

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1021

S.P. 338

March 6, 2007

### Resolve, To Lower the Cost of State Government

(EMERGENCY)

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.  
Cosponsored by Representative HOLMAN of Fayette and  
Senators: GOOLEY of Franklin, NASS of York, Representatives: CLARK of Millinocket,  
FLOOD of Winthrop, GROSE of Woolwich, LANSLEY of Sabattus, LUNDEEN of Mars Hill,  
MILLETT of Waterford.

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

3       **Whereas,** the Commission to Lower the Cost of State Government is established in  
4 this resolve to analyze State Government and identify efficiencies that would lead to  
5 spending reductions; and

6       **Whereas,** the study must be initiated before the 90-day period expires in order that  
7 the study may be completed and a report submitted in time for submission to the next  
8 legislative session; and

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

13       **Sec. 1. Commission established. Resolved:** That the Commission to Lower  
14 the Cost of State Government, referred to in this resolve as "the commission," is  
15 established; and be it further

16       **Sec. 2. Commission membership. Resolved:** That the commission consists of  
17 11 members appointed as follows:

18       1. Two members of the Senate, appointed by the President of the Senate, one Senator  
19 from the political party having the largest number of members in the Senate and one  
20 Senator from the political party having the second-largest number of members in the  
21 Senate. At least one of the Senators must serve on the Joint Standing Committee on State  
22 and Local Government;

23       2. Four members of the House of Representatives, appointed by the Speaker of the  
24 House, 2 from the political party having the largest number of members in the House of  
25 Representatives and 2 from the political party having the second-largest number of  
26 members in the House of Representatives. At least one of the members from each  
27 political party must serve on the Joint Standing Committee on State and Local  
28 Government;

29       3. One member of the public representing a statewide organization working with and  
30 representing low-income Mainers appointed by the President of the Senate;

31       4. One member of the Maine Development Foundation appointed by the Speaker of  
32 the House;

33       5. Two members of the public representing a statewide business organization  
34 appointed by the Governor; and

35       6. One member of the public appointed by the Governor; and be it further

1       **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate  
2 chair of the commission and the first-named House of Representatives member is the  
3 House chair of the commission; and be it further

4       **Sec. 4. Appointments; convening of commission. Resolved:** That all  
5 appointments must be made no later than 30 days following the effective date of this  
6 resolve. The appointing authorities shall notify the Executive Director of the Legislative  
7 Council once all appointments have been completed. Within 15 days after appointment  
8 of all members, the chairs shall call and convene the first meeting of the commission,  
9 which must be no later than 30 days after all appointments are made; and be it further

10       **Sec. 5. Duties. Resolved:** That the commission shall undertake a  
11 comprehensive analysis of State Government with the goals of consolidating functions  
12 and eliminating duplication and inefficiencies in the administrative and supervisory  
13 positions within the structure of State Government. In carrying out its duties, the  
14 commission shall investigate and identify major sources of administrative excess,  
15 redundancy, inefficiency and program overlap with other state, local or federal programs.  
16 In its report, the commission shall identify those administrative and supervisory positions,  
17 including positions in the unclassified service and major policy-influencing positions as  
18 set out in the Maine Revised Statutes, Title 5, chapter 71, that should be eliminated in  
19 order to result in a spending reduction of a minimum of \$30,000,000 annually; and be it  
20 further

21       **Sec. 6. Staff assistance. Resolved:** That the Office of Program Evaluation and  
22 Government Accountability shall provide necessary staffing services to the commission  
23 and the commission shall hire expert staff as it determines necessary within its budgeted  
24 resources; and be it further

25       **Sec. 7. Compensation. Resolved:** That the legislative members of the  
26 commission are entitled to receive the legislative per diem, as defined in the Maine  
27 Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary  
28 expenses related to their attendance at authorized meetings of the commission. Public  
29 members not otherwise compensated by their employers or other entities that they  
30 represent are entitled to receive reimbursement of necessary expenses and, upon a  
31 demonstration of financial hardship, a per diem equal to the legislative per diem for their  
32 attendance at authorized meetings of the commission; and be it further

33       **Sec. 8. Report. Resolved:** That, no later than January 8, 2008, the commission  
34 shall submit a report that includes its findings and recommendations, including suggested  
35 legislation, for presentation to the Joint Standing Committee on State and Local  
36 Government for consideration in the Second Regular Session of the 123rd Legislature.  
37 The commission is not authorized to submit legislation. Following receipt and review of  
38 the report, the Joint Standing Committee on State and Local Government may submit  
39 legislation based on the report to the Second Regular Session of the 123rd Legislature;  
40 and be it further

**Sec. 9. Extension. Resolved:** That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 10. Funding sources. Resolved:** That the commission shall seek outside funds to fully fund all costs of the commission. If sufficient outside funding has not been received by September 15, 2007 to fully fund all costs of the commission, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the commission may not be accepted from any party having pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the commission. The executive director shall notify the chair of the commission when sufficient funding has been received; and be it further

**Sec. 11. Commission budget. Resolved:** That the chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## SUMMARY

This resolve establishes the bipartisan Commission to Lower the Cost of State Government to undertake a comprehensive analysis of State Government with the goals of consolidating functions and eliminating duplication and inefficiencies in the administrative and supervisory positions within the structure of State Government. The commission shall investigate and identify major sources of administrative excess, redundancy, inefficiency and program overlap with other state, local or federal programs.

The commission is charged with submitting a report and suggested legislation to the Joint Standing Committee on State and Local Government by January 8, 2008. The report must identify those administrative and supervisory positions, including positions in the unclassified service and major policy-influencing positions, that should be eliminated in order to result in a spending reduction of a minimum of \$30,000,000 annually.