's Office (position is job-shared).

b. Resignations

- Jayne Deneen, Legislative Proofreader, Office of the Revisor
- Linda Gero, Legislative Technician, Office of the Revisor

Item #2: Printing Contracts for the 116th Legislature

REPORTS FROM COUNCIL COMMITTEES

Committee on the Legislative Budget

OLD BUSINESS

- Item #1: Request for Staff Assistance for the Legislative Members of the Task Force to Provide Recommendations Regarding School Funding Issues. (Tabled at July 22, Council meeting)**

NEW BUSINESS

Item #1: Submission of Study Reports

- a. Environmental Crimes (Staff study authorized by the Council at the request of the Joint Standing Committees on Energy & Natural Resources and Judiciary).

Item #2: Report from the Committee to Develop a Total Quality Management Plan for the Legislature.

Item #3: Requests to Introduce Legislation to the Third Special Session.

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



SEN. CHARLES P. PRAY
CHAIR

REP. DAN A. GWADOWSKY
VICE-CHAIR

STATE OF MAINE

115th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. JOHN L. MARTIN
REP. JOSEPH W. MAYO
REP. WALTER E. WHITCOMB
REP. FRANCIS C. MARSANO

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

MEETING SUMMARY

August 26, 1992

Approved September 30, 1992

CALL TO ORDER

The Legislative Council meeting was called to order by the Chair, Senator Pray, at 11:12 a.m.

ROLL CALL

Senators:	Sen. Pray, Sen. Clark, Sen. Webster, Sen. Dutremble Absent: Sen. Cahill
Representatives:	Rep. Martin, Rep. Gwadosky, Rep. Whitcomb, Rep. Mayo, Rep. Marsano
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review Martha Freeman, Director, Office of Policy and Legal Analysis Margaret Matheson, Principal Attorney, Revisor of Statutes

SECRETARY'S REPORT

The Summary of the July 22, 1992, meeting was approved and placed on file. (Motion by Rep. Mayo; second by Rep. Whitcomb; unanimous).

EXECUTIVE DIRECTOR'S REPORT

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

Item #1: Legislative Budget

a. Proposed Reductions in FY 93 Related to Health Insurance

Ms. Tubbesing first drew members' attention to a memo which described the opportunity for savings in the Legislature's current fiscal year budget (FY 93) as a result of the State's final negotiation of health insurance rates for the current year. The Legislature, like all other departments, budgeted a 12% increase; however, the actual increase is only 1%, producing a savings of \$291,343 in the general legislative account and an additional \$11,894 in the Law Library's account. Ms. Tubbesing stated that while the Commissioner of Finance and Administration had the authority to deappropriate these savings from all executive department budgets, legislation would be required for this purpose with regard to the legislative and judicial department budgets.

After a brief discussion, Council members concluded that such legislation could wait until the First Regular Session of the 116th. The Council took no formal action on this item.

b. Budget Request for FY 94/FY 95 Biennium: Status

Ms. Tubbesing then reported that she had received the preliminary instructions for preparing the new biennial budget request for Fiscal Years 1994 and 1995. Based on her review of the material, she has concluded that the budget preparation will require important policy decisions and that the Council should, therefore, be directly involved.

Motion: That the Council Chair appoint a Budget Subcommittee to work with the Executive Director and her staff in preparing the FY 94/95 budget request. (Motion by Rep. Mayo; second by Sen. Clark; unanimous).

Rep. Mayo volunteered to serve on this Subcommittee.

Item #2: Recommendations to fill Vacant Positions in the Revisor's Office and Legislative Information Office

This item was tabled, pending a report of the Personnel Committee later in the meeting.

Item #3: Contract Related to Conversion of Public Status System

Council members had received a memo in their advance agenda packet regarding the need for a contract for the purpose of acquiring access to a telecommunications network that would support public access to the Legislature's Bill Status System. Ms. Tubbesing summarized the memo briefly, noting that of the 3 firms that provide such a service in this area, one appears to offer a unique service because its system is already completely compatible with Wang software and hardware. This would significantly reduce the initial costs of tying into the network - both to the Legislature and to individual subscribers. Given this feature and the need to begin conversion of the bill status system in the next month, she recommended that the Council authorize entry into a sole source contract with Cable & Wireless, Inc. on a trial basis through the First Regular Session.

Motion: That the Legislative Council authorize the Executive Director to enter into a contract with Cable & Wireless, Inc. on a trial basis through the end of the First Regular Session. (Motion by Sen. Clark; second by Speaker Martin).

Discussion:

Rep. Marsano wanted to clarify that the next Legislative Council would review the contract to determine whether it was advisable to initiate a bid procedure for this service at the end of the trial period. Senator Clark confirmed that, based on Ms. Tubbesing's presentation, this was the intent of her motion.

The vote on the motion was unanimous, with two Council members absent at the time of the vote.

In further discussion, the Chair, Senator Pray, asked Ms. Tubbesing to comment on the recent announcement that Wang had filed for Chapter 11 protection under the bankruptcy laws. Ms. Tubbesing reported that Gerry Thibault had been in close touch with Wang, both prior to and since the announcement, and that he has received assurances that support from Wang will continue to be available. She further noted that it is Wang's hope to emerge from its Chapter 11 status as a smaller company and one focussed solely on software and that, at this point in the Legislature's computer development, our system is much more dependent on Wang software than on Wang hardware. She concluded that while there appears to be no immediate crisis as far as the Legislature's work is concerned, the Information Systems staff would continue to monitor the situation closely.

Item #4: Blue Ribbon Commission on Workers' Compensation: Budget Status Report

Ms. Tubbesing drew members' attention to the Budget Status Report, noting that as of August 19, the Commission had a balance of just over \$200,000 out of its original appropriation of \$250,000.

Motion: That the report be accepted and placed on file. (Motion by Speaker Martin; second by Sen. Dutremble; unanimous).

The Chair, Senator Pray, then suggested that it would be important for the members of the Banking & Insurance and Labor Committees to have an opportunity to meet with the Blue Ribbon Commission to review the Commission's findings and recommendations.

Motion: That the Joint Standing Committees on Banking & Insurance and Labor be authorized to meet with the Blue Ribbon Commission and that members be paid per diem and expenses for attendance at this meeting. (Motion by Speaker Martin; second by Rep. Marsano).

After further discussion, Speaker Martin withdrew his original motion and offered the following substitute:

Motion: That the presiding officers be authorized to approve meetings prior to the Special Session for those Committees that have jurisdiction in areas addressed by the Blue Ribbon Commission's report and that committee members be eligible for per diem and reimbursement of expenses. (Motion by Speaker Martin; second by Rep. Marsano; unanimous).

Item #5: Recommendation to Authorize Attendance at Annual Meeting of Eastern States Legislative Fiscal Officers in Waterbury, Vermont, by Jim Clair, Kevin Madigan and Tim Leet

Ms. Tubbesing noted that this organization is the primary professional affiliation for legislative staff who work in the area of budget and fiscal analysis. She pointed out that the location of the meeting in Vermont will permit staff to travel in one car.

Motion: That the recommendation be approved. (Motion by Speaker Martin; second by Sen. Clark; approved 7-2).

EXECUTIVE SESSION

Motion: That the Council proceed into Executive Session for the purpose of discussing matters related to Personnel. (Motion by Speaker Martin; second by Sen. Clark; unanimous)

The Council went into executive Session at 11:35 a.m.

RECONVENE

The Council reconvened in open session at 12:13 p.m. (Motion by Sen. Clark; second by Rep. Whitcomb; unanimous).

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Rep. Gwadosky, Committee Chair, presented the following recommendations on behalf of the Committee:

Motion: That the Legislative Council authorize extension of the Income Protection Plan to eligible employees as recommended. (Motion by Rep. Gwadosky; second by Speaker Martin, unanimous).

Motion: That the Legislative Council approve the proposals to fill vacant positions in the Office of the Revisor, the Office of Policy and Legal Analysis, and the Legislative Information Office as presented by the Executive Director. (Motion by Speaker Martin; second by Rep. Marsano; unanimous).

Motion: That the Council authorize the Executive Director to arrange payment from the legislative account for the purpose of settling a pending claim. (Motion by Sen. Clark; second by Sen. Dutremble; unanimous).

Committee on Total Quality Management

The Committee Chair, Senator Pray, reported that the Committee is in the process of developing its Interim Report to the Council in accordance with the requirements of Resolves, chapter 73. He further noted that the Committee had begun discussing issues related to the legislative confirmation process and had decided to form a special subcommittee for this purpose.

No Council action was required.

OLD BUSINESS

Item #1: Request for Staff Assistance for the Legislative Members of the Task Force to Provide Recommendations Regarding School Funding Issues. (Tabled at July 22, Council meeting pending further discussion with the Task Force members).

Motion: That the letter be placed on file. (Motion by Speaker Martin; second Rep. Mayo; approved 8-1).

NEW BUSINESS

Item #1: Request to Upgrade the Vietnam Memorial in Capitol Park
(correspondence from David Lovejoy)

Motion: That this item be referred to the State House and Capitol Park Commission for review and recommendations.
(Motion by Speaker Martin; second by Sen. Clark; unanimous).

Item #2: Requests to Introduce Legislation to the Third Special Session

Motion: That the Legislative Council accept no bills for introduction to the Third Special Session. (Motion by Sen. Dutremble; second by Sen. Whitcomb).

Discussion:

Senator Dutremble stated that the purpose of his motion was to clarify that the Special Session was being called to deal solely with Workers' Compensation. The Chair, Senator Pray, noted that the Legislature had carried over several bills that would have to be finally disposed of during the Special Session even if Sen. Dutremble's motion was approved. Rep. Marsano expressed his concern that consideration of these carryovers would circumvent Sen. Dutremble's motion; however, the Speaker noted that since these bills had been carried over by the action of the full Legislature, the Council had no authority to modify it.

ANNOUNCEMENTS AND REMARKS

The Chair, Senator Pray, drew members' attention to the date of time of the September Council meeting:

Tuesday, September 22
4:00 p.m.

ADJOURNMENT

The Council meeting was adjourned at 12:30 p.m., on the motion of Senator Webster.

Senator Stephen C. Estes
District 35
State House Station 3
Augusta, Maine 04333



THE MAINE SENATE
115th Legislature

P.O. Box 4
Kittery Point, Maine 03905

July 22, 1992

Hon. Charles P. Pray, Chair
Legislative Council
State House Station #115
Augusta, ME 04333

Dear President Pray:

With the Governor having already established a task force on education funding, your consideration of the request to you and the Legislative Council in the letter from Rep. Nathaniel Crowley and me dated May 13, 1992 is no longer necessary. However, I am writing to make a new request.

At the July 10 Task Force organizational meeting, I spoke with the other legislative members of the Task Force, Representatives Omar Norton, Donnell Carroll, and Gary Reed, and they were in full agreement that access to non-partisan staff assistance would be extremely valuable in assisting us as the Task Force reviews and makes recommendations for changes to Maine's school funding formula.

Concern about the funding formula has been building on a variety of fronts over the last several years. The suspension of the formula during the last two sessions of the 115th Legislature has convinced many that changes to the formula are necessary to both restore confidence and stability in the process and provide equity to school finance in Maine.

On behalf of my legislative colleagues on the Task Force, I am writing to request that the Legislative Council provide non-partisan staffing to do research and support work for the legislative membership and provide general assistance to the Task Force as approved by the Director of the Office of Policy and Legal Analysis.

Resolution of the school funding dilemma will be one of the most urgent matters before the Legislature next session. It is my hope that this study will make significant progress toward solutions. A final report and recommendations will be sent to the Legislature by mid-December.

Your approval of non-partisan staff assistance would be very helpful to us and much appreciated. Thank you for your consideration of this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Stephen C. Estes".

Sen. Stephen C. Estes, Chair
Joint Standing Committee on
Education



OFFICE OF
THE GOVERNOR

NO. 1 FY 92/93

DATE July 8, 1992

AN ORDER ESTABLISHING A TASK FORCE TO PROVIDE RECOMMENDATIONS
REGARDING SCHOOL FUNDING ISSUES

WHEREAS, the education of Maine students is among the highest priorities of state and local government; and

WHEREAS, between FY 80 and FY 90 total spending on general purpose aid for education by the state rose from \$183.4 million to \$475.5 million; and

WHEREAS, spending for K-12 education at the local level rose from \$364.5 million to \$939.1 million over this same period; and

WHEREAS, over the past two years Maine and the Nation have been caught in a severe economic recession; and

WHEREAS, the resultant decline in state revenues has forced the restriction of general purpose aid to \$523.2 million in FY 1991 and \$512.9 million in 1992; and

WHEREAS, the current economic down-turn has also produced unusual pressures on local governments and on local property taxpayers; and

WHEREAS, the reliance of the current school funding formula (20-A M.R.S.A. Chapter 606) upon the assessed value of local property is perceived by many to have placed an undue burden on certain sectors of the state; and

WHEREAS, a strong consensus continues to require a school funding formula that is designed to assure an equitable distribution of the property taxpayer burden throughout the state; and

WHEREAS, the allocation of the general purpose aid appropriations in the past two years have required a significant departure from the "certified funding level" and from the standard allocation mechanism of the current formula; and

WHEREAS, a strong consensus continues to require a school funding formula designed to achieve equity, with the fundamental recognition that the educational opportunities available to Maine children should not be determined by family wealth or by the wealth of the community;

NOW THEREFORE, I, John R. McKernan, Jr., Governor of the State of Maine, do hereby establish a Task Force To Provide Recommendations Regarding The School Funding Formula as follows:

Purpose

The purpose of the Task Force to Provide Recommendations Regarding The School Funding Formula is to consider the current issues regarding school funding in Maine and to suggest resolutions for these issues, particularly in the form of a new mechanism for the allocation of state resources to local school districts. In developing its recommendations, the Task Force should seek and consider public input and aim towards the development of a mechanism which is likely to have the support of the majority of the Maine citizens and their elected representatives.

The responsibilities of the committee shall be:

1. To consider the elements of the "recommended funding level," and to determine what factors should be considered in setting the total statewide appropriation for educational subsidies;
2. Consider the mechanisms necessary to adapt the recommended funding level to the amount actually appropriated by the Legislature and approved by the Governor for each budget year;
3. To consider how pupil educational needs and unit-wide educational needs should be measured, and how the total allocation of funds for school units should be calculated to equitably reflect these needs;
4. To consider the fiscal capacity of each school administrative unit and to develop a method of measuring the fiscal capacity for the purpose of the equitable allocation of resources in any school funding formula recommended by the Task Force;
5. To consider what incentives for local unit performance, size, and efficiency should be incorporated into the new school funding formula;
6. To consider the relationship between school funding and the cost of state educational mandates, along with the cost of optional local programs and services;
7. To consider means by which the school funding formula could promote cost-awareness so that there is full awareness of pupil and school unit needs and of the funds needed to address these needs, and how scarce the state and local revenues can be most efficiently used and targeted at the greatest of these needs;
8. To consider how the school funding formula, and the statutory language which describes this funding model, should be constructed to make the school funding formula more understandable to all groups that are affected by it;
9. To consider the interrelationship of the above issues to each other, or such other issues as the Task Force may deem necessary.

Goals

By September 14, the Task Force should issue a preliminary report to the Governor containing the following:

1. For each of the issues listed above:

- a. A brief description of the issue and resolutions that were considered by the Task Force;
- b. A more detailed description of the recommended resolution, including its relationship with each of the other recommended resolutions; and
- c. A recommended implementation year (based on considerations of the immediacy of the need for resolution, and the availability of data and programming resources that would be necessary to implement the recommendation).

2. The Task Force's public comment plan, describing the activities which the Task Force will perform to (a) disseminate its preliminary recommendations to Maine citizens, (b) encourage public comment on these recommendations, and (c) receive comments from interested individuals and groups.

3. By December 9, the Task Force will present its final report to the Governor, the Education Committee of the Legislature, and the State Board of Education. The content of the final report will reconsider the issues discussed in the preliminary report, with the following additions:

a. A summary of the major concerns and recommendations, as provided during the statewide discussions, together with Task Force recommendations.

b. A list of statutory changes recommended by the Task Force, to be effective beginning July 1, 1993.

c. All necessary details needed to support the Task Force recommendations for implementation in FY 94, including any necessary detail sufficient to collect further data, develop appropriate computer programs, and draft additional statutory language.

d. A list of additional statutory changes recommended by the Task Force, to be effective beginning July 1, 1994.

e. All necessary details needed to support the Task Force recommendations for implementation in FY 95, including any necessary detail sufficient to collect further data, develop appropriate computer programs, and draft additional statutory language.

4. During the first regular session of the 116th Legislature, the Task Force will communicate its recommendations according to a plan developed by the Task Force.

Membership

The membership of the Task Force shall be composed of representatives from the following organizations:

1. The State Board of Education
2. The Maine Department of Education
3. The Education Committee of the Maine Legislature
4. The Appropriations Committee of the Maine Legislature
5. The Maine Aspirations Foundation
6. The Maine Department of Administrative and Financial Services.

The membership of the Task Force shall also include individuals who, by background and experience, are affiliated with the following interests:

1. School Superintendents
2. K-12 Teachers
3. Elected municipal officials
4. The Chamber of Commerce
5. The local school boards

The Task Force shall have the following joint chairs:

Jane Amero, currently the Chairman of the State Board of Education, and Senator Stephen Estes, currently Senate Chair of the Legislature's Education Committee.

Others may be asked to participate from time-to-time as needed.

The committee membership shall be appointed by the Governor in consultation with the joint chairs. Members shall be selected with consideration for geographic distribution and the need for balance in representation among high-receivers, middle-receivers, and low-receivers under the current school funding formula.

Terms of Membership

The members of this committee shall serve until the business of the Task Force is completed, unless they should resign from the Task Force before that time. In the event of a vacancy, the Governor, in consultation with the joint chairs of the Task Force, shall select an appropriate replacement.

Administration

The Maine Department of Education shall serve as executive secretary to the Task Force and provide technical and administrative support, as needed.

Meetings

The co-chairs shall develop a meeting schedule for the Task Force. Subcommittees may be established as needed to carry out the work of the Task Force.

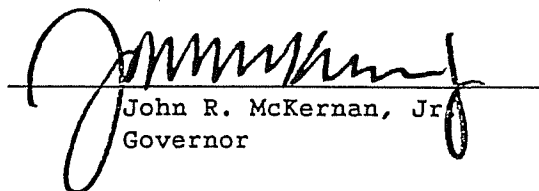
Compensation

Members shall serve without compensation. Necessary expenses incurred by members in the performance of their duties which are allowed by state law shall be reimbursed as allowable expenses. If the member's parent organization does not provide this reimbursement, then reimbursement will be provided by the Department of Education.

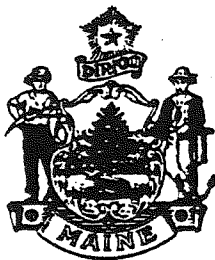
Period of Authorization

The Task Force shall perform its duties through the final day of the first regular session of the 116th Legislature. The Task Force will dissolve following this date, unless the Governor further extends its work.

The effective date of this Order is July 9, 1992.


John R. McKernan, Jr.
Governor

**Committee to Develop a Total Quality
Management Plan for the Legislature**



**Report
September 1, 1992**

COMMITTEE ON TOTAL QUALITY MANAGEMENT

Members

Charles P. Pray, President of the Senate, Chair

Senator Pamela L. Cahill

Senator N. Paul Gauvreau

Representative Peter Hastings

Representative Carol A. Kontos

Representative Anne M. Larrivee

Representative Joseph W. Mayo, House Majority Whip

Representative Hugh A. Morrison

Joy J. O'Brien, Secretary of the Senate

Deborah Bedard Wood, Clerk of the House

Lock Kiermaier, Office of Fiscal & Program Review

Julie Jones, Office of Policy

& Legal Analysis

Margaret Matheson, Office of the Revisor

Lynn Randall, State Law Librarian

Staff

Karen Hruby, Office of Policy & Legal Analysis

Sally Tubbesing, Executive Director

Subcommittees

Committee Rules & Procedures

Senator N. Paul Gauvreau, Chair
Senator Charles P. Pray

Representative Carol A. Kontos
Representative Anne M. Larrivee

Deborah Bedard Wood
Julie Jones
Lock Kiermaier

Teen Griffin, (ex officio)

Legislative Confirmations

Senator Paul Gauvreau, Chair
Senator Pamela Cahill

Representative Peter Hastings
Representative Paul F. Jacques
Representative Carol A. Kontos
Representative Anne M. Larrivee
Representative Hugh A. Morrison
Representative Robert J. Tardy

Carol Carothers
Teen Griffin
Joy J. O'Brien
May Ross

COMMITTEE ON TOTAL QUALITY MANAGEMENT

REPORT

Introduction

The Committee on Total Quality Management was established by the Legislative Council at its May 14 meeting as a vehicle for complying with "Resolve, to Implement Total Quality Management Procedures in State Government" (Resolves of 1991, Chapter 73). That Resolve, which emerged from the recommendations of the Special Committee on Governmental Restructuring, charges each of the three branches of government with the responsibility for developing "a management system that emphasizes total customer satisfaction and the importance of front-line, rank-and-file workers in the improvement of production or services".

Total Quality Management -- or TQM -- is a management approach that was initially developed in the 1920's and 1930's in private industry. TQM has since gained private sector converts throughout the world and has, only recently, been introduced in the public sector as a method for achieving positive change. Although many state legislatures are intrigued by its potential, no other state legislature has yet actually embarked on a TQM process; thus, Maine and the Legislative Council are charting new territory.

Unlike traditional management approaches, TQM seeks to infuse quality throughout the organization's processes of creating a product or service. Fundamental to this approach is the principle that every organization consists of a series of customer - supplier relationships and that improvements in the quality of an organization's products depend on examining and improving those relationships.

The Legislative Council's initial decision to appoint a committee to pursue the development of a total quality management plan reflected consensus among Council members that legislators and legislative staff offer a wealth of knowledge and expertise and should be directly involved in this process.

TQM Committee Structure and Process

Pursuant to the Council's action to establish a special committee, the Council Chair appointed a committee of 14 members. The appointments reflect the Council's commitment to incorporate one of the basic principles of total quality management into the Committee's structure - that is, that effective management relies on the knowledge, skills and experience of people at all levels in the organization. Thus, the Committee's legislative members include members of leadership, a Committee Chair, and members of the "rank-and-file". They are drawn from both political parties; they represent "veteran" legislators and those completing their first term of office; and they include members who have chosen not to run for re-election, as well as those who hope to continue their legislative service. Legislative staff appointed to the Committee include representatives from the Senate and House and a representative from each of the non-partisan staff offices; although they include senior managers, not all of the staff members have management responsibilities.

The Committee met for the first time on June 24 and has met five times to date. In addition, two subcommittees have been formed to focus on specific issues that have emerged from the full Committee's work: a Subcommittee on Committee Rules and Procedures has met once, and a newly-formed Subcommittee on the Legislative Confirmation Process will have its first meeting in September. Both the full Committee and the Subcommittees have had staff support from two members of the non-partisan staff.

In its initial meeting, the Committee focussed on developing a grasp of the major principles of total quality management, of the assumptions underlying it, and of the primary differences between a traditional approach to organizational change and the TQM approach. Because most of the actual experience with TQM has been in the private sector, the Committee concluded that it would be essential to adapt the "textbook model" to both reflect and to build upon the unique characteristics of the legislative branch. Thus, the Committee extracted four TQM principles to use as a framework for its own work. These are:

- Improvement in the quality of the Legislature's products is dependent on improving the communication between "customers" and "suppliers" at all levels.
- The most effective improvements are those that focus on prevention, not inspection or review after the fact.
- Total quality management is a process that pursues improvement on a continuous basis.
- Quality is everyone's job.

Recognizing that the "adaptation" of a process is very different from the simple adoption of a process in its entirety, the Committee concluded that the best way to develop an effective structure and process for guiding TQM in the Legislature was to develop a two track approach. In addition to developing a plan for institutionalizing TQM in the Legislative branch, they decided to apply TQM principles through the actual pursuit of "continuous improvement" in one or more specific areas. In order to identify these specific areas, the Committee attempted to develop a comprehensive list of the Legislature's customers and its suppliers, both internal and external (see Attachment A).

After a preliminary review of the list (with the conclusion that **everyone** is a customer of the Legislature!) and a review of some of the major issues related to each customer group, the Committee decided to focus on the consideration of the Legislature's joint committees as a customer group. This decision derived from the TQM Committee's conclusion that the Legislature's joint committees are the primary vehicles in Maine's legislative process for scrutinizing, debating and modifying legislation that is introduced. In addition, joint committees are the major access point for direct citizen involvement and input into the legislative process. Thus, the public perception of the entire legislative process often turns on their assessment of joint committee proceedings. Finally, Committee members felt that they could contribute more in this area than in some others: virtually every member of the TQM Committee is either a member of a joint standing committee, staffs one, or provides some other direct support to the joint committee process.

The Committee then focussed on developing a detailed perspective of the Committee-as-Customer, defining the following:

- The Committees' major suppliers;
- The products each supplier provides -- and that committees need in order to perform their work;
- Improvements in these products, or the customer/supplier relationships, that have already occurred as the result of previous "improvement" efforts;
- The current status of committees' relationships with each of their suppliers; and
- The unmet expectations and need for improvement in products and/or the relationships.

The recommendations that follow have emerged from the committee's two track approach of developing an implementation plan while simultaneously apply TQM principles in a specific area. These recommendations reflect the Committee's initial analysis of the relationships among the joint committees, their customers and their suppliers in the legislative process and a review of their own TQM Committee process. Applying the principle of continuous improvement, the TQM Committee will continue to examine these relationships.

Recommendations

Each TQM committee member had a connection to the Legislative committee process. As they discussed their individual experiences, the members recognized that differences in the application of committee rules and the variety of committee procedures increased the complexity of the legislative process. Simplifying and standardizing committee rules and procedures became the Committee's first priority.

The committee also identified specific areas for improvement related to the Joint Rules, the Legislative Confirmation Process and the after-deadline bill process. Finally, the committee had recommendations regarding the future of TQM in the Legislature. The committee's recommendations are enumerated below.

Joint Standing Committee Process

1. **Modify the present Committee Rules of Procedure to distinguish between rules and procedures.**

The distinction is that rules are uniformly applied across all committees, while procedures are recommended but can be modified by committee action. Once adopted, committee procedures also must be applied uniformly within the committee to ensure that every member of the public is treated with dignity and fairness.

2. **Standardize committee rules and procedures that promote public and legislator access and increase committee effectiveness.**

A subcommittee continues to work on a final draft of the revised committee rules and procedures. Examples of agreed upon recommendations include:

- A rule permitting anyone who wishes to speak the opportunity to do so, although it may be necessary to limit the amount of time for testimony on a given bill;
- A rule requiring that the committee, through its clerk, attempt to notify a bill's sponsor of the time and date of the bill's scheduled work session;
- A rule permitting committees, under certain conditions, to begin public hearings or work sessions once 5 or more committee members are present; and
- A procedure for committees to develop and post tentative work session schedules.

Publication of Rules and Procedures

- 3. Introduce the revised rules and procedures to committee chairs and rank-and-file members with the strong support of the Legislative Council and the Presiding Officers.**

To accomplish this recommendation, the Committee further recommends:

- Mailing of the revised rules and procedures to legislators one week before the 116th Legislature convenes;
- Expanding orientation for new and returning legislators to the revised rules and procedures; and
- Scheduling a special meeting to provide the presiding officers and committee chairs an opportunity to discuss the revised rules and procedures;
- Incorporating the committee rules into the Joint Rules.

- 4. Publish committee rules and procedures to enhance participation by the public and rank-and-file members.**

Include the rules and procedures in a handbook for committee chairs, a handbook that describes the legislative process to the public, and on flyers made available in each committee room.

Legislative Confirmation Process

- 5. Continue the work begun by the committee to address difficulties in the nomination/confirmation process.**

The committee has identified several issues surrounding the nomination/confirmation process that require consultation and thoughtful discussion. Those issues include time constraints, the number of confirmations required, background checks, dealing with negative information and confidentiality. A new sub-committee, devoted to studying these issues has been appointed and will begin meeting in mid September.

- 6. Modify the notification letter sent to nominees subject to confirmation.**

Include with the letter a brief outline of the confirmation process and the address of a single repository for letters of recommendation. Replace the letter's current signature with that of the appropriate committee chairs.

After-Deadline Bill Process

7. Clarify the after-deadline bill process.

Distribute explicit criteria for after-deadline bill approval and an explicit description of the process for submitting after-deadline bills. Post the Legislative Council meeting schedule.

The Future Of TQM In The Legislature

8. Continue the strong and active support of the TQM committee by the Legislative Council.

The success of TQM initiatives depends upon the sustained support of leadership. It is important to continue to have Council members sit on the TQM committee.

9. It is important for the TQM Committee to submit periodic reports to the Legislative Council.

These reports should briefly update the Council on TQM progress, make additional interim recommendations and report the results of the committee's monitoring of implemented changes.

10. Maintain the present TQM committee structure and process.

The membership agrees that the present TQM committee structure and process are effective. The committee found that the use of subcommittees increased the number of individuals and groups involved in the process while simultaneously gaining their expertise, understanding and support. An added benefit was the ability to work on more than one project at a time.

Membership on the TQM committee requires substantial time and commitment. There are long meetings that often require thoughtful preparation. The Committee feels that it may not be feasible to maintain the same level of effort that has characterized the first phase of its work during the First Regular Session. At the same time, it is important for the Committee to meet regularly even after the Legislature has convened, to maintain continuity and to monitor the implementation of recommendations. For example, the committee will need to determine if the proposed changes in committee rules and procedures make a difference.

11. Provide participants in the public hearing process with an opportunity to express their opinions about and perceptions of that process.

The committee plans to conduct regular, periodic surveys of the public and joint standing committee members. The purpose of the surveys is to identify the strengths and weaknesses in the present legislative process as experienced by those two customer groups. This information will be shared with committee chairs and leadership.

12. Explore methods to increase understanding of and access to the legislative process.

The committee has tentatively identified the areas where it will focus in the next phase of its work:

- The legislative nomination/confirmation process;
- The development of materials describing the legislative process; and
- The orientation process for new legislators.

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PRESS

LOBBYISTS/

"INTERESTED PARTIES"

COMMITTEES

REQUESTS TO INTRODUCE LEGISLATION
CONSIDERED AND REJECTED at AUGUST 26, 1992 COUNCIL MEETING

SPONSOR: Rep. Anthony

LR 3932 An Act to Restore Funding to the Maine Youth Center

SPONSOR: Sen. Baldacci

LR 3948 An Act to Clarify the Procedures under Which Fees Are
Collected under the Petroleum Market Share Laws

SPONSOR: Rep. Clark, Herbert E.

LR 3941 An Act Concerning Local Participation in Decisions
Concerning Low-level Radioactive Waste Sites Proposed
to Be Located in the Unorganized Territory

SPONSOR: Rep. Clark, Herbert E.

LR 3946 An Act to Amend the Maine Municipal Bond Bank Act

SPONSOR: Sen. Clark, Nancy R.

LR 3944 An Act Concerning Employees of the Maine Technical
College System

SPONSOR: Sen. Cleveland

LR 3951 An Act to Provide Funding for School Bus Purchases

SPONSOR: Rep. Crowley

LR 3928 Resolve, to Require the Attorney General to Institute a
Grand Jury Investigation of the Shooting of Katherine
Hegarty

SPONSOR: Rep. Daggett

LR 3947 An Act to Approve an Additional Allotment of a Federal
Block Grant

SPONSOR: Rep. Erwin

LR 3922 Resolve, Instructing the Department of Veterans' Services
to Transfer a Surplus Facility to the Town of Rumford

SPONSOR: Rep. Farnsworth

LR 3912 An Act to Ensure Continuity of State-contracted Services

Cosponsors: Rep. Treat

SPONSOR: Rep. Farnsworth

LR 3914 An Act to Cover Employees of the Maine National Guard under the Maine Human Rights Act and the Whistleblowers' Protection Act

Cosponsors: Rep. Joseph

SPONSOR: Rep. Farnsworth

LR 3919 An Act to Preserve a Woman's Right to Privacy

Cosponsors: Sen. Clark, Nancy R.

SPONSOR: Rep. Farnsworth

LR 3926 Resolve, to Establish a Moratorium on the Search for a Maine Site for Low-level Radioactive Waste and to Provide for a Review of the State's Role in the Disposal of Low-level Radioactive Waste

Cosponsors: Sen. McCormick

SPONSOR: Sen. Gauvreau

LR 3945 An Act to Amend the Maine Civil Rights Laws Regarding Violations of Constitutional Rights

Cosponsors: Rep. Stevens, Patricia M.
Rep. Anthony
Rep. Richards

SPONSOR: Rep. Heino

LR 3935 An Act to Retain the Current Standard for the Release of Tributyltin in Marine Antifouling Paints

Cosponsors: Rep. Townsend
Sen. Vose

SPONSOR: Rep. Lawrence

LR 3938 An Act to Amend the Laws Concerning Transfers of Commercial Moorings

SPONSOR: Rep. Lemke

LR 3915 An Act to Require Legislative Confirmation of the
Director of the Maine Drug Enforcement Agency

Cosponsors: Rep. Paradis, Patrick E.

SPONSOR: Rep. Lord

LR 3930 An Act to Amend the Voter Ratification Provisions
of the Charter of the Waterboro Water District

Cosponsors: Sen. Titcomb

SPONSOR: Rep. Luther

LR 3907 An Act to Allow Hunting of Small Game Animals on Sundays

SPONSOR: Rep. Luther

LR 3908 An Act Permitting the Bureau of General Services to Provide
Insurance to Certain Group Homes for Children and Persons
with Mental Retardation

Cosponsors: Rep. Erwin
Sen. Mills
Rep. Lord

SPONSOR: Rep. Luther

LR 3933 An Act to Require Just Cause for Dismissal of Employees

SPONSOR: Rep. Mahany

LR 3950 An Act to Amend the Charter of the Mars Hill Utility
District

Cosponsors: Rep. MacBride
Sen. Ludwig

SPONSOR: Rep. Marsano

LR 3910 An Act to Restore the Practice of Interior Design
in the State

SPONSOR: Rep. Marsano

LR 3925 An Act to Expand the Membership of the National
Conference of Commissioners on Uniform State Laws

SPONSOR: Rep. Marsano

LR 3943 An Act to Allow School Districts to Be
Included in the State's Risk Management Pool

SPONSOR: Rep. Michaud

LR 3927 An Act to Repeal the Requirement for Registration of Truck
Campers

SPONSOR: Sen. Pearson

LR 3931 An Act to Exempt Warden Service Vehicles from
Participation in the Central Motor Pool

Cosponsors: Sen. Summers
Rep. Rotondi
Rep. Swazey

SPONSOR: Sen. Pearson

LR 3939 An Act to Make Corrections to the Salary Reductions
Authorized in Public Law 1991, Chapter 780, Part III

Cosponsors: Sen. Bost

SPONSOR: Rep. Rotondi

LR 3936 An Act to Increase the Number of Moose Permits

Cosponsors: Sen. Webster
Rep. Jacques

SPONSOR: Rep. Simonds

LR 3949 An Act to Clarify Eligibility for Ordinary Death
Benefits Under the Maine State Retirement System

Cosponsors: Sen. Brannigan

SPONSOR: Rep. Simpson

LR 3954 An Act to Require Partial Reimbursement of Concealed
Weapons Permits Fees

SPONSOR: Rep. Stevens, Patricia M.

LR 3929 An Act to Require Fair Notice Prior to the Imposition
of Municipal Penalties

SPONSOR: Rep. Tardy

LR 3952 An Act to Maintain the Integrity of Commodity Tax Accounts

SPONSOR: Sen. Titcomb

**LR 3923 Resolve, to Allow Neil and Linda Chute to Bring an
Action against the State of Maine**

SPONSOR: Sen. Vose

LR 3920 An Act to Improve Access to Maine's Veterans' Homes

**Cosponsors: Sen. Pray
Rep. Townsend
Rep. Farren, Jr.**

SPONSOR: Sen. Vose

**LR 3953 An Act to Allow the Commissioner of Marine Resources to
Issue Temporary Emergency Leases for the Aquaculture of
Finfish**

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION**

September 15, 1992

Action

SPONSOR: Rep. Richards

**LR 3955 An Act to Encourage Standardized Evidence Kits
 for Cases of Gross Sexual Assault**

ADDENDUM

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION**

September 30, 1992

Action

SPONSOR: Sen. Bost

**LR 3961 An Act to Clarify the Laws Governing Real Estate
Transfer Tax**

**Cosponsors: Rep. Cashman
Sen. Collins
Rep. Murphy**

SPONSOR: Rep. Clark, Herbert E.

**LR 3964 An Act to Clarify the Authority of the Maine
Municipal Bond Bank**

SPONSOR: Rep. Gray

**LR 3959 Joint Resolution Memorializing the United States
Citizen Stamp Advisory Committee and Postmaster
General to Issue a Commemorative Stamp in Honor
of Castine's Bicentennial**

SPONSOR: Rep. Rotondi

**LR 3960 An Act to Extend the Deadline for Closing Municipal
Landfills**

SPONSOR: Rep. Stevens, Patricia M.

LR 3963 An Act to Protect Civil Rights