

MAINE STATE LEGISLATURE

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MEMORANDUM

Memo to: Members, Legislative Council subcommittee to review the study commission process

From: Patrick Norton, Director, OPLA

Date: January 12, 2006

Re: Summary of studies; 118th to 122nd Legislatures

This memo summarizes trends in the 167 studies authorized by the Legislative Council from the 118th to the 122nd Legislatures (1997-2006) and reviews them in the context of the recommendations made by the 1998 Special Committee on Studies. This analysis was prepared as background material for the subcommittee of the Legislative Council created on December 7th to review the study commission process.

Summary of findings

The chart below summarizes the findings of this analysis.¹ As can be seen, the overall trend for studies since the 119th has been opposite to the direction recommended for studies in the 1998 report of the Special Commission on Studies.

| Measure of legislative control | Direction recommended by 1998 Special Committee | Direction in the 119 th Legislature | Observed direction since 119 th Legislature |
|---|---|--|--|
| Use of Joint Orders | ↑ | ↑ | ↓ |
| Extensions | ↓ | ↓ | ↑ |
| Legislative representation on studies | ↑ | ↑ | ↓ |
| "First named" Senator and Representative as co-chairs | ↑ | ↑ | ↓ |
| Number of study members | ↓ | ↓ | ↑ |
| Use Legislative "study line" to fund studies | ↑ | ↑ | ↓ |
| Nonpartisan staff used for studies with majority legislative membership | ↑ | ↑ | ↓ |
| Use of nonpartisan staff for permanent year-round advisory bodies | n/a | n/a | ↑ |

The premise underlying the 1998 report was that the Legislature should be in the position of directing the course of its own studies. The concern at the time was that the

¹ An up arrow (↑) indicates support for that recommendation or a trend toward successful implementation of that recommendation. A down arrow (↓) indicates a trend away from that recommendation.

Legislature was losing its ability to influence the direction and extent of its studies, and the recommendations in the 1998 report were intended to reverse that trend by reasserting legislative control over its studies.

The data shown above, and discussed in more detail in the following sections, suggest that those recommendations did initially have the intended effect. However, the data also show that many of the factors the 1998 report identified as limiting the legislature's ability to control its own studies have now resurfaced.

For example, the data show that the size of study committees is increasing while legislative representation is declining; legislation rather than Joint Orders is the primary instrument being used to create studies and, perhaps as a result, study extensions (including extensions into the next legislative session) have been more frequent over the past two sessions; the method for determining who chairs legislative studies is migrating away from the "first named" Senator and Representative towards other methods such as selection by the study group and the use of "outside funding" to fund studies is increasing. The data also show a trend towards using nonpartisan staff to staff permanent year-round advisory commissions rather than short-term and interim studies, as was originally envisioned.

Background

On November 12, 1997, then Speaker of the House Elizabeth H. Mitchell convened a special committee to develop recommendations for improving the legislative study process. The report of that special committee (dated January 16, 1998) made a number of recommendations that addressed "significant procedural barriers to conducting effective and timely studies."² According to that report, those barriers were resulting in "a decrease in the ability of the Legislature to direct the course of its own studies, efficiently appoint members and convene study commissions, study and report on matters in a timely fashion and compensate members equitably."³ The working group offered 15 recommendations for improvement, all of which were adopted by the Legislative Council in the 118th Legislature. The recommendations fall into the following general areas:

- Reaffirm legislative policy that the Legislature should establish and fully direct the course and scope of studies to meet legislative needs;
- Use Joint Study Orders as the preferred instrument in creating studies and joint standing or joint select committees as the principal study committee;
- Study membership should primarily consist of legislators;
- Chairs and study committee members should be appointed by the Presiding Officers;
- Size of study commissions should be manageable (not more than 13)
- Actively manage study expenses; and

² Final Report of the Special Committee to Review the Study Commission Process. (January 16, 1998). Committee members included the Clerk of the House, Joe Mayo, the Secretary of the Senate, Joy O'Brien, the Senate President's Chief of Staff, Peter Chandler, the Special Assistant to the Speaker of the House, Peggy Schaffer, and the Director of OPLA, David Boulter.

³ *ibid*

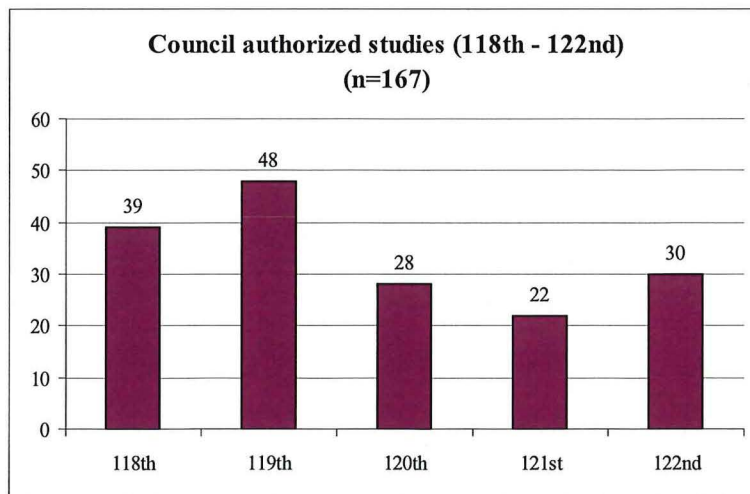
- Use of nonpartisan legislative staff should be reserved for studies with a majority of legislators and the use of legislative staff for studies should not interfere with their committee staffing responsibilities during session.

As a result of a concern that the study process was moving away from the 1998 recommendations in ways that adversely affect the study commission process, the 122nd Legislative Council in November of this year recommended that the 123rd Legislative Council create a subcommittee to review and update the 1998 study and make any recommendations for changes to the study process prior to the adoption of the drafting standards for studies for the 123rd Legislature. The 122nd Council recommended that the subcommittee identify and remove existing barriers to conducting effective and timely legislative studies and to ensure that the Council is in a position to direct the course of interim studies and the use of its committee staff during the legislative session.

To prepare for this review of studies, the Office of Policy and Legal Analysis collected key pieces of information about all studies authorized by the Council from the 118th to the 122nd Legislature (1997-2006) and analyzed that data to determine the extent to which the 1998 study recommendations have been implemented over time. The results of that analysis are summarized below, followed by a more detailed discussion of the key variables analyzed.

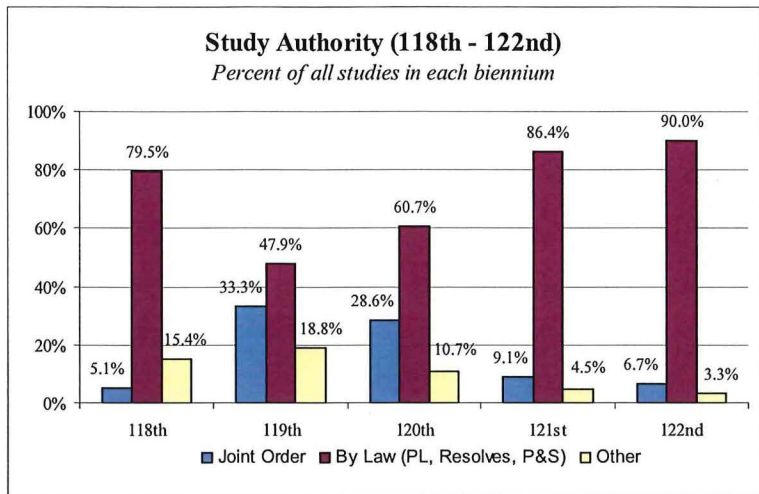
Detailed discussion of trends in key variables (118th - 122nd Legislatures)

1. Number of studies. It is useful to start this analysis with a summary of the number of studies authorized by each Council from the 118th to the 122nd Legislatures, as background to the discussions in later sections.⁴ As the graph below shows, the number of approved studies over the past 10 years has varied. The number of studies was highest in the 118th and 119th Legislatures (39 and 48 studies respectively) and has ranged between 22 and 30 studies in each subsequent biennium. OPLA was able to identify a total of 167 studies which were authorized by the Council over the 10 year period.



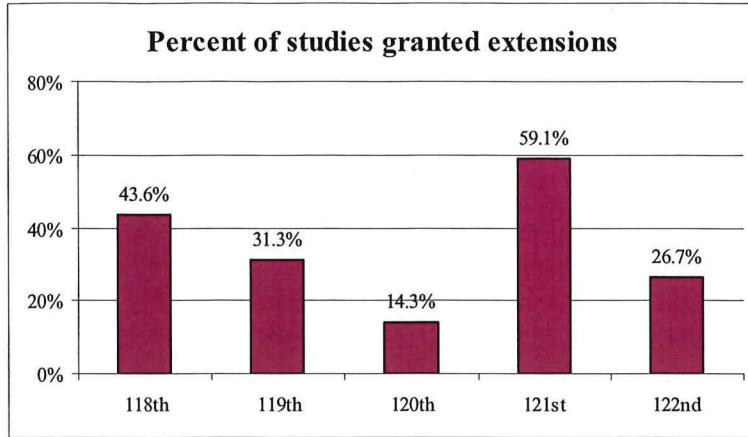
⁴ This data was compiled by OPLA. The list of studies used in this analysis is attached.

2. Use of Joint Orders. The 1998 report recommended Joint Orders as the preferred method of creating studies in order to allow studies to get underway quickly by not requiring the approval of the Governor and by avoiding the 90-day delayed effective date of non-emergency legislation. As shown below, the use of Joint Orders to create studies increased from 5.1% to 33% following the 1998 report, but has declined steadily since then to 6.7% in the 122nd Legislature. The proportion of studies created by JO and those created by law (Public Law, Resolves or Private and Special Laws) is largely back to where it was in the 118th Legislature, prior to the 1998 working group report.



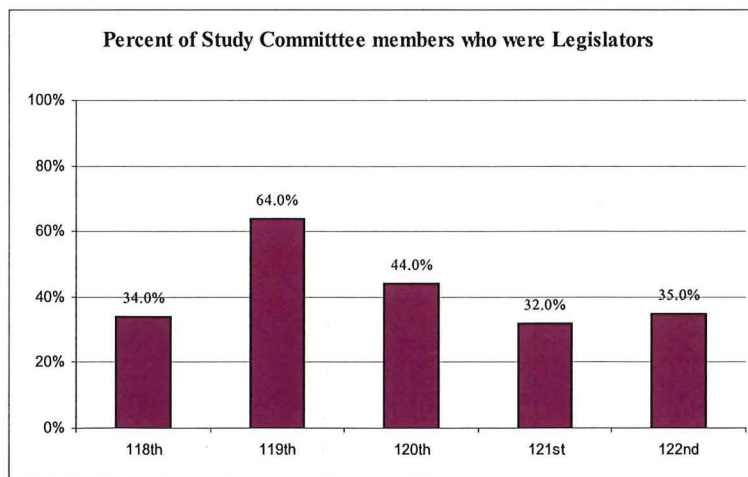
3. Study extensions. The 1998 report recommended that study committees conclude their work and submit their report prior to the start of the next legislative session in order to allow study legislation to be drafted in a timely manner and to minimize workload conflicts for study staff who have bill drafting and committee staffing responsibilities during the session. Since the 118th Legislature, the Council has approved 57 study extensions, with 34 of those resulting in an extension of the study reporting date into the next legislative session.⁵ The graph below shows the percent of studies that were granted extensions in each biennium. The trend in granting study extensions was downward from the 118th to the 120th Legislature, but jumped up in the 121st before declining again in the 122nd. These trends in study extensions are somewhat reflective of the trend shown in the previous graph, which shows a movement back towards using legislation to create studies rather than Joint Orders. The table immediately below the graph presents more detail on the number and percent of extensions, including data on the percent of those extensions that were extended into the next session.

⁵ This data was collected by reading through minutes of September-March Council meetings from the 118th-122nd and noting whenever the minutes reflected Council approval of a study extension request. It is possible that some extensions, if granted by ballot or extended at meetings that took place during April-October meetings of the Council, may have been overlooked.



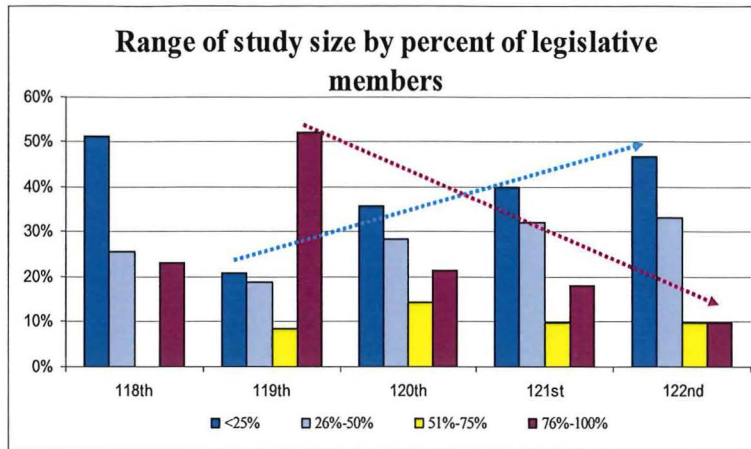
| | Total number of studies | Total approved extensions | <i>Session percent</i> | Extensions that went into session | <i>Session percent</i> |
|-------|-------------------------------|---------------------------------|----------------------------|---|----------------------------|
| 118th | 39 | 17 | 43.6% | 16 | 41.0% |
| 119th | 48 | 15 | 31.3% | 6 | 12.5% |
| 120th | 28 | 4 | 14.3% | 0 | 0.0% |
| 121st | 22 | 13 | 59.1% | 9 | 40.9% |
| 122nd | <u>30</u> | <u>8</u> | <u>26.7%</u> | <u>3</u> | <u>10.0%</u> |
| Total | 167 | 57 | 34.1% | 34 | 20.4% |

4. Legislative representation. The 1998 report recommended that studies be comprised of at least a majority of legislators. The percent of study members who are legislators increased from 34% to 64% following issuance of the 1998 report, but generally declined since then to 35% in the 122nd Legislature to the point that the percentage of legislative members in studies authorized by the 122nd Legislature is largely back to where it was in the 118th Legislature.

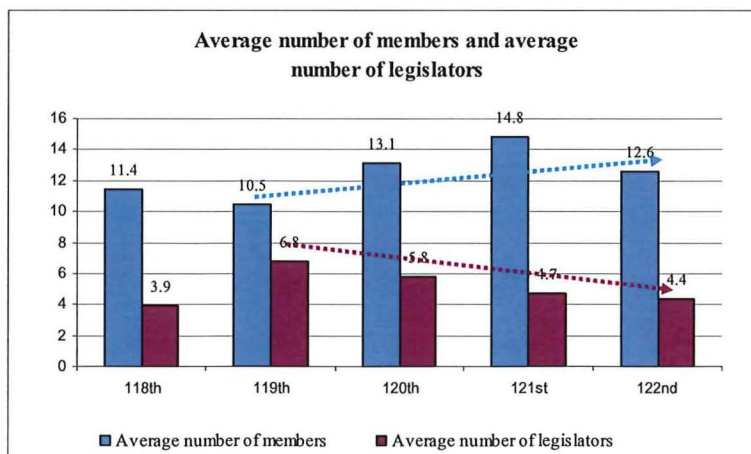


Shifts in the trend of legislative representation are shown in more detail in the graph below. This graph shows that the trend is strongly upwards for studies having fewer than 25% legislative membership (the dotted blue line) and strongly downward for studies

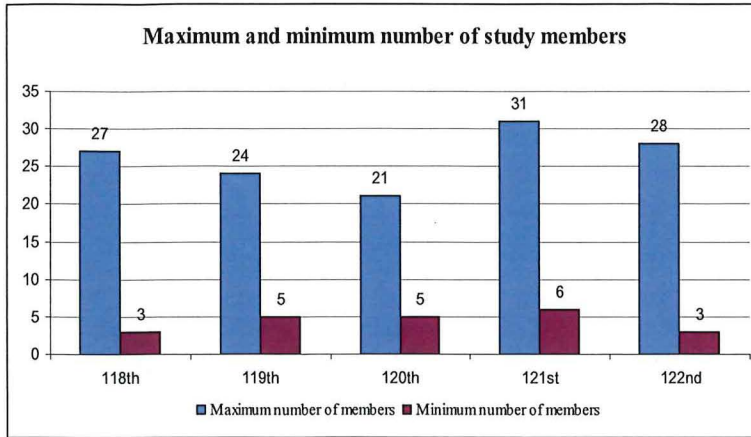
having more than 75% legislative membership (the dotted red line). In the 119th Legislature, for example, about 60% of the studies had a majority of legislative members (the red and yellow bars) while only about 20% of studies in the 122nd Legislature had a majority of legislative members.



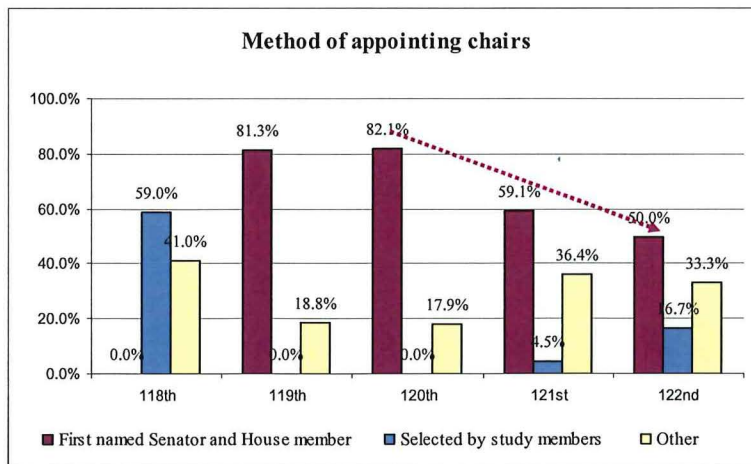
5. Size of studies. The 1998 report recommended that the size of study committees be kept to not more than 13 members. That recommendation does appear to have had the effect of initially reducing the size of study committees and increasing the percentage of legislative members. Since the 119th Legislature, however, the average size of study committees is trending generally (dotted blue line) upwards while, as noted above, the average number of legislative members is trending downwards (dotted red line).



The trend towards larger studies can also be illustrated by looking at the largest and smallest studies in each Legislature. The graph below shows that the size of the largest study decreased in the 119th and 120th Legislatures, relative to the 118th, but was up in the 121st and 122nd Legislatures. The largest studies over the 10 year period occurred in the 121st (31 members) and in the 122nd (28 members).



6. Method of appointing chairs. The 1998 report recommended that studies have two legislative co-chairs; one being the first appointed Senator and the other being the first appointed member of the House. In the 118th Legislature, prior to the 1998 report, the most common method for appointing chairs of study committees was that they were selected by a vote of the members of the study group (59%). That shifted noticeably after the 1998 report to 81.3% of the studies in the 119th Legislature having the co-chairs specified as the first appointed Senator and the first appointed House member, as the special committee recommended. Since the 120th Legislature, however, the trend in having the first named Senator and House members as co-chairs has declined from 82.1% to 50%, (dotted red line) with corresponding increases in the percentage of studies who either appoint their own chairs or in which chairs are determined by some other means (elected by the members, appointed by the Governor, specified in the study itself, etc).

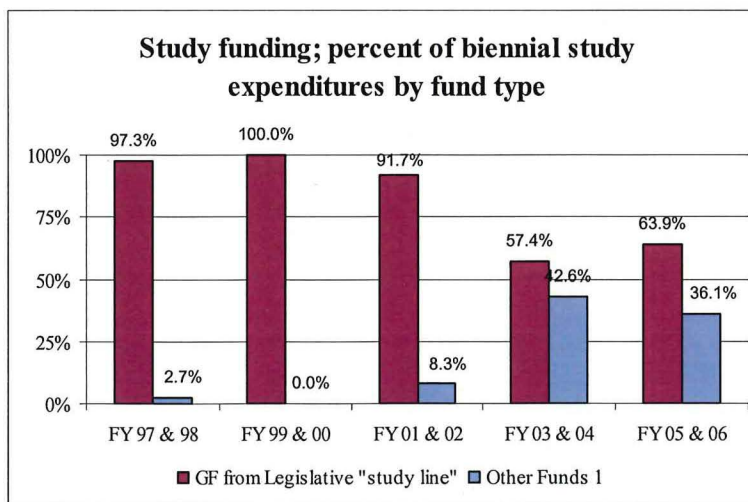
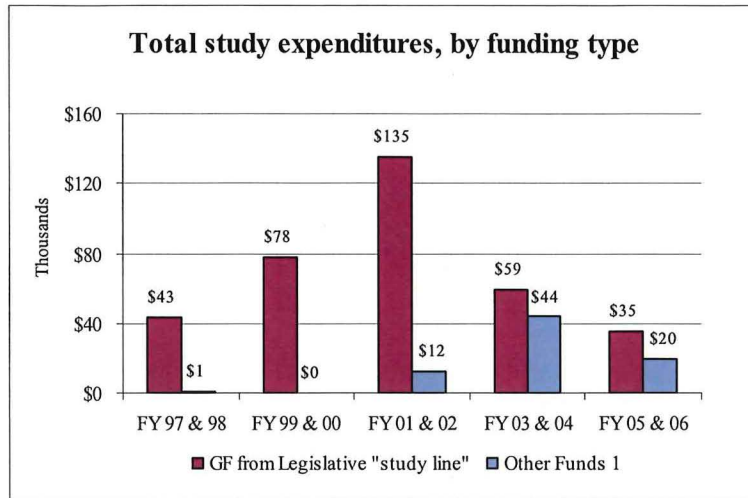


7. Funding studies.⁶ The 1998 report recommended that legislative studies be funded through an appropriation from the General Fund and that the legislative account include a study line to which studies should be budgeted and study expenses charged. The graphs below show, for each biennium, the total study expenditures by funding type and the

⁶ Study expenditure data provided by Rose Breton.

percent of study expenditures by funding type. The table below the graphs shows the details of those expenditures.⁷

As these graphs show, total expenditures for studies peaked in FY 01 and FY 02 at \$147,677.⁸ The graphs also show that the use of “other” funds to pay for studies has increased from 0% in FY 99 and FY 00 (approximating the 119th Legislature) to 36% of study expenditures in the most recent biennium. In these graphs, “other” funds include any funds outside of the Legislature GF “study line” (transfers from department funds, grants, private funding and other forms of special revenue).



⁷ These figures do not include special studies funded from the Legislative account outside of the “study line” in the Legislative budget.

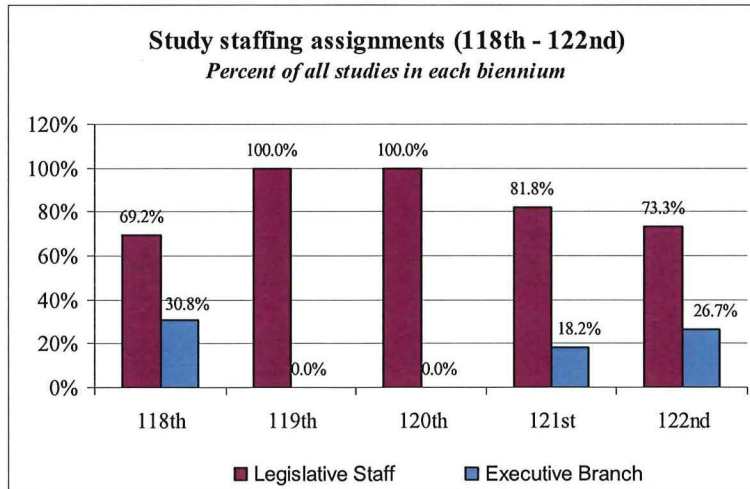
⁸ This amount does not include a \$200,000 grant received by the Health Security Board study during the 121st Legislature from the Maine Health Access Foundation since those funds passed directly through the study group to fund a feasibility study conducted by Mathematica, Inc. to estimate the cost of switching to a single payer health insurance plan.

STUDY EXPENDITURES

| <i>Actual expenditures</i> | | | | |
|----------------------------|--------------|--|--------------------------|--------------|
| Session (approximate) | Fiscal Years | GF from Legislative "study line" | Other Funds ¹ | Total |
| 118th | FY 97 & 98 | \$43,426.75 | \$1,212.67 | \$44,639.42 |
| 119th | FY 99 & 00 | \$78,203.45 | \$0.00 | \$78,203.45 |
| 120th | FY 01 & 02 | \$135,484.19 | \$12,193.30 | \$147,677.49 |
| 121st | FY 03 & 04 | \$59,472.76 | \$44,068.59 | \$103,541.35 |
| 122nd | FY 05 & 06 | \$35,145.68 | \$19,823.84 | \$54,969.52 |

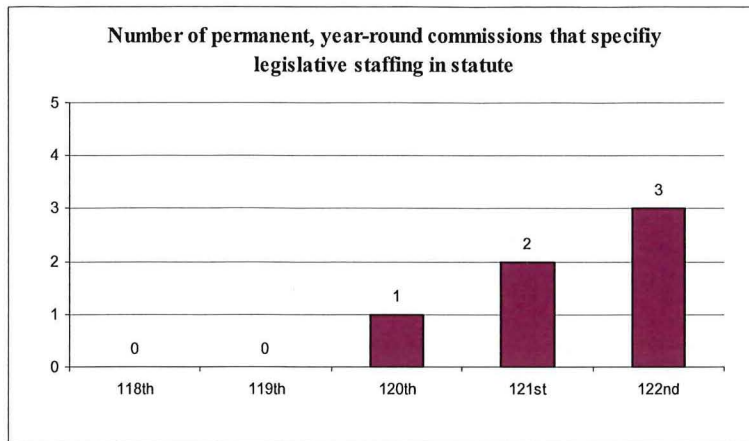
| <i>Percent of biennial expenditures</i> | | | | |
|---|--------------|-------------|-------------|--------|
| Session | Fiscal Years | Legislative | Other Funds | Total |
| 118th | FY 97 & 98 | 97.3% | 2.7% | 100.0% |
| 119th | FY 99 & 00 | 100.0% | 0.0% | 100.0% |
| 120th | FY 01 & 02 | 91.7% | 8.3% | 100.0% |
| 121st | FY 03 & 04 | 57.4% | 42.6% | 100.0% |
| 122nd | FY 05 & 06 | 63.9% | 36.1% | 100.0% |

8. Staffing. The 1998 report recommended that legislative studies be staffed by non-partisan staff and that such staffing be provided only for studies that are either chaired by legislators or in which legislators constitute the majority of members. While the 1998 report had the initial effect of directing more legislative staff resources to such studies, the mix of Legislative and Executive Branch staff for studies is largely back to where it was in the 118th Legislature, prior to the 1998 working group report.



9. New trends. One trend that has developed since the 1998 study is the commitment of nonpartisan legislative committee staff to staffing permanent, year-round advisory commissions. The graph below shows that three such advisory committees have been created since the 120th Legislature; the Legislative Youth Advisory Council (created by the 120th Legislature), the Citizen Trade Policy Commission (created by the 121st Legislature) and the Right to Know Advisory Committee (created by the 122nd Legislature). All these advisory committees have a minority of legislative members, and two of them also either require or allow for non-legislative chairs or have advisory responsibilities that go beyond the Legislature to other agencies or branches of government. It has been noted in the past that the assignment of nonpartisan committee staff to these permanent year-round advisory commissions (which include many

Executive Branch-type functions) creates staffing conflicts during the session which reduce the staffing resources available to the Joint Standing Committees during the session.



| | <u>Total members</u> | <u>Legislative members</u> | <u>% Legislative members</u> |
|---------------|----------------------|----------------------------|------------------------------|
| LYAC | 20 | 4 | 20.0% |
| Citizen Trade | 22 | 6 | 27.3% |
| Right-to-Know | 14 | 2 | 14.3% |

I hope this information is useful background as you go forward with your review of studies. I have attached the following items to this memo:

- A spreadsheet that includes the data used in this analysis;
- A copy of the 1998 report on studies; and
- A copy of the provisions of the Joint Rules pertaining to studies.

I look forward to working with you on this review of the study process, and would be happy to answer any questions about this analysis.

C: David Boulter, Executive Director, Legislative Council

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**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|---|-------------|----------------------|--------|--------|--------|---------------------------|--|---------------------------------|
| 1 | 118 | Jt. Select Committee on Research and Development | Joint Order | S.P. 669 | 14 | 14 | 100% | OPLA | among the members | President & Speaker |
| 2 | 118 | Jt. Select Committee to Oversee Maine Yankee Atomic Power Company | Joint Order | H.P. 345 | 13 | 13 | 100% | OPLA | chairs of Utilities & Energy Committee | President & Speaker |
| 3 | 118 | Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine | Resolve | Resolves 1997, c. 85 | 12 | 3 | 25% | OPLA | among the members | no joint appts. |
| 4 | 118 | Commission to Determine the Adequacy of Services to Persons with Mental Retardation | Resolve | Resolves 1997, c. 79 | 17 | 3 | 18% | OPLA | among the members | President & Speaker |
| 5 | 118 | Commission to Examine the Rate Setting and the Financing of Long-term Care Facilities | Resolve | Resolves 1997, c. 81 | 15 | 4 | 27% | OPLA | appointed by the Governor (NL) | President & Speaker |
| 6 | 118 | Commission to Study Certificate of Need Laws | Resolve | Resolves 1997, c. 29 | 15 | 2 | 13% | DHS | among the members | President & Speaker |
| 7 | 118 | Commission to Study Insurance Fraud | Resolve | Resolves 1997, c. 77 | 12 | 2 | 17% | Bureau of Insurance, OPLA | among the members | no joint appts. |
| 8 | 118 | Commission to Study the Development of Maine's Franco-American Resource | Resolve | Resolves 1997, c. 83 | 27 | 4 | 15% | University of Maine | among its members | no joint appts. |
| 9 | 118 | Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities | Resolve | Resolves 1997, c. 72 | 13 | 3 | 23% | OPLA | among the members | President & Speaker |
| 10 | 118 | Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine | Public Law | P.L. 1997, c. 557 | 20 | 4 | 20% | contracted | among the members | President & Speaker |
| 11 | 118 | Commission to Study the Unemployment Compensation System | Resolve | Resolves 1997, c. 65 | 11 | 4 | 36% | OPLA | among the legislative members | no joint appts. |
| 12 | 118 | Commission to Study the Use of Pharmaceuticals in Long Term Care Settings | Resolve | Resolves 1997, c. 71 | 10 | 3 | 30% | OPLA | among the members | Governor, Speaker and President |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|--|------------|----------------------|--------|--------|--------|------------------------|---|---------------------------|
| 13 | 118 | Committee to Study Tax Relief and Tax Reform | Public Law | P.L. 1997, c. 557 | 13 | 13 | 100% | OFPR | chairs of Taxation Committee | no joint appts. |
| 14 | 118 | Maine Commission on Children's Health Care | Public Law | P.L. 1997, c. 560 | 16 | 7 | 44% | SPO, OPLA | Jointly by Governor, President & Speaker | President & Speaker |
| 15 | 118 | Maine Commission on Outstanding Citizens | Resolve | Resolves 1997, c. 64 | 8 | 1 | 13% | Legislative Council | among the members | President & Speaker |
| 16 | 118 | State Compensation Commission | Public Law | P.L. 1997, c. 506 | 5 | 0 | 0% | OFPR | among the members | no joint appts. |
| 17 | 118 | Study Group to Assess the Needs of the State Fire Marshal | Resolve | Resolves 1997, c. 10 | 13 | 1 | 8% | Dept. of Public Safety | among the members | President & Speaker |
| 18 | 118 | Subcommittee on Legislative Review of DEP's Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act | Resolve | Resolves 1997, c. 57 | 5 | 5 | 100% | OPLA | n/a | n/a |
| 19 | 118 | Subcommittee on Legislative Review of Revisions to the State's Clean Air Strategy | Public Law | P.L. 1997, c. 531 | 5 | 5 | 100% | OPLA | n/a | n/a |
| 20 | 118 | Subcommittee Progress Meetings with DMHMR/SAS and DHS on Design of Comprehensive Mental Health Services Delivery System for Children | Resolve | Resolves 1997, c. 80 | 3 | 3 | 100% | OPLA | n/a | n/a |
| 21 | 118 | Task Force on Improving Access to Prescription Drugs for the Elderly | Public Law | P.L. 1997, c. 560 | 9 | 4 | 44% | OPLA | jointly by President & Speaker | joint appt. of chair only |
| 22 | 118 | Task Force on Information Technology in the Public Sector | Public Law | P.L. 1997, c. 554 | 24 | 2 | 8% | DAFS, SPO | a legislator and the Commissioner of DAFS | no joint appts. |
| 23 | 118 | Task Force on Production and Issuance of Registration Plates | Public Law | P.L. 1997, c. 311 | 11 | 4 | 36% | Sec. of State | among the members | no joint appts. |
| 24 | 118 | Task Force on Regional Service Center Communities | Resolve | Resolves 1997, c. 78 | 13 | 3 | 23% | SPO | among the members | no joint appts. |
| 25 | 118 | Task Force on State and Federal Tax Filing | Resolve | Resolves 1997, c. 66 | 11 | 3 | 27% | Maine Revenue Services | among the members | no joint appts. |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|---|-------------------------|----------------------|--------|--------|--------|-----------|--|----------------------------------|
| 26 | 118 | Task Force to Review the Applied Technology Centers and Applied Technology Regions | Resolve | Resolves 1997, c. 74 | 11 | 2 | 18% | DOE | among the members | President & Speaker |
| 27 | 118 | Task Force to Study Equal Economic Opportunity for All Regions of the State | Private and Special Law | P&S 1997, c. 51 | 14 | 5 | 36% | OPLA | among the legislative members | President & Speaker ¹ |
| 28 | 118 | Task Force to Study Strategies to Support Parents as Children's First Teachers | Resolve | Resolves 1997, c. 68 | 16 | 2 | 13% | DHS | among the members | President & Speaker |
| 29 | 118 | Task Force to Study the Cost Effectiveness of the Child Development Services System | Public Law | P.L. 1997, c. 534 | 16 | 4 | 25% | OPLA | among the legislative members | President & Speaker |
| 30 | 118 | Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits | Resolve | Resolves 1997, c. 63 | 15 | 4 | 27% | OPLA | one member of House and one member of Senate to serve as co-chairs | no joint appts. |
| 31 | 118 | Task Force to Study the Feasibility of Creating a Maine Mobility Fund | Resolve | Resolves 1997, c. 73 | 19 | 4 | 21% | OPLA | among the members | President & Speaker |
| 32 | 118 | Task Force to Study Telecommunications Taxation | Resolve | Resolve 1997, c. 121 | 15 | 4 | 27% | DAFS/OFPR | among the members | no joint appts. |
| 33 | 118 | Work Group to Examine the Legal Rights of Children Who Testify in cases in which they have been alleged Victims of Sexual Abuse | Public Law | P.L. 1997, c. 548 | 9 | 2 | 22% | DHS, AG | among the members | no joint appts. |
| 34 | 118 | Staff Study of Privatization of State Liquor Stores | Legislative Council | n/a | n/a | n/a | 0% | OPLA | n/a | n/a |
| 35 | 118 | Staff Study of the Citizen Initiative Process | Legislative Council | n/a | n/a | n/a | 0% | OPLA | n/a | n/a |
| 36 | 118 | Staff Study on Worker's Compensation and Occupational Disease Law | Legislative Council | n/a | n/a | n/a | 0% | OPLA | n/a | n/a |
| 37 | 118 | Subcommittee on Privacy of Genetic Information | Legislative Council | n/a | 5 | 5 | 100% | OPLA | chairs of Banking and Insurance Committee | n/a |
| 38 | 118 | Subcommittee on Scope of Juvenile Justice Problems and Services in Maine | Legislative Council | n/a | 5 | 5 | 100% | OPLA | n/a | n/a |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|--|--------------------|---------------------|--------|--------|--------|----------|--|-----------------|
| 39 | 118 | Task Force to Study the Health Effects of Reformulated Gasoline | Presiding Officers | n/a | 5 | 5 | 100% | OPLA | n/a | no joint appts. |
| 40 | 119 | Blue Ribbon Commission to Establish a Comprehensive Internet Policy | Resolve | Resolve 1999, c. 89 | 18 | 5 | 28% | OPLA | first named Senator and Representative | no joint appts. |
| 41 | 119 | Committee to Address the Recognition of the Tribal government Representatives of Maine's Sovereign Nations in the Legislature | Joint Order | HP 1524 | 8 | 8 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 42 | 119 | Commission to Encourage Incorporations in Maine | Resolve | Resolve 1999, c. 67 | 8 | 8 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 43 | 119 | Commission to Examine the Adequacy of Services at the Togus Veterans Administration Medical Center | Joint Order | HP 1052 | 17 | 13 | 76% | OPLA | first named Senator and Representative | no joint appts. |
| 44 | 119 | Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims | Resolve | Resolve 1999, c. 89 | 14 | 3 | 21% | OPLA | first named Senator and Representative | no joint appts. |
| 45 | 119 | Commission to review Traffic Congestion Including Truck Traffic Along the Route 1 York Corridor and the Route 236 Corridor | Resolve | Resolve 1999, c. 64 | 11 | 4 | 36% | OPLA | first named Senator and Representative | no joint appts. |
| 46 | 119 | Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies | Resolve | Resolve 1999, c. 75 | 12 | 6 | 50% | OPLA | first named Senator and Representative | no joint appts. |
| 47 | 119 | Commission to Study the Enhancement of Fire Protection Services throughout the State | Resolve | Resolve 1999, c. 75 | 6 | 3 | 50% | OPLA | first named Senator and Representative | no joint appts. |
| 48 | 119 | Select Committee to Study State Participation in Funding the Cleanup and Remediation of Uncontrolled Hazardous Substance Sites | Public law | P.L. 1999, c. 505 | 5 | 5 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 49 | 119 | Committee to Study Standardized Periods of Military Services and Other Matters Related to the Award of State of Maine Veterans' Benefits | Resolve | Resolve 1999, c. 78 | 13 | 5 | 38% | OPLA | first named Senator and Representative | no joint appts. |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|--|---------------------|----------------------|--------|--------|--------|----------|---|-----------------|
| 50 | 119 | Joint Select Committee on the Year 2000 Computer Problem | Joint Order | H.P. | 13 | 13 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 51 | 119 | Task Force on State Office Building Location and Patterns of Development | Resolve | Resolve 1999, c. 63 | 13 | 13 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 52 | 119 | Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf | Joint Order | HP 1587 | 14 | 14 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 53 | 119 | Task Force to Study the Effect of Government Regulation on Small Business | Resolve | Resolve 1999, c. 74 | 9 | 2 | 22% | OPLA | first named Senator and Representative | no joint appts. |
| 54 | 119 | Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students | Joint Order | S.P. 598 | 9 | 6 | 67% | OPLA | first named Senator and Representative | no joint appts. |
| 55 | 119 | Task Force to Study the Improvement of the Public Water Supply Protection | Resolve | Resolve 1999, c. 80 | 19 | 6 | 32% | OPLA | first named Senator and Representative | no joint appts. |
| 56 | 119 | Long Term Care Study | Legislative Council | n/a | 13 | 13 | 100% | OPLA | chairs of health and Human Services Committee | n/a |
| 57 | 119 | Staff Study to Explore Disability Access to Issues in Relatiou to Outdoor Sporting Activities | Legislative Council | n/a | n/a | n/a | 0% | OPLA | n/a | n/a |
| 58 | 119 | Citizens Advisory Committee to Secure the Future of Maine's Fish and Wildlife | Resolve | Resolve 1999, c. 86 | 24 | 5 | 21% | OPLA | first named Senator and Representative | no joint appts. |
| 59 | 119 | Commission to Study the Prevention of Child Abuse | Joint Order | H.P. 1930 | 5 | 5 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 60 | 119 | Commission to Recognize Vietnam Veterans in the State House Hall of Flags | Resolve | Resolve 1999, c. 113 | 5 | 0 | 0% | OPLA | first named Senator and Representative | no joint appts. |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|---|-------------|----------------------|--------|--------|--------|----------|--|-----------------|
| 61 | 119 | Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-Terrain Vehicles and Watercraft | Resolve | Resolve 1999, c. 131 | 15 | 10 | 67% | OPLA | first named Senator and Representative | no joint appts. |
| 62 | 119 | Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State | Resolve | Resolve 1999, c. 135 | 12 | 4 | 33% | OPLA | first named Senator and Representative | no joint appts. |
| 63 | 119 | Committee on Gasoline and Fuel Prices | Joint Order | H.P. 1774 | 13 | 13 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 64 | 119 | Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf | Resolve | Resolve 1999, c. 127 | 5 | 5 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 65 | 119 | Committee to Establish a Memorial to the Civilian Conservation Corps | Resolve | Resolve 1999, c. 83 | 5 | 1 | 20% | OPLA | first named Senator and Representative | no joint appts. |
| 66 | 119 | Committee to Study Access to Private and Public Lands in Maine | Joint Order | H.P. 1951 | 5 | 5 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 67 | 119 | Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for All Maine Citizens | Joint Order | H.P. 1857 | 12 | 12 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 68 | 119 | Joint Select Committee on School-based Health Care Services | Joint Order | H.P. 1864 | 5 | 5 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 69 | 119 | Joint Select Committee on Psychiatric Treatment Initiative | Joint Order | H.P. 1955 | 8 | 8 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 70 | 119 | Joint Study Committee to Study Bomb Threats in Maine Schools | Joint Order | H.P. 1938 | 6 | 6 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 71 | 119 | Task Force on Educational Programming at Juvenile Correctional Facilities | Public law | P.L. 1999, c. 776 | 13 | 4 | 31% | OPLA | first named Senator and Representative | no joint appts. |

Interim Study Commissions
Authorized by the
118th - 122nd Legislature

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | Chair/Selectin | Joint Appts |
|----------|---------|--|---------------------|----------------------|--------|--------|--------|----------|--|-----------------|
| 72 | 119 | Task Force on the Maine Learning Technology Endowment | Public law | P.L. 1999, c. 731 | 17 | 6 | 35% | OPLA | first named Senator and Representative | no joint appts. |
| 73 | 119 | Task Force to Study Growth Management | Joint Order | S.P. 1090 | 18 | 3 | 17% | OPLA | members select | no joint appts. |
| 74 | 119 | Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine | Resolve | Resolve 1999, c. 82 | 13 | 3 | 23% | OPLA | first named Senator and Representative | no joint appts. |
| 75 | 119 | Task Force to Study the Market Power Issues Related to Solid Waste Hauling and Disposal Industry | Public law | P.L. 1999, c. 773 | 5 | 5 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 76 | 119 | Legislative Council Subcommittee on the Structure and Operation of the Maine Legislature | Legislative Council | n/a | 5 | 5 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 77 | 119 | Staff Study of Utility Related Laws Outside of Title 35-A | Legislative Council | n/a | n/a | n/a | 0% | OPLA | n/a | n/a |
| 78 | 119 | Joint Study Committee on the Decriminalization of the Criminal Laws of Maine | Joint Order | H.P. 1914 | 5 | 5 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 79 | 119 | Statutory Review of Income Tax Expenditures | Legislative Council | n/a | 13 | 13 | 100% | OFPR | chairs of Taxation Committee | no joint appts. |
| 80 | 119 | Task Force to Reduce the Burden of Home Heating Costs on the Low-Income Households | Resolve | Resolve 1999, c. 132 | 16 | 4 | 25% | OFPR | first named Senator and Representative | no joint appts. |
| 81 | 119 | Commission to Study the Most Effective Method of Providing Retail Rate Reimbursement for Parts and Labor | Public law | P.L. 1999, c. 766 | 7 | 4 | 57% | OFPR | first named Senator and Representative | no joint appts. |
| 82 | 119 | Commission to Study Single-Sales Factor Apportionment | Joint Order | S.P. 771 | 11 | 7 | 64% | OFPR | first named Senator and Representative | no joint appts. |
| 83 | 119 | Study of the Application of the Real Estate Transfer Tax to Corporate Transfers | Legislative Council | n/a | 13 | 13 | 100% | OFPR | chairs of the Taxation Committee | no joint appts. |
| 84 | 119 | Statutory Review of Property Tax Exemptions | Legislative Council | n/a | 13 | 13 | 100% | OFPR | chairs of the Taxation Committee | no joint appts. |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|---|---------------------|-------------------------|--------|--------|--------|----------|--|-----------------|
| 85 | 119 | Statutory Review of Sales Tax Exemptions | Legislative Council | n/a | 13 | 13 | 100% | OFPR | chairs of the Taxation Committee | no joint appts. |
| 86 | 119 | Subcommittee to Study Tax Volatility | Legislative Council | n/a | 7 | 7 | 100% | OFPR | members select | no joint appts. |
| 87 | 119 | Study of Pension Equity | Joint Order | S.P. 860 | 13 | 13 | 100% | OFPR | first named Senator and Representative | no joint appts. |
| 88 | 120 | Commission to Continue the Study of Benefits and Costs of Increasing Access to Family and Medical Leave for Maine Families | Resolve | Resolve 2001, c. 115 | 15 | 2 | 13% | OPLA | first named Senator and Representative | no joint appts. |
| 89 | 120 | Commission to Study Fatherhood Issues | Resolve | Resolve 2001, c. 121 | 9 | 5 | 56% | OPLA | first named Senator and Representative | no joint appts. |
| 90 | 120 | Health Care System and Health Security Board | Public law | P.L. 2001, c. 439 | 19 | 4 | 21% | OPLA | first named Senator and Representative | no joint appts. |
| 91 | 120 | Commission to Study the Impact of a Maine-Based Casino on the Economy, Transportation, Infrastructure, State Revenue and Job Market | Resolve | Resolve 22001, c. 124 | 18 | 6 | 33% | OPLA | first named Senator and Representative | no joint appts. |
| 92 | 120 | Blue Ribbon Commission to Address the Financing of Long Term Care | Resolve | Resolve 2001, c. 114 | 19 | 4 | 21% | OPLA | first named Senator and Representative | no joint appts. |
| 93 | 120 | Task Force on Rail Transportation | Resolve | Resolve 2001, c. 120 | 13 | 7 | 54% | OPLA | first named Senator and Representative | no joint appts. |
| 94 | 120 | Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish | Public law | Public law 2001, c. 462 | 13 | 3 | 23% | OPLA | first named Senator and Representative | no joint appts. |
| 95 | 120 | Commission to Address the Unfunded Liability of the MSRS and the Equity of Retirement Benefits for State Employees and Teachers | Public law | P.L. 2001, c. 707 | 8 | 3 | 38% | OPLA | first named Senator and Representative | no joint appts. |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|---|-------------------------|----------------------|--------|--------|--------|----------|---|-----------------|
| 96 | 120 | Legislative Youth Advisory Council | Public law | P.L. 2001, c. 436 | 21 | 3 | 14% | OPLA | alternates between Senate and House members; members choose a youth chair | no joint appts. |
| 97 | 120 | Commission to Study Access to Public and Private Lands in Maine | Joint Order | H.P. 1387 | 5 | 5 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 98 | 120 | Commission to Study Assisted Living | Private and Special Law | P&SL 2001, c. 36 | 21 | 8 | 38% | OPLA | first named Senator and Representative | no joint appts. |
| 99 | 120 | Joint Study Committee to Study Reimbursement Rates for Maine's Bottle Redemption Business and Returnable Containers | Joint Order | H.P. 1389 | 13 | 3 | 23% | OPLA | first named Senator and Representative | no joint appts. |
| 100 | 120 | Committee to Review the Child Protective System | Joint Order | H.P. 1385 | 12 | 5 | 42% | OPLA | first named Senator and Representative | no joint appts. |
| 101 | 120 | Joint Standing Committee on Health and Human Services Review of the Child Welfare System | Legislative Council | n/a | 13 | 13 | 100% | OPLA | chairs of health and Human Services Committee | no joint appts. |
| 102 | 120 | Committee to Study the Loss of Commercial Fishing, Waterfront Access and other Economic Issues Affecting Commercial fishing | Joint Order | H.P. 1384 | 10 | 4 | 40% | OPLA | first named Senator and Representative | no joint appts. |
| 103 | 120 | Commission to Study Domestic Violence | Resolve | Resolve 2001, c. 126 | 20 | 5 | 25% | OPLA | first named Senator and Representative | no joint appts. |
| 104 | 120 | Education Funding Reform Committee | Public law | P.L. 2001, c. 439 | 14 | 14 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 105 | 120 | Special Education Committee Study of Financing of Kindergarten through Grade 12 Public Education | Legislative Council | n/a | 13 | 13 | 100% | OPLA | chairs of Education Committee | no joint appts. |
| 106 | 120 | Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry | Resolve | Resolve 1999, c. 124 | 19 | 4 | 21% | OPLA | first named Senator and Representative | no joint appts. |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|--|---------------------|----------------------|--------|--------|--------|--------------|---|-----------------------|
| 107 | 120 | Commission to Develop a Plan to Implement the Closure of the State Liquor Stores | Public law | P.L. 2001, c. 358 | 9 | 4 | 44% | OPLA | first named Senator and Representative | no joint appts. |
| 108 | 120 | Committee to Study the Needs of Persons with Mental Illness who are Incarcerated | Joint Order | H.P. 1383 | 13 | 13 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 109 | 120 | Blue Ribbon Commission on Postsecondary Educational Attainment | Resolve | Resolve 2001, c. 66 | 15 | 4 | 27% | OPLA | first named Senator and Representative | no joint appts. |
| 110 | 120 | Commission to Study the Implementation of a Unified Response for Emergency Releases and Spills of Toxic or Hazardous Materials | Resolve | Resolve 2001, c.c65 | 19 | 5 | 26% | OPLA | first named Senator and Representative | no joint appts. |
| 111 | 120 | Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands | Joint Order | H.P. 1383 | 7 | 5 | 71% | OPLA | first named Senator and Representative | no joint appts. |
| 112 | 120 | Gas Tax Equity Study | Resolve | Resolve 2001, c. 68 | 15 | 10 | 67% | OPLA | first named Senator and Representative | no joint appts. |
| 113 | 120 | Task Force on Growth Management | Joint Order | H.P. 1330 | 9 | 9 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 114 | 120 | Commission to Recognize Vietnam Veterans in the Hall of Flags | Resolve | Resolve 2001, c. 113 | 5 | 0 | 0% | OPLA | member appointed by Speaker and the President | President and Speaker |
| 115 | 120 | Recodification of Title 12, chapters 701 to 721 | Joint Order | H.P. 613 | n/a | n/a | 0% | OPLA and ROS | n/a | n/a |
| 116 | 121 | Recodification of Title 7 | Legislative Council | n/a | n/a | n/a | 0% | OPLA | n/a | n/a |
| 117 | 121 | Committee to Study the Scope and Quality of Citizenship Education | Resolve | Resolve 2003, c. 85 | 15 | 4 | 27% | OPLA | first named Senator and Representative | no joint appts. |
| 118 | 121 | Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation | Public law | P.L. 2003, c. 462 | 14 | 4 | 29% | OPLA | first named Senator and Representative | no joint appts. |
| 119 | 121 | Committee to Study Barriers to Affordable Housing in Maine | Resolve | Resolve 2003, c. 73 | 13 | 6 | 46% | SPO | first named Senator and Representative | no joint appts. |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|--|--------------------|----------------------|--------|--------|--------|---|--|-----------------------|
| 120 | 121 | Task Force to Study the Needs of Deaf and Hard of Hearing Children and Adolescents | Resolve | Resolve 2003, c. 84 | 18 | 4 | 22% | OPLA | first named Senator and Representative | no joint appts. |
| 121 | 121 | Committee to Study the Compliance with Maine's Freedom of Access Laws | Resolve | Resolve 2003, c. 83 | 16 | 2 | 13% | OPLA | first named Senator and Representative | no joint appts. |
| 122 | 121 | Presiding Officers Advisory task Force on Creating a Future for Youth in Maine | Presiding Officers | n/a | 13 | 5 | 38% | OPLA, Speaker's staff and President's Staff | President and Speaker name chair | President and Speaker |
| 123 | 121 | Commission to Improve Community Safety and Sex Offender Accountability | Resolve | Resolve 2003, c. 75 | 17 | 3 | 18% | OPLA | first named Senator and Representative | no joint appts. |
| 124 | 121 | Commission to Improve the Sentencing, Supervision Management and Incarceration of Prisoners | Public law | P.L. 2003, c. 451 | 23 | 6 | 26% | DOC and DEP | Governor appoints chair | no joint appts. |
| 125 | 121 | Future for Youth in Maine State Work Action Tactics Team | Public law | P.L. 2003, c. 704 | 23 | 4 | 17% | OPLA | DECD member is the chair; vice-chair elected among members | no joint appts. |
| 126 | 121 | Committee to Study New Payment Models for the Logging Industry | Joint Order | H.P. 724 | 13 | 13 | 100% | OPLA | chairs of Agriculture committee | no joint appts. |
| 127 | 121 | Commission to Arrange for a Plaque and a Flag to Honor the Maine Veterans of World War II and the Korean War | Resolve | Resolve 2003, c. 113 | 6 | 2 | 33% | OPLA | first named Senator and Representative | no joint appts. |
| 128 | 121 | Committee to Study the Privatization of the State's Wholesale Liquor Business | Joint Order | S.P. 552 | 9 | 9 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 129 | 121 | Commission to Review the Budget Process of the Workers' Compensation Board | Public law | P.L. 2003, c. 425 | 6 | 4 | 67% | OPLA | first named Senator and Representative | no joint appts. |
| 130 | 121 | Maine Drug Return Implementation Group | Public law | P.L. 2003, c. 679 | 11 | 1 | 9% | OPLA | Senate member appointed chair | no joint appts. |
| 131 | 121 | Health Care System and Health Security Board | Public law | P.L. 2001, c. 492 | 20 | 4 | 20% | OPLA | first named Senator and Representative | no joint appts. |
| 132 | 121 | Commission to Study Public Health | Resolve | Resolve 2003, c. 95 | 31 | 4 | 13% | OPLA | first named Senator and Representative | no joint appts. |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts. |
|----------|---------|--|------------|-------------------------|--------|--------|--------|-----------------------|---|-----------------|
| 133 | 121 | Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters | Resolve | Resolve 2003, c. 76 | 8 | 4 | 50% | OPLA | first named Senator and Representative | no joint appts. |
| 134 | 121 | Task Force on Veterans' Health Benefits | Public law | P.L. 2003, c. 469 | 13 | 2 | 15% | Department of Defense | House and Senate member appointed chairs | no joint appts. |
| 135 | 121 | Legislative Youth Advisory Council | Public law | P.L. 2001, c. 436 | 21 | 3 | 14% | Muskie School | alternates between Senate and House members; members choose a youth chair | no joint appts. |
| 136 | 121 | Citizen Trade Policy Commission | Public law | P.L. 2003, c. 699 | 22 | 6 | 27% | OPLA | first named Senator and Representative | no joint appts. |
| 137 | 121 | Health and Human Services Committee Review of Statutes governing the new Department of Health and Human Services | Public law | Public Law 2005, c. 689 | 13 | 13 | 100% | OPLA | chairs of health and Human Services Committee | no joint appts. |
| 138 | 122 | Commission to Arrange for a Monument Honoring Women Veterans of Maine | Resolve | Resolve 2005, c. 215 | 8 | 2 | 25% | OPLA | Senate and House members appointed chairs | no joint appts. |
| 139 | 122 | Blue Ribbon Commission on the Future of Maine Care | Resolve | Resolve 2005, c. 117 | 10 | 4 | 40% | OPLA | first named Senator and Representative | no joint appts. |
| 140 | 122 | Committee to Study State Compliance with the Federal Indian Child Welfare Act of 1978 | Resolve | Resolve 2005, c. 118 | 12 | 5 | 42% | OPLA | first named Senator and Representative | no joint appts. |
| 141 | 122 | Task Force to Study Cervical Cancer, Prevention, Detection and Education | Resolve | Resolve 2005, c. 121 | 16 | 3 | 19% | OPLA | first named Senator and Representative | no joint appts. |
| 142 | 122 | Freedom of Access Advisory Committee | Resolve | Resolve 2005, c. 123 | 14 | 2 | 14% | OPLA | first named Senator and Representative | no joint appts. |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|--|-------------------------|----------------------|--------|--------|--------|-------------------------|---|-----------------|
| 143 | 122 | Committee to Study the Establishment of a Memorial for Emergency Medical Services Personnel | Resolve | Resolve 2005, c. 124 | 9 | 3 | 33% | DAFS | Senate member appointed chair | no joint appts. |
| 144 | 122 | Commission to Study the Cost of Providing Certain Services in the Unorganized Territory | Resolve | resolve 2005, c. 125 | 17 | 6 | 35% | OFPR | first named Senator and Representative | no joint appts. |
| 145 | 122 | Task Force to Study Maine's Homeland Security Needs | Resolve | Resolve 2005, c. 126 | 11 | 6 | 55% | MEMA, OPLA | first named Senator and Representative | no joint appts. |
| 146 | 122 | Commission to Study Alternative Voting Procedures, Citizen Initiative Process and Minor Party Ballot Access | Resolve | Resolve 2005, c. 127 | 11 | 6 | 55% | OPLA | first named Senator and Representative | no joint appts. |
| 147 | 122 | Commission Regarding Livable Wages | Resolve | Resolve 2005, c. 128 | 12 | 5 | 42% | OPLA | first named Senator and Representative | no joint appts. |
| 148 | 122 | Governor's Committee to Study the Feasibility of the Importation of Prescription Drugs | Private and Special Law | P&SL 2001, c. 26 | 14 | 2 | 14% | Office of Health Policy | not specified | no joint appts. |
| 149 | 122 | Commission to Reform the State Budget Process | Public law | P.L. 2005, c. 386 | 12 | 4 | 33% | Maine Revenue Services | Governor appoints chair | no joint appts. |
| 150 | 122 | Joint Standing Committee on Marine Resources Study of the Education and Training for Harbor Masters | Joint Order | H.P. 1190 | 13 | 13 | 100% | OPLA | chairs of Marine Resources Committee | no joint appts. |
| 151 | 122 | Human Trafficking Task Force | Resolve | Resolve 2005, c. 200 | 12 | 2 | 17% | OPLA | Senate and House members appointed chairs | no joint appts. |
| 152 | 122 | Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers | Resolve | Resolve 2005, c. 181 | 9 | 5 | 56% | OPLA | first named Senator and Representative | no joint appts. |
| 153 | 122 | Blue Ribbon Commission on Solid Waste Management | Public law | P.L. 2005, c. 207 | 9 | 4 | 44% | DEP | first named Senator and Representative | no joint appts. |
| 154 | 122 | Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway | Public law | P.L. 2005, c. 598 | 15 | 5 | 33% | OPLA | first named Senator and Representative | no joint appts. |

**Interim Study Commissions
Authorized by the
118th - 122nd Legislature**

| Record # | Session | Name | Instrument | Authority | MemNum | LegNum | LegPer | Staffing | ChairSelectin | Joint Appts |
|----------|---------|---|---------------------|----------------------|--------|--------|--------|--------------|---|-----------------|
| 155 | 122 | Joint Select Committee on Research, Economic Development and the Innovation Economy | Joint Order | S.P. 847 | 13 | 13 | 100% | OPLA | first named Senator and Representative | no joint appts. |
| 156 | 122 | Subcommittee to Study Early Childhood Special Education | Public law | P.L. 2005, c. 662 | 28 | 4 | 14% | DOE | chair selected by Speaker and President | no joint appts. |
| 157 | 122 | Maine Energy Council | Public law | P.L. 2005, c. 677 | 17 | 4 | 24% | PUC | first named Senator and Representative | no joint appts. |
| 158 | 122 | Maine Food Policy Council | Public law | P.L. 2005, c. 614 | 15 | 4 | 27% | DOA | among the members | no joint appts. |
| 159 | 122 | Right to Know Advisory Committee | Public law | P.L. 2005, c. 631 | 16 | 2 | 13% | OPLA | among the members | no joint appts. |
| 160 | 122 | Review and Recodify Statutes Relating to School Violence | Resolve | Resolve 2005, c. 120 | n/a | n/a | 0% | OPLA and ROS | n/a | n/a |
| 161 | 122 | Criminal Justice and Public Safety Committee Review of Sex Offender Laws | Public law | P.L. 2005, c. 423 | 13 | 13 | 100% | OPLA | chairs of Criminal Justice Committee | no joint appts. |
| 162 | 122 | Judicial Compensation Commission | Public law | P.L. 2005, c. 451 | 3 | 0 | 0% | OFPR | among members | no joint appts. |
| 163 | 122 | Citizen Trade Policy Commission | Public law | P.L. 2003, c. 699 | 22 | 6 | 27% | OPLA | first named Senator and Representative | no joint appts. |
| 164 | 122 | Legislative Youth Advisory Council | Public law | P.L. 2001, c. 439 | 22 | 4 | 18% | OPLA | alternates between Senate and House members; members choose a youth chair | no joint appts. |
| 165 | 122 | Staff Study of Forest Ownership Trends and Issues | Legislative Council | n/a | n/a | n/a | 0% | OPLA | n/a | n/a |
| 166 | 122 | Task Force on Substance Abuse Testing and Treatment | Public law | P.L. 2005, c. 443 | 6 | 1 | 17% | DOL | not specified | no joint appts. |
| 167 | 122 | Health Care System and Health Security Board | Public law | P.L. 2001, c. 492 | 20 | 4 | 20% | OPLA | first named Senator and Representative | no joint appts. |



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
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 Fax: (207) 287-1275

Date: October 24, 2006

Memo to: Representative John Richardson, Chair, Legislative Council
 Senator Beth Edmonds, Vice-Chair, Legislative Council

From: Patrick Norton, Director *PN*

Re: Study process recommendation

As you recall, several questions about legislative studies have come up in earlier Council meetings this year, and as a result the Council has asked that I look at these issues and report back with some recommendations. The questions that have come up have touched on issues such as the type of instruments used to create studies, study appointments, reporting deadlines for interim studies and the effect of interim study extensions on session-related staffing responsibilities and commitments of staff to "permanent" studies or commissions during the session.

After reviewing study legislation over the past several years, and the history of the legislative study process in general, it is clear that concerns about the legislative study process are not new. It also appears that many of the questions asked by this Council relate to recurring issues involving the study process. These types of issues were most recently addressed in a comprehensive manner in 1997-98, when former Speaker of the House Elizabeth Mitchell convened a special committee to review the study commission process.¹ Many of the recommendations made in that report were subsequently adopted and implemented, either through changes to the Joint Rules or to the study guidelines adopted by each Council. A copy of that report is attached for you review.

Although the recommendations in the 1998 report improved the study process in a number of ways, it is clear that some of the old issues have re-emerged and that some new issues have arisen in the nine years since this report was produced.

Recommendation. Since the current interim study season is beginning to wrap-up, and I see no staffing issues with the current limited extension requests, I am not recommending any immediate changes to the study process. I do think it would be very useful, however,

¹ Final Report of the Special Committee to Review the Study Commission Process. (January 16, 1998). Committee members included the Clerk of the House, Joe Mayo, the Secretary of the Senate, Joy O'Brien, the Senate President's Chief of Staff, Peter Chandler, the Special Assistant to the Speaker of the House, Peggy Schaffer, and the Director of OPLA, David Boulter.

if this Council considered recommending that the next Council appoint a subcommittee in December to review and update the 1998 special study committee report and make any recommendations necessary for changes to the study process prior to the adoption of the Council study guidelines for the 123rd Legislature. Some important goals of this subcommittee would be to identify and remove any existing barriers to conducting effective and timely legislative studies and to ensure that the Council is in a position to direct the course of interim studies and the use of its committee staff during the legislative sessions.

Should the Council proceed along these lines, I would happy to participate in this process in any way that would be helpful.

Thank you. I would be happy to respond to any questions you may have about this recommendation.

C: Council members;
David Boulter, Executive Director



**SPECIAL COMMITTEE TO
REVIEW THE STUDY COMMISSION PROCESS**

FINAL REPORT

JANUARY 16, 1998

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**Special Committee to
Review the Study Commission Process**

Final Report

January 16, 1998

Special Committee Members

Joseph W. Mayo, Clerk of the House

Joy J. O'Brien, Secretary of the Senate

Peter Chandler, Chief of Staff, Senate President's Office

Peggy Schaffer, Special Assistant, Speaker's Office

David E. Boulter, Director, Office of Policy and Legal Analysis

Executive Summary

Introduction

Each session the Maine Legislature considers numerous bills that would make new law or amend or repeal existing laws. While the vast majority of legislation is considered and finally acted upon by the legislature in the same session in which it is introduced, some legislation warrants further deliberation or study before a final decision is made. When additional time or information is needed to fully evaluate issues, the Legislature often establishes a special committee or commission to: study the matter during the interim between legislative sessions; evaluate options; and make recommendations to the full legislature for consideration.

Over the last decade, the manner in which study commissions have been established and members appointed has changed dramatically, creating a study commission process that increasingly results in late convening study commissions and a cumbersome appointment process. As a result, study commissions often work under nearly impossible schedules to complete their work and legislators often find that they represent a minority of members on study commissions and have little ability to direct the course of legislative studies.

On November 12, 1997, Speaker of the House Elizabeth H. Mitchell convened a special committee to review the study commission process and develop recommendations by January 1998 for improving the process.

Summary of findings

From 1940 until the 1980's, virtually all legislative studies were authorized through the use of a form of joint order called a study order. Study orders were directed to joint standing or joint select committees. Most of the members of the study committees were legislators. In the 1980's study orders continued to be used although most studies by joint standing committees were authorized by the Legislative Council. On rare occasions, a resolve, private and special law or unallocated public law was enacted to establish a study. From approximately 1987 on, the number of studies established by legislation, rather than by study order or Legislative Council authorization, increased steadily. This year, over 35 studies were authorized and only 2 were pursuant to joint order.

The committee finds that there are significant procedural barriers to conducting effective and timely legislative studies. These barriers have developed over a period of a decade or so and have resulted in a decrease in the ability of the Legislature to direct the course of its own studies, efficiently appoint members and convene study commissions, study and report on matters in a timely fashion, and compensate members equitably. These barriers produce an environment that is not conducive to careful evaluation of important policy issues and options, and ultimately lead to a decline in the overall quality and relevance of legislative studies.

Special Committee to Review the Study Commission Process

The committee finds that virtually all of the problems associated with the current study commission process may be grouped into four broad categories: lack of legislative control over legislative studies; cumbersome procedures for establishing study commissions; inconsistencies in funding studies and compensation for members; and inconsistencies among study commissions due to a lack of drafting guidelines for creating study commissions and establishing uniform study procedures.

The committee also finds that making relatively few, but important, changes to the current study commission process will dramatically improve the effectiveness of legislative study commissions, allow for efficient convening and conduct of study commissions and bring the process more in line with the process historically used by the Legislature to conduct studies. Foremost among the changes is the use of study orders as the primary legislative instrument to establish study committees and greater legislative influence in the selection of study commission members.

Recommendations for improvement

1. Reaffirm legislative policy on legislative studies. The committee recommends that the Legislature reaffirm in its joint rules that the primary purpose of legislative studies is to assist legislators in the policy decisions they must make and for that reason the Legislature should establish and fully direct the course and scope of studies in ways that will assure the studies will best meet legislative needs.

2. Return to use of joint standing and joint select committees as principal study committees. The committee recommends that the Legislature return to the use of joint standing and joint select committees as the principal groups to conduct legislative studies. Legislators should constitute the membership of these legislative study commissions. Use of commissions that include broad representation of non-legislators should be reserved for high profile or other special occasions when participation by prestigious outside dignitaries or direct representation of another branch of government or interest groups on a study commission is essential to the success of the study.

3. Use study orders as principal legislative instrument for establishing studies. The committee recommends that study orders be the principal legislative instrument for establishing legislative studies and that joint standing committees consider and report out study orders in the same manner as legislation. Joint standing committees should have authority to report out joint orders requesting that a study be conducted. It is further recommended that if legislation is to be used to establish a legislative study, it first be approved for introduction by the Legislative Council.

4. Presiding officers appoint members. The committee recommends that the members of a legislative study commission be appointed by the presiding officers. Study language should not require that joint appointments be made and should not narrowly prescribe membership slots to be filled for a study.

5. Presiding officers appoint chairs. Except in the case where a study commission is very small (e.g., 3 to 5 members), each study commission should have joint chairs, one appointed by the President and one appointed by the Speaker. The chairs should be appointed at the time of appointment of the other members. In the case of a small study commission, the chair should be appointed by the presiding officer of the body of the originating order or legislation.

6. Keep size of study commissions manageable. The committee recommends that the size of study commissions be at least 3 but not more than 13 members, a size consistent with that of joint standing committees.

7. Compensate members of study commissions equitably. The committee recommends that as a matter of policy all members of study commissions, including public members unless otherwise compensated by their employers, be entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study commission.

8. Conclude studies prior to start of legislative sessions. The committee recommends that all reports of study commissions which are to be submitted to the first regular session of the next or subsequent legislature be submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature, and all reports of study commissions which are to be submitted to the second regular session be submitted not later than the first Wednesday in December preceding the convening of the second regular session.

9. Fund studies through legislative appropriations. The committee recommends that all legislative studies be funded through an appropriation from the General Fund, and the legislative account include a study line to which studies should be budgeted and study expenses charged. If funding from other sources is determined to be necessary, the Legislative Council rather than study commission members should make the requests for funds.

10. Establish formal study table. The committee recommends that the Legislature establish a study table in the Senate on which all legislative study requests, regardless of their funding source, be placed. It further recommends that the Legislative Council review the proposed studies and set priorities for allocation of budgetary and staffing resources. In setting priorities for studies, the Council should consult with the joint standing committees.

11. Staff only legislative studies using Legislative Council staff. The committee recommends that legislative studies be staffed by non-partisan staff assigned by the Legislative Council, and that the Legislature provide staffing only for studies that are either chaired by legislators or in which legislators constitute the majority of members.

12. Place responsibility in offices to coordinate the convening of study commissions. The committee recommends that responsibility for the timely and orderly convening of legislative study commissions be placed in each office that is responsible for staffing the committees. The coordinating office or offices should provide the presiding officers with periodic reports on the progress being made to convene study commissions.

13. Actively manage study expenses. The committee recommends that study commissions and study staff be charged with primary responsibility for managing study budgets and be accountable to the Legislative Council for operating within budgeted resources.

14. Provide formal guidance for drafting study orders and legislation. The committee recommends that proposed drafting guidelines for study orders and legislation be prepared by non-partisan staff and submitted at the beginning of each first regular session for review and approval by the Legislative Council. The guidelines should provide for model orders and legislation that include all necessary elements to properly convene and carry out a study, including language for extensions of reporting dates for studies that whenever possible permit extensions to be granted without having to file legislation for that extension.

15. Specify study commission process in joint rules and Legislative Council policies. The committee recommends the Legislature incorporate appropriate changes to its joint rules so the rules establish the major provisions of the legislative process and policies relating to legislative studies. The committee also recommends that prior to the convening of the first regular session of the 119th Legislature, the Legislative Council adopt administrative policies necessary to implement the changes to the study commission process recommended in this report.

Special Committee to Review the Study Commission Process

Introduction

Each session the Maine Legislature considers numerous bills that would make new law or amend or repeal existing laws. While the vast majority of legislation is considered and finally acted upon by the legislature in the same session in which it is introduced, some legislation warrants further deliberation or study before a final decision is made. In addition, there are times when the legislature wishes to seek additional information or comment from others on matters of legislative interest before initiating major changes in public policy, law or governmental operations. When additional time or information is needed to fully evaluate issues, the Legislature often establishes a special committee or commission to: study the matter during the interim between legislative sessions; evaluate options; and make recommendations including proposed legislation to the full legislature for consideration. The Legislature has made extensive use of studies over the years and has coordinated the establishment and conduct of study commissions through a legislative research committee or the Legislative Council.

Over the last decade, the manner in which study commissions have been established and members appointed has changed dramatically. This change and other factors have contributed to a study commission process that increasingly results in late convening study commissions and a cumbersome appointment process. As a result, study commissions often work under nearly impossible schedules to complete their work and frequently have to narrow the scope of their study in spite of their legislative charge in order to present their report in time for the Legislature to consider it. Legislators often find that they represent a minority of members on study commissions and have little ability to direct the course of legislative studies. In addition, the current process results in inequities in funding of studies and in compensation of study commission members.

These factors have led to a sense among legislators and others involved with legislative study commissions that the process can be improved significantly: improvements that will result in both an increased satisfaction with the process by study commission members and a greater sense of contribution to the legislative process through more thorough and timely study reports.

On November 12, 1997, Speaker of the House Elizabeth H. Mitchell convened a special committee to review the study commission process and develop recommendations by January 1998 for improving the process.

Special Committee to Review the Study Commission Process

Special committee's charge

The committee was charged with examining the current legislative process for establishing interim study commissions and recommending ways to improve the process. Specifically, the committee was to examine:

1. the legislative instrument(s) used to establish study commissions and committees, particularly the use of joint orders and legislation (enactment of a bill);
2. commission membership and appointing authority;
 - ♦ joint appointments
 - ♦ representation of non-legislative groups and organizations and sources of authority for appointment
3. staffing of study commissions;
4. compensation of members; and
5. funding of study commissions.

Special committee meetings

The committee met on November 24, December 2, December 8, December 18 and December 23, 1997 and January 16, 1998. It reviewed various study commission-related materials, current statutes, joint rules of the Legislature and past study orders and bills. The following represents the findings of the special committee and its recommendations for improvement.

Background and historical perspective

In 1940, the Legislature enacted a bill that established the Legislative Research Committee. The research committee consisted of 10 members: 3 senators and 7 representatives. It was charged with providing the legislature with impartial and accurate information and reports. The committee coordinated all studies internal to the legislature and also required agencies to conduct studies. It is of some interest that the bill became law when the Legislature overwhelmingly overrode the Governor's veto of the bill. The research committee existed until 1973 when the Legislative Council was established.

From 1940-1973, virtually all legislative studies were authorized through the use of a form of joint order called a study order. Study orders directed joint standing committees or the Legislative Research Committee to study and report on certain matters, and established joint select committees. Members of these committees were legislators. Some study orders requested or directed the participation of others, notably executive branch agencies.

Special Committee to Review the Study Commission Process

From 1973 to approximately 1987, virtually all legislative studies were conducted through joint standing or joint select committees, again the members being legislators. Study orders were the principal means of establishing the studies although in the 1980's, studies by joint standing committees were authorized by the Legislative Council. On rare occasions, a resolve, private and special law or unallocated public law was enacted to establish a study. For example, according to records in the Law and Legislative Reference Library, 52 studies were authorized in 1977: 51 were established by study order and 1 by a P&S law. Studies authorized by legislation were usually associated with some longer term study commission (for example Low Level Radioactive Waste Commission).

From 1987 on, the number of studies established by legislation (rather than by joint order or Legislative Council authorization) steadily increased. This year, over 35 studies were authorized and only 2 were pursuant to joint order. It is unclear exactly why there has been such a shift from study orders to legislation as the vehicle to establish studies. An increased opportunity for interest groups to have a voting member on a study committee is one explanation that has been offered.

The Legislative Council has served as a priority-setting and coordinating entity for the Legislature with respect to legislative studies since the elimination of the Legislative Research Committee.

General observations:

- ♦ For nearly 50 years until the late 1980's and the 1990's, the primary vehicle used by the legislature for establishment of legislative studies appears to have been study orders (and more recently Legislative Council approval for studies by joint standing committees); extensive use of legislation to establish study commissions appears to be a recent development.
- ♦ The Legislature has a long history of authorizing a research committee or the Legislative Council to coordinate and set priorities for legislative studies.

Authority for studies

The general authority to establish legislative study commissions or joint committees rests with the full legislature through enactment of legislation or adoption of an order, except that the presiding officers at their discretion have authority to establish House select and Senate select committees.

Study legislation is binding on all branches of state government to which it is directed. On the other hand, study orders are binding on the legislative branch and can invite, but not compel, participation or action by another branch of state government. Even though study orders are more limited in their application, study orders may still create studies that allow participation of other branches of government or members of the

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general public. For example, a study order can direct a study committee to invite the participation of certain agencies or groups in a study, including testifying before it or presenting information. Alternatively, it can direct the appointing authorities to invite a representative of an agency or group to be a member of the study committee. As with legislatively authorized studies, most if not all invited persons would likely accept the opportunity to join a study committee.

Pursuant to 3 MRSA §162(3), when the Legislature is not in session the Legislature Council is authorized to assign bills, resolves and studies to existing joint standing committees and joint select committees for consideration, request reports, studies and legislation from joint standing committees and convene meetings of joint standing committees and joint select committees.

Pursuant to 3 MRSA § 162(8), all appropriations or allocations by the Legislature for specific studies to be carried out by joint standing or joint select committees do not lapse, but are carried forward. Account balances not fully expended are refunded to the Legislature. Certain other budget requirements are specified in 3 MRSA § 165(7).

Summary of findings

The committee finds that there are significant procedural barriers to conducting effective and timely legislative studies. These barriers have developed over a period of a decade or so and have resulted in a decrease in the ability of the Legislature to direct the course of its own studies, efficiently appoint members and convene study commissions, provide adequate staff support, study and report on matters in a timely fashion, and compensate members equitably. These barriers produce an environment that is not conducive to careful evaluation of important policy issues and options, and ultimately lead to a decline in the overall quality and relevance of legislative studies.

The committee also finds that making relatively few, but important, changes to the current study commission process will dramatically improve the effectiveness of legislative study commissions, allow for efficient convening and conduct of study commissions and bring the process more in line with the process historically used by the Legislature to conduct studies. Foremost among the changes is the use of study orders as the primary legislative instrument to establish study committees and greater legislative influence in the selection of study commission members.

General observations and findings

1. Purposes and goals of legislative studies

The primary purpose of legislative studies, unlike studies conducted by executive branch agencies or non-governmental organizations, is to assist legislators directly with policy decisions they must make. Legislatively conducted studies:

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- ♦ provide legislators with information to fully understand complex issues and make informed decisions on matters of public policy and operations of state government;
- ♦ present excellent opportunities to bring outside subject area experts to the legislature to share their knowledge;
- ♦ provide an important forum to educate the public on legislative issues and other matters of public policy; and
- ♦ allow the legislature to direct the areas of study to meet its own information needs and appropriately shape policy recommendations from a legislative perspective.

2. Major problems identified

The committee finds that virtually all of the problems associated with the current study commission process may be grouped into four broad categories: lack of legislative control over legislative studies; cumbersome procedures for establishing study commissions; inconsistencies in funding studies and compensation for members; and inconsistencies among study commissions due to a lack of drafting guidelines for creating study commissions and establishing uniform study procedures.

A. Legislators are not in charge of legislative studies

- ♦ Legislators constitute a minority of membership on most study commissions.
- ♦ The current study process does not allow legislators to be in charge of legislative studies; it merely provides a legislative seat at the table. Therefore, legislators cannot direct studies to meet legislative needs.
- ♦ The executive branch and special interests exert a great influence in determining the structure and makeup of study commissions, and the scope and manner of study.
- ♦ The process for selection of a chair is often undefined or the selection is made after the commission is convened. The presiding officers or other legislators have little direct influence in selection of the study commission chair.
- ♦ Presiding officers have limited discretion to appoint study commission members due to required joint appointments, including joint appointments with the executive branch, or through selection criteria that allow little legislative discretion.
- ♦ When legislators do not constitute a majority of membership or chair a study, the role of legislative staff who staff the studies becomes confused.
- ♦ Fiscal note concerns lead to minimizing legislative membership on studies.

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- ♦ Use of legislation to establish legislative studies requires the Governor's approval.

Discussion. As was discussed above, the principal legislative instrument for establishing legislative study commissions over the last decade has become legislation. For example, of the 38 legislative studies authorized this session, 30 (79%) were through enactment of legislation, 5 by Legislative Council approval (including 3 staff studies), 1 by authority of the presiding officers and only 2 (5%) by joint order. As with any other law, study legislation is subject to all of the Constitutional requirements for passage, including opportunity for gubernatorial or a people's veto, and may not become effective (unless passed as emergency legislation) until 90 days after the end of the legislative session. By definition, this means that: 1) the Governor must agree that the Legislature ought to study a particular issue; and 2) studies cannot get underway until well after the end of the legislative session.

Many recent study commissions have had a membership of 15 or more individuals, with legislators comprising a minority of the membership even though they are legislative studies. It is not unusual for legislators to represent 25 % or less of a commission's membership. In some cases, there have been no legislators. Whereas in the past, departmental officials, special interest groups and members of the general public participated in legislative studies by appearing before and offering information to the study commission, in recent years they have been sitting directly on the commissions as fully participating, voting members. In some cases, they even chair study commissions. In order to minimize the fiscal impact of studies, joint standing committees and legislators sponsoring study legislation often will minimize the number of legislators on study commissions, further exacerbating the minority status of legislators on legislative studies. It is difficult for legislators to exert control over studies or final recommendations when they constitute a minority of the study commission.

Furthermore, legislative committee staff who provide staffing support to the study commissions find themselves taking primary direction from non-legislators, including executive branch officials, when legislators do not chair or constitute a majority of the commission membership. This represents an awkward role for legislative staff and limits the support staff can give to those legislators who do serve on the commissions.

Study legislation typically provides the President and the Speaker with the authority to make the legislative appointments, though study legislation often limits their appointments to either appointing the members jointly (sometimes jointly with the Governor) or appointing individuals to fill certain narrowly prescribed "slots" representing particular special interest groups. Legislation typically provides that the Governor or interest groups make the other appointments.

Selection of the chair of a study commission often is not specified in the enabling legislation. When chair selection is not specified, it is left to the study commission members to select a chair from among themselves. While other members sometimes will

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defer to appointed legislators to serve as chairs, not all members will do so. In some cases, departmental officials as well as private sector individuals will chair legislative studies. By not specifying the chair or directing that the presiding officers appoint the chair of the study commission, the Legislature foregoes its opportunity to decide who should head the study to assure that legislative procedures, protocols and purposes are met.

B. Process for establishing study commissions is cumbersome and causes delay

- ◆ Use of legislation to create study commissions means a significant delay (90 days or more) in the startup of the studies unless the legislation is enacted as an emergency measure. For example, the Legislature adjourned sine die on June 20, 1997, but non-emergency study legislation (enacted much earlier than June 20) could not take effect until September 19, 1997 at the earliest. Delays in the actual convening of study commissions are often significantly longer than 90 days.
- ◆ Joint appointments slow appointment selection.
- ◆ The administrative process for appointing and convening study commissions is fragmented among numerous legislative offices. While those legislative offices have some involvement in the study commission process, no individual or office has overall accountability to assure that each aspect is completed in a timely manner.
- ◆ Without an early selection of a chair to provide direction, commission schedules and background information cannot be prepared to allow for an efficient start of the study process.
- ◆ The size of most study commissions is unwieldy and often too large to be effective.
- ◆ There is no formal mechanism such as a study table for setting legislative priorities and allocating resources to studies.

Discussion. In recent years study commissions have been established through enactment of legislation (bills) which, following passage by the Legislature and approval by the Governor, is not effective until 90 days following the close of the session.

The interim period between legislative sessions is a good time to conduct studies since legislators and committee staff can devote more time to studies. The interim between the first and second regular sessions typically is about 6 months. In most cases, however, studies created by legislation will not begin until at least 90 days following the close of the session. Allowing a little time for appointment of members of the study commission once the law is in effect, a study commission often will not be convened until at least early October, only a couple of months before the Legislature reconvenes.

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Study legislation requiring the President and the Speaker to make their appointments to study commissions jointly or jointly with the Governor creates logistical difficulties. It also unduly constrains the authority of the presiding officers to make appointments as they deem appropriate. The sheer logistics of developing multiple lists of names of potential appointees and meeting to negotiate each joint appointment is time consuming and unnecessarily burdensome on the appointment process. Furthermore, requiring the presiding officers to make their appointments jointly with the Governor severely undermines the independence of the legislative branch and allows the executive branch to block appointees to which it does not agree. The Governor's appointments typically are not required to be approved by the presiding officers.

Much study legislation of late has prescribed certain qualifying requirements for study commission appointees, in effect "slots" that also limit the discretion of the presiding officers in making their appointments. Some are less troublesome, such as such as requiring a particular joint standing committee to be represented on a study commission. Others, however, relate to special interest groups or other non-legislative appointees and the criteria for appointment are so specific as to require the presiding officers to appoint an individual from a specific organization.

In at least one study (P&S 1997, c.51) this session, some of the study commission members were appointed by neither the Governor nor the presiding officers. The law called for the chair of the study commission to appoint 6 of the 14 members, once the chair was appointed from among the initial group of 8 appointees. The manner and quality of appointments determine in large measure the quality of the study and the credibility of the study commission. Legislation such as this affords the Legislature little opportunity to assure quality or credibility.

Because in many cases the selection of chair is not made at the outset of the appointment process, there is no legislator or other individual who is authorized to provide direction to staff in preparing useful background materials in advance of the first meeting, developing agendas or work plans for the study, lining up policy area experts or coordinating the scheduling of initial meetings. Without this advance planning, it is difficult for study commissions to organize themselves quickly and effectively to carry out their charge.

Study commissions that have large memberships can become unwieldy. Some recent study commissions have had in excess of 20 members. Most appointees have work, home or other obligations that create demands for their time. As a result, significant logistical difficulties are often encountered with large study commissions that slow the study process, such as trying to schedule meetings when most members can attend. In addition, very large groups may tend to divide into factions, thus creating less opportunity for full participation by all members and less opportunity to develop a strong sense of working together to find common ground on issues.

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The offices of the President and the Speaker assist the presiding officers in contacting and appointing study commission members and in sending initial letters of appointment to appointed members. The Secretary of the Senate and the Clerk of the House are notified of the appointments. The Legislative Information Office then contacts members to arrange the initial meeting of study commissions and prepares a notice of the meeting for mailing to the members. The Executive Director's Office convenes study commissions in the absence of the Chair of the Legislative Council and is responsible for commission budgets. Once the appointments are completed and the initial meeting arranged, staff from the Office of Fiscal and Program Review and Office of Policy and Legal Analysis staff the study commissions. This process creates numerous opportunities for misstep, delay and lack of awareness of the status of the process by one or more offices. Each step in the process of convening a study commission needs to be coordinated so the process proceeds smoothly and expeditiously.

There is no study table or other formal mechanism by which the Legislature may set legislative priorities for studies and allocate its limited financial and staffing resources. There have been informal approaches by the Legislative Council to review proposed studies, including some this past session. However, there is no formally established, predictable process for reviewing all studies regardless of funding source to decide legislative priorities for studies.

C. Compensation of members & funding of studies are inconsistent & inequitable

- ◆ Compensation for legislative members has been inconsistent between study commissions, resulting in inequitable treatment of members. Some members receive per diem and expenses, others receive expenses only and some serve without compensation.¹
- ◆ Compensation for public members is inconsistent and often lacking.
- ◆ Study costs are difficult to manage due to the lack of a study line in the legislative budget, and the lack of a clearly defined process for the tracking and timely reporting of costs.
- ◆ Because study costs are not budgeted in advance, sponsors attempt to avoid or minimize fiscal notes on study bills by minimizing or eliminating compensation for members.
- ◆ Studies predicated on non-legislative funding create actual funding and public perception problems.

¹ This past session, the Legislative Council attempted to establish a consistency among studies with regard to legislative compensation for study proposals it reviewed.

Discussion.

The current study commission process creates noticeable inequities in compensation of study commission members, wide variability in funding of studies based on funding sources, and difficulty in planning for and managing study costs. These problems are due principally to the lack of 3 things:

- ♦ uniform legislative policy on compensation of members and funding of studies that would assure consistency between studies. Absence a joint rule or other policy guidance, study proposals vary widely in how studies are to be funded and members compensated due to the preferences of particular joint standing committees to which they are referred or individual sponsors;
- ♦ a formal study table that would allow the Legislature (leadership) to: 1) budget for study costs; and 2) comprehensively review all proposed studies at one time, consult with committees about study needs, and then set priorities for studies based upon availability of budgetary and staffing resources; and
- ♦ a clearly defined process for tracking and reporting study costs that would make study commissions more accountable for their costs and allow the Legislature to actively manage study costs.

As with studies conducted by executive branch agencies or other entities, legislative studies incur costs. Those costs may include payment of a per diem and reimbursement of expenses to some or all members of a study commission to attend meetings, costs of bringing in policy area experts, costs of holding regional hearings, and printing, distribution and other report publication expenses. While costs vary widely depending on the size of study commissions and their specific needs, most legislative studies costs are relatively modest, averaging under \$4,000 per study.² These study costs are either absorbed by existing budgeted resources or more likely paid through a special appropriation associated with each study.

Regardless of the costs of studies, costs should be managed. A study line to which all study expenses are charged would help the legislature plan for study costs and fund studies within available budgeted resources. In addition, regular status reports on study costs as studies are on-going would allow the presiding officers and the Legislative Council to manage study costs, and assist them in understanding the fiscal implications of time extensions or other requests by study commissions. Study commission chairs and commission staff have an obligation to stay within their budgets, but to do that they must have frequent and timely status reports on study budgets and expenses.

² Because most legislative studies are staffed by Legislative Council staff, staffing costs are absorbed by existing legislative personnel budgets.

In order to avoid a fiscal note on a study bill, sponsors or committees sometimes propose that legislative studies be funded through solicitations from the private sector. This sometimes poses funding problems; private sector funding does not always materialize, resulting in unbudgeted expenses that must then be absorbed by the legislative account. In addition, solicitation of private sector funds (particularly from those interests affected by a study) can undermine the credibility of a legislative study due to public perceptions about study bias.

D. Lack of drafting guidelines leads to inconsistency in how study commissions are established and an inefficient process

- ♦ Purposes, goals, and scope of studies often are vague in study legislation.
- ♦ Current study language for study bills and amendments varies considerably depending on the sponsor or committee.
- ♦ Mechanisms for extension of reporting dates are cumbersome and result in after-the-fact submission of additional bills.

Discussion.

Study commission members and staff benefit from clear statements of purpose for studies and the scope of review expected. Current study language is often vague with respect to purpose and does not clearly state the scope of review expected. When study language is being drafted, greater attention needs to be given to clearly stating the questions to be examined and the specific tasks to be undertaken.

Study commissions should be encouraged to complete their work and file their report by the established deadlines. Currently, if a study commission will not meet its reporting deadline, it files a request for extension. Depending on the language of the study bill, extensions may be granted by the Legislative Council or may require additional legislation. The legislation is almost always after-the-fact. Ideally, if an extension becomes necessary, the mechanism for extending the reporting date should not be cumbersome or create additional work for the Legislature (such as bills). Careful attention needs to be given to preparing language in study bills to make clear that commissions do not lose their authority to submit a final report or legislation solely due to a missed reporting deadline. Whenever possible, extension language should be drafted to permit extensions to be granted without having to file additional legislation for that purpose.

The lack of drafting guidelines formally authorized for use by staff creates inconsistencies in drafting study language. In addition, without the guidelines, there is no formal procedure to assure that each study proposal will contain the essential administrative provisions. In the past, proposed drafting guidelines were prepared by non-partisan staff and submitted at the beginning of the first regular session for review and approval. Those guidelines included model language for each element of a study

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proposal including sample language for the range of options available. Numerous potential problem areas could be avoided by re-instituting drafting guidelines for studies.

Recommendations for improvement.

1. Reaffirm legislative policy on legislative studies.

The committee recommends that the Legislature reaffirm in its joint rules that the primary purpose of legislative studies is to assist legislators in the policy decisions they must make and for that reason the Legislature should establish and fully direct the course and scope of studies in ways that will assure the studies will best meet legislative needs.

2. Return to use of joint standing and joint select committees as principal study committees.

The committee recommends that the Legislature return to the use of joint standing and joint select committees as the principal groups to conduct legislative studies. Legislators should constitute the membership of these legislative study commissions. Use of task forces or blue ribbon commissions that include broad representation of non-legislators with full, voting memberships should be reserved for high profile or other special occasions when participation by prestigious outside dignitaries or direct representation of another branch of government or interest groups on a study commission is essential to the success of the study.

3. Use study orders as principal legislative instrument for establishing studies.

The committee recommends that, in keeping with recommendation #2, study orders, approved jointly by the Senate and the House, be the principal legislative instrument for establishing legislative studies involving joint standing committees and joint select committees. Proposed study orders should be referred to joint standing committees for consideration and reported out in the same manner as proposed study legislation. Furthermore, the committee recommends that the joint standing committees have authority to report out joint orders requesting that a study be conducted. Joint orders should be prepared in accordance with procedures specified in the Joint Rules.

Use of legislation as a vehicle for establishing study commissions should be used only when:

- ◆ a study is to be conducted by a task force or blue ribbon or other commission involving substantial participation by non-legislators; or
- ◆ a study is proposed to extend beyond the current legislative biennium.

It is further recommended that if legislation is to be used to establish a legislative study, it first be approved for introduction by the Legislative Council.

4. Presiding officers appoint members.

The committee recommends that the members of a legislative study commission be appointed by the presiding officers. Study language should not require that joint appointments be made and should not narrowly prescribe membership slots to be filled for a study.

5. Presiding officers appoint chairs.

Except in the case where the size of a study commission is very small (e.g., 3 to 5 members) each study commission should have joint chairs, one appointed by the President and one appointed by the Speaker. The chairs should be appointed at the time of appointment of the other members. The chair of a study commission having 5 or less members should be appointed by the presiding officer of the body of the originating study order or legislation.

6. Keep size of study commissions manageable.

The committee recommends that the size of study commissions be at least 3 but not more than 13 members, a size consistent with that of joint standing committees.

7. Compensate members of study commissions equitably.

The committee recommends the following with respect to compensation of members.

For legislative members: Legislative members should be entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study commission.

For public members (when studies require such members): Public members not otherwise compensated by their employers or other entities whom they represent should be eligible to receive reimbursement of necessary expenses and a per diem equal to that of the legislative per diem for their attendance at authorized meetings of a study commission.

Special Committee to Review the Study Commission Process

8. Conclude studies prior to start of legislative sessions.³

The committee recommends that all reports of study commissions which are to be submitted to the first regular session of the next or subsequent legislature be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature, and all reports of study commissions which are to be submitted to the second regular session be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Any proposed legislation accompanying such reports should be submitted in final draft form to the Revisor of Statutes by the reporting date. These reporting dates will allow any recommended legislation be drafted and the report distributed in a timely manner. The dates also will minimize workload conflicts with study committee staff who have bill drafting and joint standing committee staffing responsibilities in addition to study responsibilities.

9. Fund studies through legislative appropriations.

The committee recommends that all legislative studies be funded through an appropriation from the General Fund, and the legislative account include a study line to which studies should be budgeted and study expenses charged.

The committee further recommends that, in the event the Legislature determines that other funds should be sought to support a study, requests to provide funding be made to appropriate entities by the Legislative Council rather than by study commission members. A strict accounting should be kept of the receipt and use of such funds.

10. Establish formal study table.

The committee recommends that the Legislature establish a study table in the Senate on which all legislative study requests, regardless of their funding source, be placed. It further recommends that the Legislative Council review the proposed studies and set priorities for allocation of budgetary and staffing resources. In setting priorities for studies, the Council should consult with the joint standing committees.

11. Staff only legislative studies using Legislative Council staff.

The committee recommends that legislative studies be staffed by non-partisan staff assigned by the Legislative Council, and that the Legislature provide staffing only for studies that are either chaired by legislators or in which legislators constitute the majority of members. If, due to resource limitations or for other reasons, existing

³ There is no recommendation regarding how soon studies may be started since that has not been a problem. With the use of study orders, studies could presumably begin prior to the end of a legislative session. The members of the select committee presume that studies would not be started until after the end of a session due to time constraints of an on-going session on legislators and staff.

legislative staff will not be staffing a study commission, the Legislative Council should approve any non-legislative personnel hired to provide the staffing.

12. Place responsibility in offices to coordinate the convening of study commissions.

The committee recommends that responsibility for the timely and orderly convening of legislative study commissions be placed in each office that is responsible for staffing the committees. The coordinating office or offices should provide the presiding officers with periodic reports on the progress being made to convene study commissions.

13. Actively manage study expenses.

The committee recommends that study commissions and study staff be charged with primary responsibility for managing study budgets and be accountable to the Legislative Council for operating within budgeted resources. In order to achieve that accountability:

- ♦ study committee chairs and staff should be provided with frequent status reports on study budgets, expenditures incurred and available funds;
- ♦ while the studies are on-going, the presiding officers and directors of offices that staff the studies should receive weekly status reports of study commission budgets, expenditures incurred and available funds;
- ♦ study orders establishing studies should allow the chairs flexibility in determining the number of meetings to be held for each study based upon the individual needs of the study commission so long as the commission does not exceed its authorized budget; and
- ♦ each study commission should prepare a work plan and proposed budget for the study, consistent with 3 MRSA § 165(7).

14. Provide formal guidance for drafting study orders and legislation.

The committee recommends that proposed drafting guidelines for study orders and legislation be prepared by non-partisan staff and submitted at the beginning of each first regular session for review and approval by the Legislative Council. The guidelines should provide for model orders and legislation that include all necessary elements to properly convene and carry out a study, including but not limited to:

- ♦ study purpose statements stating the questions to be examined and the specific tasks to be undertaken;

Special Committee to Review the Study Commission Process

- ◆ model language for each element of a study proposal including sample language for the range of options available; and
- ◆ language for extensions of reporting dates for studies that whenever possible permit extensions to be granted without having to file legislation for an extension and that makes clear that commissions do not lose their authority to submit a final report or legislation solely due to a missed reporting deadline.

15. Specify study commission process in joint rules and Legislative Council policies.

The committee recommends the Legislature incorporate appropriate changes to its joint rules so the rules establish the major provisions of the legislative process and policies relating to legislative studies. Recommended joint rule changes reflecting the committee's recommendations are attached as Appendix 2 for consideration. The committee also recommends that prior to the convening of the first regular session of the 119th Legislature, the Legislative Council adopt administrative policies necessary to implement the changes to the study commission process recommended in this report.

Appendices

- Appendix 1** **Summary of legislative studies authorized during the First Regular and First Special Sessions of the 118th Legislature**
- Appendix 2** **Recommended changes to the Joint Rules**
- Appendix 3** **November 12, 1997 letter convening the Special Committee**

**Interim Study Commissions
Authorized by the 118th Legislature**

| Name of Legislative Study | Legislative Instrument | Authorizing Legislation | Number of Members | Number/Percent of Legislators | Staffing | Convening Date | Selection of Chair | Joint Appointments |
|---|------------------------|--------------------------------|-------------------|-------------------------------|---------------------------|--------------------|--|---------------------|
| Jt. Select Committee on Research and Development | Joint Order | S.P. 669 | 14 | 14 (100%) | OPLA | September 24, 1997 | among the members | President & Speaker |
| Jt. Select Committee to Oversee Maine Yankee Atomic Power Company | Joint Order | H.P. 345 | 13 | 13 (100%) | OPLA | August 27, 1997 | chairs of Utilities & Energy Committee | President & Speaker |
| Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine | Legislation | Resolves 1997, c. 85 (LD 1905) | 12 | 3 (25%) | OPLA | December 1, 1997 | among the members | no joint appts. |
| Commission to Determine the Adequacy of Services to Persons with Mental Retardation | Legislation | Resolves 1997, c. 79 (LD 581) | 17 | 3 (18%) | OPLA | September 29, 1997 | among the members | President & Speaker |
| Commission to Examine the Rate Setting and the Financing of Long-term Care Facilities | Legislation | Resolves 1997, c. 81 (LD 657) | 15 | 4 (27%) | OPLA | November 3, 1997 | appointed by the Governor (NL) | President & Speaker |
| Commission to Study Certificate of Need Laws | Legislation | Resolves 1997, c. 29 (LD 998) | 15 | 2 (13%) | DHS | October 28, 1997 | among the members | President & Speaker |
| Commission to Study Insurance Fraud | Legislation | Resolves 1997, c. 77 (LD 933) | 12 | 2 (17%) | Bureau of Insurance, OPLA | October 17, 1997 | among the members | no joint appts. |
| Commission to Study the Development of Maine's Franco-American Resource | Legislation | Resolves 1997, c. 83 (LD 1603) | 27 | 4 (15%) | University of Maine | October 15, 1997 | among its members (NL) | no joint appts. |
| Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities | Legislation | Resolves 1997, c. 72 (LD 944) | 13 | 3 (23%) | OPLA | December 5, 1997 | among the members | President & Speaker |

**Interim Study Commissions
Authorized by the 118th Legislature**

| Name of Legislative Study | Legislative Instrument | Authorizing Legislation | Number of Members | Number/Percent of Legislators | Staffing | Convening Date | Selection of Chair | Joint Appointments |
|--|------------------------|--------------------------------|-------------------|-------------------------------|------------------------|--------------------|--|---------------------------------|
| Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine | Legislation | P.L. 1997, c. 557 (LD 1897) | 20 | 4 (20%) | contracted | October 17, 1997 | among the members (NL) | President & Speaker |
| Commission to Study the Unemployment Compensation System | Legislation | Resolves 1997, c. 65 (LD 332) | 11 | 4 (36%) | OPLA | September 24, 1997 | among the legislative members | no joint appts. |
| Commission to Study the Use of Pharmaceuticals in Long Term Care Settings | Legislation | Resolves 1997, c. 71 (LD 146) | 10 | 3 (30%) | OPLA | January 5, 1998 | among the members (NL) | Governor, Speaker and President |
| Committee to Study Tax Relief and Tax Reform | Legislation | P.L. 1997, c. 557 (LD 1897) | 13 | 13 (100%) | OFPR | August 28, 1997 | chairs of Taxation Committee | no joint appts. |
| Maine Commission on Children's Health Care | Legislation | P.L. 1997, c. 560 (LD 1904) | 16 | 7 (44%) | SPO, OPLA | October 14, 1997 | Jointly by Governor, President & Speaker | President & Speaker |
| Maine Commission on Outstanding Citizens | Legislation | Resolves 1997, c. 64 (LD 1610) | 8 | 1 (12%) | Legislative Council | January 5, 1998 | among the members | President & Speaker |
| State Compensation Commission | Legislation | P.L. 1997, c. 506 (LD 1391) | 5 | 0 (0%) | OFPR | not yet convened | among the members (NL) | no joint appts. |
| Study Group to Assess the Needs of the State Fire Marshal | Legislation | Resolves 1997, c. 10 (LD 359) | 13 | 1 (8%) | Dept. of Public Safety | August 1997 | among the members (NL) | President & Speaker |
| Subcommittee on Legislative Review of DEP's Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act | Legislation | Resolves 1997, c. 57 (LD 1651) | 5 | 5 (100%) | OPLA | September 26, 1997 | n/a | n/a |
| Subcommittee on Legislative Review of Revisions to the State's Clean Air Strategy | Legislation | P.L. 1997, c. 531 (LD 1058) | 5 | 5 (100%) | OPLA | no meetings | n/a | n/a |

**Interim Study Commissions
Authorized by the 118th Legislature**

| Name of Legislative Study | Legislative Instrument | Authorizing Legislation | Number of Members | Number/Percent of Legislators | Staffing | Convening Date | Selection of Chair | Joint Appointments |
|--|------------------------|--------------------------------|-------------------|-------------------------------|------------------------|--------------------|--|----------------------------------|
| Subcommittee Progress Meetings with DMHMR/SAS and DHS on Design of Comprehensive Mental Health Services Delivery System for Children | Legislation | Resolves 1997, c. 80 (LD 1744) | 3 | 3 (100%) | OPLA | June 23, 1997 | n/a | n/a |
| Task Force on Improving Access to Prescription Drugs for the Elderly | Legislation | P.L. 1997, c. 560 (LD 1904) | 9 | 4 (44%) | OPLA | December 4, 1997 | jointly by President & Speaker | joint appt. of chair only |
| Task Force on Information Technology in the Public Sector | Legislation | P.L. 1997, c. 554 (LD 1589) | 24 minimum | 2 (8%) | DAFS, SPO | not convened | a legislator and the Commissioner of DAFS | no joint appts. |
| Task Force on Production and Issuance of Registration Plates | Legislation | P.L. 1997, c. 311 (LD 260) | 11 | 4 (36%) | Sec. of State | September 12, 1997 | among the members | no joint appts. |
| Task Force on Regional Service Center Communities | Legislation | Resolves 1997, c. 78 | 13 | 3 (23%) | SPO | November 13, 1997 | among the members | no joint appts. |
| Task Force on State and Federal Tax Filing | Legislation | Resolves 1997, c. 66 (LD 1368) | 11 | 3 (27%) | Maine Revenue Services | November 24, 1997 | among the members | no joint appts. |
| Task Force to Review the Applied Technology Centers and Applied Technology Regions | Legislation | Resolves 1997, c. 74 (LD 1048) | 11 | 2 (18%) | DOE | November 20, 1997 | among the members (NL) | President & Speaker |
| Task Force to Study Equal Economic Opportunity for All Regions of the State | Legislation | P&S 1997, c. 51 (LD 1452) | 14 | 5 (33%) | OPLA | October 30, 1997 | among the legislative members | President & Speaker ¹ |
| Task Force to Study Strategies to Support Parents as Children's First Teachers | Legislation | Resolves 1997, c. 68 (LD 1832) | 16 | 2 (13%) | DHS | November 3, 1997 | among the members | President & Speaker |
| Task Force to Study the Cost Effectiveness of the Child Development Services System | Legislation | P.L. 1997, c. 534 (LD 1581) | 16 | 4 (25%) | OPLA | November 21, 1997 | among the legislative members | President & Speaker |
| Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits | Legislation | Resolves 1997, c. 63 (LD 350) | 15 | 4 (27%) | OPLA | October 28, 1997 | one member of House and one member of Senate to serve as co-chairs | no joint appts. |

**Interim Study Commissions
Authorized by the 118th Legislature**

| Name of Legislative Study | Legislative Instrument | Authorizing Legislation | Number of Members | Number/Percent of Legislators | Staffing | Convening Date | Selection of Chair | Joint Appointments |
|---|------------------------|--------------------------------|-------------------|-------------------------------|----------|--------------------------------|---|---------------------|
| Task Force to Study the Feasibility of Creating a Maine Mobility Fund | Legislation | Resolves 1997, c. 73 (LD 1377) | 19 | 4 (21%) | OPLA | December 19, 1997 | among the members (NL) | President & Speaker |
| Work Group to Examine the Legal Rights of Children Who Testify in cases in which they have been alleged Victims of Sexual Abuse | Legislation | P.L. 1997, c. 548 (LD 803) | 9 | 2 (11%) | DHS, AG | not yet convened | among the members | no joint appts. |
| Staff Study of Privatization of State Liquor Stores | Legislative Council | n/a | n/a | n/a | OPLA | n/a | n/a | n/a |
| Staff Study of the Citizen Initiative Process | Legislative Council | n/a | n/a | n/a | OPLA | n/a | n/a | n/a |
| Staff Study on Worker's Compensation and Occupational Disease Law | Legislative Council | n/a | n/a | n/a | OPLA | n/a | n/a | n/a |
| Subcommittee on Privacy of Genetic Information | Legislative Council | n/a | 5 | 5 (100%) | OPLA | August 19, 1997 | chairs of Banking and Insurance Committee | n/a |
| Subcommittee on Scope of Juvenile Justice Problems and Services in Maine | Legislative Council | n/a | 5 | 5 (100%) | OPLA | 9/24/1997 (full committee met) | n/a | n/a |
| Task Force to Study the Health Effects of Reformulated Gasoline | Presiding Officers | n/a | 5 | 5 (100%) | OPLA | n/a | n/a | no joint appts. |

! 6 of the 14 members were appointed by the chair of the study commission.

NL indicates a non-legislator was selected as chair of the study commission.

Rule 353. Legislative Study Committees

To assist it in the exercise of its duties, the Legislature may establish joint select committees or commissions consisting of legislators and others members to conduct studies. Alternatively it may refer matters to joint standing committees or subcommittees of joint standing committees for study. The procedure for such legislative studies is as follows.

1. Establishing study committees and commissions. Legislative study committees may be established by joint order only unless otherwise authorized by the Legislative Council. Studies that must be established by law or resolve include those that will:

A. be conducted by a task force, blue ribbon commission or other study group created by the Legislature that includes substantial membership by non-legislators; or

B. extend beyond the current legislative biennium.

Proposed study orders may be referred to joint standing committees for consideration and reported out in the same manner as proposed study legislation. Joint standing committees may report out study orders requesting that a study be conducted.

2. Appointment of members. Unless otherwise specified in legislation creating a study committee, the members of study committees must be appointed by the presiding officers: Senate members by the President; and House members by the Speaker. Membership may include non-legislators but a majority of the members on study committees must be legislators.

3. Appointment of chairs. Study committees must be chaired jointly except for study committees having 5 or less members. Each presiding officer shall appoint a chair at the time of initial appointment of study committee members except the chair of a study commission having 5 or less members must be appointed by the presiding officer of the body of the originating study order or legislation.

4. Committee size. Study committees may consist of not less than 3 and not more than 13 members, unless legislation creating a study committee specifies a greater number.

5. Compensation. Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.

6. Reporting dates. All reports of study committees which are to be submitted to the first regular session of the next or subsequent legislature must be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of study committees which are to be submitted to the second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Any proposed legislation accompanying such reports must be submitted in final draft form to the Revisor of Statutes by the reporting date.

7. Extension of reporting dates. Any study committee that finds it is unable to comply with its reporting date must submit, in writing, a request for extension of reporting date, the reasons an extension is requested and a proposed new reporting date to the Legislative Council prior to the

reporting date. The Legislative Council shall review the request and promptly notify the committee of its decision.

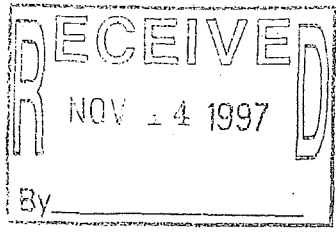
8. Study table. All joint orders or legislation proposing legislative studies regardless of funding source must be placed on a special study table. The Legislative Council shall review the proposed studies and establish priorities for allocation of budgetary and staffing resources.

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. It also shall establish budgets and provide sufficient money from the Legislative Account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide money sufficient to enable the committees to reasonably conduct and complete the requirements of the studies.

The Legislative Council shall adopt guidelines for the drafting of study orders and legislation at the beginning of each legislative biennium. Study orders and legislation must be consistent with the adopted guidelines.



STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002
(207) 287-1300



ELIZABETH H. MITCHELL
SPEAKER

November 12, 1997

David Boulter, Director
Office of Policy & Legal Analysis
13 State House Station
Augusta, Maine 04333

Dear David:

Following our brief discussion at the Legislative Council meeting regarding the way we currently establish interim study commissions, I am appointing a special committee to examine our current process and develop recommendations for review by both the presiding officers and the Council and am appointing you to serve on this committee. Specific issues that need to be addressed include:

- The instrument used to establish legislative study committees and commissions.
- Membership and Appointing Authority
 - a. Joint appointments
 - b. Representation by outside groups and organizations and the authority for appointment of these.
- Staffing
- Compensation of Members
- Funding
- Use of order vs. statutes

Please establish an intial report to be presented to the Council during the January meeting.

Sincerely,

Elizabeth H. Mitchell
Speaker of the House

EHM/cp

Joint Rule 353, 123rd Legislature**Rule 353. Legislative Study Committees.**

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- **1. Establishing study committees and commissions.** Legislative study committees may be established by joint order, law or resolve. Studies that must be established by law or resolve include those that will:
 - A. be conducted by a task force, blue ribbon commission or other study group created by the Legislature that includes substantial membership by non-legislators; or
 - B. extend beyond the current legislative biennium.
- Proposed study orders may be referred to joint standing committees for consideration and reported out in the same manner as proposed study legislation. Joint standing committees may report out study orders requesting that a study be conducted.
- **2. Appointment of members.** Unless otherwise specified, the members of study committees established by joint order must be appointed by the presiding officers: Senate members by the President; and House members by the Speaker. Membership may include non-legislators but a majority of the members on study committees must be legislators.
- **3. Appointment of chairs.** Study committees established by joint order must be chaired jointly except for study committees having 5 or less members. Each presiding officer shall appoint a chair at the time of initial appointment of study committee members except the chair of a study commission having 5 or less members must be appointed by the presiding officer of the body of the originating study order or legislation.
- **4. Committee size.** Study committees may consist of not less than 3 and not more than 13 members, unless legislation creating a study committee specifies a greater number.
- **5. Compensation.** Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.
- **6. Reporting dates.** All reports of study committees which are to be submitted to the first regular session of the next or subsequent legislature must be completed

Joint Rule 353, 123rd Legislature

and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of study committees which are to be submitted to the second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Any proposed legislation accompanying such reports must be submitted in final draft form to the Revisor of Statutes by the reporting date.

- **7. Extension of reporting dates.** Any study committee that finds it is unable to comply with its reporting date must submit, in writing, a request for extension of reporting date, the reasons an extension is requested and a proposed new reporting date to the Legislative Council prior to the reporting date. The Legislative Council shall review the request and promptly notify the committee of its decision.
- **8. Study table.** All joint orders or legislation proposing legislative studies regardless of funding source must be placed on a special study table in the House or Senate. The Legislative Council shall review the proposed studies and establish priorities for allocation of budgetary and staffing resources.

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. It also shall establish budgets and provide sufficient money from the Legislative Account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide money sufficient to enable the committees to reasonably conduct and complete the requirements of the studies.

The Legislative Council shall adopt guidelines for the drafting of study orders and legislation at the beginning of each legislative biennium. Study orders and legislation must be consistent with the adopted guidelines.

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