

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**KPMG** Peat Marwick

Certified Public Accountants

L.U.O.

**CONFIDENTIAL**

# STATE OF MAINE



---

*Study of  
Legislative Structure and Operations*

---

Interim Report  
December 1, 1989

JK  
2871  
.K6  
1989

# **KPMG** Peat Marwick

Certified Public Accountants

**Peat Marwick Main & Co.**

One Boston Place  
Boston, MA 02108

Telephone 617 723 7700  
Telex 617 443 0082 PMMBOST

Telecopier 617 723 6864

December 1, 1989

## Advisory Committee on Legislative Structure and Operations

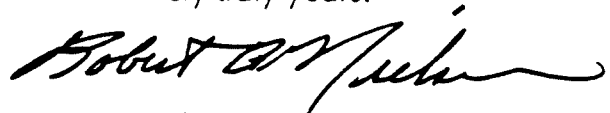
Dear Committee Member:

We are pleased to transmit our interim study report on legislative structure and operations for your review. As we agreed at our November 10, 1989 progress meeting, we will be present on December 12, 1989 at 3:30 PM to brief the Committee fully on our interim findings and recommendations, and to discuss the report in detail with you.

The report includes recommendations for change in many areas of legislative operations. While some recommendations are more preliminary (and less specific) at this point than others, we did want to identify the full range of areas and options which we have considered in our examination to date. All of our recommendations, it should be emphasized, are preliminary at this time, and subject to further review during the second phase of the project.

We look forward to our meeting with you on December 12, 1989.

Very truly yours.



Robert A. Nielsen  
Partner

RAN/pn  
AC1127HL



Member Firm of  
Elynveid Peat Marwick Goerdeler

STATE OF MAINE

LAW & LEGISLATIVE  
REFERENCE LIBRARY  
43 STATE HOUSE STATION  
AUGUSTA ME 04333

STUDY OF  
LEGISLATIVE STRUCTURE AND OPERATIONS

INTERIM REPORT

KPMG PEAT MARWICK

DECEMBER 1, 1989

JUN 12 2012

**State of Maine**  
**Study of**  
**Legislative Structure and Operations**

**Table of Contents**

Chapter	Page
Executive Summary	
I. Introduction .....	1
II. Legislative Trends and Comparisons.....	3
III. Management of the State Legislature.....	16
Legislative Council	
Non-Partisan Staff Offices	
Partisan Staff Offices	
Other Management Issues	
IV. The Legislative Budget and Financial Management .....	42
V. The Legislative Process .....	51
Bill System	
Sponsorship	
Cloture/Deadlines	
Joint Committee Operations	
Appropriations Committee	
Second Regular Session	
VI. Legislative Accessibility and Responsiveness.....	67
VII. Future Issues and Trends.....	70
Appendices	
A. List of Persons Interviewed	
B. Legislative Survey Data	

## EXECUTIVE SUMMARY

The Maine State Legislature is a complex and dynamic institution which has changed considerably over the last ten years. Its responsibilities and resource needs have been greatly affected by the growth in the role of state government, and by changes in the relationship between federal, state and local governments in the 1980's. These changes have been further compounded in Maine, since 1987, by Republican control of the executive branch, in contrast to the Democratically-controlled legislature.

Peat Marwick's study of the structure and operations of the Maine Legislature seeks to identify the major components of these changes, and their impact on the cost and efficiency of legislative procedures. Also, it seeks to evaluate current policies and practices which govern legislative activities, and the resources needed to support these activities. Finally, it attempts to look to the future, and to identify the issues which must be addressed in planning for the 1990's.

Our study findings suggest that the Maine State Legislature is generally well-managed, and benefits greatly from its commitment to a professional, non-partisan staff organization which supports the joint standing committees in their lawmaking activities. Growth in legislative expenditures over the last ten years is largely attributable to increases in full-time staff supporting the Legislature, and the associated salary and fringe benefit costs of these personnel. Comparisons with other states indicate that the absolute and relative costs of the Maine Legislature are not disproportionate, based upon such factors as population, membership and legislative activity.

While we have found most of the management practices to be sound, we have identified several areas which should be strengthened, in order to improve the planning and utilization of fiscal and human resources, and to achieve greater accountability. The most critical of these areas, in our judgement, is the development and administration of the legislative budget, and the oversight of legislative expenditures. Also, we recommend a number of changes with respect to the operations and procedures of various staff offices.

Within the legislative process itself, we recommend several major modifications to current procedures and responsibilities, in order to improve the utilization of staff and legislators' time, and to reduce, to the extent possible, the traditional end-of-session logjams. Our major recommendations in this area are designed to strengthen the role of the joint standing committees with respect to bill screening and the determination of drafting priorities. Also, we recommend changes in the relationship between the Appropriations Committee and the other joint standing committees with respect to the review of legislation which has both policy and fiscal impact.

Our findings, in brief, reflect an accessible and responsive legislative body with many outstanding strengths, and with room for further improvement in several areas. These areas are outlined in this interim report, along with our recommendations for change.

## INTRODUCTION



## I. INTRODUCTION

### **OBJECTIVES**

This study of the structure and operations of the Maine State Legislature was authorized by Chapter 15 of the Resolves of Maine, 1989. The objectives of the study, as outlined in the Resolves, may be summarized as follows:

- Analyze the structure and operations of the Legislature, including all legislative staff offices and the Legislative Council, and the efficiency of the current legislative process;
- Analyze the legislative budget process, including legislative costs, budget administration, procedures, and the budget planning process;
- Analyze patterns and trends in legislative expenditures, staffing and activities over the past 10 years, and identify policies and practices affecting these trends; and
- Analyze future trends and issues which are likely to affect the quality and nature of the Legislature's work within the next decade, and identify changes which may be necessary to address these issues.

### **SCOPE**

The study scope includes all of the staff offices of the Maine State Legislature, both partisan and non-partisan, and the activities which are performed within these offices during legislative sessions and the interim between sessions. In addition, the role and responsibilities of the Legislative Council are examined, as well as the operations and procedures of the Legislature's joint standing committees, and the major elements in the legislative process. The study also includes a review of other selected state legislatures in order to develop relevant comparisons, as appropriate, and discussions with executive branch officials, lobbyists and other informed individuals regarding legislative procedures.

## METHODOLOGY

The project team has utilized a variety of methodologies to collect and validate information on all aspects of the Maine State Legislature. Job analysis questionnaires were provided to all legislative staff personnel, and over 80% of the questionnaires were completed and returned. A survey instrument was prepared and forwarded to all legislators, and 81 surveys (44%) have been completed and returned to date. Also, 93 personal interviews were conducted with legislators, staff and other individuals with direct knowledge of legislative operations and procedures. (A list of persons interviewed is included in the Appendix).

In addition to these sources of information, the study team collected and analyzed a large volume and variety of data relating to expenditures, staffing, operations, policies and procedures in all areas of legislative activity. Comparative data from other state legislatures was compiled through direct contacts with legislative staff and available national survey data developed by the National Conference of State Legislatures.

Since the initiation of the study in August, 1989, the project team has met monthly with the Advisory Committee to review progress and to discuss study issues and preliminary findings.

## **LEGISLATIVE TRENDS AND COMPARISONS**

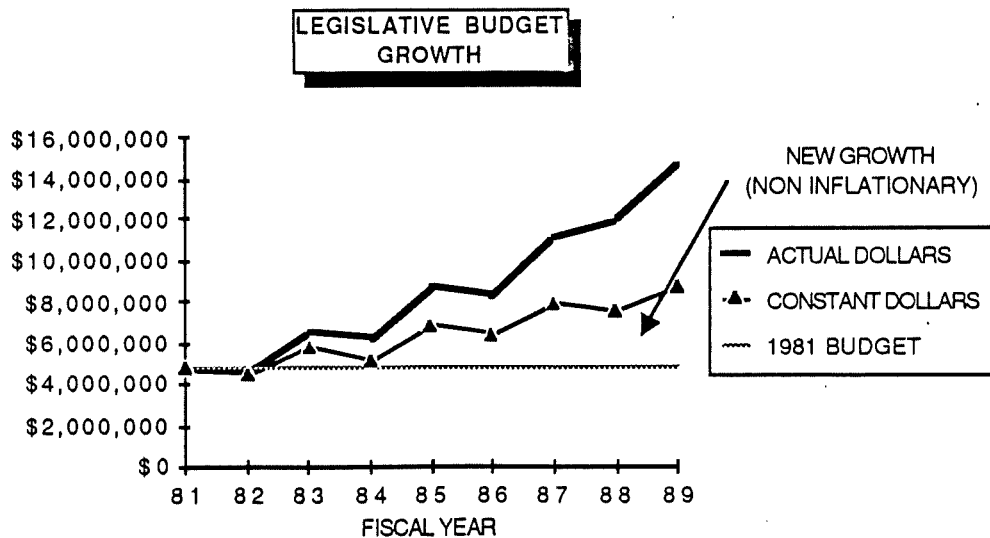
## II. LEGISLATIVE TRENDS AND COMPARISONS

The budget of the Maine Legislature has grown significantly over the course of the past decade. In FY 1981 the Legislature's annual budget totalled \$4 million, while the budget expenditures for FY 1989 approach \$15 million. The purpose of this section is to identify and analyze the history of this growth through a review of the factors that have contributed to it. Our analysis includes a review of the following major elements of legislative growth:

- Budgetary expenditures
- Staffing
- Activities and functions

### LEGISLATIVE BUDGET TRENDS

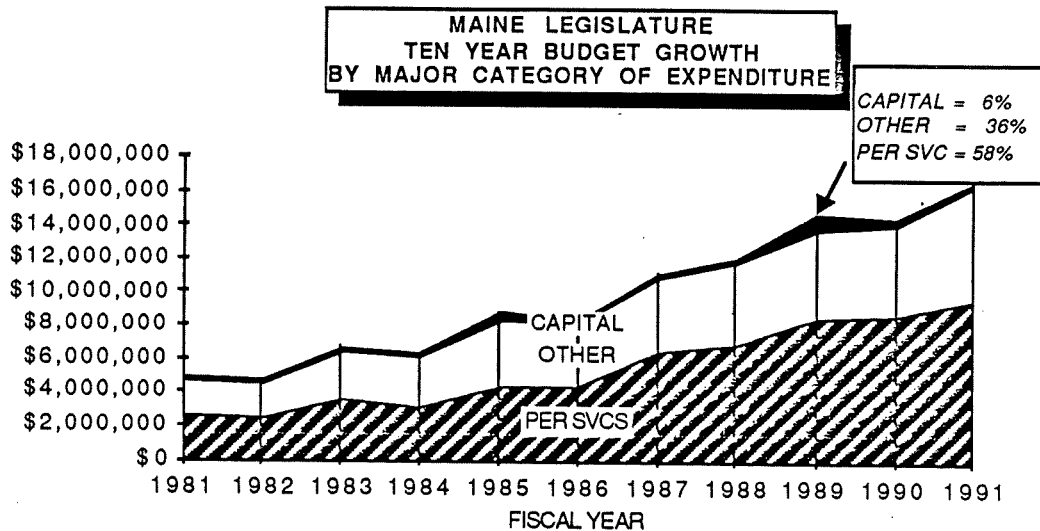
The overall growth trend in the Maine Legislature budget since FY 1981 is shown in the following graph:



As the graph illustrates, legislative expenditures have grown by approximately 200% between FY 1981 and FY 1989 in actual dollars, and by nearly 80% in

## II Legislative Trends and Patterns

constant (FY 1981) dollars. This growth may be further illustrated by the major components of the legislative budget: personal services, non-personal services (operating costs) and capital expenditures, as shown below.



### Personal Services

The most significant component of the legislative budget is personal service costs, representing 58% of the total budget in FY 1989. The personal services budget has increased from \$2,682,000 million in FY 1981 to \$ 8,559,300 in FY 1989, an increase of 219%. The major components of personal services expenditures, and their growth since FY 1981, may be seen as follows:

	FY 1981		FY 1989	
	(\$ mil)*	%	(\$ mil)*	%
• legislators' compensation	.8	31	1.9	22
• non-partisan staff salaries and wages	.9	33	2.9	33
• partisan staff salaries and wages	.6	21	1.7	20
• fringe benefits	.4	15	2.1	25
<b>Total</b>	<b>\$2.7</b>	<b>100%</b>	<b>\$8.6</b>	<b>100%</b>

(\*Rounded)

While staffing increases account for the major growth in personal services expenditures over the period FY 1981–1989 (detailed below), it should also be noted that higher compensation levels and fringe benefit costs for both legislators

## II Legislative Trends and Patterns

and staff have contributed to the growth. Legislator's salaries have more than doubled since 1981, while staff salaries were substantially increased in 1986 as the result of a comprehensive reclassification of positions.

### Operating Expenditures

The second major category of the legislative budget is "other expenditures," which include all of the non-personnel costs of operating the legislative branch of government. The major elements that drive this category of the budget, and their growth since FY 1981, are summarized below:

	<u>FY 1981</u>		<u>FY 1989</u>	
	<u>(\$ mil)*</u>	<u>%</u>	<u>(\$ mil)*</u>	<u>%</u>
• travel (in-state and out-of-state)	.9	.43	1.7	.33
• printing and binding	.7	.34	1.2	.22
• utilities, rentals and repair	.1	.07	.8	.15
• professional contractual services	.1	.05	.4	.08
• mailing	.1	.04	.5	.09
• miscellaneous	.2	.07	.7	.13
<b>Total</b>	<b>\$2.1</b>	<b>100%</b>	<b>\$5.3</b>	<b>100%</b>

*considered?*

(\*Rounded)

As may be seen, travel expenses are the most significant element of operating expenditures, with in-state travel representing over \$1.5 million of total travel costs. Travel expenses and the printing and binding of legislative documents presently represent 55% of operating expenditures for the Legislature, although they have decreased (from 77% in FY 1981) as components of overall legislative operating costs.

### Capital Expenditures

The third category of legislative expenditures are capital outlays for improvements to the state capital and legislative offices. These are part of the total legislative budget in Maine but are typically not considered legislative expenditures in other states. The Maine legislative budget has funded major capital improvements in FY 1985 (renovations to the Senate) and in FY 1989

## II Legislative Trends and Patterns

(renovations to the press area and improvements to legislative offices). It is important to point out that up to 1985 legislative capital improvements were funded and administered by the executive branch through the Bureau of Public Improvements and were not included in the legislative budget.

### Budget by Function

For comparative purposes, we have also examined legislative budget growth by major function, as illustrated in the following table:

FUNCTION	FY 1981	FY 1985	FY 1989
HOUSE	\$2,118,885	\$3,597,751	\$5,510,367
% of TOTAL	44%	41%	38%
SENATE	\$713,757	\$1,333,888	\$2,088,472
% of TOTAL	15%	15%	14%
JOINT COMMITTEES	\$170,321	\$208,431	\$367,187
% of TOTAL	4%	2%	3%
NON-PARTISAN	\$1,304,756	\$2,897,496	\$4,668,184
% of TOTAL	27%	33%	32%
GENERAL LEGISLATIVE	\$479,747	\$396,538	\$1,210,099
% of TOTAL	10%	5%	8%
CAPITAL	\$36,787.11	\$351,596	\$818,011
% of TOTAL	1%	4%	6%
TOTAL BUDGET	\$4,824,252	\$8,785,700	\$14,662,320

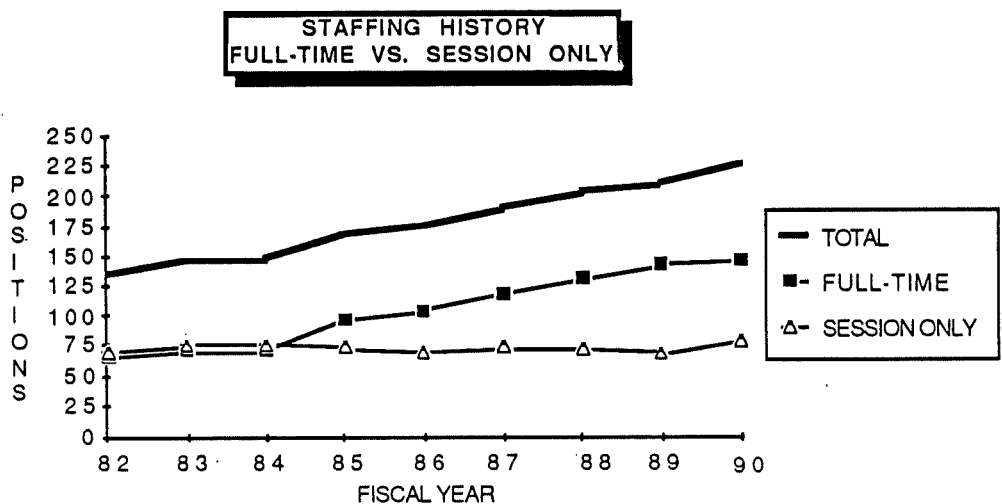
As the table shows, the non-partisan offices and capital expenditures have grown proportionately faster than other major categories since FY 1981, with a corresponding decline in the other functions as a percent of total legislative spending.

*Shift of state government over this time*

*Differences in coding*

### LEGISLATIVE STAFFING TRENDS

In FY 1982 there were a total of 135 positions in the Maine legislature as compared to 225 positions in FY 1990, an increase of 66% in total positions. The trend line illustrating the growth in staff is shown in the graph on the following page:

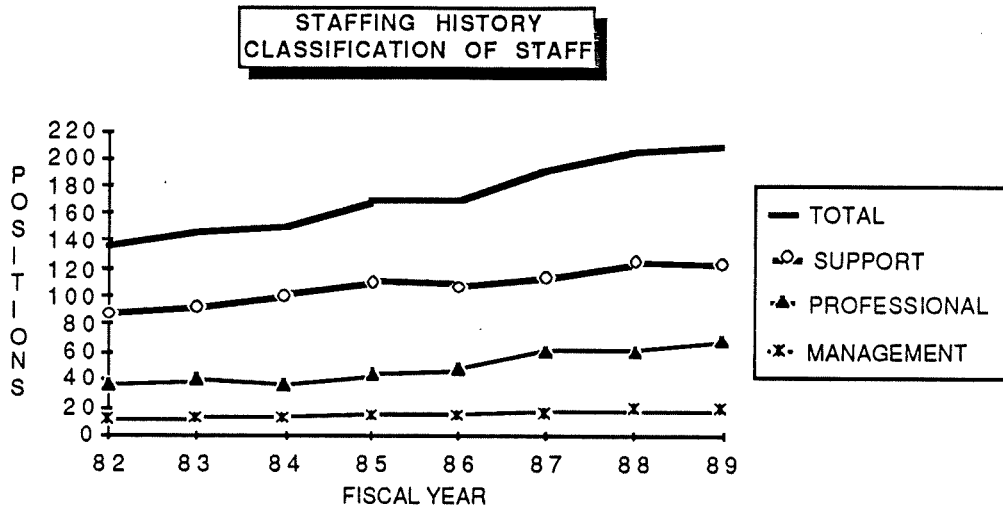


In addition to absolute growth, it is important to note the changes in utilization of staff as full-time (year-round) or session-only staff. Since FY 1982 the clear trend has been the growth of full-time staff (65 positions in FY 1982 as compared to 146 positions in FY 1989). This growth is predominantly the result of additions of staff and to a small degree the result of transfers of some positions from session-only status to full-time, year-round positions. The overall trend in the development of a full-time staffing capacity has been accompanied by maintenance of relatively constant levels of session-only staff (70 positions in FY 1982 as compared to 79 positions in FY 1989).

In terms of the type of staff positions which are employed by the Legislature, the chart on the following page shows position growth by major classification since FY 1981.



## II Legislative Trends and Patterns



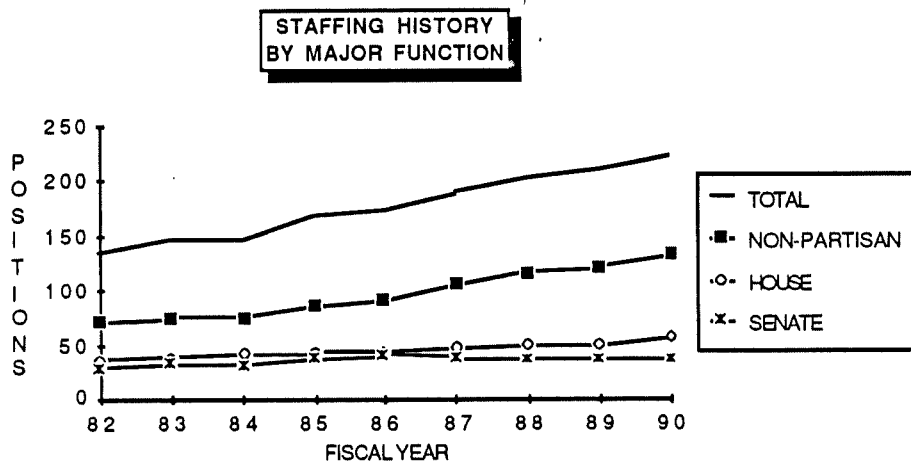
As may be seen, management staff represents 8.5% of total legislative staff (19 managers in FY 1990 as compared to 11 in FY 1982). This relatively low percentage of management staff is due to two factors:

- the absence of “managers” in the six leadership offices, as legislative leaders themselves fulfill this role; and
- the generally non-hierarchical organizations and reporting relationships within the non-partisan offices, the Office of the Clerk of the House, and the Office of the Secretary of the Senate.

Professional staff presently represent 33% of total staff positions. As the trend line indicates however, the Maine Legislature has “professionalized” during the 1980s. There has been an 88% growth rate in this category with the addition of analysts (36 professionals in FY 1982 as compared to 68 professionals in FY 1990). Support staff in the Maine Legislature has increased at a rate of 40% representing additional growth in partisan support, and proofreading, word processing, data entry, and clerical/secretarial staff.

We have also analyzed the trend in legislative staff growth by the three major functional staff areas that support legislative operations: non-partisan staff, House staff, and Senate staff. As the following chart illustrates, the most significant growth has been in the non-partisan function which has experienced an 83% growth rate from FY 1982 to FY 1990. The House staff has increased by 60% and Senate staff has increased by 32% during the same period.

## II Legislative Trends and Patterns



A summary of positions in all offices and units of the Maine Legislature in FY 1982 as compared to FY 1989 is provided in Exhibit on the opposite page.

### ACTIVITIES AND FUNCTIONS

The growth in legislative expenditures and staff during the 1980's is primarily attributable to three factors:

- Increased services and support to legislators by both partisan and non-partisan staff;
- New functions and services not previously provided; and
- More legislative activity requiring staff support and related operating expenditures.

With respect to the levels of staff support, there has been a commitment to improve the amount and quality of core non-partisan services in the areas of bill drafting, analysis, and policy committee research. For example, in FY 1982, 12 professionals staffed 16 joint standing committees as compared to 18 today; 8 professionals staffed the Appropriations, Taxation and Transportation as opposed to 10 today; 4 professionals drafted and reviewed legislative bills and amendments, as compared to 7 today; 3 professionals provided library research assistance as compared to 6 today.

*+ Corrections  
Audit  
to missing*

*directors  
paralegals  
included*

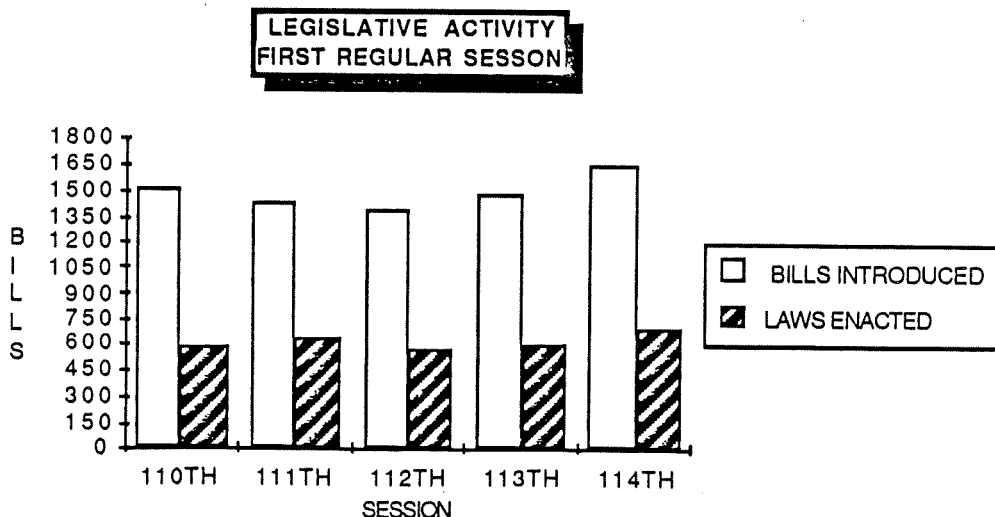
## II Legislative Trends and Patterns

The core partisan functions have remained constant since the early 1980's; the growth in staff in the leadership offices is predominantly related to policy decisions to provide a higher ratio of staff per caucus member to support constituent services and casework and to provide some degree of policy analysis capability within the partisan functions. The basic functions and responsibilities of the Clerk of the House and Secretary of the Senate have also remained constant since the early 1980's; the primary change in these operations has been the transfer from more session oriented operations to full-time, year round offices.

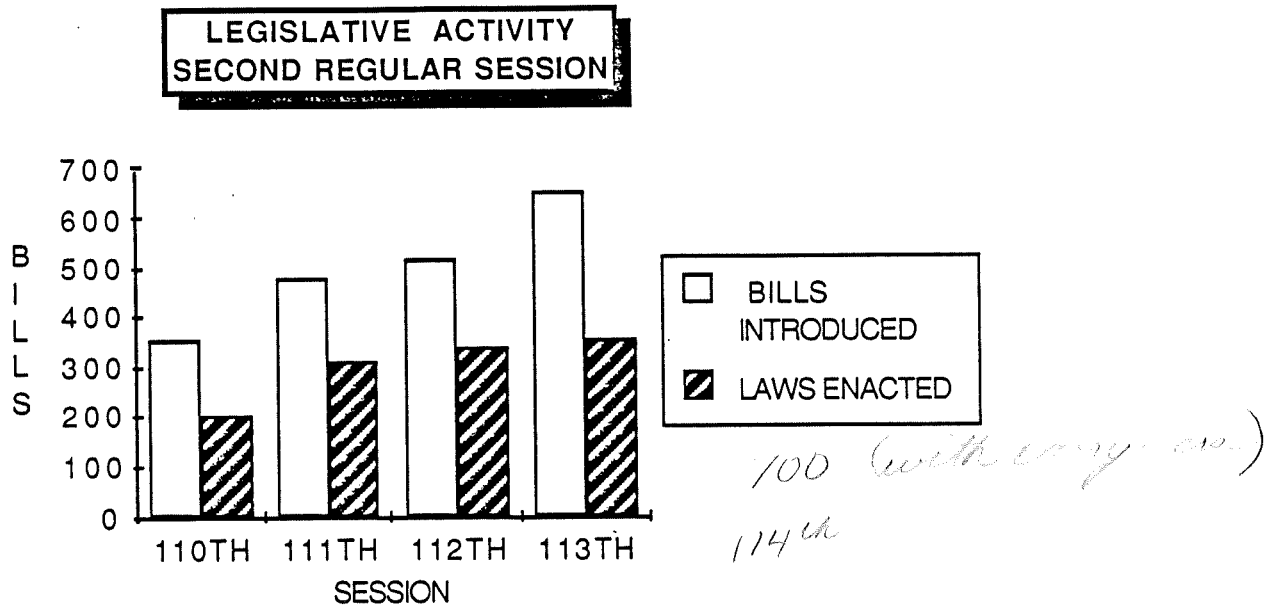
In addition to these ongoing services, some new functions and activities have also been established over the last ten years to enhance legislative operations and support. The most significant of these include the following:

- the creation of the Office of Executive Director
- the creation of a computer services activity to support automation of legislative applications and systems
- the growth of the centralized information support activity related to the Bill Status and Tracking System
- the creation of a centralized personnel administration activity
- the creation of a legislative oversight activity
- the creation of a new capital planning and administration function

Finally, the Legislature itself has experienced higher levels of activity and "workload" with respect to its primary lawmaking responsibilities. The number of bills introduced and enacted has increased consistently during each second regular session since the 110th Legislature, and during each first regular session since the 112th Legislature, as shown in the following charts:



## II Legislative Trends and Patterns



### COMPARISONS WITH OTHER STATES

The growth in expenditures, staff and activities of the Maine State Legislature over the last decade is generally reflective of trends in other states. Increases in the "fixed costs" of state legislatures (printing and binding, employee benefits, postage, etc.) have grown proportionately in most states, although staffing increases have varied greatly. A 1988 survey of legislative staffing by the National Conference of State Legislatures revealed an overall increase of nearly 65% in full-time professional staff positions in the period 1979-1988, and a corresponding decrease in session-only staff of approximately 12%. These national trends are generally consistent with staffing changes in the Maine State Legislature, although session-only staff in Maine have not declined during the 1980's.

In order to provide some points of reference for our analysis of Maine legislative costs and operations, comparative statistics were developed from six other states which share some similarities with Maine in size, geography or legislative structure. These comparisons, which are outlined in the tables in this section, allow for several observations regarding legislative expenditures and procedures in Maine:

## II Legislative Trends and Patterns

- The number of full-time legislative staff positions is not high, in relation to the size of the legislature and the number of bills introduced and enacted
- In both absolute and relative terms, legislative expenditures in Maine are not disproportionate to the legislatures selected for comparison
- A relatively high percentage of bills introduced are enacted in Maine, as compared with several larger states.

It should be noted that comparisons of legislative expenditures between states are especially difficult to make, given the significant differences in structure, organization, budgeting and accounting practices among state legislatures. While the expenditure figures in the table have been adjusted to account for such differences to the extent possible, they should be taken as orders of magnitude only, in order to develop approximations of per capita expenditures for comparison purposes.

**COMPARATIVE STATISTICS -- SELECTED STATE LEGISLATURES**

	MAINE	CONNECTICUT	NEW HAMPSHIRE	MINNESOTA	DELAWARE	FLORIDA	VERMONT
<b>Demographics</b>							
• Population (1)	1,124,660	3,107,576	920,610	4,077,148	595,225	9,739,992	511,456
• Land Area (Square Miles)	33,215	5,009	9,304	84,068	2,057	58,056	9,609
• House Members	151	151	400	134	41	120	150
• Senate Members	35	36	24	67	21	40	30
• Per Capita Representation							
-House Members(Approx.)	7,500	20,500	2,300	30,400	14,500	81,200	3,400
-Senate Members(Approx.)	32,000	86,300	38,300	60,800	28,300	243,500	17,000
<b>Finances And Staffing</b>							
• Full-Time Staff Positions (1988)	131	311	119	804	65	1,774	34
• Legislative appropriations (\$million) (2)	\$14.00	\$28.20	N/A	\$39.60	\$7.60	\$85.30	\$4.90
• Legislative appropriations per capita (approx.) (3)	\$12.45	\$9.10	N/A	\$9.70	\$12.75	\$8.75	\$9.60

**Notes:** (1) All states population from 1980 Federal Census data

(2) Expenditure data from Peat Marwick telephone survey; all figures represent fiscal year 1990 appropriations and exclude legislative audit staffs, legislative libraries and capital improvements

(3) Based upon FY 1990 appropriations for legislative budget

COMPARATIVE STATISTICS -- SELECTED STATE LEGISLATURES

	MAINE	CONNECTICUT	NEW HAMPSHIRE	MINNESOTA	DELAWARE	FLORIDA	VERMONT
<i>Legislative Structure And Operations</i>							
• Management and Staffing Structure	Legislative Council	Council Plus Partisan Staff	Separate House and Senate Staff	Separate House and Senate Staff	Council Plus Partisan Staff	Joint Mgmt. w/Committee Staffing	Legislative Council
• Committee Structure	Joint	Joint	By House	By House	By House	By House	By House
• Session Schedules and Length							
-First Regular	December - June	January - June	45 Legislative days (each)	120 Legislative days (each)	6 calendar months(each)	60 calendar days(each)	No specific length
-Second Regular	January - April	February - May					
• Turnover in Membership (1986)							
-House	22%	30%	34%	23%	12%	24%	26%
-Senate	34%	42%	25%	16%	10%	23%	17%
• Bills Introduced/Enacted (1986)	519 / 341	1,736 / 494	733 / 230	1,625 / 166	640 / 300	2,546 / 465	493 / 116
-Percentage	66%	28%	31%	10%	47%	18%	24%
• Bills Introduced/Enacted (1987)	1,477 / 616	3,877 / 701	1,062 / 416	3,241 / 405	682 / 194	2,698 / 535	698 / 136
-Percentage	42%	18%	39%	12%	28%	20%	19%
• Procedure for Introduction of Bills after Cloture	Approval of majority of members of Legislative Council	2/3 vote of members present	2/3 vote of members present or approval of 3/5 of Rules Committee	No cloture	No cloture in first session; procedures established by each house for second session	Senate: approval by Rules and Calendar Committees House: 2/3 vote of members	Approval by Rules Committee
* Second Session 112th							
** First Session 113th							

COMPARATIVE STATISTICS -- SELECTED STATE LEGISLATURES

	MAINE	CONNECTICUT	NEW HAMPSHIRE	MINNESOTA	DELAWARE	FLORIDA	VERMONT
<b>Legislative Compensation</b>							
• Salary	\$16,500 per Biennium	\$15,960 per Year	\$200 per Biennium	\$25,138 per Year	\$22,173 per Year	\$20,748 per Year	\$400 per Session Wk.
• Living Expenses	\$60/day (\$26 - meals) (\$34 - lodging)	Representatives \$3,500/year Senators \$4,500/year	-0-	\$36/day out state; \$23 metro	\$5,500/year	\$50/day	\$87/day if not commuting; \$32/day If commuting
• Travel Allowance							
-Cents Per Mile	22 (up to \$34/day)	21	38 cents first 45 19 thereafter	27	20	20	22.5
-Round Trips Home To Capital During Session	One trip/day (in lieu of lodging)	Unlimited	Unlimited	Weekly	Unlimited	Weekly	Daily or Weekly
• Special Sessions							
-Per Diem Salary	\$55	-	\$3	-	-	-	\$70
-Limit on Days	None	-	15 days	-	-	-	-
• Compensation For Committee or Official Business During Interim							
-Per Diem Compensation	\$55	-	-	\$48	-	-	\$70
-Travel Allowance	22 cents/mile	21 cents/mile	38 cents first 45 19 thereafter	15 cents/mile	20 cents/mile	20 cents/mile	21 cents/mile
-Per Diem Living Expenses	Actual Expenses Meals and Lodging	-	-	\$45 for lodging (House)	-	Actual Expenses	Actual Expenses
• Other Direct Payments	\$500/year for constituent services	-	-	\$600/yr. phone \$385/yr. postage \$400/mo. apt. allowance (Senate)	-	-	-



### **III. MANAGEMENT OF THE STATE LEGISLATURE**

Our analysis of management practices in the Maine State Legislature has focused on several key areas of decision-making and resource planning and utilization which affect the level and quality of legislative performance. These areas constitute the principal determinants, in our judgement, of how well the Maine State Legislature exercises its constitutional and statutory responsibilities for raising and spending public funds, and for the proposal, review and enactment of public laws. These areas of focus are as follows:

- Legislative Council operations and procedures
- Non-partisan staff offices
- Partisan staff offices
- Budgeting and management of legislative expenditures.

The first three of these areas, along with several general management issues, are discussed in detail in this chapter, and recommendations for improvement, where appropriate, are included. An overview of the management structure of the Maine Legislature is shown on the opposite page. Legislative budget procedures, because of their importance, are discussed separately in Chapter IV.

#### **LEGISLATIVE COUNCIL**

The Legislative Council is the bipartisan management body of the Maine State Legislature. The Council has several statutory responsibilities related to the administration and operation of the State Legislature, which may be summarized as follows:

- prepare and approve the legislative budget
- oversee and administer legislative appropriations and accounts
- approve transfers within the legislative appropriation

### III. Management of the State Legislature

- establish salary schedules for legislative employees (with some exceptions)
- appoint legislative directors and officers
- establish operating policy for legislative offices
- assess and institute improvements in the legislative organization, procedures, facilities and working conditions

The balance of the Council's authorities are established within the Joint Rules, and relate primarily to the introduction of legislation, as follows:

- approve bill requests filed after cloture
- approve bill requests for introduction in the second regular session and special sessions

An overview of the Council's structure and position within the Legislature is shown on the opposite page.

To better understand the legislators' perspective on the Council's performance, a series of questions in our survey of legislators spoke directly to how well the Council performs in several key areas. Legislators generally feel that the Council has performed well in the execution of its management responsibilities, and less well with respect to its bill screening activities. Specifically, the survey revealed that:

- legislators rate the Council very high in:
  - establishing equitable salary and benefit schedules
  - managing of employment practices
  - appointing of legislative directors
  - providing of staff for interim studies
  - planning and overseeing capital projects
- legislators give the Council sound performance ratings with respect to:
  - approval of legislative budgets
  - approval of staffing and funding requests during the year
  - oversight of legislative expenditures

### III. Management of the State Legislature

- approval of committee requests for interim studies
- legislators give the Council generally poor ratings with respect to:
  - screening of bills filed after cloture (after deadline requests)
  - screening of bill requests for the second regular session and special sessions

Although the survey of legislators indicated that the Council was perceived as performing adequately with respect to budget approval and management responsibilities, our interviews revealed that many legislators and several Council members themselves had very vague understandings of the Council's budget planning, approval and management authority. Several Council members themselves felt that the Council, as a management body, played little to no role in the formulation, review and approval of the legislature's budget and had no meaningful role with respect to oversight of the budget. Our own independent analysis of Council operations has led us to conclude that in this area of activity the present role being played by the Council is inadequate. The Council's planning and budgeting process is discussed in detail in Chapter IV of this report.

Legislators in interviews and through some surveys expressed the need for a more formal mechanism to assure that the Council as a management body reflects the issues and concerns of rank and file legislators and is representative of the legislators, as a whole.

Our findings and recommendations with respect to the Council's bill screening responsibilities are included in Chapter V of this report, in conjunction with our recommendations regarding the major components of the legislative process. In this section, several recommendations are made to strengthen the Council's management and budget capabilities, and to foster greater bipartisan participation in the overall management of the legislature.

### **Recommendations**

The Legislative Council is a sound management structure for the Maine Legislature and should continue to be the centralized, bipartisan body

### III. Management of the State Legislature

responsible for planning and management of the Legislature in the future. However, in order to improve the workings of the Council and to strengthen legislative management, we recommend consideration of the following:

1. The expansion of the membership of the full Council to provide for the addition of four rank and file members of the Legislature, to include a Democratic Representative, a Republican Representative, a Democratic Senator and a Republican Senator. The addition of the non-leadership members will provide an opportunity for representative rank and file members to have a role in the management issues and decisions facing the Council. We feel that broadening the involvement on the Council could help assure that this body will be more responsible and accountable to the full membership of the Legislature.
2. The creation of a Budget and Planning sub-committee of the full Council composed of four members: the Senate Majority leader, the Senate Minority leader, the House Majority leader and the House Minority leader. The committee would be subordinate to the full Council and responsible for communicating the Council's budget objectives to the Executive Director, for detailed review of budget requests, and for oversight and monitoring of the budget after adoption.
3. We also recommend consideration of a policy commencing with the 115th Legislature to require a two-thirds vote of the Council to effectuate its most significant statutory responsibilities in the areas of budget, personnel, and improvements to legislative facilities and operations. The current practice of a simple majority provides the opportunity for a partisan vote when one party controls both houses (6-4 membership) and does not provide for a strong consensus when each party controls one house (5 - 5 membership).

The implementation of a two-thirds voting requirement is a practice of some other legislative management bodies and is intended to promote bipartisan decision making and achieve consensus with respect to the critical management issues of the legislature. According to the Executive Director of another state legislature whose bipartisan management body has followed this practice for over twenty years, "Rather than creating a series of stalemates, this two-thirds vote helps to assure that politics is kept out of the internal operations of the legislature and the administration of the General Assembly (legislature) is handled on a strictly bipartisan basis."\*

## **NON-PARTISAN STAFF OFFICES**

The Legislative Council exercises its principal administrative functions through four non-partisan staff offices which are under the overall direction of the Executive Director of the Legislative Council. These offices provide support services to the Legislature and its individual officers and members, joint committees and study commissions. The organizational structure of the non-partisan offices, and the major responsibilities of each office, are outlined in the exhibit on the next page.

Overall, we have found the non-partisan staff offices serving the Maine Legislature to be reasonably well-organized, productive, and providing services of a high professional quality. Weaknesses in coordination, scheduling and supervision, which were acknowledged by managers and staff several years ago, have been addressed and corrected to a large extent. Also, major improvements have been made in the critical areas of bill and amendment tracking through the drafting and committee action stages of legislative review. Office directors and management staff in the non-partisan offices generally exhibit a strong commitment to improving their services to legislators through better planning, greater use of computerization, and ongoing training for their staff.

This favorable "image" of the non-partisan staff offices is also reflected in the responses of legislators to our survey questions regarding the quality of legislative support staff. Each of the five non-partisan offices were judged by at least 85% of the respondents to provide services of a "good" or "excellent" quality.

Notwithstanding these strengths however, we have identified a number of issues related to staff utilization, operations and procedures where we feel further improvements can be made within the non-partisan offices. These are discussed in the following sections.

### **OFFICE OF THE EXECUTIVE DIRECTOR**

The Office of the Executive Director oversees all of the activities of the non-partisan staff and serves as direct support staff to the Legislative Council. As well, the Executive Director is responsible for the preparation and administration of the legislative budget, the coordination of committee clerks, and the operation of legislative computer systems.

The Office of Executive Director was formally established in 1983 through legislation which strengthened the former Legislative Administrative Director's

### III. Management of the State Legislature

#### Recommendation

To address these issues, we recommend the following:

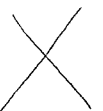
4. The Executive Director, as the chief administrative officer of the Maine Legislature, should allocate more of her time to the major management issues of the organization, such as financial planning and budgeting, personnel policies and procedures, and the development of more formal guidelines governing the preparation and dissemination of information related to the State Legislature. Some of the administrative tasks currently performed by the Executive Director, such as processing payment requests, should be delegated to other staff in this office.

#### OFFICE OF FISCAL AND PROGRAM REVIEW

The Office of Fiscal and Program Review (OFPR) serves as staff to the Appropriations Committee, Taxation Committee and the Transportation Committee and provides these committees with budget analyses, analyses of fiscal impact of proposed legislation and research services. It also assists in the preparation of budget appropriations acts and major pieces of fiscal legislation. The office also provides support to the Audit and Program Review Committee in the conduct of sunset reviews and studies of Executive branch departments and agencies.

Our principal findings with respect to this office may be summarized as follows:

- There is very limited integration of personnel between the office's fiscal unit and the program review unit. This underutilization of staff does not achieve maximum productivity and does not take advantage of the differing seasonality or peaks in the workloads of each unit.
- Our analysis suggests that the three non-partisan offices that support the legislative process (OPLA, OFPR, and ORS) do not adequately coordinate and share information. For example, OFPR is not sufficiently integrated into the procedures and systems for bill and amendment drafting and tracking presently utilized by OPLA and ORS; this lack of integration substantially undermines the capability of staff in OPLA and the ORS to "locate" or



### III. Management of the State Legislature

quickly assess the status of bills and amendments that are undergoing analysis or processing in OFPR.

- The Maine State Statutes ( 3 MRSA S 163-A.12) set forth that "legislative staff shall provide . . . . statements of cost to municipalities or counties for implementing or complying with a proposed law. " This analysis is not currently performed and such information is not provided to assist the committees in their deliberations. Many state legislatures provide this analysis and information as part of the overall fiscal note process.
- The primary function of OFPR budget staff is review and analysis of the Executive Branch's Part I and Part II budget requests. The Legislature's budget review process has historically provided for in-house staff review of the expenditure side of the Governor's budget only; the process has not included a formalized review of the Governor's projected revenues.
- The OFPR is vested with responsibility for review and analysis of the Governor's budget request, and monitoring of the administration of the departments and agencies budgets. To accomplish these activities, the OFPR staff must have access to financial and expenditure reports of the departments. The type of information presently available and the timeliness of access reduces the staff's abilities to effectively perform these activities.
- There is a significant degree of manual analysis of budget requests by analysts in OFPR. While there are significant policy areas to analyze, there is a large amount of purely quantitative information that could be analyzed in a more productive manner with automated budget analysis applications and spreadsheets.
- The current fiscal note process provides for the development of a fiscal note for every piece of legislation filed that OFPR foresees will have a fiscal impact, prior to the public hearing on the proposed legislation. This process is followed for all the committees excluding Appropriations, Taxation and Transportation.

### Recommendations

At this point in our study we recommend the following with respect to OFPR:

5. The Director of OFPR should more closely integrate the staff of the two units in the Office in order to more effectively utilize the knowledge of the program review staff during the legislative session for budget analysis. This would provide better utilization of similar analytical and research skills to address the divergent peaks in workloads for the two units and

### III. Management of the State Legislature

would provide additional job enrichment opportunities for professional staffers.

6. The coordination of OFPR's activities and actions with OPLA and ORS is very important to the total support of the legislative process; accordingly we recommend that OFPR participate more actively in all procedures and tracking systems to facilitate the communications and interactions among these three key support functions.
7. The policies and programs enacted by the Legislature often have significant fiscal implications for the State's municipalities and counties and this will be more relevant in the years to come. We recommend that commencing with the 115th Legislature, the OFPR initiate analysis of the impact of relevant bills on the finances of county and local government. This analysis should be incorporated within the existing fiscal note process, as is the practice in many other state legislatures.
8. The preparation of independent revenue projections by the legislative branch of government is common in many state legislatures. Over the course of the second phase of this study, we will review the feasibility of incorporating this practice within the Maine Legislature.
9. The State of Maine is currently upgrading the State's financial budgeting and accounting systems. This system will have the capacity for tie-in access to budgeting and accounting information relative to the activities and programs of all agencies and departments. Subsequent to the completion of this project we recommend that the OFPR be given the capacity and clearance to tie-in to the system (access only) for information and budget status. On-line access to this information would allow for more efficient and timely review of information and enhance the legislature's budget review and oversight responsibilities.
10. In order to facilitate and enhance fiscal analysts' review of the Governor's budget requests, we recommend that analysts receive training in computerized financial/ budgetary analysis applications and have adequate numbers of personal computers to accomplish this work. This will reduce the current level of manual analysis and calculations which is time consuming and hinders staff productivity.
11. Our recommendations with respect to the elimination of detailed legal drafts of each bill filed (see Chapter V) will affect the fiscal note process to the extent that committees will be able to consolidate similar bills in Committee; thereby reducing the total number of bills to undergo the public hearing process. This will in turn reduce the number of bills that will require a fiscal analysis and fiscal note. With respect to the fiscal note process, we recommend that OFPR adopt a policy such that the Appropriations Committee, Taxation Committee and Transportation Committee also receive formal fiscal notes for all bills that will have a fiscal impact.

LD 1546  
250-550 1st  
12/10/2010



### III. Management of the State Legislature

#### OFFICE OF REVISOR OF STATUTES

The Office of Revisor of Statutes (ORS) is the central office for drafting all legislation and amendments, administering cloture and related deadlines, screening all bill requests prior to introduction, engrossing all documents passed to be engrossed, updating and revising the Maine Revised Statutes and the Maine Constitution, and publishing the Laws of Maine.

It should be noted that the Office of Revisor of Statutes has undergone some major changes to enhance operations over the course of the past year, many of which have been initiated by the new incumbent to the position. Also, during the 1st Session of the 114th Legislature, the office was affected by turnover and the hiring of a new Director coinciding with the office's critical production period, as well as continued reliance on manual systems for indexing functions and for some tracking functions. Subsequent to the 1st regular session, the office has initiated significant improvements with respect to the utilization of staff, tracking system improvements and administration of cloture (114th Second Regular Session). In reviewing and understanding the operations of the ORS, it is very important to view the operations in conjunction with the legislative process itself, including such aspects as cloture deadlines, committee deadlines, bill sponsorship, confidentiality, bill drafting requirements and standards etc. Our final recommendations with respect to ORS operations, staffing and systems will be made in conjunction with other recommended changes in the legislative process, and in recognition of the effect they will have on ORS operations (These changes are detailed in Chapter V of this report).

Our findings in relation to ORS are as follows:

- The Revisor of Statutes has to directly oversee six functional areas within the office. The office does not have a mid-management level of staff to assist the Revisor and provide the day-to-day oversight of operations and staff within the office. At present the Revisor must be involved in direct oversight of the proofreading and word processing functions. Also, the proofreading function does not have a supervisory level position to prioritize and administer work, which places additional demands on the Revisor's time.

### III. Management of the State Legislature

- In recent sessions the ORS has prioritized the drafting of bills generally upon a first-in first-out system. This system, in combination with other issues, has not been effective in providing committees with drafted bills in a timely manner, and with complete packages of all bills on the same issues. The professional/legal staff within the ORS is currently utilized to draft bills and amendments on a first-in first-out or "next in the queue" basis. This does not foster specialization by major functional area (environment, economic development, human services etc.). It also precludes the development of a level of expertise or focus that parallels with OPLA or OFPR, and does not allow the same attorney to draft, amend and re-amend the same legislation.
- The three non-partisan offices that directly support the legislative process (OFPR, OPLA and ORS) all have to engage in drafting bills and committee amendments. OFPR and OPLA serve as the key committee staff and it is appropriate for staff in these two offices to play a key role in drafting committee amendments. However, the current extent of bill drafting by OFPR and OPLA does not always allow the legal staff in ORS the opportunity for meaningful and timely legal review (both substantive and procedural) of committee amendments. *editing, stylistic*
- The ORS has historically operated without a bill indexing system or with only a limited manual system, to classify bills by major category and relevant sub-categories and to facilitate the drafting process and readily identify duplicate bills. The ORS is initiating an automated indexing system.
- The ORS currently has the technology and software to convert drafts of bills from most word processing systems. The current degree of automated bill drafting does not, however, include utilization of optical scanners.
- The ORS has in some instances initiated a practice of utilizing temporary or contractual employees for both professional (legal review) and technical processing responsibilities to address peak workloads during the session. This practice has been generally successful in this office.

### Recommendations

We have several preliminary recommendations with respect to the Office of the Revisor of Statutes. These recommendations will be refined and expanded upon during our Phase II work and are contingent upon modifications within the legislative process itself. Our preliminary recommendations are as follows:

12. The Office of Revisor of Statutes should be restructured to provide for a mid-management level of staff to provide day-to-day direction and

### III. Management of the State Legislature

oversight to staff, to control workflow and to effectively utilize enhanced systems within the office. The creation of middle management staff would allow the Revisor to more effectively use his time to plan for and manage major issues affecting the office. The middle management capacity should consist of two attorney positions: one position to direct the bill drafting, amendment, statutory updates and committee deadline system; and one position to direct the support functions of the office including the legislative technicians (word processing), engrossing and proofreading.

13. The professional staff in the office should be organized under and report to a principal attorney (as recommended above). The professional staff should be organized and have responsibility according to major substantive area: environment, human services, government, etc., (similar to the distribution of responsibility in OPLA). This structuring of staff will allow the development of an expertise in defined areas, and facilitate drafting efforts as one attorney will generally be responsible for the original draft, all committee amendments, and floor amendments on the same bills.
14. The current procedure of first-in first-out drafting of bills in the ORS should be replaced with a procedure that focuses on getting a complete package of bills to a respective committee in order to allow committees to effectively commence their review and deliberations. In concert with our staggered, committee reporting-out deadlines (discussed in Chapter V) we also recommend implementation of a Joint Rule whereby the ORS will adhere to a schedule to provide bill drafts to each respective committee by a staggered deadline schedule. This recommendation will be more suitable to implementation in conjunction with our proposed changes in bill drafting policies and requirements (discussed in Chapter V).
15. It is clearly important to foster integrated working styles and processes between the ORS and its two counterparts: OPLA and OFPR. However, there should be a clear division of responsibility such that the legal staff in ORS has involvement in and final approval for all amendments (committee amendments as well as floor amendments) in order to assure proper legal review and to maintain a centralized legal expertise with final accountability for the full-statutory legal drafts in the ORS.  
*cannot be removed from committee process*
16. The ORS should continue its efforts to provide for an automated bill indexing system to allow the categorization of bills by category and sub-categories. This system will serve to identify duplicate bills, allow simultaneous drafting of similar bills and facilitate preparation of bills to meet deadlines for transferring bills to respective committees.
17. The Legislature should consider enhancing the ORS automated systems with the addition of scanners which will allow the automatic transfer of

### III. Management of the State Legislature

text to the bill drafting system and eliminate, to some degree, input of text by the legislative technicians.

18. Our final recommendations with respect to staffing will be the results of further research regarding ORS operations during the session and the implementation of changes to the legislative process itself. As a preliminary recommendation for staffing utilization in ORS, we concur with the initiative to utilize contract attorneys and temporary technical/word processing personnel. We recommend that this practice continue as a means to address session workloads in lieu of permanent staff additions.

### OFFICE OF POLICY AND LEGAL ANALYSIS

The Office of Policy and Legal Analysis (OPLA) serves as professional staff to most of the Legislature's joint standing committees. As the principal analytical resource to committees during the first and second regular sessions, OPLA plays a critical role in drafting and analyzing legislation, and in facilitating committee deliberations. Staffing in this office has increased from 16 full-time positions in 1982 to 23 positions currently, of which 14 are analysts assigned to one or more committees.

Currently the office is organized into three working groups, each of which is overseen by a principal analyst. While this organization has added some structure and mid-level supervision to professional staff, it has also required some reassignments of analysts to "new" committees, with a corresponding loss of continuity in committee support.

*Recommendation for R 05*

In general terms, the current structure appears to be an improvement over the previous "flat" organization, and should ultimately provide more consistency and quality control over staff support to committees. At the same time, the subdivision of staff into separate units can sometimes impede communications and the "pooling" of clerical resources to improve productivity. This possibility must be guarded against in OPLA as the current structure matures.

Our other observations with respect to OPLA are as follows:

- The level of staff support to joint standing committees presently varies according to the volume of legislation typically referred to each committee. Some analysts are assigned to more than one committee, which can create scheduling problems, and which is sometimes perceived as inadequate support by legislators. Our findings indicate that OPLA's professional staff

### III. Management of the State Legislature

experience some difficulties in fully satisfying the needs of all committees during the legislative session. Also, committee expectations of staff capabilities appear to be increasing.

- OPLA staff must generally rely on their own clerical support personnel to provide typing and administrative assistance while they work with their assigned committees. In most cases, they do not receive assistance from the committee clerks in performing their duties.
- OPLA does not have adequate numbers of personal computers to meet the needs of its professional staff. Also, it does not utilize such equipment as optical scanners or fax machines to speed up the preparation of its written products.

### Recommendations

Our preliminary recommendations in this office are as follows:

19. The overall level of OPLA staff support to committees needs to be further examined, in view of the nature and volume of legislation which is now under consideration. Also, legislators' expectations of staff support from this office need to more fully determined. We expect to review this issue in more detail in the subsequent phase of this study, as well as the impact of our recommended changes to bill drafting procedures.
20. OPLA staff should be authorized to request assistance from committee clerks in the performance of their committee support functions. Generally speaking, a stronger working relationship between these staff positions could improve the flow of committee work.
21. All professional staff in OPLA should be provided with their own personal computers, which should be linked into a single word processing network. Initial drafts and revisions of committee bills and other documents can be prepared directly by analysts, with only final edits and processing performed by clerical staff. In addition, the use of an optical scanner in this office could greatly facilitate the preparation of documents copied from other sources.

### III. Management of the State Legislature

#### LAW AND LEGISLATIVE REFERENCE LIBRARY

This component of the non-partisan staff offices provides a variety of research assistance, literature search and information services to legislators, staff personnel and the public. It also serves as the state's principal law library, housing all inventories of the Maine Revised Statutes and supplements, session laws, legislative records and documents, and Maine court reports. Computer access is provided to over 200 on-line legislative databases, which include a national bill status system and a general legal database. As the State Law Library, it is used by all agencies of state government, the judiciary, attorneys and citizens of Maine. (In most other states, the state law library falls within the jurisdiction and budget of the judiciary branch of government.)

*priority*

*implication*

Staffing has more than doubled in the Library over the last 10 years, in order to accommodate a tremendous increase in usage. At the present time, staffing levels appear adequate to meet current service demands, although the Director would like to increase library services and improve relations with other state library systems if additional resources can be provided. Also, it should be noted that the library does not provide evening hours when the legislature is not in session, thereby limiting its public accessibility.

*EQUIPMENT  
PUBLICATIONS*

#### Recommendation

*searching & doing nothing*

The Library is well-run and an invaluable research arm of the State Legislature. According to our survey and interviews, it is well regarded by legislators and staff alike. To further improve its research services, and to minimize duplication of staff efforts, we recommend the following:

*3rd person problem*

22. The Librarian, Executive Director of the Legislative Council, and the partisan staff office directors should meet periodically to review and coordinate the research activities of their respective staffs. Some confusion exists as to the roles and responsibilities of partisan and non-partisan staff in using Library staff to perform research. Also, the Library should conduct periodic orientations for new partisan and non-partisan staff to familiarize them with library services and their use.

*SURVEY*

### III. Management of the State Legislature

#### **PARTISAN OFFICES**

Legislators receive additional staff support services from eight partisan offices which are outside of the purview and direction of the Legislative Council and the Executive Director. The offices are comprised of the following:

- Clerk of the House
- Secretary of the Senate
- Office of the President of the Senate
- Senate Majority Office
- Senate Minority Office
- Office of the Speaker of the House
- House Majority Office
- House Minority Office

Our review of these offices and their functions is presented according to two areas:

- the legislative support and office services provided by the Clerk of the House, and Secretary of the Senate
- the leadership support and caucus services provided by the six leadership offices

#### **OFFICES OF THE CLERK OF THE HOUSE AND SECRETARY OF THE SENATE**

The Clerk of the House and Secretary of the Senate are elected as officers of the Maine Legislature in accordance with the Constitution on the opening session day for a two-year term. The constitution also requires that an assistant clerk and assistant secretary be elected by the respective chambers. The Clerk and Secretary work at the direction of the respective presiding officers and service both legislative leaders and rank and file members.

The principal functions of each office include the following:

- prepare and publish calendars

### III. Management of the State Legislature

- prepare and publish journals
- prepare and publish roll calls
- prepare and publish the Legislative Record (verbatim transcript of floor debate)
- oversee and assure accuracy of all official papers and documents including amendments, resolutions, orders, messages, sentiment.
- provide mailing and telephone services for legislators
- provide chamber support services during the legislative session

We have categorized the Office of the Clerk of the House and Secretary of the Senate as partisan due to two facts: 1.) The Clerk and Secretary are elected by their respective chambers based upon the nomination of the majority party caucus and 2.) the offices are outside of the purview of the Legislative Council. However it is important to recognize that the vast majority of staff in these offices view their role as service to the total membership and moreover virtually all staff in these two functions categorized themselves as "non-partisan" on their questionnaires in contrast to staff in leadership offices. Legislators from both parties perceive that quality services are provided by the Clerk and Secretary and their staffs. The majority of the members of each party responding to the Legislator's survey rated the performance of the Office of Clerk as "excellent" and of the Office of Secretary as "good."

Our findings with respect to these two offices are as follows:

- Several of the services that the Clerk and Secretary provide are directly related to the activities and requirements of the legislative session; specifically the preparation and publication of:
  - the calendars
  - the journals
  - the Legislative record
  - roll calls and amendments as well as
  - the review, recording of all actions on legislation, resolutions orders, etc.



### III. Management of the State Legislature

The majority of staff that provide these services, are employed on a full-time, year round basis. These positions experience a significant decline in workload even in consideration of their non-session duties and responsibilities.

- At the current time two positions in the House (House Reporters) are employed on approximately a six month basis for the purpose of recording, transcribing, preparing and proofreading the House Legislative Record (a verbatim transcript of House debates). In contrast the Senate provides for two full-time year round positions to provide the same services with respect to the Senate Legislative Record.
- The Secretary and Clerk oversee all chamber activities and staff. The House chamber staff serves during the session-only; in recent years the Senate's Sergeant at Arms and Assistant Sergeant at Arms have become full-time year round positions. These two positions have several responsibilities which are not consistent with the typical job descriptions for the position.
- The primary role and purpose of the Assistant Secretary of the Senate and Assistant Clerk of the House should be to serve the Secretary and Clerk respectively. The current practice whereby the Assistants are elected by the Senate and House does not (or may not in the future) promote accountability and responsibility for all office services under either the Clerk or the Secretary.
- The Secretary of the Senate and the Clerk of the House serve at the direction of the respective presiding office and have important responsibilities providing assistance to legislators and administrative support to the legislative process. At the present time however, they do not have responsibility for planning and budgeting for the operations of their offices and for overseeing a budget for their offices.
- The Clerk of the House currently has responsibility for oversight and coordination of the House stenographers (typists) who provide services during the session. The stenos' actual workload is overseen and supervised on a day-to-day basis by the House Majority Office and House Minority Office, this situation creates dual reporting relationships and opportunities for conflict in setting priorities.

### Recommendations

23. The degree of utilization of staff in the Clerk's office is strongly correlated to the in-session activities of the Legislature. While there is merit in continuity of some administrative staff based on their skill sets required for the jobs from session to session, we do not view the current levels of staff that are retained on a year round basis to support these operations as the most appropriate and efficient staffing patterns. The feasibility of

### III. Management of the State Legislature

modifications to staffing related to the calendars, the journals, and the legislative record will be further analyzed during Phase II of our study.

24. We question the appropriateness of recording, transcribing and preparing a verbatim Legislative Record of all House and Senate debates. During the Phase II of our study we will review the degree of use and reference to these records. Also in concert with our recommendations regarding committee operations and practices, it may be more appropriate to maintain a record of committee sessions to understand legislative intent.
25. There is currently an inconsistent policy with respect to the utilization of the Sergeant-at-Arms and Assistant Sergeant-at-Arms between the Senate and the House. The Senate utilizes these positions on a year round basis principally for support to Senators in mailing newsletters and materials to constituents. The need for these services and greater consistency in House and Senate staffing policies will be further analyzed in Phase II of our study.
26. It is appropriate for the House and Senate to elect their chief administrative officer. In order to promote responsibility and accountability within one position, we recommend that in the future that only the Clerk and Secretary be elected, and that they in turn have responsibility to appoint their chief assistants. House Rule 1 should be amended to provide for election of the Clerk and that similarly the Senate rules make provision for the election of the Secretary only.
27. As key officers within the Legislature, the Clerk and Secretary should have responsibility for planning for the House and Senate support services and for presenting a budget request of the resources required for their offices. This request should be subjected to review and approval of the Legislative Council. This recommendation is further elaborated upon in Chapter V regarding the Legislature's budget process.
28. Finally, we recommend the transfer of the House stenographic (typists) function from the Clerk's Office to the House Majority Office and the House Minority Office. This will place oversight supervisory responsibility in the two offices that should appropriately provide these support services to their respective caucuses.

### LEADERSHIP OFFICES

The six leadership offices provide partisan professional support and administrative and clerical support to the members of leadership. The Speaker of the House and President of the Senate have staff dedicated to assist them as

### III. Management of the State Legislature

presiding officers. Their staffs provide legal counsel services, constituent support services, casework services, media relations, speechwriting, appointment scheduling and secretarial support. The four other leadership offices (House Majority, House Minority, Senate Majority and Senate Minority) provide professional and clerical support to the leaders of each party in the House and in the Senate, as well as to the caucus. The services provided include research, press releases, speechwriting, constituent correspondence, constituent casework and some secretarial support.

Our findings with respect to the leadership offices are as follows:

- The House and Senate leadership offices are staffed based upon the number of members of each party in the House and in the Senate. In absolute terms the ratio of caucus members per full-time staff position is:
  - House Majority – 10.8
  - House Minority – 10.8
  - Senate Majority – 6.6
  - Senate Minority – 7.5

The current practice of staffing the offices on the basis of total caucus members does not take into consideration the fixed support services that should be provided for each caucus and for the leadership of each caucus.

- The six leadership offices currently are funded within the general legislature's budget; the current budget process and practice does not provide for identification of specific resources for the operations of these offices. This practice does not promote accountability for management of partisan requirements separate from other legislative functions. It also does not provide the minority party with dedicated resources.
- Within the leadership offices, the current staffing patterns and staff utilization does not provide for an independent analysis function in each office. Thus all four offices do not have the capability to serve partisan analysis needs. This capability would not be duplicative of the analytical services provided by the non-partisan Office of Policy and Legal Analysis, but would supplement it for partisan purposes.
- The House and Senate leadership offices provide the same services for their respective caucuses such as preparation of questionnaires, preparation of end of session newsletters and bill summaries, press releases and constituent correspondence. At present there is very little communication or coordination between the Senate and House Majority offices and the

### III. Management of the State Legislature

Senate and House Minority offices with respect to common services and responsibilities in order to more effectively achieve common partisan objectives and requirements.

- The majority of partisan staff appear very aware and judicious regarding a sound separation between partisan legislative activities versus political campaign activities. At the same time some staff have expressed a concern through staff questionnaires or interviews as to the need for more definitive policies and guidelines in this respect.

### Recommendations

29. The staffing allocations for the leadership offices should provide for a certain level of fixed staff support that is not related to the number of members; for example both the House Majority Office and House Minority Office should have two professionals and a secretarial position to support the leaders and additional legislative aide positions to support the caucus. The legislative aides should be allocated on the basis of numbers of members to be served.
30. The partisan offices, Speaker, President, House Majority, Senate Majority, House Minority and Senate Minority as partisan offices should have independence with respect to staffing their operations. We recommend the implementation of a formula-based method to provide annual budgets for the House Majority, House Minority, Senate Majority and Senate Minority. The development of separate budgets would achieve three objectives:
  - it provides dedicated resources for each party's partisan functions
  - partisan leaders would be accountable and responsible for their budgets and operations, and
  - it provides a degree of autonomy for the minority
31. The majority staffs of the House and Senate, as well as the minority staff in the House and Senate should initiate a process to encourage coordination on similar projects that both staffs undertake. Some areas that would be very appropriate to facilitate common efforts include:
  - development and preparation of the House and Senate sessional constituent questionnaires
  - writing and preparation of bill summaries for legislator's newsletters

### III. Management of the State Legislature

– sharing of generic issue letters and of materials for speeches

32. The partisan offices should consider development of a formal policy and guidelines with respect to the separation of partisan legislative activities versus political campaign activities to assure that staff have a sounder understanding of their appropriate roles.
33. The Legislature should provide for the addition of an analysis capacity within the four majority and minority offices. A full-time policy analyst in each office could support initiatives of each party for analysis that is relevant for partisan objectives and would provide this capacity for leadership of both parties in both houses. The intent of this recommendation is not to provide for a large partisan analysis capability within the leadership offices but to provide one full-time professional in each office to assure a balanced and appropriate analytical capability in each leadership office.

### **OTHER MANAGEMENT ISSUES**

In addition to the specific issues outlined in the preceding sections relating to the Legislative Council and staff offices, several other areas of legislative operations were analyzed in our examination of management practices. These are briefly discussed in the following sections.

### **PERSONNEL MANAGEMENT**

The administration of personnel systems and procedures is an important responsibility of the Legislative Council. To help meet this responsibility, the Council has established a Personnel Committee to assist in developing policies and guidelines covering compensation, benefits and employment conditions for legislative staff. The Executive Director, in her role as the chief administrative officer of the Legislative Council, carries out approved personnel policies and oversees the day-to-day administration of personnel matters.

Our review of personnel management practices in the legislature focused upon the critical components of a sound personnel system:

### III. Management of the State Legislature

- A classification and pay plan that accurately reflects individual position requirements and provides for internal and external equity in compensation;
- Formal, written policies and procedures governing employee rights, responsibilities and conditions of employment;
- A selection and hiring process (for non-partisan staff) that is open, non-discriminatory, and based upon the qualifications of all candidates; and
- A performance appraisal system that provides employees with objective and constructive evaluations of their job performance, and which is linked to promotions, dismissals and salary increases.

In reviewing these elements of personnel management within the legislature, we have found the following circumstances to exist:

- The classification and compensation of positions within both the partisan and non-partisan offices are based upon formal schedules which have been developed within the last several years; these schedules differ however in a number of respects, and the partisan offices generally exercise greater flexibility in assigning positions to grades and steps; also, some of the non-partisan, session-only employees are paid on informal salary scales which are not part of the official pay plan.
- Written personnel policies and procedures have not been formally promulgated by either the partisan or non-partisan offices to date; (a draft personnel manual has been prepared and circulated for the non-partisan offices, but has not been completed in final form).
- Based upon the evidence which we have seen, selection and hiring procedures within the Legislature are generally sound, with qualifications being the primary factor in the selection process.
- Performance appraisals are not a standard and requisite part of personnel practices in many offices, although some directors have undertaken to implement some form of evaluation system.

*page  
mail  
signature*

### Recommendations

While these findings indicate that some elements of the legislative personnel management system meet acceptable standards, there is room for improvement in several areas. To address these issues, we recommend the following:

### III. Management of the State Legislature

34. As a first priority, the draft personnel manual on policies and procedures for non-partisan employees should be completed and formally promulgated as soon as possible. Such a document provides clear, consistent guidelines for all employees and supervisors to follow in the important areas of benefits, leave, overtime and compensatory time, and other conditions of employment. We also suggest that a similar manual be developed and issued for partisan staff, to assure that a consistent application of personnel rules is achieved, to the maximum extent possible, between and within partisan and non-partisan staff offices.
35. We also recommend that the Executive Director and Office Directors develop a standardized program for performance appraisals to be implemented by all non-partisan offices as soon as possible. Such a program is an essential part of the classification and pay plans adopted by the Legislative Council in 1986, and was anticipated to be a major component in annual salary increases. The recommendation in the classification plan to create "a task force of legislators, staff and managers to develop the appraisal process and identify performance criteria" is still a valid one and should be acted on.
36. Finally, we recommend that the Executive Director review the current salary scales of session-only staff with a view toward converting certain positions to the official pay plan. This seems most appropriate for positions such as committee clerks who perform duties which are similar to full-time staff in many respects. Appropriate grade and/or step differentials would have to be made however to reflect the varying workloads and position requirements of different committees.

### STAFF UTILIZATION

*Structure?* As an institution which operates primarily on a semi-annual schedule, the Maine State Legislature generates a significant volume of its workload during its formal sessions. While much follow-up to the prior session and preparation for the upcoming session takes place during the "interim," by far the majority of the annual workload of both legislators and staff falls during the December to June and January to April dates of the first and second sessions, respectively.

These workload fluctuations occur in both the partisan and non-partisan staff offices, in which employees work significant amounts of overtime in the latter stages of each session, and schedule their annual and compensatory leave during the interim between the sessions.

### III. Management of the State Legislature

While a recognition of this peak/off-peak phenomenon (common to all legislative bodies) is important in evaluating staff productivity and performance in the Maine Legislature, it is equally important to acknowledge this factor in assessing the full-time staffing needs of the Legislature on a long-term basis. Without recognizing this fluctuation in workload, staffing needs (based on peak periods) can be overstated, and personnel costs can increase disproportionate to actual service needs.

#### Recommendations

In general terms, we believe that the effective planning and management of personnel resources within the legislature should incorporate several different components to address the peak/off-peak workload issue. These are summarized as follows:

37. Full-time positions with assigned responsibilities which are primarily session-related should be evaluated on a regular basis; an objective determination of their work tasks and duties during the interim period should be made as part of the biennial budget process.
38. Vacancies that occur in staff positions during the interim should be fully justified as to current workload levels before they are authorized to be filled; delays in filling vacant positions at various times during the year may have little or no effect on legislative support capabilities.
39. The use of legislative interns to provide staff assistance in a variety of areas should be considered; a formal internship program for college and graduate-level students can provide useful assistance to legislators and staff, and can help to offset the need for year-round personnel.

*a page  
supp.*

#### INFORMATION SYSTEMS

The automation and integration of systems for drafting and tracking legislation has been one of the major improvements in the Maine Legislature in the last seven years. Timely information on the bill status is readily available to legislators, staff, lobbyists and the public through computer terminals in the State House. This information is less accessible, however, to executive branch agencies and



### III. Management of the State Legislature

"public" users of the on-line system due to the need to upload information from the Legislature's WANG mini-computer to the executive branch's IBM system for "external" users. This shortcoming severely limits access to detailed bill status information by "outsiders."

Notwithstanding this limitation to dial-up access however, the system fully supports the information needs of legislators and legislative staff. It provides complete bill status information to users, as well as an integrated bill drafting and statute retrieval capability.

### Recommendations

Our recommendations in this area are intended to build on the progress to date, and generally expand the utility of the current system by making it more accessible to external users. Two specific enhancements are recommended for the future:

40. The bill tracking system currently available to executive branch users and public users (through on-line access) should be directly linked to the Legislature's bill-tracking system by means of an appropriate computer network; access to the system by the executive branch and public users (through subscriptions) should be made more "user friendly," so as to facilitate its use outside of the Legislature.
41. As a second priority, we recommend that actual bill drafts be made available to system users as part of future system upgrades; this information is of great value to interested citizens and lobbyists who may not be able to obtain hard-copies of bill texts on a timely basis. The costs of such a system upgrade can be partially or totally recouped through increased subscription fees to public users, which are now only a nominal amount.

**THE LEGISLATIVE BUDGET AND FINANCIAL  
MANAGEMENT**

## IV. THE LEGISLATIVE BUDGET AND FINANCIAL MANAGEMENT

### OVERVIEW

The cost of operating the Maine Legislature is funded under the State of Maine's general fund; similar to all general fund activities and programs; the Legislature operates in general conformity with the budgetary and accounting practices of the Executive Branch. However, it is important to note that the Executive Branch (Budget Bureau) does not conduct a substantive review of the Legislature's budget. This absence of Executive Review is based upon tradition and recognizes the separation of powers between the two branches of government.

The Maine Legislature's budget is developed and presented based upon major categories of expenditure. The budget is a general budget for the legislature as a whole, and does not allocate or identify resources required to operate specific offices or operating units (i.e., OFPR, ORS, Clerk of House...)

The Legislature's budget is "controlled" through the Executive Branch's accounting and financial management system at the appropriation level; the Legislature's budget is based upon three appropriations:

- personal services
- non-personal services
- capital costs.

Within these categories, the Legislature has total flexibility in the administration of its budget across offices, units, and line-items of expenditure, so long as the budget does not exceed the three total appropriations referenced above.

The Legislature's budget is formally prepared on a biennial basis in general conformity with the schedule and format followed by the state's executive branch departments. The key steps in the current process include:

#### **IV. The Legislative Budget**

1. Executive Branch —Bureau of Budget distributes budget forms and historical expenditure data
2. Legislature—Executive Director and budget support staff prepare budget request for ensuing biennium
3. Legislature—Executive Director's presents a brief presentation of budget to Legislative Council
4. Legislature—Legislative Council approves budget based on presentation
5. Legislature—Executive Director submits Legislature's Budget to Executive Branch—Bureau of Budget
6. Executive Branch—Bureau of Budget incorporates Legislature's budget request into Governor's proposed budget document
7. Executive Branch—Bureau of Budget submits State Budget to Legislature—Appropriations Committee
8. Legislature—Appropriations Committee conducts public hearings, including the hearing of Legislature's budget request
9. Legislature—adopts State Budget

#### **EFFECTIVE BUDGETING**

Our review of the Legislature's budget process has been conducted in consideration of the four phases in an effective budget process and cycle:

- planning
- preparation and development
- adoption
- implementation/oversight

The planning phase is the initial phase and allows the management body the opportunity to determine the objectives, policies and service levels to be provided, or modified for the ensuing budget period. Formalization of objectives and goals at this stage integrates the budget and the annual (biennial) budget process as an integral element of the overall management process.

#### **IV. The Legislative Budget**

The second phase, preparation and development, provides for the formal involvement of departmental or operating units in identifying the personnel and other support resources required to meet operating objectives for the ensuing years.

The third phase, approval, includes presentation of the proposed budget required to support the plan of operations for the ensuing years, and provides meaningful opportunity for decision-making regarding increases or decreases to the proposal. This phase also should include a report of the revised budget to the governing body concluding in formal approval of the budget.

The final phase in the budget cycle, implementation and oversight, requires management of resources in conformance with the budget allocations, monitoring of expenditures, reporting of budget variances and approval and control by the management body as to the appropriate reallocation of resources during the fiscal year to meet management's objectives.

Our findings with respect to the Legislature's budget process are presented below in relation to each of the four phases in an effective budget process.

##### **Planning:**

- Budgeting and short-term planning for the operations and staffing of the Legislature are NOT related processes.
- Planning future legislation is neither well developed nor defined; and this process is not coordinated with the budget process.
- There is a lack of formal identification of new or revised activities for Legislative offices for the ensuing biennium.

##### **Development**

- The Legislative budget is developed to a large extent based on historical trends versus future needs.
- The budget development process and decision making is extremely centralized within the Office of Executive Director and there is little meaningful involvement of key officials and office directors as to the requirements of operating their functions and activities for the ensuing biennium.

#### IV. The Legislative Budget

- The Legislative budget is not developed such that one can readily identify
  - funds required for continuation of current services.
  - funds required for new positions and/or revised service levels.

#### Adoption

- The Legislative budget format and information presented to the Legislative Council (and Appropriations Committee) does not facilitate meaningful discussions or decision making; this is due to:
  - lack of "budgets" vs. "actuals" by activity.
  - lack of brief narrative statistics or explanation of deviations.
  - lack of budget detail by office.
- The budget document does not allow the Legislative Council to readily understand any specific aspects of proposed increases (i.e. personal services by Office, travel by functions)
- The budget does not include a message from the Executive Director outlining the thrust of the proposed budget and an overview of its major elements.
- No records are maintained in Council minutes of certain budget approval actions

#### Implementation/Oversight

- The Role of the Legislative Council with respect to the Legislature's budget is set forth in the Statutes; however there are no written policies, procedures, calendars, or standards of budget development to effectuate the broadly stated Statutory responsibilities.
- There is detailed expenditure accounting within the Legislature's appropriation by all activities (House, Senate, Revisor of Statutes, etc.), however since the budget was not prepared by activity there is no way to manage or control expenditures against budget (plan).
- Since there is no way to manage or control expenditures against plan, there is no mechanism in place to assure that expenditures are consistent with budgetary intent (intent of the Legislative Council).
- The Legislative Council does not receive/review periodic budgetary expenditure reports to facilitate its oversight and control.

#### IV. The Legislative Budget

- The Legislative Council does not have written policy or procedures regarding its authority to review and approve transfers within each Legislative appropriation in order to control administration of the operating budget.

#### Recommendations

We believe there are several changes that should be initiated by the Legislative Council in order to more effectively execute their statutory responsibilities with respect to the Legislature's budget and to allow the budget to become a more effective tool to improve the Council's management of the Legislature. Our recommendations are presented below and an overview of the revisions in the budget process and the impact of the changes on the roles and responsibilities of the key players in the Legislature's budget process are presented on the opposite page.

#### Planning

42. The Legislative Council and Executive Director should initiate a more formalized short-term planning process for legislative operations. This process should occur on an annual basis and should include working sessions in which the Council, Executive Director, non-partisan office directors, the Clerk of the House and Secretary of the Senate discuss the:
  - objectives for legislative operations
  - current service levels and activities and proposed changes
  - current policies and proposed changes

The planning process should be accomplished in three work sessions, should be for a relatively short planning horizon, (approximately two years), and should focus on both operating and capital improvement requirements. The benefits of these planning sessions will be the identification of operational issues and the formalization of objectives with respect to each office or unit to support legislative requirements. These results will provide managers with the baseline for development and preparation of their biennial budgets to identify the total resources required to meet the objectives of the Council. This process should occur during July and August of each year to precede the development of budget requirements.

## IV. The Legislative Budget

### Development

43. The budget preparation and development process should be decentralized to allow formal, written input by office/unit Directors and the Clerk of the House and Secretary of the Senate to identify the resources required to achieve the plans for their operations in the ensuing biennium.
44. The preparation of budget requests by office/unit should include development of two budgets, to identify resources required to fund:
  - the continuation of current services and functions through the biennium
  - the implementation of changes in service levels (increases or decreases) and the impact on service levels.
45. There should be standard requirements for budget preparation and presentation such that each Director/manager responsible for a budget provides:
  - current positions vs. requested
  - activity measures to document changes in workload
  - brief statements of activity revisions and budgeted estimate of cost.
  - resources requested by appropriate categories of expenditure for their unit:
    - full-time salaries and wages
    - part-time salaries and wages
    - professional services
    - purchased service
    - supplies

### Adoption

46. The format and information contained in the proposed budget request that is submitted to the Council is critical to facilitate a meaningful review



#### IV. The Legislative Budget

of the proposed budget request. We recommend that the budget document submitted to the Council include:

- a message to the Council outlining the thrust of the proposed budget, an overview of the budget and its major elements and proposed changes in operations
  - historical (two prior year) budget actuals by office or function by appropriate summary level accounts.
  - estimate of this FY's expenditures
  - position count by category of employee
  - brief narrative with relevant statistics supporting budget requests
47. As part of the development of the budget phase, non-partisan office/unit budget requests should be submitted to the Executive Director who must continue to have the initial authority to add to, or delete from any non-partisan offices budget proposal. While budget requests should receive procedural review and be coordinated by the Executive Director's office, the budget for the Clerk of the House and Secretary of the Senate should be subject to substantive review by the Legislative Council only. The Executive Director should prepare the general operating budgets for the House and the Senate based on the directives of the Speaker and the President of the Senate.
48. The adoption phase should include two to three Legislative Council budget review sessions to allow the Executive Director and other key managers to present their proposed budgets for substantive review by the Council. The Council's review should consider the office/unit requests in light of the objectives set in the planning phase and in light of total resources available and a prioritization of the various offices' budget requests. Based upon the revisions and decision-making of the Council the Executive Director should finalize the Legislature's Budget and submit it for review by the Appropriations Committee.

#### Implementation/Oversight

49. The annual Appropriations Acts with respect to the legislature's budget should continue to provide three total appropriations for the Legislature:
- personal services
  - non-personal services
  - capital

#### IV. The Legislative Budget

This will provide minimal control at the Executive Branch level, however the budgeting and accounting system should be set up to assure that the Office of Executive Director can properly administer and control the budget allocations by office and major category of expenditure consistent with the intent of the Council.

50. The Legislature's budget process, procedures, calendar and budget development standards should be formalized and documented in a Budget Manual.
51. The Legislature should continue to participate in the centralized financial management and accounting system of the Executive Branch. The Department of Finance is about to implement a fully automated Budget and accounting system which will allow for improved budget and financial reporting. The Legislature should take advantage of the new system, and its additional chart of accounts capabilities to provide budget vs. actuals reports by office; and to provide management level budget and financial reports (on an automated basis) to the Legislative Council.
52. The Legislative Council should be the body that is responsible for decision-making as to resource allocation changes after the budget is adopted to assume that the budget is executed based upon the intent of the Council and that the Council is the sole decision-maker with respect to:
  - transfers of funds between offices and functions
  - transfers of funds between categories of expenses within an office

#### FINANCIAL MANAGEMENT

The financial management and ongoing administration of the Legislature's accounts, payroll processing, and vendor payment processing is the centralized responsibility of the Executive Director's office. All of the Legislature's payroll and vendor payments are approved by appropriate officials in the Legislature (Clerk, Secretary, etc.) and reviewed by the Executive Director's office and post-audited for sufficiency of funds and form by the Department of Finance—Bureau of Accounts and Control; all checks for legislative accounts are issued by the Office of the Treasurer of the State. The Legislature is currently tied into the State's Executive Branch accounting, reporting and financial management systems which will be significantly upgraded by January 1990.

Our findings with respect to the Legislature's financial management and administration are as follows:

#### IV. The Legislative Budget

- The Legislature's chart of accounts, which is in conformance with the Executive Branch's chart of accounts, is a detailed chart which provides information as to Legislative expenditures by function (ORS, OPLA, Senate, etc.) and by over 120 object of expenditure codes (meter postage, health insurance, out-of-state travel, legal services, etc.).
- The Legislature has over time followed a practice of authorizing contracts, procuring services and authorizing payments without appropriations for the services or materials in question. Vendors are paid under the general legislative account based upon appropriations for other purposes.
- The Office of Executive Director does not distribute any reports of expenditures or of vendor payments to Legislative office managers in order to update them as to delays in paying vendors.
- The Legislature's annual budget is administered on a quarterly allotment basis; payment of vendors can be affected if they are submitted late in the quarter and expenditures reach allotment levels.
- The process from receipt of a vendor's invoice through disbursement of a state check to vendor can take up to five to six weeks. Payments are affected by:
  - review and processing time in Office of Executive Director
  - absence of an appropriation
  - sufficiency of funds per allotment period
  - data entry and procedural review by the Bureau of Accounts and Control

#### Recommendations

53. The design of the legislature's chart of accounts should serve as the basis for not only recording the expenditures of the Legislature, but also for the provision of meaningful financial reports to Legislative offices and managers; the Legislative Council, and the Office of Executive Director. The Legislature should take full advantage of the State of Maine's current project which has upgraded the capabilities for financial reporting and budgeting control. Specifically, the Office of Executive Director should define the most appropriate chart of accounts for both budgeting and financial reporting based upon the recommendations in this report. This process should be a collaborative process allowing input as to the information requirements of key officers and managers, and the Legislative Council. The definition of different levels of financial

#### IV. The Legislative Budget

information (summary versus detail) will provide for automated, standardized reports to address differing levels of information requirements and will reduce the need for staff in the Office of the Executive Director to prepare special reports to address ad-hoc inquiries.

54. As an alternative to spending without appropriation, the Legislature should consider establishing a contingency account. This account should be limited in amount and should be subject to a formal transfer and approval process by the Legislative Council.
55. The payment process for vendors should improve based upon:
  - provision of financial reports and status of payments processed to officers and managers
  - more active involvement of officers and managers in the administration of budgets
  - the implementation, in early 1990, of on-line payment/vendor data entry to the state's accounting system at the Legislature (Office of Executive Director) in contrast to the current practice requiring all data entry by the Department of Finance—Bureau of Accounts and Control.

# THE LEGISLATIVE PROCESS

## **V. THE LEGISLATIVE PROCESS**

### **OVERVIEW**

This section of our report considers the process by which bills are filed, drafted, introduced and considered by committees; the present cloture system used to regulate the flow of legislation from introduction, to referral to committee, to committee reporting; joint committee operations; and the role of the Appropriations and Financial Affairs Committee. Our analysis also includes a review of how the second regular session is organized.

It should be noted that while many of our findings are well documented, some require further study and analysis which can best be accomplished by observing the legislature in session. Similarly, recommendations appearing in this interim report are set forth in broad terms. Refinements will follow after close consultation with the appropriate legislative personnel.

### **BILL FILLING PROCEDURES**

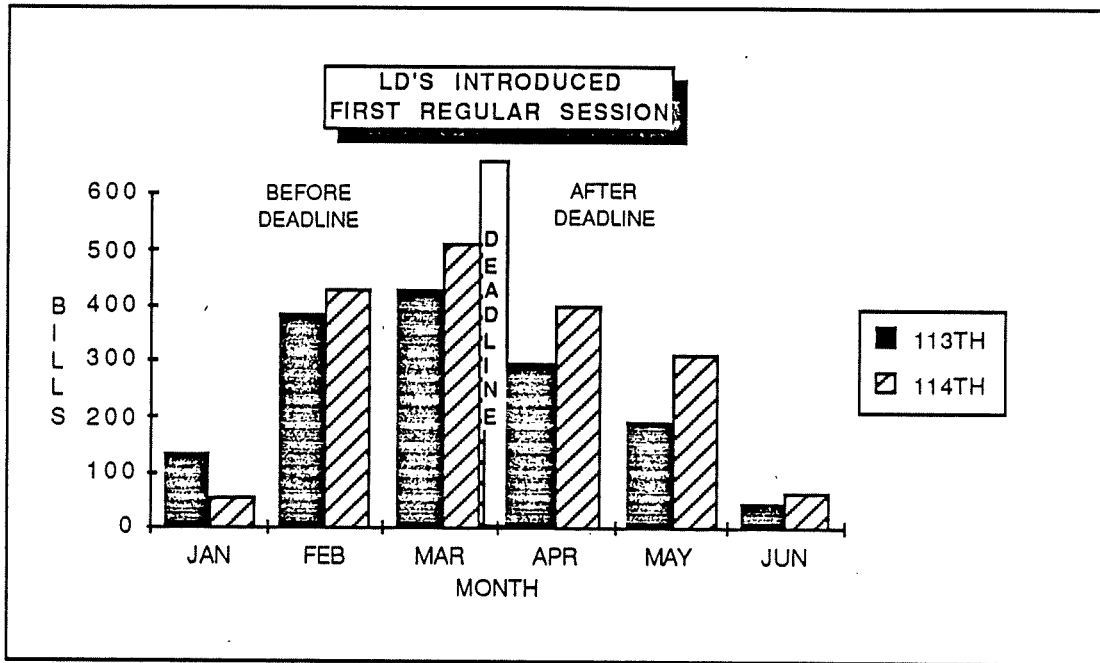
The present method for introducing legislation follows a traditional pattern. Legislators (and many executive agency and department personnel) file their requests with the Office of the Revisor of Statutes by no later than the last Friday in December preceding the first regular session. The Revisor's Office then consults with each legislator (where necessary) and commences the process of drafting each and every legislative request (L.R.) into full statutory form. Once this is accomplished, the bills are referred to the Clerk of the House or Senate Secretary for reference to the appropriate joint standing committee.

Under the present system, the opening weeks and months of the legislative session are characterized by a flurry of activity in the Revisor's Office as it endeavors to draft bills and move them along in the process. To assist the Office during this period of intense work, the next door, Office of Policy and Legal Analysis provides invaluable bill drafting staff support. By virtue of this close working relationship, the two offices are able to get the job done.

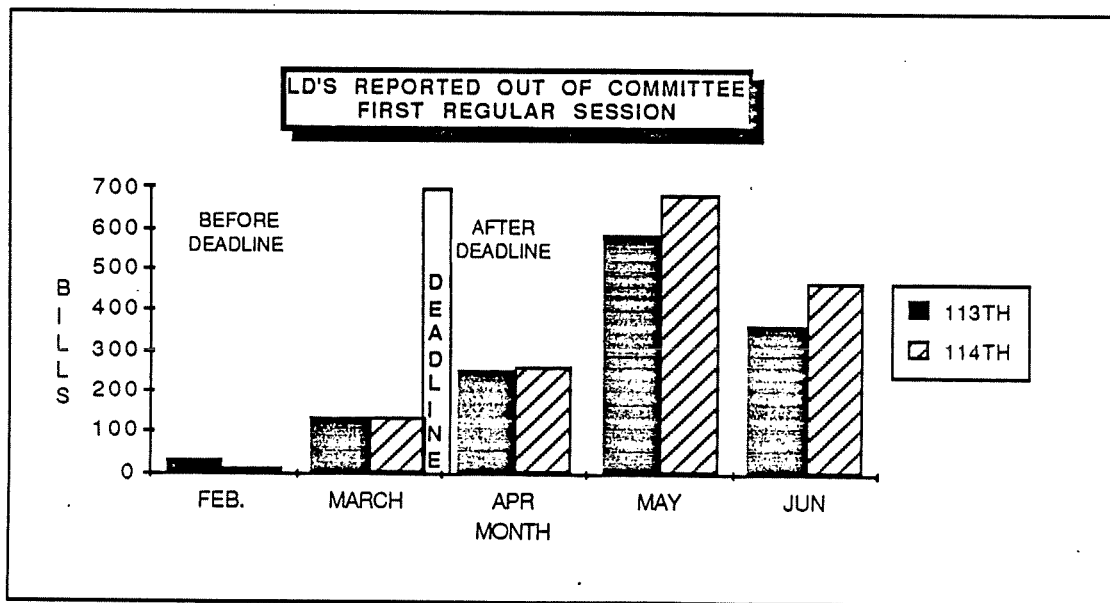
The problem is that by the time the majority of bills and resolves are drafted and referred to committee, the legislature is already at the mid-point of its session. As the exhibit below illustrates, nearly three-quarters (72%) of all legislative requests do not actually make it to committee until March and over

V. The Legislative Process

40% of all drafted bills are not even introduced until after the joint rule deadline for committee reports.



This early session logjam means that the legislature is consigned to complete its most important business at an almost frantic pace in the final weeks, days and hours of the session. Indeed, the following exhibit graphically depicts how acute the problem is.



## V. The Legislative Process

The great majority of bills referred to committee are reported out well after the March deadline. Understandably, committees simply cannot be expected to perform their necessary deliberations without ample time - time generally not afforded to them under the present system.

In upcoming sessions, it is likely that the efficiency of the Revisor's operation will improve as a new filing system, a redesigned bill tracking system and host of new administrative procedures are fully implemented. Yet, notwithstanding these improvements, it remains that under the present bill filing system, bills will continue to arrive at committee weeks and months after being signed in to the Revisor's Office. The cause of this continuing backlog appears to us to be due to a combination of factors which include high bill volume, unenforceable cloture dates, unnecessary drafting of duplicative legislation, and the fact that the complexity and scope of issues which the Legislature faces has increased dramatically over the past decade.

For Maine, as for other states, the problems are getting more and more difficult to solve and the job of making informed and reasonable decisions is getting that much tougher. Translated into real terms, more time is needed to research and draft legislation. It is not uncommon to find bills being introduced that are 20, 30, 40 and more pages in length. As one professor of state government has aptly observed,

"State governments are deeply engaged in issues that affect state residents on a daily basis - the quality of schools, the supply of water, and the condition of roads and waterways, for example. States are also tackling some of the nation's most difficult problems - surrogate motherhood, the care and treatment of the medically indigent, drug abuse in the public schools, teenage pregnancy, pay equity, the liability insurance crisis, and the right to die."\*

As noted, under the present system, bills are referred to committee only after they have been fully drafted into statutory form. During the committee deliberation process all bills and resolves are reviewed and screened prior to being reported to the House or Senate. These reports or recommendations take several forms: ought to pass, ought to pass as amended, ought to pass in new draft, ought not to pass. Additionally, the committee can request a "leave to withdraw" which effectively kills the measure.

Our review of committee actions over the past decade indicates that Maine's joint standing committees change or amend a significant proportion of all



## V. The Legislative Process

legislation referred to them. In 1989, for example, well over one-third of all bills and resolves were amended or re-drafted in committee. Even more significant for our present focus, fully 40% of all bills referred to committee are reported out as "ought not to pass" or "leave to withdraw." Recognizing that rarely is a committee report overturned on the floor (a total of only 12 overturned reports were recorded in the 114/1st session) this means that 4 out of 10 fully drafted bills effectively die in committee!

We believe that the drafting of L.R.'s in full statutory form prior to introduction and reference to committee represents an inefficient and wasteful use of the Legislature's resources. It taxes two of the most critical staff offices in the Legislature and it sets in motion a series of delays and backups which adversely affect virtually every stage of the legislative process.

One example will illustrate how the present bill drafting system operates. One of the more complex and controversial measures introduced in the 114/1st Session was the solid waste bill. By the time the Energy and Natural Resources Committee had finished its deliberations, over 40 individual bills on the same subject had been considered. Of these more than 40, only 4 were seriously considered by the Committee. Yet even though the remaining bills were given only cursory review, they were each researched and drafted into full statutory format, with copies being printed and distributed. It should be further noted more than one-half of these ill-fated bills required extensive research and bill drafting skill. Hundreds of pages of drafting, countless hours of research.

Though the Legislature enacted landmark legislation, it can be argued that the process it followed placed an undue burden on the Legislature's resources.

It has been suggested that one effective solution to the early session logjam would be to simply move up the deadline for bill introductions to an earlier date. This would give the Revisor's Office more time and it logically follows that committees would receive their work load at an earlier date. Changing the deadlines, however, would not by itself resolve the fundamental problem. The Revisor's Office and OPLA would still be drafting too many duplicative and unnecessary bills. Instead, we propose the adoption of an inter-related set of new procedures which when taken together will greatly diminish the early session logjam, bring about a more efficient use of staff time and enhance committee performance. Another potential benefit of the recommendations set forth below would be to reduce printing costs by cutting down on the number of bills drafted in statutory form.

## V. The Legislative Process

### Recommendations

To accomplish these results, we propose the following:

56. The adoption of a new bill drafting procedure and format
57. Amending Joint Rule 28 to permit unlimited multiple sponsorship
58. Adjusting current cloture dates for bill drafting requests and committee reports

### The Proposed Bill System

We recommend that the joint rules of the Maine Legislature be amended to provide for a new bill filing procedure whereby all legislator requests would be introduced in a layman's language format - the proposed bill system. Under this procedure all requests would be submitted to the Revisor's Office in concept form. Each measure would include the title of the bill, a statement of purpose, and a general description of its key components (up to 150 words). The Revisor's Office and OPLA would assist the legislator where necessary in preparing this proposed bill. The bills would not however, at this stage, be drafted in full statutory form.

Once each bill was sufficiently prepared using a standardized format, it would then be referred to committee. The committee would then group similar bills, schedule hearings and working sessions, and upon completion of its deliberations, vote on which bills it wishes to have drafted in full statutory form. It would be at this stage - after the committee had decided on its course of action - that the Revisor's Office would be called on to prepare fully drafted legislation. Once the committee receives the statutory draft it would make a review and issue its report to the House or Senate.

Under this new system legislators and state department, agency, or commission representatives could still elect to introduce bills in fully drafted statutory format. However, neither the Revisor's Office nor OPLA would be required to do any bill drafting until so directed by the committee to which said measures were referred. Once committees had completed their review of proposed bills, they would then direct ORS to prepare full drafts. Only bills which are to be reported out favorably: "ought to pass", "ought to pass as amended", "ought to pass new draft" or "unanimous ought to pass" would be drafted in full statutory format. All other measures would be reported out as is.

## V. The Legislative Process

This new system would have a dramatic affect on the legislative process. It would significantly reduce the pressure on the Revisor's and OPLA staff to prepare full and correct legal drafts of all L.R.'s, it would get committees working at a much earlier date, and it would give the Legislature more time to deliberate on many of the more complex matters that come before it. Added to this recommendation, we also propose that the Legislature amend its rules on multiple sponsorship and cloture.

### Multiple Sponsorship

Under the new proposed bill system it is likely that committees will be moving to combine more proposed bills before calling for a statutory draft. Accordingly, to facilitate combining similar measures, while at the same time protecting each legislator's prerogative to sponsor, we recommend that Joint Rule 28 be amended to permit an unlimited number of sponsors on any bill or resolve. While we do not envision this change to have by itself a dramatic impact on reducing bill volume, we do find this present rule to be unnecessarily restrictive and a contributing factor to the relatively high number of duplicative bills filed each session.

### Cloture

Finally, to further our objective of creating a more even and productive work flow especially in the opening weeks of the session, we also recommend that the cloture dates for filing L.R.'s and the cloture date for committee reports be changed. With respect to filling requests for bills and resolves, we recommend that the legislature move up the cloture date by two weeks for legislators and by three weeks for executive branch personnel. This would cause a minimum amount of disruption for sponsors and it would give the Revisor's Office additional valuable time. Moreover, because the Revisor's Office and OPLA would no longer have to contend with drafting each and every bill in full statutory form, it follows that L.R.'s would reach committees much earlier. Accordingly, we recommend that Joint Rules 24 and 25 be amended to advance the cloture dates by several weeks.

We also recommend, and will examine in greater detail, consideration of a change in the current procedure for the review of after deadline requests. The Maine Legislature is unique in placing the authority for review of after deadline

## V. The Legislative Process

requests in the Legislative Council. The majority of Legislature's place the responsibility for this decision in the Senate and House of Representatives with a vote of both bodies, often a two-thirds vote required for approval of a bill filed after deadline. We believe that a similar procedure in Maine should be seriously examined as to its impact on the nature and volume of after deadline requests which are both submitted and approved.

Finally, under our new proposed bill format system, while it should be easier for joint committees to comply with the March deadline as specified in JR 22, we see no purpose in requiring every committee to report out its legislation on the same date. In reality, of course, this does not happen and even if it did, the leadership would have to stagger committee reports over successive weeks and days.

Accordingly, to create a more realistic, rational and enforceable schedule for committee reporting, we recommend that Joint Rule 22 be amended to provide that committee reporting deadlines be staggered over several weeks. The ensuing section dealing with Joint Committee Operations will speak in greater detail to this recommendation for staggered deadlines.

### **JOINT COMMITTEE OPERATIONS**

The Maine Legislature enjoys one of the most effective committee systems in the nation. The use of joint committees comprised of House and Senate members to conduct its review of all legislation represents, in our judgement, one of the great strengths of this Legislature. Not surprisingly, our survey of legislators' attitudes concerning the present joint committee system bears this view out. More than 90% of all legislators responding gave joint committees their highest rating. Moreover, our own interviews and review of committee activities underscores the fact that Maine joint standing committees do an effective job in reviewing and screening legislation. This assessment is based on several criteria: the high percentage of bills which are amended in committee, the infrequent turnover of committee reports on the floor of the House or Senate, the high calibre of committee staff, and our own professional evaluation of committee operations. Notwithstanding this strong endorsement, we do believe that several significant improvements can be instituted - improvements which will serve to further strengthen committee operations, create a more realistic schedule for

## V. The Legislative Process

committee reporting, and enhance each committee's role in shaping public policy.

### Recommendations

To accomplish this, we recommend the adoption of the following new procedures:

59. Staggered committee reporting deadlines;
60. New scheduling system;
61. Uniform rules of committee procedure;
62. Enumeration of committee jurisdictions; and
63. Defining in more precise terms the role of the Appropriations Committee and its relationship to other substantive policy committees.

### Staggered Committee Reporting Deadlines

As noted previously, we believe the current single cloture date for committee reports is unrealistic and unenforceable. Even if our new bill filing system is adopted, it is unlikely that committees would be able to fully comply with the March reporting deadline. Therefore, we recommend that a staggered cloture system be implemented which will effectively spread committee reports over several weeks. Specifically, we recommend that Joint Rule 22 be amended to read as follows:

**Joint Rule 22. Reports of Committees.** [NEW] All bills and resolves referred to committee during the first regular session in 1991 shall be reported out from committee by no later than 1:00 p.m. on the dates designated in the following schedule:

COMMITTEE	1991
Audit and Program Review	March 8
Interim Reports	March 15
Aging, Retirement & Veterans	March 22
Agriculture	March 22
Fisheries and Wildlife	March 22
Housing and Economic Development	March 26
Labor	March 26
Marine Resources	March 26

## V. The Legislative Process

Transportation	March 29
Business Legislation	March 29
Banking and Insurance	April 2
Education	April 3
State and Local Government	April 4
Utilities	April 4
Human Resources	April 8
Energy and Natural Resources	April 9
Judiciary	April 10
Local Affairs	April 11
Taxation	April 12
Appropriations and Financial Affairs	April 15

In addition to evening out the Legislature's work flow and providing more time for committee deliberations and floor action, this new staggered committee system will also give the Revisor's Office valuable time to draft only those bills reported out favorably by committee.

### **New Scheduling System**

In addition to adopting staggered reporting dates, we also recommend that the Maine Legislature adopt a new scheduling procedure. Our surveys and interviews reveal that a number of legislators and staff are critical of the present scheduling system which all too often results in conflicts for legislators and staff. These conflicts arise when two committees which a legislator serves on or one staff person is assigned to, schedule their meetings at the same time. Clearly, such conflicting committee meetings make it difficult for legislators and staff to fulfill their individual committee responsibilities.

To help eliminate scheduling conflicts we recommend that the 19 joint standing committees be divided into two groups and all legislators be assigned to serve on no more than one committee from each group. Committee meeting schedules can then be set with Group A committees meeting, for example, on Monday and Wednesday, and Group B on Tuesday and Thursday. Such a rule would effectively address this problem (save in those few instances where a Senator serves on more than two committees).

## V. The Legislative Process

### Uniform Rules of Committee Procedure

While Maine's joint standing committees perform their assigned tasks well, we nonetheless believe that this Legislature would benefit from the adoption of certain uniform committee procedures. At the very least, by enumerating uniform standards legislators as well as the interested public, would have a better understanding of how committees operate. More significantly, uniform procedures would help assure that all committees follow the most efficient and effective practices.

This outline suggests the uniform procedures which could be of benefit to the Maine Legislature.

1. Committee Chairs.
  - Duties and responsibilities
  
2. Public Hearing Procedures
  - Agendas
  - Notice requirements
  - Conduct of hearings
  - Oral and written testimony
  
3. Working Sessions
  - Agendas
  - Notice requirements
  - Voting
  - Committee reporting
  
4. Committee Clerks
  - Duties and responsibilities
  
5. Members
  - Duties and responsibilities
  - Proxy voting
  - Quorum requirements

## V. The Legislative Process

Finally, with respect to committee procedures, we recommend that a special orientation class be conducted for all new committee chairs during the pre-session orientation conference. We believe such a brief program involving seasoned committee chairs and committee staff would be especially valuable as a means of educating new chairs on their responsibilities.

### **Enumeration of Committee Jurisdictions**

Under current procedures all measures are referenced to committee by the Clerk of the House and the Secretary of the Senate. Given their expertise, it seems clear that this referencing procedure works smoothly and efficiently.

Our call for committee jurisdictions is really based on two goals. First, we believe legislators and those who interact with the legislature would benefit from a clearer understanding of which committees consider what. Second, and more important, we seek to redress a situation where substantive policy committees are bypassed and legislation of a policy nature instead is referred to the Appropriations and Financial Affairs Committee. If this recommendation is approved, we are prepared to work with the House Clerk and Senate Secretary in developing clear committee jurisdictions for inclusion in the Joint Rules.

### **Appropriations and Financial Affairs Committee**

One of the most often repeated concerns expressed to us during our interviews with legislators and staff, and frequently noted in the legislator survey, relates to the ever-widening role being played by the Appropriations Committee. Essentially, the concern or more accurately stated, the criticism, is that A&F is exceeding its jurisdiction. Instead of confining its role solely to matters of a fiscal nature it is making decisions on issues of public policy that would be best decided by the appropriate policy committee. Moreover, many legislators treat the provision in Joint Rule 13 Participation in Budget Hearings and Working Sessions with outright scorn. In the words of one legislator, "We're not welcome there and we have no real role."

In describing the role the Appropriations Committee plays in the legislative process, comments from legislators included words and phrases such as, "abusive", "too arrogant", "removed from the rank and file", "highly political" and "oversteps

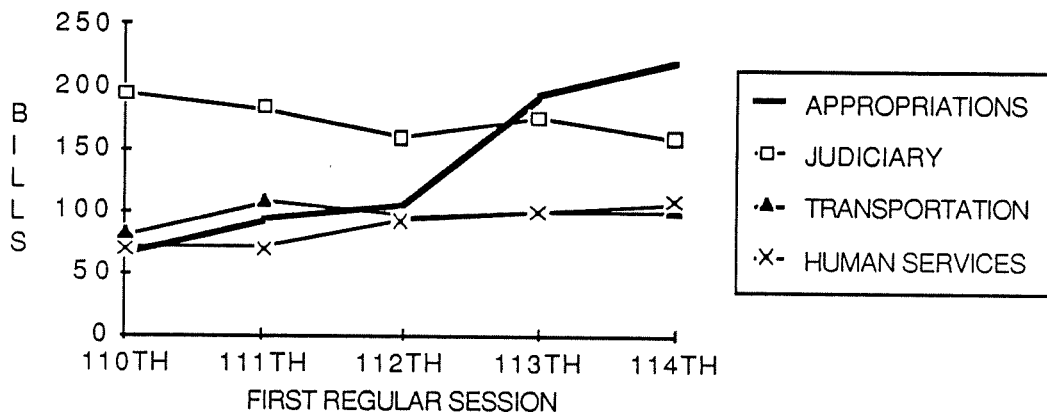


V. The Legislative Process

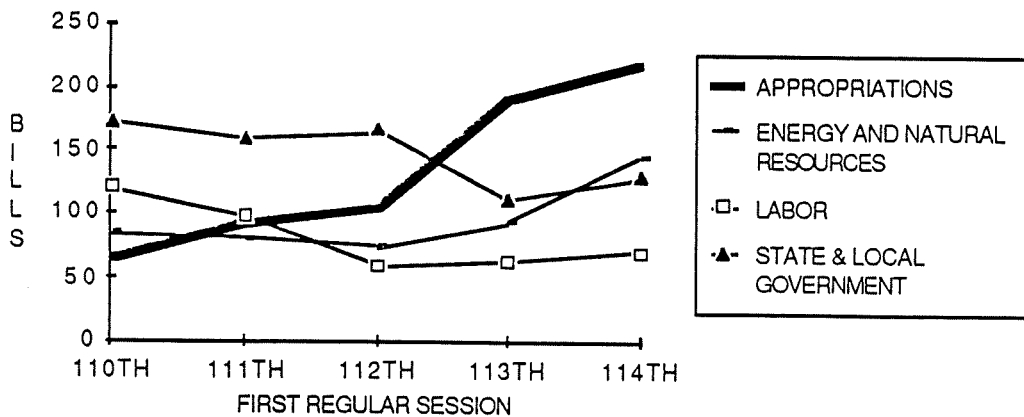
its bounds". Indeed, as one legislative leader remarked, "The single most important issue facing us is how do we curb the power of Appropriations?"

A review of the workload of all joint standing committees over the past decade indicates that in point of fact the Appropriations Committee workload has grown significantly in volume. Indeed, from 1979 to 1989 the Committee's workload has increased by more than 60%; this represents the greatest increase recorded by any committee. The growth in the Appropriations Committee's workload as compared to other major policy committees is presented in the following exhibits.

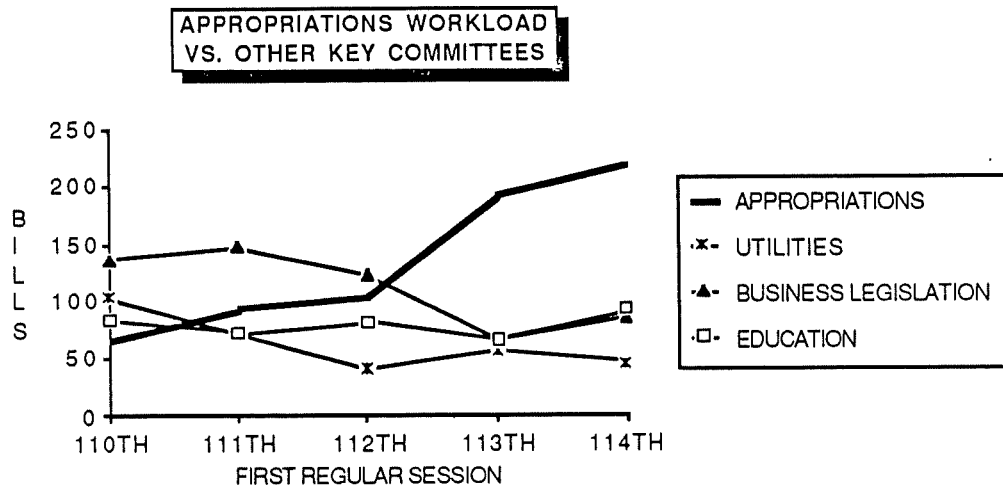
**APPROPRIATIONS WORKLOAD VS. OTHER KEY COMMITTEES**



**APPROPRIATIONS WORKLOAD VS. OTHER KEY COMMITTEES**



## V. The Legislative Process



While it may be that the Appropriations Committee has become too powerful, it should be recognized that these criticisms are at least in part a consequence of the role this key committee plays in the legislative process. We are mindful of the fact that as the primary fiscal committee of the legislature, charged with among other issues, reviewing and acting on the state's budget, it already occupies a pivotal role in the process. As in the majority of other state legislatures, it is in fact, the single most powerful committee in the Legislature and nothing is likely to change this. Moreover, it should also be recognized that many committee chairs and members are satisfied with the role of the Appropriations Committee. As one legislator candidly noted, "They do a great job for us in handling bills we really don't want but can't oppose in our own committee."

We point this out simply because any recommendations we offer must be balanced against the need to preserve the ability of A&F to fulfill its primary responsibility of reviewing all measures which are likely to have a fiscal impact on the state.

To strike a more equitable balance between the Appropriations Committee and the other substantive policy committees, we recommend that the Joint Rules include a definition of the jurisdiction of the Appropriations Committee which contains the following language:

A Committee on Appropriations and Financial Affairs to which shall be referred all bills and resolves and other matters relating to general appropriations bills, bond issues, etc. and all bills or joint resolutions carrying or requiring appropriations and favorably reported by another committee unless reference to said committee is dispensed with by a two-thirds vote of each house.

## V. The Legislative Process

The intent of this provision is clear. If adopted, it would insure that all joint standing committees of the legislature have an opportunity to review and act on measures that fall within their jurisdiction - even if the measures have a real or possible fiscal impact - before the Appropriations Committee conducts its review.

In addition to enumerating committee jurisdictions, we also recommend that the section of Joint Rule 13 - Participation in Budget Hearings and Working Sessions - be amended. Our sense from conversations with legislators and staff is that the intent of this rule is not being met. It appears that few subcommittees ever confer with A&F and the Priority List is virtually meaningless.

Part of the reason for the failure of this provision appears related to the fact that legislators who are not members of the Appropriations Committee must often sit through endless debate and discussion before their legislation is discussed. Moreover, many members complain that their very presence in the Appropriations Committee room is regarded as a distraction by the Committee members. While it is true that a number of legislators are able to get what they want out of Appropriations by maintaining close and regular contact with committee, it seems at least equally true that many members feel ignored or bypassed. Accordingly, we recommend that Joint Rule 13 be changed to require the A&F committee to notify the appropriate committee chairs of the date and time at which the committee will be dealing with their legislation. Moreover, this new provision should also specify that the Appropriations Committee is responsible for conveying a schedule which lists the order of business.

### **Even Year Sessions**

The Maine Legislature moved from biennial to annual legislative sessions beginning with the 108th Legislature. Like many other states, this Legislature attempted to set limits on the length and types of legislation which would be considered in the second regular, even year session. In keeping with this goal, Article IV, Section 1 of the Constitution of Maine was written to provide for a second regular session of the Legislature limited to

“...budgetary matters; legislation in the Governor’s call; legislation of an emergency nature admitted by the legislature; legislation referred to committee for study and report by the Legislature in the first regular session;

## V. The Legislative Process

and legislation presented to the Legislature by written petition of the electors. . .”

Recognizing that every second year session would be so limited, the Legislature adopted a new set of procedures to regulate the introduction of all legislation. The Legislative Council was delegated the responsibility for establishing cloture dates for the introduction of legislation in the second year, and more importantly, the responsibility of deciding which legislation is actually allowed to be introduced. In the Joint Rules the Legislature added a further restriction on what can be considered in the second year by prohibiting the reconsideration of any measure rejected in “any regular or special session . . . of the same legislature.”

We have had the opportunity of observing the Legislative Council’s deliberations on all bill requests submitted before the cloture date for the filing of legislation in the 144/2nd session. Additionally, we have compiled statistics which measure the volume of the legislation considered in each regular session from 1979 to the present. Based on this information we make the following observations:

- While the total volume of legislation considered in the first session of each Legislature has remained fairly constant over time, the volume of legislation considered in the second session has increased sharply over the past decade. (The graph illustrating this change in legislative activity is presented in Chapter II.)
- Despite the constitutional and rule limitations on what legislation can be considered in the second year, it appears to us that a significant proportion of all legislation being permitted introduction does not fall within these limiting provisions. Rather, a review of measures allowed in for consideration in the upcoming 114th/2nd session suggests that many of measures are neither strictly of a budgetary nor emergency nature.
- In screening legislation, the Legislative Council’s decisions appear to be based on several factors: whether or not the sponsor has come before them or contacted them, the input of lobbyists and other interested parties, the merits of the measure, whether or not it was of an emergency or budgetary nature, and whether it had been previously rejected.

The fact that the volume of legislation considered in the second year has increased dramatically over the past decade does not surprise us. It seems self evident that this increase is a reflection of the fact that the issues facing the State of Maine have multiplied over the years and in many instances, have grown in

## V. The Legislative Process

complexity. Moreover, it is also not surprising that the range of issues being considered in many instances falls outside the relatively narrow boundaries prescribed in the Constitution.

If the Legislature were to adhere more strictly to the constitutional definition, it would, in our opinion, be to the detriment of the people of Maine. The primary responsibility of the Legislature is to enact laws that will protect and enhance the quality of life of the citizens it represents. The issues and problems the state faces do not confine themselves to a certain time each year. The Legislature must have the flexibility to respond as the need arises.

Our sense is that the Legislature should acknowledge that the second regular session does, in fact, consider a broader range of issues than provided for by a strict interpretation of the constitutional definition. During the second phase of our study we will look at this issue more carefully. In particular, we will look carefully at the role the Legislative Council plays in screening legislation in the second session. If our recommendation for a new bill drafting system is adopted, it may, for example, be more appropriate to change the current bill filing procedure in the second year so that it parallels the procedures followed in the first year. This would free the Council of this bill screening task and effectively place the responsibility with the Legislature's joint standing committees.

## LEGISLATIVE ACCESSIBILITY AND RESPONSIVENESS

## VI. LEGISLATIVE ACCESSIBILITY AND RESPONSIVENESS

In addition to our evaluation of legislative structure and operations from an internal perspective, we have also tried to assess legislative performance from "outside" the institution, in order to gauge the accessibility and responsiveness of the Maine State Legislature to the citizens which it represents. We have developed this assessment through a variety of sources, but have principally relied upon our own observations, and our understanding of legislative operations and procedures in other states. Also, we have discussed these issues with legislators, staff; lobbyists and executive branch officials in our interviews and focus group sessions, in order to develop our preliminary findings in this area.

By almost any standard, the Maine State Legislature is judged to be highly accessible to the citizens of the state, and the organizations which represent their interests before the Legislature. This accessibility, while difficult to measure in a quantitative sense, is well reflected in a number of important features and procedures which characterize legislative operations in Maine. Some of the more prominent may be illustrated as follows:

- Compared to most other state legislatures, Maine has a low ratio of citizens per legislator (both in the House and Senate);
- Legislators are not limited with respect to the number of bills which may be introduced on behalf of their constituents;
- All bills are traditionally subject to public hearing, which are generally advertised at least seven days in advance;
- Toll free telephone access is provided to all legislators during each legislative session;
- All legislators are granted two general mailings each year to all households in their district, and weekly mailings (to 350 constituents or groups) during each session; also, all constituent mail is forwarded weekly to legislators' homes.

These and other features of the Maine State Legislature assure that any citizen or interest group can readily communicate with their elected

## VI. Legislative Accessibility and Responsiveness

representatives both during and between legislative sessions. In addition, most legislators whom we have interviewed and/or surveyed indicate that a significant amount of hours each week are devoted to constituent service, especially when the legislature is not in session. This commitment of time to service the needs of constituents is generally reflective of the attitude which we have found throughout the Maine Legislature. That is, that the institution's primary and overreaching objective is to serve the needs and interests of all citizens of the state, and to assure that these interests are given timely and adequate representation throughout the legislative process.

In addition to the general issue of accessibility, we have also tried to assess the more elusive concept of responsiveness of the Maine State Legislature. This concept, by its very nature, depends more heavily on subjective definitions in order to be evaluated in a meaningful way. Given these limitations however, several features may be cited to provide some indication of how "responsive" the Maine Legislature is perceived to be from a number of different perspectives:

- Relatively more bills are introduced and enacted into law in Maine than in most other states of similar or larger populations;
- Legislators are more influenced by their constituents' views than by any other single factor in voting on bills in which they do not have direct involvement or interest (according to our study survey);
- More than one-third of all legislators surveyed feel that helping constituents is the most important single duty of a state legislator.

These factors, in conjunction with the use of annual constituent surveys by most legislators, provide a reasonable basis for assuming a strong correlation between constituent views and individual legislators' actions within the Maine State Legislature. In addition of course, the two-year term of office for all state legislators in Maine (as opposed to four-year Senate terms in 38 other states) provides a more meaningful opportunity for constituents to judge the responsiveness of their elected representatives.

In several respects however, our evaluation of the accessibility and responsiveness of the Maine State Legislature indicated that these areas could be strengthened with additional investments in the future. These improvements, which are discussed in more detail elsewhere in this report, would further extend



## VI. Legislative Accessibility and Responsiveness

the Legislature's accessibility to the public, and its ability to respond more directly to the needs of local government throughout the state. The specific areas of greatest impact are:

- The addition of more office space for legislators, which would allow for more effective communication with constituents, and greatly enhance legislators' accessibility when not in session;
- The upgrading of direct, on-line access capability to bill information and bill texts from outside the capital, which would provide all interested citizens and groups with the ability to read and analyze proposed legislation;
- The provision of local fiscal notes on all legislation with fiscal impact to provide municipal and county officials with an enhanced capability to evaluate proposed legislation from the local perspective; and
- The development of a formal legislative internship program for state college and graduate students, to provide for more personal contact between legislators and students, and to increase staff assistance during legislative sessions.

These enhancements, in our opinion, would make the legislature even more accessible and responsive to its many constituents, and would further strengthen its commitment to these qualities.

## **FUTURE ISSUES AND TRENDS**

## VII. Future Issues and Trends

- Space—additional space for legislators, staff and the public must be provided over the next several years; current limitations clearly impede staff productivity, legislators' accessibility and the legislative process in many respects.
- Annual Schedules—there will be increasing pressure to “annualize” the work of state government, both from a fiscal planning and budgeting perspective, as well as a legislative one; the growth in supplemental budgets and in legislation considered in the second session is a reflection of this desire to address important, complex issues on an annual basis;
- Legislative Management—with the growth of the Legislature will come the need for more skilled managers and management systems to monitor events, synthesize information and communicate with others; management skills must assume greater importance in staffing decisions and professional development;
- Personnel Management—the Legislature will compete with other employers in a changing labor market in the 1990's; flex-time, job-sharing, child-care, cafeteria benefit plans and other features will be important economic factors for the changing labor force; the Legislature, as well as other branches of state government, must plan for the implementation of such programs, and for the restructuring of its personnel practices to accommodate them;
- Regional Collaboration—increasingly, public policy issues in state governments extend beyond state boundaries, and legislation in one state has impact in others; environmental concerns, economic issues and energy policies all have potential for regional spillover effects; the state's interests will increasingly require coordination and collaboration with other jurisdictions to effectively deal with these and similar issues.

These are just a few of the issues which can be anticipated to require new and different procedures, priorities and investments by the Maine Legislature in the 1990's. We will examine these and similar issues and their impact on legislative operations, during the second phase of our study.

## TEXT REFERENCES

### Chapter III:

- \* David Ogle, Executive Director—Connecticut General Assembly

### Chapter V:

- \* Carl E. Van Horn, "The Quiet Revolution," The State of the States (Washington, D.C., CQ PRes, 1989)

## APPENDICES

## APPENDIX A LIST OF PERSONS INTERVIEWED

### ADVISORY COMMITTEE

Sen. Nancy Clark, Chair  
Hon. Ken McLeod, Chair  
Hon. John Chapman  
Sen. Robert Dillenback  
Rep. Judy Foss  
Rep. Dan Gwadosky  
Hon. Michael Healy  
Hon. Paul Violette

### LEGISLATORS

Rep. Ronald Bailey	(R) Farmington
Rep. Jeanne Begley	(R) Waldoboro
Sen. Pamela Lee Cahill	(R) Sagadahoc
Rep. Donnell Carrol	(D) Gray
Sen. Donald Collins	(R) District 2
Rep. James Reed Coles	(D) Harpswell
Rep. Beverly Daggett	(D) Augusta
Sen. Dennis Dutremble	(D) District 34
Rep. Maria G. Holt	(D) Bath
Rep. Dana Hanley	(R) Paris
Rep. Linwood Higgins	(R) Scarborough
Rep. Annette Hogleund	(D) Portland
Rep. Ruth Joseph	(D) Waterville
Sen. Judy Kany	(D) District 17
Rep. Marge Kilkelly	(D) Wiscasset
Rep. Willis Lord	(R) Waterboro
Rep. John Martin	(D) Eagle Lake
Rep. Joseph Mayo	(D) Thomaston
Sen. Charles Pray	(D) Districts
Rep. Charles Priest	(D) Brunswick
Rep. James R. Cotes	(D) Harpswell
Rep. Vinton Ridley	(D) Shapleigh
Rep. Charlene Rydell	(D) Brunswick
Rep. Mary Clark Webster	(R) Cape Elizabeth
Sen. Charles Webster	(R) District 4
Sen. Norman Weymouth	(R) District 18

### STAFF

Kenneth Allen  
Jean Blair

### TITLE

Special Assistant, Office of the Speaker  
Senior Engrossing Technician, ORS

Allen Brown	Legislative Aide, House Minority Office
Robert Carey	Legislative Aide, Office of the Speaker
Carol Carothers	Executive Assistant, Office of the President
Jim Clair	Principal Analyst, OFPR
Louise Charette	Legislative Aide, House Majority Office
Sally Diamond	Executive Director
David Elliot	Principal Analyst, OPLA
Patricia Eltman	Legislative Aide, Office of the Speaker
Martha Freeman	Director, OPLA
Janet Gard	Office Support Coordinator, Office of Executive Director
Helen Ginder	Director, Legislative Oversight
Tim Glidden	Principal Analyst, OPLA
Teen Griffin	Administrative Coordinator, Office of Executive Director
Jonathan Hull	Counsel, Office of the Speaker
Julie Jones	Principal Analyst, OPLA
Kathy Kaloustian	Legislative Technician, ORS
David Kennedy	Director, ORS
Lawrence LaRoche	Legislative Aide, House Majority Office
Pamela Lovely	Assistant Secretary of the Senate
Diane Maheux	Accounting Assistant, Office of Executive Director
Meg Matheson	Principal Analyst, ORS
Joy O'Brien	Secretary of the Senate
Geraldine Olsen	Special Assistant, House Minority Office
Daniel Paradee	Special Assistant, Senate Majority Office
Edwin Pert	Clerk of the House
Ted Potter	Administrative Assistant, House Majority Office
Lynn Randall	State Law Librarian
Margaret Reinsch	Special Assistant, OPLA
Cherly Ring	Principal Analyst, OFPR
Dot Rollins	Legislative Information Coordinator, Office of Executive Director
May Ross	Special Assistant, Minority Office
Julie Rowe	Chief of Operations, House Majority Office
Susan Sargent	Legislative Aide, Senate Majority Office
Bent Schlosser	Director, OFPR
David Silsby	Director, State Capital Commission
Gerry Thibault	Information Systems Manager, Office of Executive Director
John Wakefield	Deputy Director, OFPR
Deborah Wood	Assistant Clerk of the House
Frank Wood	Special Assistant, Office of the President

**EXECUTIVE BRANCH**

Susan Bell	Deputy Commissioner, Department of Conservation
William Baker	State Budget Officer, Department of Finance
Victor Fleury	Deputy Controller, Department of Finance
Peter Gore	Deputy Commissioner, Department of Human Services
Dean Marriott	Commissioner, Department of Environmental Protection
Jamie Morrill	Deputy Commissioner, Department of Human Services
Rudy Naples	Deputy Commissioner, Department of Human Services
Douglas Porter	Deputy Commissioner, Department of Human Services
Greg Scott	Legislative Liason, Department of Education and Cultural Affairs

**TITLE****OTHER**

John Delahanty	Lobbyist
Patricia Finnegan	Lobbyist
Ken Hayes	Professor, University of Maine
Mary Hermann	Lobbyist
Bob Howe	Lobbyist
David Ogle	Executive Director, Connecticut General Assembly
Alan Rosenthal	Eagleton Institute of Politics
Gordon Scott	Lobbyist
Rod Scribner	Department of Audit

**TITLE**



**APPENDIX B**  
**Summary of Responses From**  
**Legislator's Survey**

**All Survey Participants\***

	<u>Democrats</u>	<u>Republicans</u>	<u>Total</u>
House Members	44	23	67
Senate Members	7	7	<u>14</u>
<b>Total Respondents</b>	<b>51</b>	<b>30</b>	<b>81</b>

\* as of November 29, 1989

# Performance Of Legislative Council

The Legislative Council is responsible for the overall management of the entire Legislature. Please indicate how you rate the Council's performance in the following areas.

## *Approval of legislative budgets prior to format submission to the Joint Standing Committee on Appropriations and Financial Affairs.*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	70%	48%	62%
Poor-Fair	30%	52%	38%

## *Approval of staffing and funding requests (during the year) for the Legislature.*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	78%	47%	66%
Poor-Fair	22%	53%	34%

## *Oversight of legislative expenditures*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	80%	28%	59%
Poor-Fair	20%	68%	41%

## *Establishing equitable salary and benefit schedules for legislative employees.*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	66%	66%	66%
Poor-Fair	34%	34%	34%

***Approval of employment practices***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	86%	40%	72%
Poor-Fair	14%	50%	28%

***Appointment of the Executive Director and the Directors of the non-partisan staff offices.***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	87%	50%	73%
Poor-Fair	13%	50%	28%

***Planning and overseeing capital projects designed to improve the organization, operation, and physical facilities of the legislature.***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	73%	59%	66%
Poor-Fair	27%	41%	34%

***Approval of legislative committee requests for interim studies***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	73%	46%	63%
Poor-Fair	27%	54%	37%

***Provision of adequate staff for interim studies.***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	74%	82%	77%
Poor-Fair	26%	18%	23%

***Screening of all bills filed after cloture***

	<b><u>Democrat</u></b>	<b><u>Republican</u></b>	<b><u>ALL</u></b>
Good-Excellent	51%	21%	40%
Poor-Fair	49%	79%	60%

***Screening of all bill requests prior to the second regular session and all special sessions***

	<b><u>Democrat</u></b>	<b><u>Republican</u></b>	<b><u>ALL</u></b>
Good-Excellent	56%	30%	40%
Poor-Fair	44%	70%	60%

# Budget and Budget Impact Issues

Indicate how you feel about the following statements:

***"The Legislature's operating budget is out of control."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	23%	90%	49%
Mildly Disagree/Strongly Disagree	77%	10%	51%

***"Current salaries for legislators are too low."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	92%	47%	74%
Mildly Disagree/Strongly Disagree	8%	53%	26%

***"If we are to meet the challenges of the future we need to increase the level of support staff within the non-partisan offices."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	79%	21%	57%
Mildly Disagree/Strongly Disagree	21%	79%	43%

***"If we are to meet the challenges of the future we need to increase the level of support staff within the partisan offices."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	49%	21%	38%
Mildly Disagree/Strongly Disagree	51%	79%	62%

***"The Legislature should continue to subsidize Legislators' mailing costs."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	100%	90%	96%
Mildly Disagree/Strongly Disagree	0%	10%	4%

***"The Legislature should continue to subsidize Legislators' telephone costs."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	100%	97%	99%
Mildly Disagree/Strongly Disagree	0%	3%	1%

***"The Legislature should provide office space for Legislators."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	85%	45%	70%
Mildly Disagree/Strongly Disagree	15%	55%	30%

***"The current expense allocations (meals, lodging, etc.) for Legislators are adequate and appropriate"***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	63%	83%	71%
Mildly Disagree/Strongly Disagree	37%	17%	29%

# Appropriations Committee, State Budget and Fiscal Notes

*"There is a need for greater cooperation and communication between the Appropriations Committee and other joint standing committees."*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	96%	87%	92%
Mildly Disagree-Strongly Disagree	4%	13%	8%

*"The Appropriations Committee does an effective job of analyzing and screening the Governor's budget request."*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	81%	83%	82%
Mildly Disagree/Strongly Disagree	19%	17%	18%

*"The Current fiscal note process in the Maine Legislature (whereby all bills with fiscal notes are placed on the Appropriation table after passage in the House) is an effective means of assuring that funding decisions reflect the policy priorities of the Legislature."*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	57%	48%	54%
Mildly Disagree-Strongly Disagree	43%	52%	46%

***"The Current fiscal note process in the Maine Legislature (whereby) all bills with fiscal notes are placed on the Appropriations table after passage in the House) is an effective means of assuring that funding decisions: ... are made in a fiscally responsible manner."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	71%	62%	70%
Mildly Disagree/Strongly Disagree	29%	38%	30%



# Bipartisan Agreement

*"Non-partisan legislative staff provide valuable information and analysis to assist me in my decision making process."*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	96%	75%	88%
Mildly Disagree-Strongly Disagree	4%	25%	12%

*"The Joint Committee structure is an efficient method for reviewing legislation."*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	100%	86%	95%
Mildly Disagree-Strongly Disagree	0%	14%	5%

*"The Joint Committee structure provides for effective review of legislation."*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	98%	86%	94%
Mildly Disagree-Strongly Disagree	2%	14%	6%

*"It is important for every bill to receive a public hearing."*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree-Mildly Agree	92%	93%	92%
Mildly Disagree-Strongly Disagree	8%	7%	8%

***"The Maine Legislature is still a part-time citizen's Legislature."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	73%	90%	79%
Mildly Disagree/Strongly Disagree	27%	10%	21%

***"The Maine Legislature exercises about as much control over setting public policy as the Governor"***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	75%	90%	81%
Mildly Disagree/Strongly Disagree	25%	10%	19%

***The interim period between legislative sessions is most productive as a period when complex issues can be carefully researched and considered."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	80%	77%	79%
Mildly Disagree/Strongly Disagree	20%	23%	21%

***"Lobbyists provide much valuable information to members of the Legislature."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	85%	93%	88%
Mildly Disagree/Strongly Disagree	15%	7%	12%

***"Members of the Legislature should serve on a maximum of two committees."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	83%	93%	87%
Mildly Disagree/Strongly Disagree	7%	7%	13%

***"Partisan legislative staff provide valuable information and analysis to assist me in my decision making process."***

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Strongly Agree/Mildly Agree	71%	59%	66%
Mildly Disagree/Strongly Disagree	29%	41%	34%

***What do you feel is the most important duty of a state legislator?***

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Passing Laws	4%	7%	5%
Shaping Public Policy	52%	44%	49%
Helping Constituents	33%	37%	35%
Monitoring Public Expenditures and Programs	11%	12%	11%

***When voting on the floor on a bill in which you have little or no interest. which factor influences your decision?***

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Party Leader	0%	0%	0%
The Governor	0%	4%	1%
My Constituent's Views	25%	43%	37%
Party Caucus	0%	0%	0%
Committee Recommendation	25%	21%	36%
Opinion Of A Trusted Colleague	50%	32%	26%

# Support Staff -- Quality Of Service

## Non-partisan Offices:

	<u>Excellent</u>	<u>Good</u>	<u>Needs Improvement</u>
<i>Law and Legislative Reference Library</i>	71%	29%	0%
<i>Office of Fiscal and Program Review</i>	48%	44%	8%
<i>Office of Policy and Legal Analysis</i>	44%	47%	9%
<i>Office of Revisor of Statutes</i>	42%	47%	11%
<i>Office of Executive Director</i>	37%	47%	16%

## Partisan Offices:

<i>Clerk of the House</i>	78%	21%	1%
<i>Secretary of the Senate</i>	48%	43%	9%
<i>Staff in the Leadership Offices</i>	38%	55%	7%

# Performance of the Legislature

## *Formulating state policies*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	92%	63%	81%
Poor-Fair	8%	37%	19%

## *Raising funds to finance State Government (Tax Legislation, Fees, etd.)*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	73%	41%	62%
Poor-Fair	27%	59%	38%

## *Allocating funds to State Departments and Programs (The Budget Process)*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	63%	73%	67%
Poor-Fair	34%	27%	33%

*Overseeing/conducting program reviews of state administration (executive branch) to ensure that the laws are accomplishing what the Legislature intended when it enacted them.*

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
Good-Excellent	41%	41%	41%
Poor-Fair	59%	59%	59%

# Issues Influencing the Legislative Process

## CLOTURE DATES/DEADLINES

### *Prefiling by Legislators*

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Reasonable, provide adequate time	75%	70%	73%
Not reasonable Do not provide adequate time	25%	30%	27%

### *Department, agency or commission bills or resolves*

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Reasonable, provide adequate time	88%	96%	9%
Not reasonable Do not provide adequate time	12%	4%	12%

### *Committee Reports*

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Reasonable provide adequate time	87%	96%	91%
Not reasonable, Do not provide adequate time	13%	4%	9%

*Should the Governor have to observe a strict cloture date in order to control the total number of bills introduced?*

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Yes	61%	0%	38%
No	33%	79%	50%
No Opinion	6%	21%	12%

**SPONSORSHIP**

*As a rule, do you seek out co-sponsors for bills you plan to introduce?*

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Often	80%	93%	85%
Sometimes	16%	7%	13%
Rarely	4%	0%	2%

**CONFIDENTIALITY**

*In your opinion is it important to retain the current confidentiality rules and procedures which apply to requests for drafting of bills.*

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Yes	79%	60%	72%
No	4%	3%	4%
No Opinion	17%	37%	24%

*If the current confidentiality rules which apply to requests for bill drafts in the Office of Revisor Statutes were relaxed, would you plan to introduce?*

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
Yes	15%	20%	17%
No	38%	37%	38%
No Opinion	47%	43%	45%

# COMMITTEE ISSUES

*In your opinion is the non-partisan professional committee staff available and accessible to serve:*

- The Committee Chairs*
- The Senior Majority Member*
- All Majority Members*
- All Members*

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>
To Serve All Members	84%	59%	74%
To Serve Chairs or the Majority Members	26%	41%	26%

*Please rate the performance of the committees you serve on in the following areas:*

Setting the agenda:	Good-Excellent	<u>ALL</u> 72%
	Poor-Fair	28%
Screening legislature:	Good-Excellent	<u>ALL</u> 80%
	Poor-Fair	20%
Studying policy issues and problems:	Good-Excellent	<u>ALL</u> 70%
	Poor-Fair	30%
Scheduling public hearings:	Good-Excellent	<u>ALL</u> 90%
	Poor-Fair	10%



# **KPMG** Peat Marwick

Certified Public Accountants

**Peat Marwick Main & Co.**

One Boston Place  
Boston, MA 02108

Telephone 617 723 7700  
Telex 617 443 0082 PMMBOST

Telecopier 617 723 6864

December 15, 1989

Advisory Committee on  
Legislative Structure and Operations

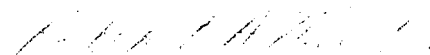
Dear Committee Member:

Enclosed we are transmitting a copy of a summary of the discussion at the December 12, 1989 meeting. The intent of the summary is to provide a record of committee members comments with respect to KPMG Peat Marwick's Interim Study recommendations.

Please note this is draft copy and if any committee member has any additions or revisions we will modify this version of the summary of the meeting.

Please contact either me at (617) 973-2734 or Kathy Griffin at (617) 973-2871 if you have any questions.

Very truly yours,



Robert A. Nielsen  
Partner

RAN/pn  
MAIN1213

STATE OF MAINE  
STUDY OF LEGISLATIVE STRUCTURE AND OPERATIONS

SUMMARY OF  
ADVISORY COMMITTEE MEETING

DECEMBER 12, 1989

ATTENDEES:

Committee Members:

Nancy Clark, Chair  
Robert Dillenback  
Judith Foss  
Dan Gwadosky  
Michael Healy  
Paul Violette

KPMG Peat Marwick:

Bob Nielsen  
Kathy Griffin  
Patrick Hyland  
Steve Lakis

The meeting commenced at 3:30pm and was concluded at 8:00pm.

OVERVIEW

The purpose of this summary is to provide a record of the discussion by Committee Members as to the recommendations presented by Peat Marwick in their Interim Report - Study of the Legislative Structure and Operations dated December 1, 1989.

At the start of the meeting, it was noted that this meeting was the first of two planned sessions to discuss the Interim Report. The second meeting will be held on December 21, 1989 from 3:30 to 7:30pm.

The focus of the December 12, 1989 meeting included discussions of:

Chapter III - Management of the State Legislature

Chapter IV - The Legislative Process

Chapter VI - Legislative Accessibility and Responsiveness

Chapter VII - Future Issues and Trends

The meeting proceeded with a discussion of each of the recommendations in the report commencing with recommendations with respect to the Legislative Council.

## CHAPTER III - MANAGEMENT OF THE LEGISLATURE

### LEGISLATIVE COUNCIL:

#### Recommendation 1 - Expansion of membership of the Council

Paul Violette - expressed concern with expansion of Council and what would be achieved if Leadership of each party selects the respective rank and file members.

Dan Gwadosky - favorable toward the addition of four members in some respects but perhaps a better mechanism would be through subcommittees (House and Senate).

Judy Foss - does not support adding four rank and file members unless there was extreme level of concern expressed by legislators.

Michael Healy - does not feel that 14 members would work any better than the current 10 members.

#### Recommendation 2 - Creation of Budget and Planning Sub-Committee

Paul Violette - support recommendation.

Dan Gwadosky - supports recommendation.

General support for this recommendation.

#### Recommendation 3 - Two-thirds Vote of the Legislative Council

Judy Foss - believes that two-thirds vote will give credibility to the process.

Paul Violette - believes that the majority party should control the vote of the Council and that the current voting procedure should continue.

### EXECUTIVE DIRECTOR:

#### Recommendation 4 - Allocation of Time and Priorities

Paul Violette - agrees with recommendation.

Dan Gwadosky - agrees with recommendation.

Michael Healy - sees need for the Legislative Council to provide guidelines for Executive Director governing preparation and release of information.

**OFFICE OF FISCAL AND PROGRAM REVIEW (OFPR):**

**Recommendation 5 - Utilization of Staff**

General agreement with recommendation.

**Recommendation 6 - Coordination of OFPR with ORS and OPLA**

Judy Foss - stated that some steps in this direction have already been initiated.

**Recommendation 7 - Analysis of Fiscal Impact on Municipalities**

Judy Foss - stated that no database of municipal information currently exists and that the recommendation should be modified to reflect this situation.

NOTE: This will be studied further in Phase II.

**Recommendation 8 - Independent Revenue Projections**

General agreement (?). No discussion or comments by Committee Members.

**Recommendation 9 - Access to Executive Branch Information**

General agreement.

**Recommendation 10 - Computerization and Addition of New Software**

General agreement.

**Recommendation 11 - Preparation of Fiscal Notes for all Committees**

General agreement.

**OFFICE OF REVISOR OF THE STATUTE (ORS):**

**Recommendation 12 - Mid-Management Level Staff**

Dan Gwadosky - agrees with recommendation.

Paul Violette - agrees with recommendation.

Nancy Clark - stated that many changes in the ORS were actually a result of issues identified a few years ago and the current Revisor has implemented them.

**Recommendation 13 - Professional Staff**

General agreement.

**Recommendation 14 - Bills Drafted by Staggered Deadline Schedule**

Paul Violette - questioned who decides what bills get drafted first.

**Recommendation 15 - Division of Responsibility**

General agreement.

**Recommendation 16 - Indexing System**

General agreement.

**Recommendation 17 - Addition of Scanners**

General agreement.

**Recommendation 18 - Contractual Staff**

General agreement.

**OFFICE OF POLICY AND LEGAL ANALYSIS (OPLA):**

**Recommendation 19 - Staffing Levels**

General agreement.

**Recommendation 20 - Support of Committee Clerks**

Robert Dillenback - agrees with recommendation.

Nancy Clark - expressed concern as clerks should not work for staff.

Paul Violette - does not support use of clerks in this regard, as they work for Chairs.

**Recommendation 21 - Computer Support**

Michael Healy - sees need to add terminals in committee rooms (and a need to review number of printers).

**LIBRARY:**

**Recommendation 22 - Research Activities**

General agreement.

**PARTISAN OFFICES:**

**Clerk of the House and Secretary of the Senate**

**Recommendation 23 - Utilization of Staff**

General agreement.

**Recommendation 24 - Feasibility of Verbatim Legislative Record**

Michael Healey - stated that the recorded is important to understand legislative intent and that lawyers refer to it frequently. He believes that it should be recorded at a minimum, if it is not transcribed.

Nancy Clark - believes it is valuable, but questions the number of copies that are made and distributed.

NOTE: This will be studied further in Phase II.

**Recommendation 25 - Sergeant-at-Arms and Assistant**

Paul Violette - believes that their services and involvement in mailings is important.

NOTE: This will be studied further in Phase II.

**Recommendation 26 - Appointment vs. Election of Assistant Clerk and Assistant Secretary of the Senate**

Paul Violette - believes that the House and Senate should continue to elect Assistants.

Nancy Clark - does not believe the current election process impacts the Secretary's or Clerk's jurisdiction over their assistants.

**Recommendation 27 - Clerk and Secretary to Prepare Budget Requests**

General agreement.

**Recommendation 28 - Transfer of Stenographers to House Majority (and Minority) Office**

General agreement.

Nancy Clark - the recommendation should be expanded upon to formalize the previous transfer of this responsibility on the Senate side.

## **LEADERSHIP OFFICES:**

### **Recommendation 29 - Fixed Level of Staffing for Leadership Offices**

General agreement.

### **Recommendation 30 - Formula-based Budgets for Partisan Offices**

General agreement.

Nancy Clark - stated that the budgets should be administered on the basis on job description and pay plans.

NOTE: This will be studied further in Phase II.

### **Recommendation 31 - Coordination between Leadership Offices**

Paul Violette - believes that activities of the respective Senate and House leadership offices and any potential for coordination should be at the discretion of the Leaders.

### **Recommendation 32 - Development of Formal Policies and Guidelines**

Paul Violette - believes that it is not necessary and partisan staff should follow directives of their respective leaders.

Nancy Clark - agrees with the recommendations.

### **Recommendation 33 - Partisan Analysis Capability**

Nancy Clark - has problems with the recommendation and believes that an analyst position is not required in each leadership office; an analyst should be hired within the authorized position count if a perspective leader does want this capability on staff.

Paul Violette - believes that if a leader wants an analyst they should hire one; however it should not be mandated.

NOTE: This will be studied further in Phase II.

## **PERSONNEL MANAGEMENT:**

### **Recommendation 34 - Personnel Manual**

General agreement.

### **Recommendation 35 - Performance Appraisals**

General agreement.

### **Recommendation 36 - Committee Clerk's in Pay Plan**

General agreement.

With respect to personnel issues committee members offered the following comments for Phase II of the Study.

Dan Gwadosky - stated that Peat Marwick should look at Committee Clerks classifications and compensation.

#### **STAFF UTILIZATION:**

##### **Recommendation 37 - Periodic Assessment of Positions**

General agreement.

##### **Recommendation 38 - Vacancy Management**

General agreement.

##### **Recommendation 39 - Legislative Interns**

General agreement.

#### **INFORMATION SYSTEMS:**

##### **Recommendation 40 - Access to Bill Tracking System**

Nancy Clark - The Executive branch and outside subscribers should be required to pay a higher subscription fee.

##### **Recommendation 41 - Access to Text of Bills**

Nancy Clark - wording of recommendation should be modified to clarify that this applies only to text of the finalized bill after introduction.

#### **CHAPTER V - LEGISLATIVE PROCESS**

##### **Recommendation 56 - New Bill Drafting Procedure and Format**

Paul Violette - agrees with this recommendation.

Dan Gwadosky - supports the recommendation; believes that it will be important to get appropriate information into short bill form to assure that intent is understood and to assure that public hearings are focused on substance of bill.

Michael Healy - (note: Mr. Healy had to leave the meeting); however, he noted through the Chair that he had several comments with respect to recommendations No. 56, 57 and 58 for further discussion at a subsequent meeting.



### **Recommendation 57 - Unlimited Multiple Sponsorship**

Dan Gwadosky - believes that it will be difficult for some legislators to adhere to this procedure.

Paul Violette - stated that everyone will want to get many names (sponsors) which may slow down the process.

### **Recommendation 58 - Adjusting Cloture Dates**

Nancy Clark - does not support change as it could be difficult for legislators with full-time jobs. She indicated that perhaps the current dates are realistic in light of the streamlining that will occur under the recommended bill drafting format.

### **Recommendation 59 - Staggered Committee Deadlines**

Nancy Clark - does not understand the rationale for this specific schedule and believes that the dates are too early.

Paul Violette - supports concept of staggered reporting dates.

Dan Gwadosky - believes that they should charge the presiding officers with the responsibility to determine the reporting out deadlines (staggered) each session.

### **Recommendation 60 - New Scheduling System**

General support for this recommendation, but Peat Marwick should consider space implications.

### **Recommendations 61 - Uniform Rules of Committee Procedure**

General agreement.

Dan Gwadosky - believes that the Executive Director's Office already has some informal rules.

### **Recommendation 62 - Enumeration of Committee Jurisdiction**

General agreement.

Dan Gwadosky - believes that Clerk and Secretary would benefit from this procedure.

### **Recommendation 63 - Role of Appropriations Committee**

General agreement.

Nancy Clark - stated a strong concern that the Appropriations Committee should not be allowed to continue to usurp the role of the policy committees.

NOTE: This will be studied further in Phase II.

## Second Regular Session

Dan Gwadosky - does not think that Maine is ready to open up the second regular session to allow introduction of all bills.

Paul Violette - does not want to see a recommendation for a longer second session.

## CHAPTER VI - LEGISLATIVE ACCESSIBILITY AND RESPONSIVENESS

General agreement with the discussion, assessment, and tone of this Chapter.

## CHAPTER VII - FUTURE ISSUES AND TRENDS

Dan Gwadosky - Peat Marwick should define and elaborate on "politicization" on page 70.

NOTE: This Chapter will be expanded upon during Phase II of the Study

The remaining sections of the Interim Report:

IV. THE LEGISLATIVE BUDGET AND FINANCIAL MANAGEMENT, and

II. LEGISLATIVE TRENDS AND COMPARISONS

will be discussed with the Committee at the December 21, 1989 meeting.