

MAINE STATE LEGISLATURE

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SARAH C. TUBBESING
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

June 22, 1999

TO: Honorable Mark W. Lawrence, Chair
Honorable G. Steven Rowe, Vice-Chair

FROM: Sally *Sally*

SUBJECT: Council's Action on Senator Bennett's Motion

We have now received signed ballots from 9 of the 10 Council members on the motion offered by Senator Bennett at the June 7 Council meeting:

Motion: That the Council create a subcommittee of the Council to solicit, study and report upon proposals to improve the structure and process of the Legislature.

Yes : 9
No : -
Not voting: 1

I think that we actually have two documents that reflect the work of prior Councils that could be used as a jumping off point for this new effort:

- The Legislature's Strategic Plan (developed and formally adopted by the 117th Legislative Council); and
- A list of "open items" from the TQM process, which flourished during the 115th and 116th Legislatures.

I have enclosed copies of both for you to mull and would be happy to discuss them with you.

Enclosures

SARAH C. TUBBESING
EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

June 9, 1999

TO: Members of the Legislative Council
FROM: Sally *Sally*
SUBJECT: Senator Bennett's Motion

In accordance with your discussion at Monday's Council meeting, I have restated Senator Bennett's motion on the enclosed ballot. A pre-addressed envelope is also enclosed for your convenience. Please call if you have any questions.

Thank you.

Enclosures

**119TH MAINE LEGISLATURE
LEGISLATIVE COUNCIL
JUNE 8, 1999**

MOTION: That the Council create a subcommittee of the Council to solicit, study and report upon proposals to improve the structure and process of the Legislature.

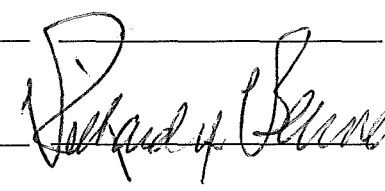
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Sen. Mark W. Lawrence	Yes ___	No ___	Abstain ___	_____
Sen. Chellie Pingree	Yes ___	No ___	Abstain ___	_____
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Rep. Thomas W. Murphy, Jr.	Yes ___	No ___	Abstain ___	_____
Rep. Richard H. Campbell	Yes ___	No ___	Abstain ___	_____
	Totals:			
		Yes _____		
		No _____		
		Attested _____		
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Totals: Yes _____

No _____

Attested _____

Date _____

JUN 16 1999

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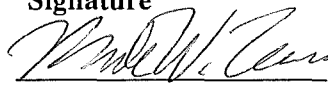
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117 1999

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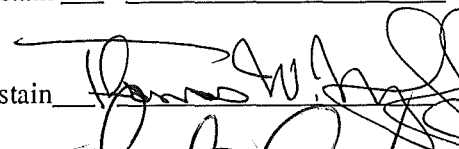
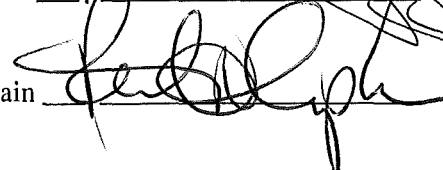
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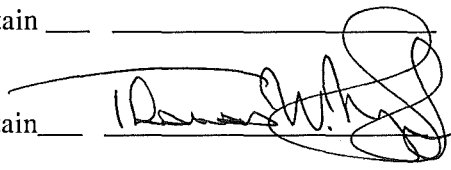
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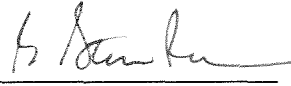
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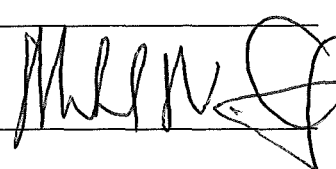
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Strategic Plan for the Maine State Legislature

February 1, 1997

Mission Statement

The legislative branch, as directly elected representatives of Maine people, openly establishes policy and allocates resources in the public interest, responsibly, fairly and independently; promotes the public health, safety and well-being of Maine people; and ensures the rights and liberties guaranteed by the Constitution of Maine.

Broad Goals

- A. Foster the public trust by ensuring an open and fair process for the enactment of laws.
- B. Ensure the institutional independence of the legislature as a separate branch of government.
- C. Provide leadership in the formulation of informed and coherent policy.
- D. Ensure that the state's policies as enacted into law are responsibly administered.
- E. Ensure the preservation, maintenance and appropriate use of the State House and grounds as an act of the public trust granted to the Legislature by the People of Maine.

Objectives & Strategies

For Goal A -- *Foster the public trust by ensuring an open and fair process for the enactment of laws.*

Objective 1. By the year 2000, increase public confidence in the state legislative process by 20% from the 1997 baseline.

Strategy 1. Develop a formal education/outreach program that is designed to improve the public's knowledge of the legislative process and the role of the Maine State Legislature.

Strategy 2. Establish an on-going mechanism for keeping the public informed on current and historical legislative matters, processes, debates and decisions.

Outcome measure: % increase in public confidence in the legislative process.

Objective 2. By the year 2000, increase public access to the state legislative process by 20% from the 1997 rate of utilization.

Strategy 1. Create a public-friendly atmosphere in the State House with the development of a Visitor Center and orientation materials on the State House and grounds, Legislature, its committees and offices.

Strategy 2. Establish improved access to the Legislative process using interactive information technologies including the Internet, interactive television (ITV) and legislative cable television (L-Span).

Strategy 3. Improve public access to the legislative process and facilities by persons with physical disabilities, in compliance with the Americans With Disabilities Act.

Outcome measure: % increase in public access to the legislative process.

For Goal B -- *Ensure the institutional independence of the legislature as a separate branch of government.*

Objective 1. By the year 2000, legislative members will indicate a 20% increase in the capacity of the legislature for independent information analysis, policy formulation and decision-making, from the 1997 baseline.

Strategy 1. Develop an internal training program for legislators that emphasizes the principles of leadership in government and the Legislature's constitutional responsibilities in order to ensure institutional independence of the legislative branch.

Strategy 2. Increase the availability of independent information and analysis for committees and legislators by the legislature's nonpartisan offices.

Strategy 3. Provide enhanced institutional support to the Senate and House and their members by the Secretary's and Clerk's offices and leadership offices.

Strategy 4. Acquire access to department information systems in compliance with law in order to facilitate independent information analysis, policy formulation and legislative decision-making by the Legislature on state agency matters.

Outcome measure: % increase in capacity of legislature for independent information analysis, policy formulation and decision-making.

Objective 2. By the year 2000, 80% of the legislative members will indicate that they have sufficient resources to fully carry out their functions as an independent branch of government.

Strategy 1. Acquire, maintain and effectively manage the resources necessary to carry out the functions of the legislative branch.

Strategy 2. Reduce reliance on state agencies for information by increasing the capacity of the legislative branch to research and provide information to committees and legislators.

Strategy 3. Provide enhanced constituent-related services to legislators.

Strategy 4. Develop partnerships with post-secondary educational institutions to provide academically based information to the Legislature on policy issues.

Strategy 5. Provide enhanced support for the production, distribution and disposition of legislative papers.

Outcome measure: % of legislators who have sufficient resources to carry out their functions.

For Goal C -- *Provide leadership in the formulation of informed and coherent policy.*

Objective 1. By the year 1998, ensure that at least 60% of agency-related bills are directly connected with and cite the appropriate agency's strategic plan.

Strategy 1. Develop a training program for legislators on Maine's strategic planning process and expectations.

Strategy 2. Develop policies and procedures for committees to link legislation favorably reported out of committee to appropriate agency(s) strategic plans.

Outcome measure: % of agency-related bills that are connected to the agency's strategic plan.

Objective 2. By the year 2000, 98% of all legislation favorably reported out of committee and having a fiscal impact on a state agency will include measurable outcomes and relate to the appropriate agency's strategic plan and performance budget.

Strategy 1. Develop a training program for legislators on Maine's performance budgeting process and outcomes measures.

Strategy 2. Develop policies and procedures to identify measurable outcomes and relate an agency's strategic plan and performance budget to all legislation having a fiscal impact on a state agency

Outcome measure: % of relevant legislation that includes measurable outcomes relating to agency's strategic plan and performance budget.

Objective 3. By the year 2000, 90% of committee members will indicate that bills favorably reported out of their committee have contributed to an informed and coherent policy.

Strategy 1. (same as B.1.1) Develop an internal training program for legislators that emphasizes the principles of leadership in government and the Legislature's constitutional responsibilities in order to ensure institutional independence of the legislative branch.

Strategy 2. (same as C.1.2) Develop policies and procedures for committees to link legislation favorably reported out of committee to appropriate agency(s) strategic plans.

Strategy 3. Establish a benchmarking process for demonstrating the achievement of those goals and objectives of state agency(s) strategic plan(s) that are related to legislatively established policy.

Strategy 4. Establish a process for the review and assessment of nonagency bills relative to their consistency with existing state policy.

Outcome measure: % of committee members who indicate bills favorably reported out of committee contributed to an informed and coherent policy.

For Goal D -- *Ensure that the state's policies as enacted into law are responsibly administered.*

Objective 1. By the year 1997, increase to 100% from the 1996 baseline, the number of major substantive rules that are reviewed and decided, in accordance with the statute governing legislative oversight of agency rule-making.

Strategy 1. Establish a process and protocols for identifying and tracking major substantive rules through the legislative review process established by law.

Strategy 2. (same as B.1.2) Increase the availability of independent and information analysis for committees and legislators by the Legislature's nonpartisan offices.

Outcome measure: % of major substantive rules that have been reviewed and decided.

Objective 2. By the year 1998, increase to 95% the number of agencies that, when reviewed, will be found in substantial compliance with the laws governing the agencies (including rule-making requirements) and stated legislative policy direction.

Strategy 1. Establish a process and protocols for committee review of agencies' activities and programs including strategic plans, outcome measures, performance budgets and compliance with rule-making requirements.

Strategy 2. (same as B.1.2) Increase the availability of independent and information analysis for committees and legislators by the Legislature's nonpartisan offices.

Strategy 3. Establish an incentive process and procedures that recognizes and encourages agencies to exceed minimal compliance with stated legislative policies.

Strategy 4. Establish a process and procedures for requiring corrective action measures for agencies found not to be in substantial compliance with law and stated legislative policy direction.

Outcome measure: % agencies that are found to be in substantial compliance.

Objective 3. By the year 2000, increase to 70% from the 1997 baseline the percentage of Maine people who indicate the state's policies as enacted into law are being responsibly administered.

Strategy 1. (same as A.1.1) Develop a formal education/outreach program that is designed to improve the public's knowledge of the legislative process and the role of the Maine State Legislature.

Strategy 2. (same as A.1.2) Establish an on-going mechanism for keeping the public informed on current and historical legislative matters, processes, debates and decisions.

Strategy 3. (same as A.2.2) Establish improved access to the Legislature and its deliberations using interactive information technologies including the Internet, interactive television (IT) and legislative cable television (L-Span).

Outcome measure: % of citizens who indicate the state's policies are responsibly administered.

For Goal E -- *Ensure the preservation, maintenance and appropriate use of the State House and grounds as an act of the public trust granted to the Legislature by the People of Maine.*

Objective 1. By the year 2000, 70 percent of persons using or visiting the State Capitol grounds will indicate they believe the State House and grounds are being maintained and used in a manner appropriate to their historical significance.

Strategy 1. By the year 1998, the Master Plan for the State House and grounds and a schedule for implementation of the full plan will be approved.

Strategy 2. Establish an ongoing mechanism for surveying legislators, staff and visitors as to the State House facilities and grounds, their condition and use.

Strategy 3. Develop a long-range plan, budget and process for the preservation and maintenance of the State House and grounds that ensure their aesthetic and historical integrity.

Strategy 4. Develop a plan and protocols for the use of the State House and grounds that are in keeping with their aesthetic and historical integrity and significance as the seat of state government.

Outcome measure: % persons using or visiting State Capitol grounds who indicate the State House and grounds are being maintained and used appropriately.

TQM CHAIRS' MEETING

January 30, 1996

DISCUSSION OUTLINE

1. The "Bins"

- * What's left?
- * Are there any bin issues that require action/adoption before adjournment sine die?
- * What is a reasonable expectation for the level of work/ time commitment that we can sustain between now and the end of the session?
- * Based on the above, how should we proceed with the discussion of those issues that are of interest to the members of both the Committee and the Subcommittee?

2. Proposed Recodification of Joint Rules

- * Planning for the Joint Caucus
- * Do we need a "marketing strategy"?
e.g., other materials?

THE BINS

TQM Committee (as prioritized by Committee)

Minority Committee Reports
Prioritizing the Legislature's
Work
Evaluating the Committee Process
("the "customer's view")
Concept Drafting
Orientation (New Members & Chairs)
"Things that would Make Legislators'
Jobs Easier"
Cloture & Schedules
Other Drafting Issues

Subcommittee on Rules

Concept Drafting
Budget Process
Length of Debate
Repeated speeches by one member
Cross jurisdiction of LD's
Fiscal Notes
- Dependence on executive branch
- Not seen by Committee
Native American Representatives
Procedural vote in committee
Maliseet Representative
Committee Rules
Technology
Minority Reports
3 Members or less on OTP-AM
Reports
Committee Bills (OTP/ND)
Combined Bills: Cosponsors
New Laws on:
Agency Rules
Rule or Statute: Precedence?
Legislative Council Authority

1/26/96

117th Legislative Council
 Total Quality Management
 Subcommittee on Rules in the Legislature
 October 12, 1995
 Updated 1/8/96

- ✓ Modernize/Recodify
- ✓ Internal Inconsistency
 - House/Senate --> joint conflicts
- Concept Drafting *(to full committee)*
- Budget Process *(to full committee)*
- ✓ Smoking
 - ✓ Smoking Room
 - ✓ Rule 314 - needed?
- Length of Debate *(tabled)*
 - Repeated speeches by one member *(tabled)*
- ✓ Extended Training of New Members *(highlight in report)*
- ✓ Errors Bills (Departmental)
 - Major changes not noticed by other committees
- Cross Jurisdiction of Legislative Documents *(tabled)*
 - One committee or the other gives report, not both *(tabled)*
 - "Blending" of committees *(tabled)*
- ✓ Reference - appeal process when Joint Rule 14 is used outside session
- Fiscal Notes *(tabled)*
 - Dependence on Executive Branch *(tabled)*
- Not Seen by Committee *(tabled)*
- Specific Rules
 - ✓ Rule 10 - Conflict of Interest
 - ✓ Rule 11 - Employees' Salaries
 - ✓ Rule 12 - 9:00 p.m. Deadline
 - ✓ Rule 12a - Duration of Roll Calls
 - ✓ Rule 12b - Rulings of the Chair - Time Limit
 - ✓ Rule 13 - Committees - Order of Appointment
 - ✓ Rule 13 - Committees - Members can not ask questions on their own bill in their own committee
 - ✓ Rule 15 - Committee Reports - 48-Hour Rule (Saturday & Sunday)
 - ✓ Rule 36 - Claims against State - why in rules?
 - Rule 36A - Indian Claims - why in rules?
- Native American Representatives
 - Procedural vote in committee
 - Maliseet Representative
 - ✓ JR 13A needed?
- Committee Rules
- ✓ Cosponsorship *(limited to 1 prime sponsor, 1 lead sponsor + 5 cosponsors)*
 - Unlimited vs. 10 or less.
- Technology
- Minority Ought to Pass as Amended Reports - 3 Members or less
 - How to prevent
 - Germaneness Rule liberalized
- Minority Reports
 - Wait for Report
 - Not done publicly
- Committee Bills
 - Ought to Pass in New Draft
- Combined Bills
 - Cosponsors

**COMMITTEE ON TOTAL QUALITY MANAGEMENT
IN THE LEGISLATURE**

Priority-Setting: A Worksheet

Committee members present at the November 9 meeting concluded that we are at a point where we need to try and "tie down" the discussions we've had over the past several weeks.

The enclosed worksheet is designed to solicit your ideas about possible solutions to the 3 problems listed in the left hand column. Your ideas can be anything from "fragments" to paragraphs, but they are all important!

We encourage you to turn your worksheet in to either Marion or Sally this week while you are here so that we can prepare a compiled version for our meeting next week.

Thank you!

Enclosure

11/17/95

PRIORITY-SETTING: BARRIERS AND PROPOSED SOLUTIONS

TQM Committee Worksheet

November, 1995

Problem	Proposed Solution(s)	Rationale
1. We print too many bills		
2. We treat all bills the same: the time and resources that we devote to a bill do not necessarily reflect the bill's complexity and/or importance		

Problem

Proposed Solution(s)

Rationale

3. Workload Issues:

- a. The workload isn't complete until well into the session (continue to receive new bills; after-deadline bills)
- b. Disproportionate amount of the workload is assigned to the 1st Regular Session

**COMMITTEE ON TOTAL QUALITY MANAGEMENT
IN THE LEGISLATURE**

Summary of December 16, 1995 Meeting

Present: Rep. Carol A. Kontos, Chair; Sen. I. Joel Abromson; Rep. Paul Chartrand; Rep. Burchard A. Dunn; Rep. Thomas M. Davidson; Rep. Deborah Plowman (and Olivia Plowman); Ed Charbonneau; Joe Mayo; May Ross; Donna Sullivan; David Boulter

Also Present: Grant Pennoyer and John Wakefield, OFPR; Sally Tubbesing, Staff

Absent: Sen. Philip E. Harriman; Sen. Anne M. Rand; Sen. Susan W. Longley*; Rep. Gary W. Reed*; Marion Hylan Barr

*Absent due to attendance at other Study Commission meetings.

OPENING

Rep. Kontos convened the meeting.

ACCEPTANCE OF SUMMARY OF NOVEMBER 15 MEETING

Accepted, with proposed amendment by Grant Pennoyer, without objection. (Note: Copies of the Meeting Summary, as finally approved will be inserted in members' notebook).

FISCAL NOTE & APPROPRIATIONS TABLE PROCESSES: DISCUSSION

At Rep. Kontos' request, John Wakefield and Grant Pennoyer led committee members through a discussion of the recommendations they had been asked to develop following their initial presentation of the fiscal note process at the November 5 meeting. Those suggestions, as modified by the Committee during the ensuing discussion, are appended to this Meeting Summary.

In its discussion of when fiscal notes should be included on the printed bill amendments (see Recommendation #3), Committee members engaged in a lengthy discussion of when fiscal information is available. While it is useful to the committees to have fiscal impact information as early in the process as possible, John and Grant stated that the efforts of OFPR staff are often slowed by the fact that information provided by departments is often incomplete because it does not consider the potential impact of proposed legislation on the costs to other state agencies. OFPR experience suggests that the distribution of the printed bill often generates valuable information from non-department sources, which can then be incorporated in the original fiscal note.

In addition to reaching consensus on Recommendation #3 (see Appendix), the Committee encouraged staff to continue to study the dilemma posed by the committees' need for fiscal information early in the process and the quality and completeness of information that is often available at that point.

Finally, many members of the Committee noted that the current treatment of Minority Committee Reports both complicates and slows the preparation of fiscal notes. However, members quickly concluded that the treatment of Minority Reports goes well beyond the issue of fiscal notes and agreed to pursue this issue jointly with the members of the Subcommittee on Rules.

Committee members agreed that if the Legislative Council accepted their recommendations, it would be appropriate for the Council to communicate their actions to the Chairs of both the Criminal Justice and Appropriations Committees.

REVIEW OF LANGUAGE REGARDING ASSIGNMENT OF BILL TITLES

Rep. Kontos recalled that Committee members had agreed at their previous meeting to recommend that the Revisor of Statutes have the final authority to assign bill titles in order to facilitate the identification of duplicate and closely-related bills early in the drafting process. She drew members' attention to draft language to accomplish this; and, after discussion, the Committee agreed unanimously to present the following proposed language to the Legislative Council for inclusion of the Joint Rules.

Titles of Bills and Resolves. The Revisor of Statutes is authorized to ensure that the title of a bill or resolve accurately and concisely reflects its content and scope.

LEGISLATIVE CONFIDENTIALITY

At Rep. Kontos request, Sally Tubbesing led members through a discussion with the objective of determining those points on which there was consensus and those which required additional work. Committee members concluded, first, that it is critically important for the Maine Legislature to maintain an overall policy that protects the confidentiality of legislative documents and working papers and that the release of limited information to allow committees and sponsors to plan and organize their work effectively would not compromise the essence of confidentiality.

The Committee then endorsed the presentation of the following draft language to the Subcommittee on Rules to be incorporated in the Joint Rules related to bill filing.

"The titles and sponsors of all bills and resolves submitted by the cloture date will be considered public information and will be published as soon as practicable thereafter."

Committee members noted that it is their intent that this rule be applied to all legislative instruments, regardless of who files them, with the following exception:

"The titles of all bills and resolves submitted by the Governor will be considered public upon filing, except that the Governor may request that confidentiality of a particular bill or resolve be extended until that bill or resolve is introduced."

Committee members then turned to a discussion of how the legislative confidentiality policy should be applied to other legislative working papers.

Committee Amendments

The current practice is that Minority Reports are treated differently than the Committee's Majority Report. Whereas the Majority Report is reviewed by the full Committee and is, therefore, public at that point, Minority amendments are not reviewed by the full Committee and, thus, retain their confidential status until the bill is finally reported out.

Noting that the Subcommittee on Rules was also working on this issue, the Committee decided to appoint a Subcommittee on Committee Amendments to work on this issue with both the Rules Subcommittee and others. Volunteers for this effort include: Rep. Chartrand; Rep. Dunn; and Rep. Plowman.

Floor Amendments

Floor amendments are currently confidential until they are presented. The only information that is released at the present time is the total number of amendments that have been filed for a particular bill. Members pointed to two reasons to change current practice and permit release of information regarding who has filed amendments: 1) this information would assist the presiding officers in planning session schedules; and 2) release of this information might reduce the large number of amendments that are currently filed, fully drafted and sometimes printed, but never introduced. Committee members decided, however, that they were not ready to take a final position on this issue yet.

Appropriations Table

This issue was addressed earlier in the meeting, and there was no further discussion at this point.

After Deadline Bills

Committee Consensus: Titles and sponsors should be considered public information upon filing, pursuant to policies and procedures developed by the Legislative Council.

NEXT MEETINGS

Committee members endorsed Rep. Kontos' suggestion that the next step will be to meet with the Subcommittee on Rules on **Friday, January 5, 9:00 - 11:30 a.m.**, to review this Committee's proposed amendments to the Joint Rules and to pursue the discussion of the Committee Amendment process.

Rep. Kontos also asked Sally Tubbesing to begin developing a draft report for presentation to the Legislative Council.

117th LEGISLATIVE COUNCIL
COMMITTEE ON TOTAL QUALITY MANAGEMENT
IN THE LEGISLATURE

Membership

Senator Philip E. Harriman, Senate Chair

Representative Carol A. Kontos, House Chair

Senator I. Joel Abromson
Senator Anne M. Rand
Senator Susan W. Longley

Representative Paul Chartrand
Representative Thomas M. Davidson
Representative Debra D. Plowman
Representative Gary W. Reed
Representative Burchard A. Dunn

May Ross, Secretary of the Senate
Joseph W. Mayo, Clerk of the House

David Boulter, Director, Office of Policy & Legal Analysis
Ed Charbonneau, Attorney, Office of the Revisor
Donna Sullivan, Administrative Secretary,
Office of Fiscal & Program Review

Staff: Marion Hylan Barr
Sally Tubbesing

117th LEGISLATIVE COUNCIL
COMMITTEE ON TOTAL QUALITY MANAGEMENT
IN THE LEGISLATURE

Legislative Membership

Senator Philip E. Harriman, **Senate Chair**

Representative Carol A. Kontos, **House Chair**

Senator I. Joel Abromson
Senator Anne M. Rand
Senator Susan W. Longley

Representative Paul Chartrand
Representative Thomas M. Davidson
Representative Debra D. Plowman
Representative Gary W. Reed
Representative Burchard A. Dunn

May Ross, Secretary of the Senate
Joseph W. Mayo, Clerk of the House
(2 Legislative Council Staff Members to be named)

Staff: Sally Tubbesing

TQM Subcommittee on Rules

Senator Richard J. Carey, **Senate Chair**

Representative Gary W. Reed, **House Chair**

Senator Richard P. Ruhlin
Senator S. Peter Mills
Senator John W. Benoit

Representative Brenda Birney
Representative Michael J. McAlevy
Representative Sharon Treat
Representative Richard H. Thompson
Representative Kyle W. Jones

May Ross, Secretary of the Senate
Joseph W. Mayo, Clerk of the House

Staff: Sally Tubbesing