

# MAINE STATE LEGISLATURE

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COMMITTEE ON GOVERNMENTAL RELATIONS AND PROCESS

Function Statement

In order that it fulfill its responsibilities, state government must organize itself efficiently and effectively, employing sound management practices, to provide total quality service to its citizens. At the same time, the process of government must be structured to promote public participation and full accountability of its officials. Furthermore, it is essential that the three branches of state government maintain their distinct and separate roles and that state government as a whole establish and maintain an effective and responsible relationship with all levels of government.

PROPOSED AREAS FOR FURTHER INVESTIGATION

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In order to help in setting priorities among these issues, a series of questions are included with each. It is hoped that these may assist you in preparing for the committee's meeting on August 6th during which the committee will establish priorities and develop its work plan.

Here is an explanation of the codes:

Priority:                   H = High  
                              M = Medium  
                              L = Low

Approach:

FS = Make recommendations for Further Study  
G/S = Develop General/Conceptual  
  recommendations  
PS = Develop recommendations for Particular  
  Structural changes  
DP = Develop Detailed Process recommendations

Suggested sources of information?: Are there particular information sources which you feel the committee should examine in order to adequately address this topic?

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A. The budget process

Possible hypothesis: The state budget process is adequately structured and sufficiently flexible to provide effective and efficient analysis of budget proposals and effective and efficient management of state government.

1. Matching of expenditures to revenues. Should growth in expenditures be smoothed out and reserves created to avoid revenue short falls in down economies?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

2. Statutory changes in the budget document. When is it appropriate to insert statutory changes in the budget document?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

3. Dealing with policy changes in the budget document. Should tax policies (especially business tax credits) be integrated more effectively into the budget process? What is the best method of handling program changes in relation to the budget process?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

4. The budget document. Is the form of the budget document conducive to efficient and effective Legislative review?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

5. Consensus forecasting. Should a version of consensus forecasting be adopted?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

6. Legislative staffing. Do staffing resources need to be reorganized to cause more efficient analysis of budget proposals?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

7. Long-range cost estimates and revenue estimates. Should a process be instituted whereby projections of costs of current programs together with projections of revenues are developed for the future biennium?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

8. Fiscal notes. Should fiscal notes include estimates of the long-term costs of the legislation?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

9. Legislative access to information. Does the OFPR need better access to information on future cost expectations for programs and does the Executive Branch need improved capabilities of providing that sort of information? Is there a need for greater integration of computer systems and for better information flow between OFPR and the Budget Office and the Executive departments?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

10. Program review and tax exemption review. Is there a need for a more effective review of current programs and of tax exemptions?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

11. Timing of budget receipt by the Legislature and passage. Should the budget, or parts thereof, be received and passed earlier by the legislature?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

12. Revenue forecasting. Is there a need for closer integration of resources between the Budget Office and the Tax Bureau?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

13. Contracts and obligations. Do executive departments enter into binding obligations before appropriations have been made for the programs? If so, is it appropriate for there to be a limitation on this practice?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

14. Capital expenses. Should cost/benefit analyses be conducted to determine the appropriateness of capital investments? Does there need to be more capital investments in certain technologies?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

15. Review of federally-funded programs. Is there a need for more careful review of federally funded programs?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

## **B. Legislative Process**

Possible hypothesis: The legislative structure and process appropriately balances the need for efficient and effective law-making with the need for public accessibility and accountability.

1. Public access to committee work. Is there a need for greater public input into Legislative committee work, and if so, how can this be accomplished? (ITV)

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

2. Legislative terms. Should legislative terms be extended?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

3. Legislative size. Should the size of the legislature be reduced?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

#### C. Executive Department

Possible hypothesis: The structure of the Executive Department promotes efficient and effective use of resources.

1. The structure of the department. Is the organizational make-up of the Executive Department appropriate?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

#### D. Executive Branch

Possible hypothesis: The existence of separate departments of Administration and of Finance promotes efficiency and is an effective use of resources.

1. The merger of the Departments of Finance and Administration. Should the departments of Finance and Administration be merged and if so how should it be done?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

#### E. Judicial Branch

1. The committee decided it would not deal further with issues related to the Judicial Branch, since it felt that Branch was being adequately studied elsewhere, particularly by the Commission on the Future of Maine's Courts.

## F. Constitutional officers

Possible hypothesis: The functions of the constitutional officers are most appropriately carried out by those officers in order to ensure efficiency and effectiveness while maintaining adequate public accountability.

1. Functions which may be dealt with by the Executive Branch. Are there functions which are performed by these officers (particularly the Treasurer and the Secretary of State) which could be as effectively and more efficiently dealt with by appropriate executive departments while preserving adequate public accountability?

*Priority: H M L*  
*Approach: FS GIS PS DP*  
*Suggested sources of information?*

## G. Administration of personnel systems, lands, buildings, information systems and purchasing.

Possible hypothesis: The administration of personnel systems, buildings and land, information systems and purchasing promotes effectiveness and efficiency and adequate public accountability in the service of Maine's citizens.

1. Renting vs. buying. Should the State put a greater emphasis on purchasing lands and buildings rather than renting?

*Priority: H M L*  
*Approach: FS GIS PS DP*  
*Suggested sources of information?*

2. Use of regional offices. Is it appropriate for there to be a rearrangement of regional offices and perhaps an elimination or merger of some offices?

*Priority: H M L*  
*Approach: FS GIS PS DP*  
*Suggested sources of information?*

3. Utilization of capital resources. Is there a more effective way for the State to utilize its existing capital resources?

*Priority: H M L*  
*Approach: FS GIS PS DP*  
*Suggested sources of information?*

4. Data processing: Is there a need for increased uniformity and co-ordination of data processing systems?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

5. Co-ordination of actions, responsibilities, functions between departments. Is there a need for greater co-ordination between the functions and activities of the various executive departments?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*

#### H. Independent boards and commissions

Possible hypothesis: The independent agencies, boards and commission are effective and efficient means of carrying out needed governmental functions and provide useful avenues of governmental accountability and accessibility to the public.

1. Are there criteria which may be developed for evaluating the continued justification for individual entities?

2. Using these criteria, are there a few boards which can be suggested for elimination?

#### I. Relationship between State and local government

Possible hypothesis? The balance of powers and responsibilities between State and local government results in efficient and effective use of resources and ensures adequate public participation.

1. Is there a better balance and sharing of power between State and local government which may be achieved to create more effective and efficient use of resources?

*Priority: H M L*  
*Approach: FS G/S PS DP*  
*Suggested sources of information?*



J. State and federal regulatory overlap

Possible hypothesis: State and federal regulations are sufficiently co-ordinated to ensure against unnecessary overlap and duplication.

1. Are there unnecessary overlaps between state and federal regulations which may be eliminated or alleviated to allow more efficient and effective use of state resources while preserving state regulatory goals?

*Priority: H M L*

*Approach: FS GIS PS DP*

*Suggested sources of information?*

K. Partisan staffing

Possible hypothesis: The legislative partisan staff provides necessary, efficient and effective assistance to the legislature.

1. Is there a need for partisan legislative staff and if so, how large does that staff need to be?

*Priority: H M L*

*Approach: FS GIS PS DP*

*Suggested sources of information?*

NOTE: Here is a list of specific Legislative directives to the Commission:

1. The Commission is directed to review the costs and the need for each **board, commission and other independent entity established by state law**. At the request of the Commission, the Secretary of State is directed to provide the Commission with a list of those entities;
2. The Commission is directed to examine the newly created position of **Special Investigation Manager within the Bureau of Income Maintenance in the Department of Human Services** to determine how the Department may best manage that function;
3. The Commission is directed to consider **3 statutory reorganization proposals** for inclusion in its final report of December 15th. The statutory proposals are to create a new Department of Justice, to **create a new Department of Administrative and Financial Services**, and to create a new Cultural Affairs Bureau; and
4. The Commissioner of Finance and the Director of the Bureau of Alcoholic Beverages are directed to present recommendations to the Commission for **closing at least 10 more State Liquor Stores** in 1992-93;
5. The Commissioner of Finance, the Director of the Maine State Lottery and the State Lottery Commission are directed to review the operations of **Lotto\*America** and to present recommendations on the continuation or termination of that game, along with recommendations for any new lottery game, to the Restructuring Commission on or before January 15, 1992. (*Note: LD 1886, if signed by the Governor, will repeal the State's authority to participate in Lotto\*America after July 1, 1993*).
6. The Governor is directed to submit the **final report of the Governor's Task Force to Improve Services to Maine's Children, Youth and Families** to the Commission.
7. Review any **studies** of the executive, judicial and legislative branches, including the constitutional officers, conducted in the **last 5 years** that examined the structure, restructuring or reorganization of State Government.

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## PROPOSED AREAS FOR FURTHER INVESTIGATION

### A. The budget process

1. Budgeting period: short term vs long term planning

Possible hypothesis: The biennial budgeting period allows effective and efficient management of state government.

2. Budget process: how well does it work in years of reduction?

Possible hypothesis: The budget process is adequately structured and sufficiently flexible to provide effective and efficient analysis of proposals for reductions in spending.

- a. QUESTION: Is this year's experience an aberration or foretaste of things to come? If the latter, what is the problem and how can it be dealt with?

- i. Insertion of statutory changes into budget document.

3. Role of Legislature in budget process

Possible hypothesis: The Legislature effectively and efficiently provides sufficient review and analysis of governmental programs, expenditures and revenue forecasting.

- a. Revenue forecasting

- b. Legislative staffing/ expertise
    - i. Separation of fiscal and policy staff
  - c. Fiscal notes
  - d. Program review and evaluation
    - i. Audit and Program Review Committee
    - ii. Appropriation hearing process
    - iii. Review by policy committees
  - e. Budget as a policy document
4. Role of Executive in budget process (to be discussed with Commissioner Sawin Millett)
- a) Revenue forecasting
    - i. Role of economists
  - b) Cash flow management

5. Co-ordination/integration of information systems between budget office, Executive departments and Legislature

Possible hypothesis: The information flow and the integration of information systems between the budget office, the Executive departments and the Legislature promote efficient and effective legislative processing of the budget document.

- a. Integration of computer systems between budget office, Executive departments and Legislature.

B. The structure and process of the following:

- 1. Legislature
  - a. Committee Process

Possible hypothesis: Committee structure and process facilitates effective, efficient law-making while providing adequate accessibility and accountability to the public.

- i. Number of committees/ use of subcommittees

ii. Managing committee workload

-Limiting number of bills  
that may be introduced

-Concept drafting

-Deadlines for dealing with  
bills

b. General legislative structure

Possible hypothesis: The structure of the legislature effectively balances the need for efficient and effective law making with the need for sufficient public accountability and access.

i. Legislative terms

ii. Size of the Legislature

c. Function of legislature (particularly with regard to budget review and preparation)

2. Executive Department (Expand to cover Executive Branch?)

a) Management practices

Possible hypothesis: The Executive Department (Branch) efficiently and effectively carries out the laws of the state while providing an adequate level of public accountability and access.

i) Incentive program development

ii) Employee oversight

b) Legislative oversight and control

Possible hypothesis: The Legislature provides sufficient policy guidance to the Executive while allowing adequate Executive discretion in the execution of the laws.

3. Judicial branch (based on prior committee discussion this is a low priority)

C. Nature, function and effectiveness of constitutional offices (Few major issues appeared to arise during the discussion with the Constitutional officers on 8/9/91.)

1) Treasurer

a) Extent of authority

b) Investment practices

2) Attorney General

a) Separation from departments represented

i) Centralized housing

b) Turnover

3) Secretary of State

a) Use and condition of information systems

4) Auditor (Not a constitutional officer but is elected by joint ballot of Legislature)

a) Review of revenue forecasts

D. The administration of personnel systems, buildings and land, information systems, purchasing.

1) Renting vs buying

Requires further discussion

E. The independent agencies, boards and commissions:

1. Examination of individual entities

a. Secretary of State report

2. The conceptual framework within which these entities exist and operate.

NOTE: The examination of individual boards and commissions may require more time and resources than this committee can possibly give to it. Also, review of these entities is an on-going issue. Perhaps the

committee could develop some sort of basic conceptual model for boards and commissions and include with it a recommendation for some sort of review mechanism for evaluating the justification for such entities.