

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1081

H.P. 770

House of Representatives, April 10, 1989

Reported by Representative JOSEPH from the Committee on State and Local Government and printed under Joint Rule 2.

Ed Pert

EDWIN H. PERT, Clerk

Original bill sponsored by Representative CARROLL of Gray. Cosponsored by Speaker MARTIN of Eagle Lake, Representative ROTONDI of Athens and Representative O'GARA of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

Resolve, to Study the Structure and Operations of the Legislature.

(NEW DRAFT OF H.P. 110, L.D. 147)

(NEW TITLE)

(EMERGENCY)



1 **Emergency preamble. Whereas,** Acts and resolves of the
Legislature do not become effective until 90 days after
3 adjournment unless enacted as emergencies; and

5 **Whereas,** a study of the structure and operation of the
legislative process in Maine has not been conducted since 1976;
7 and

9 **Whereas,** substantial changes have occurred with respect to
legislative responsibilities, the complexity of issues and
11 legislation processing technology; and

13 **Whereas,** these significant changes require an immediate,
comprehensive examination of the structure and operation of the
15 Legislature in order to effectively address the impact of these
changes; and

17 **Whereas,** it is necessary that the results and
19 recommendations of this study be reported to the 114th
Legislature for consideration and implementation; and

21 **Whereas,** in the judgment of the Legislature, these facts
23 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
25 necessary for the preservation of the public peace, health and
safety; now, therefore, be it

27 **Definitions. Resolved:** That, as used in this resolve, unless
29 the context otherwise indicates, the following terms have the
following meanings:

31 1. "Consultant" means the person, firm or organization
33 which is awarded the contract for conducting the study of the
structure and operation of the Legislature.

35 2. "Executive Director" means the Executive Director of the
37 Legislative Council.

39 3. "Legislative Council" means the Legislative Council as
established in the Maine Revised Statutes, Title 3, section 161.

41 4. "Legislative staff" means the nonpartisan legislative
43 staff offices of the Legislature, including the Office of the
Executive Director, and the partisan legislative staff offices;
45 and be it further

47 **Advisory committee established; membership. Resolved:** That the
Advisory Committee on Legislative Structure and Operation is
49 established to monitor and facilitate a study of the structure
and operation of the Legislature. For the purpose of this
51 resolve, "advisory committee" means the Advisory Committee on
Legislative Structure and Operation.

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3 1. The advisory committee shall consist of 8 members
appointed as follows:

5 A. Four members appointed jointly by the Speaker of the
House and the President of the Senate. Two of the 4 members
7 shall be members of the 114th Legislature and 2 members may
not be Legislators; and

9 B. Four members appointed jointly by the Speaker of the
11 House and the President of the Senate, upon the
recommendations of the minority leader of the House of
13 Representatives and the minority leader of the Senate. Two
of the 4 members shall be members of the 114th Legislature
15 and 2 members may not be Legislators.

17 The 8-member advisory committee shall be appointed within 30 days
following the effective date of this resolve.

19 2. There shall be 2 chairs of the advisory committee who
21 shall be selected by the Legislative Council from among the
members of the advisory committee. The 2 chairs shall be subject
23 to unanimous approval by the Legislative Council.

25 3. The advisory committee shall:

27 A. Review and make recommendations with respect to the
request for proposals developed by the Executive Director;

29 B. Review responses to the request for proposals concerning
31 the study to be conducted under this resolve;

33 C. Recommend to the Legislative Council the person, firm or
organization to conduct the study defined in this resolve;

35 D. Monitor and oversee the study and serve as a resource to
37 the consultant; and

39 E. Review the interim and final reports prepared by the
consultant.

41 4. The legislative members of the advisory committee shall
43 be compensated at the legislative per diem rate when the
Legislature is not in session. Members who are not Legislators
45 shall be compensated at the legislative per diem rate in
accordance with the standards set forth in the Maine Revised
47 Statutes, Title 5, chapter 379.

49 5. The first meeting of the advisory committee shall be
called by the chair of the Legislative Council within 5 working
51 days following the appointment of the advisory committee; and be
it further

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2 **Consultation. Resolved:** That the consultant conducting the
3 study shall consult with Legislators, former Legislators,
4 legislative staff persons and other persons or groups determined
5 necessary by the consultant; and be it further

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7 **Confidentiality. Resolved:** That, notwithstanding any other
8 provision of law, all testimony, including written and oral
9 information provided to the consultant, and all documents,
10 records and materials containing information provided by
11 legislative staff persons to the consultant are confidential
12 until the completion of the study. Following completion of the
13 study, notwithstanding any other provision of law, no information
14 may be made available or disclosed that in any way identifies any
15 legislative staff person who provided information for the study
16 or the legislative staff office where that staff person is
17 employed; and be it further

18 **Enter into agreements; request for proposal. Resolved:** That the
19 Legislative Council enter into agreements and contracts for the
20 implementation of the study required in this resolve.
21

22 1. Within 30 days following the effective date of this
23 resolve, the Executive Director shall prepare requests for
24 proposals for the implementation of the study of the structure
25 and operation of the Legislature.
26

27 2. The advisory committee shall review the proposed request
28 for proposals and make recommendations concerning this request.
29

30 3. Following review and agreement by the advisory
31 committee, the Executive Director shall issue the request for
32 proposals in the same manner the Legislature issues a request for
33 proposals for similar contracts.
34

35 4. The advisory committee shall review all responses to the
36 request for proposals and recommend to the Legislative Council
37 the proposal that the advisory committee unanimously supports.
38

39 5. The Legislative Council shall adopt the proposal that
40 receives the unanimous approval of the Legislative Council. The
41 Legislative Council shall enter into a contract as provided in
42 this resolve no later than June 1, 1989; and be it further
43

44 **Study guidelines. Resolved:** That the study of the structure
45 and operations of the Legislature include, but not be limited to,
46 the following:
47

48 1. The degree of efficiency of the current legislative
49 process, including the structure and operation of the legislative
50 staff offices and the Legislative Council. This part of the
51 study shall include, but not be limited to:

- 1
3 A. An analysis of legislative staffing patterns and operations and their impact on the legislative process;
- 5 B. An analysis of the operating policies of the legislative staff offices and their impact on the legislative process;
- 7
9 C. An analysis of the process by which a bill becomes law; and
- 11 D. A review of the costs of accessibility of the legislative process to Maine citizens;
- 13
- 15 2. The degree and quality of responsiveness of the current legislative process, including the Legislative Council, to the needs and problems of the citizens of this State;
- 17
- 19 3. The degree and quality of responsiveness of the Legislative Council and the legislative staff and support offices to the problems and needs of the Legislature and Legislators;
- 21
- 23 4. An analysis of the legislative budget process to include:
- 25 A. The costs of operating the Legislature and recommendations to control the costs;
- 27 B. The development of an annual planning process to ensure adequate and timely expense planning for the Legislature;
- 29
- 31 C. The impact of legislative expenditures on the operation of the Legislature; and
- 33 D. A process for the payment of legislative bills and expenses; and
- 35
- 37 5. The extent to which the quality and nature of the work of the Legislature will change within the next decade based on reasonable evidence. The analysis will include the changes that may be necessary to enable a part-time Legislature to address effectively the increased demands and changing nature of legislative work; and be it further
- 41
- 43 **Report. Resolved:** That the consultant conducting the study shall issue to the Legislative Council and the advisory committee the following:
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- 47 1. An interim report by December 1, 1989 with any recommendations, including any necessary implementing legislation, that could be implemented immediately; and
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- 51 2. A final report by April 1, 1990 with recommendations and necessary implementing legislation.

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The advisory committee may review the reports and make comments to the Legislative Council concerning these reports; and be it further

Budget; staff. Resolved: That the Legislative Council shall provide for the budget and staffing necessary to implement this resolve; and be it further

Appropriation. Resolved: That following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1988-89

LEGISLATURE

Advisory Committee on Legislative Structure and Operation

Personal Services	\$ 8,800
All Other	11,600

Provides funds for the per diem, meeting and related expenses of the Advisory Committee on Legislative Structure and Operation. These funds shall carry forward to June 30, 1990.

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TOTAL	<u>\$20,400</u>
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Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

FISCAL NOTE

This resolve will require a General Fund appropriation of \$20,400 in fiscal year 1988-89 to fund the expenses of the Advisory Committee on Legislative Structure and Operation.

The cost of the consultant can not be determined at this time. An additional request will have to be presented to the Legislature once the consulting expense can be determined with greater accuracy.

STATEMENT OF FACT

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This new draft creates the Advisory Committee on Legislative Structure and Operations, composed of 8 members, to monitor and oversee a study of the structure and operation of the Legislature. The study will be conducted by a consultant who will use the advisory committee as a resource to develop an understanding of the legislative process.

The advisory committee will consist of 4 Legislators and 4 nonlegislative members. The presiding officers of the House of Representatives and Senate will jointly appoint 2 Legislators and 2 nonlegislators. The minority leader of the House of Representatives and the minority leader of the Senate will recommend 2 Legislators and 2 nonlegislators for appointment to the advisory committee. The advisory committee will be appointed within 30 days following the effective date of this new draft.

Within the 30-day period following the effective date of the new draft, the Executive Director of the Legislative Council will have prepared a request for proposal for review and recommendations of the advisory committee. Following the deadline for the submission of responses to the request for proposal, the advisory committee will review the responses. The advisory committee will recommend to the Legislative Council the consultant to conduct the study. The Legislative Council is required to contract with a consultant to conduct the study by June 1, 1989.

The study will include, but not be limited to, the following:

1. The degree of efficiency of the current legislative process including the legislative staff offices;
2. The responsiveness of the legislative process to the needs and problems of the State's citizens;
3. The responsiveness of the legislative structure to the needs and problems of the State's citizens;
4. An analysis of the legislative budget process; and
5. An analysis of the projected demands on the Legislature and the changes necessary to enable a part-time Legislature to address these demands.

The consultant will issue an interim report by December 1, 1989, and a final report by April 1, 1990, to the Legislative Council and the advisory committee.