

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)

STATE LAW LIBRARY
AUGUSTA, MAINE

STATE OF MAINE



Study of Legislative Structure and Operations

Final Report
March 31, 1990

JUL 20 1990



MAINE STATE LEGISLATURE
Augusta, Maine 04333

ADVISORY COMMITTEE ON LEGISLATIVE STRUCTURE AND OPERATIONS

March 29, 1990

Honorable John L. Martin, Chair
Legislative Council
114th Maine Legislature
Augusta, Maine 04333

Dear John and Members of the Council:

The Advisory Committee on Legislative Structure and Operations has received the Draft Final Report from Peat Marwick. On behalf of the Advisory Committee, we are transmitting the Final Report to you in accordance with the deadline established by the Resolve authorizing the study, April 1, 1990.

The Advisory Committee met with representatives from Peat Marwick and Steve Lakis last Monday, March 26, for an initial presentation of the Final Report.

This Report includes significant changes from the Interim Report which we received last December, as well as substantial new material. While the meeting last Monday provided an opportunity to go through some of the Report in detail, we believe that the recommendations deserve further study for two reasons:

- 1) The Committee has not had the time to vote on each of the recommendations. Members of the Committee agree that the result of voting would be unanimity with regard to recommending adoption or rejection of some of the recommendations, but we also recognize that we will probably never reach complete agreement on certain recommendations.

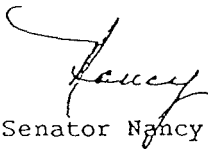
Honorable John L. Martin, Chair
Legislative Council
March 29, 1990
Page Two

- 2) We feel strongly that the entire Report simply deserves further study and analysis regarding its implications for the institutional future of the Maine Legislature. We are all in agreement that the last weeks of the Session afford neither the time nor the atmosphere in which a Report of such potential significance to this Legislature can be fully digested.

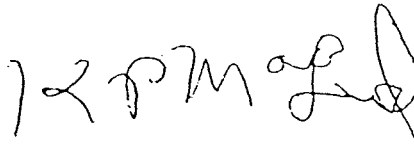
We recommend, therefore, that the Legislative Council accept the report at this time and, further, that the Council authorize the Advisory Committee to continue to meet following adjournment of the Second Regular Session to analyze the report in conjunction with the Legislative Council and to develop an implementation plan. We have been informed by the Executive Director that sufficient funds remain in our original budget to support our continued study.

We look forward to working with you in the review of the Report and its recommendations.

Sincerely,



Senator Nancy Randall Clark
Co-Chair



Kenneth P. MacLeod
Co-Chair

cc: Members of the Advisory Committee on Legislative
Structure and Operations

March 31, 1990

Advisory Committee on
Legislative Structure and Operations

Dear Committee Member:

We are pleased to submit this final report of our study of the structure and operations of the Maine Legislature. This report represents a final product of eight months of effort, a period during which Peat Marwick worked with the eight member Advisory Committee, legislators, legislative staff and other agencies of state government to conduct our independent assessment of legislative operations and to prepare a report that reflects our research, findings and recommendations.

We have appreciated the opportunity to be of service to the Legislature. The Committee's demonstrated commitment to the study and its very active participation in the many work sessions provided Peat Marwick with a continued focus on study purpose and scope and allowed us the opportunity to adjust direction and modify our thinking as issues were raised and recommendations for change assessed and finalized.

We would like to also acknowledge the excellent support and responsive assistance we received from the various staff offices within the Legislature. This was particularly evident with the many hours that the Executive Director, Sarah Diamond and her personnel gave to this study in their participation at meetings and interviews, collection of needed information and documents and thorough explanation and discussion of legislative operations. Similar acknowledgments should be given to personnel in the Office of the Secretary of the Senate and the Office of the Clerk of the House. We also appreciate the co-operation of the many legislators who participated in interviews during the course of the study.

We commend the Maine Legislature for its leadership in initiating this study to strengthen its structure and operations and wish you success in the coming years.

Sincerely,

HPM Peat Marwick

STATE OF MAINE

STUDY OF
LEGISLATIVE STRUCTURE AND OPERATIONS

FINAL REPORT

KPMG PEAT MARWICK

March 31, 1990

State of Maine

Study of Legislative Structure and Operations

Table of Contents

<u>Chapter</u>	<u>Page</u>
Executive Summary	1
I. Introduction.....	4
II. Legislative Trends and Comparisons.....	7
III. Management of the Legislature.....	22
Legislative Council	
Non-Partisan Staff Offices	
Partisan Staff Offices	
Other Management Issues	
IV. The Legislative Budget and Financial Management.....	55
V. The Legislature and the Legislative Process.....	69
Use of Legislative Time	
Joint Committee Operations	
Appropriations and Financial Affairs Committee	
Interim Activities	
Organization of Second Regular Session	
Legislative Oversight	
Role of Minority Party	
VI. Legislative Accessibility and Responsiveness	112
VII. Future Issues and Trends.....	116
Appendices	
A. List of Persons Interviewed	
B. Legislative Survey Data	
C. Supporting Tables	
D. Sample Proposed Bills and Fully Drafted Committee Bills	

EXECUTIVE SUMMARY

The Maine 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.

Peat Marwick's study of the structure and operations of the Maine Legislature sought to identify the major components of these changes, and their impact on the efficiency and effectiveness of legislative procedures and process. Also, the study sought 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 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, total membership of the Legislature, level of legislative activity, and the need to maintain an independent, co-equal branch of government with resources to provide the Legislature with independent information, analytical capability, and oversight and review capacity.

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 judgment, 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, procedures, and staffing of both the non-partisan and partisan 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. We have recommended 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. We have also recommended changes with respect to joint committee operations, including a reduction in the number of committees. This study presents several recommendations with respect to the legislature's oversight responsibilities, interim activities, the organization of the second-year regular session and the role of the minority party within the Legislature.

Our findings, in brief, reflect an accessible and responsive legislative body with many outstanding strengths. In our study, we have been sensitive to the Legislative culture and traditions which help shape this institution and give it its unique character. We recognize that the words "citizens' legislature" connote more than just a statement of the way things are. For the State of Maine, the citizens' legislature embodies the belief that this is the people's legislature -- that government here is open and accessible to all and, most importantly, that the citizens who make up the legislature work very hard to take care of the people's needs. These perceptions have been eloquently summed up in the words of one Maine citizen,

*"So what is Maine? It is an attitude, a way of life, and the last democracy. It is a place where most people refer to their elected representatives by their first name. We send people to Augusta and Washington named Margaret, Ed, Joe, Bill, George, Olympia, and when they go there they work and vote for cleaner air and cleaner politics."*¹

The recommendations offered in our report seek to build on this tenet, that the Maine Legislature is very much a citizen's legislature. While many of the changes we recommend may appear dramatic -- breaking with past practice and tradition -- they are put forth as a means of enabling this legislature to preserve its distinctive character, improve in several areas, and to more effectively face the issues of the 1990s.

I. INTRODUCTION

I. INTRODUCTION

BACKGROUND AND OBJECTIVES

In June 1989 the State of Maine's Advisory Committee on Legislative Structure and Operations issued a Request for Proposals for a study of the Legislature's Structure and Operations. In July, the Committee selected KPMG Peat Marwick to conduct the study. To assist us in the study, we engaged the services of Stephen G. Lakis, President of the State Legislative Leaders Foundation.

This study of the structure and operations of the Maine 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 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 the staff offices of the Maine 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 structure, 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 utilized a variety of methodologies to collect and validate information on all aspects of the Maine Legislature. Job analysis questionnaires were provided to all legislative staff personnel, and over 80% of the questionnaires were completed and returned. A total of 109 legislators, staff and other individuals with direct knowledge of legislative operations and procedures were interviewed. (A list of persons interviewed is included as Appendix A). A survey instrument was prepared and forwarded to all legislators and 81 surveys (44%) were completed and returned. (A summary of responses from the legislator's survey is included as Appendix B.)

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 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 periodically with the Advisory Committee to review progress and to discuss study issues, preliminary findings, and final data analysis and report recommendations. At the conclusion of the study on March 31, 25 copies of our report were presented to the Advisory Committee.

II. LEGISLATIVE TRENDS AND COMPARISONS

II. LEGISLATIVE TRENDS AND COMPARISONS

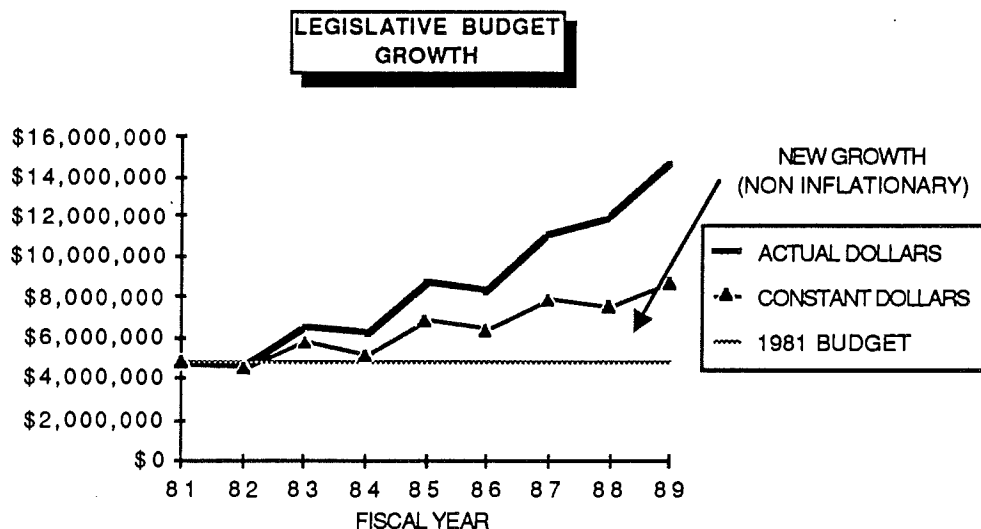
The budget of the Maine Legislature has grown significantly over the course of the past decade. In FY 1981 the Legislature's annual budget totalled \$4 million, while the budget expenditures for FY 1989 approach \$15 million. The purpose of this section is to identify and analyze the history of this 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

The sources for data with respect to the Legislature's budgetary expenditures include the year-end records of the Office of the Executive Director and the expenditure reports of the Bureau of Accounts and Control; also historical staffing data was provided by the Office of Executive Director.

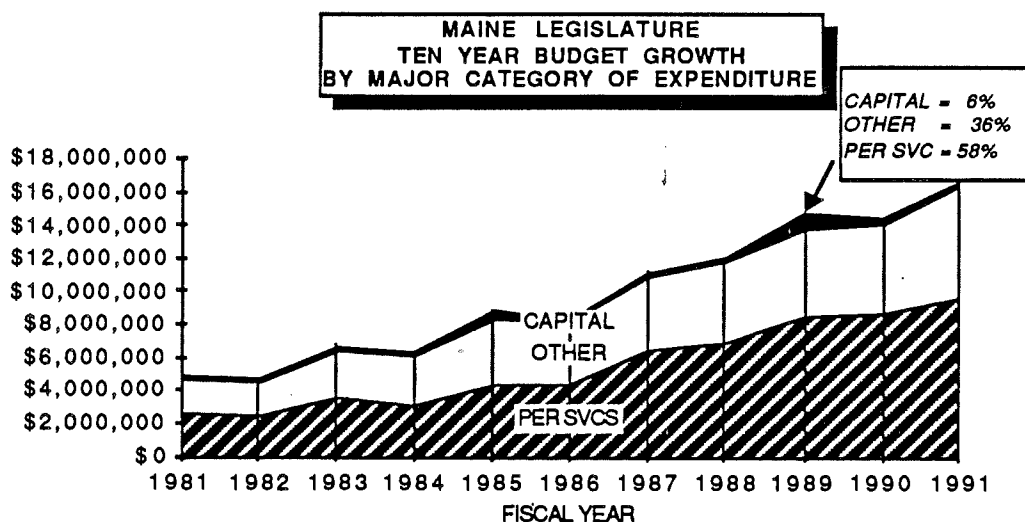
LEGISLATIVE BUDGET TRENDS

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



II Legislative Trends and Patterns

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 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. The Legislature's budget represented 1.06% of all State's general fund expenditures in FY 1989.



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:

II Legislative Trends and Patterns

	FY 1981		FY 1989	
	<u>(\$ mil)*</u>	<u>%</u>	<u>(\$ mil)*</u>	<u>%</u>
• 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
Total	\$2.7	100%	\$8.6	100%

(*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 and staff have contributed to the growth. Legislators' salaries have more than doubled since 1981. Staff salaries were substantially increased in 1986 as the result of a comprehensive reclassification of positions and the adoption of a new pay plan which was designed to achieve parity with the Executive branch and equity across legislative offices. The dramatic increase in fringe benefit costs is principally a function of the rapid growth of the cost of health insurance over the past decade. Also, the Legislature's benefit package is consistent with the benefits provided to all state employees.

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:

	FY 1981		FY 1989	
	<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
Total	\$2.1	100%	\$5.3	100%

(*Rounded)

II Legislative Trends and Patterns

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. Per diem and mileage reimbursements appear to be appropriate and are established pursuant to statute as part of legislators' total compensation package. In FY 1989, the Legislature expended approximately \$200,000 for the out-of--state travel of legislators and legislative staff. 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 (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:

II Legislative Trends and Patterns

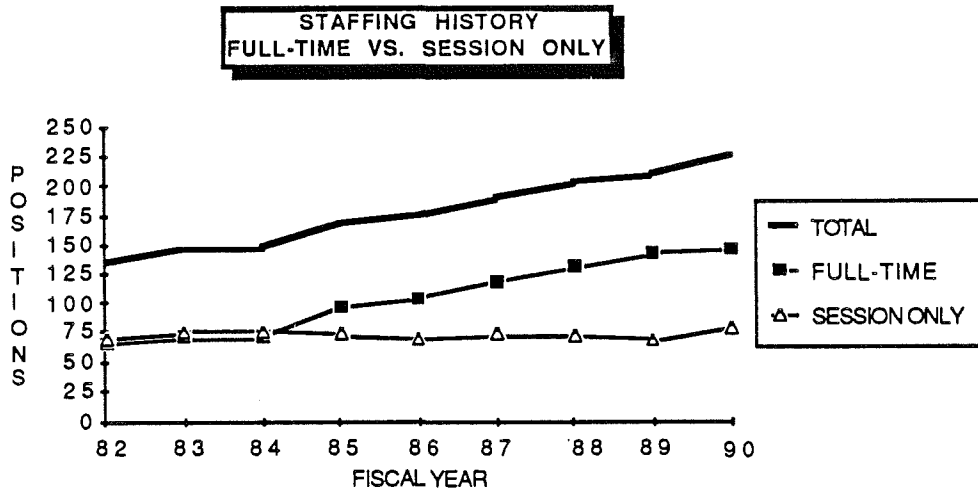
FUNCTION	FY 1981	FY 1985	FY 1989
HOUSE	\$2,118,885	\$3,597,751	\$5,510,367
% of TOTAL	44%	41%	38%
SENATE	\$713,757	\$1,333,888	\$2,088,472
% of TOTAL	15%	15%	14%
JOINT COMMITTEES	\$170,321	\$208,431	\$367,187
% of TOTAL	4%	2%	3%
NON-PARTISAN	\$1,304,756	\$2,897,496	\$4,668,184
% of TOTAL	27%	33%	32%
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.

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:

II Legislative Trends and Patterns



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). It is important to note that while the legislature has experienced this growth rate in staff; the Maine Legislature still remains in the lowest third of state legislatures nationwide in total number of staff.

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:

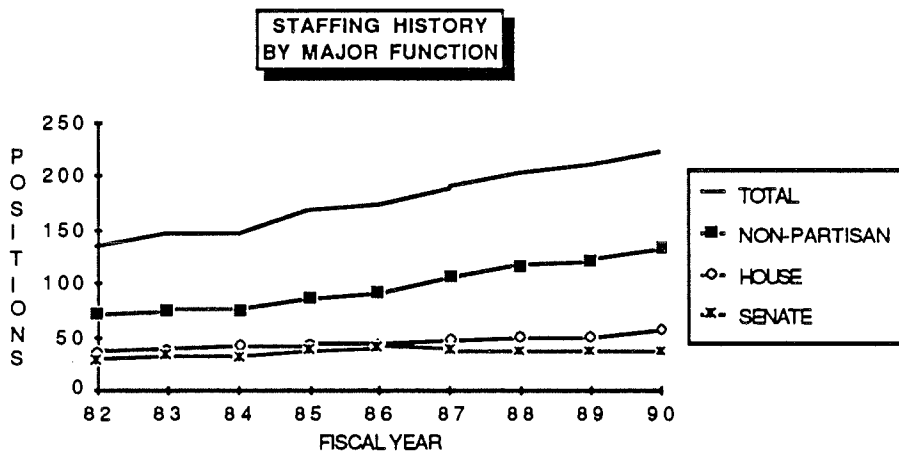
- the absence of “managers” in the six leadership offices, as legislative leaders themselves fulfill this role; and
- the generally non-hierarchical organizations and reporting relationships within the non-partisan offices, the Office of the Clerk of the House, and the Office of the Secretary of the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

II Legislative Trends and Patterns

increased by 60% and Senate staff has increased by 32% during the same period.



A summary of positions in all offices and units of the Maine Legislature in FY 1982 as compared to FY 1989 is provided in the 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 on the part of the Legislative Council to improve the amount and quality of core non-partisan services in the areas of bill drafting, policy analysis, and committee research. For example, in FY 1982, 12 professionals staffed 16 joint standing committees and one joint select committee, as compared to 14 analysts and three research assistants today; seven professionals staffed the

II Legislative Trends and Patterns

Appropriations, Taxation, and Audit and Program Review Committees, as opposed to 10 today. Four attorneys drafted and reviewed legislative bills and amendments; today the four attorneys have been augmented by two paralegal assistants and a technical support coordinator. Three professionals provided library research assistance, as compared to six today.

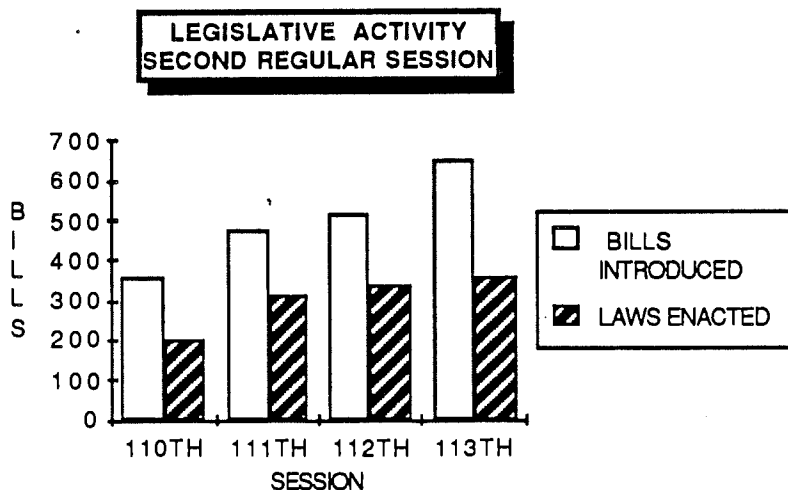
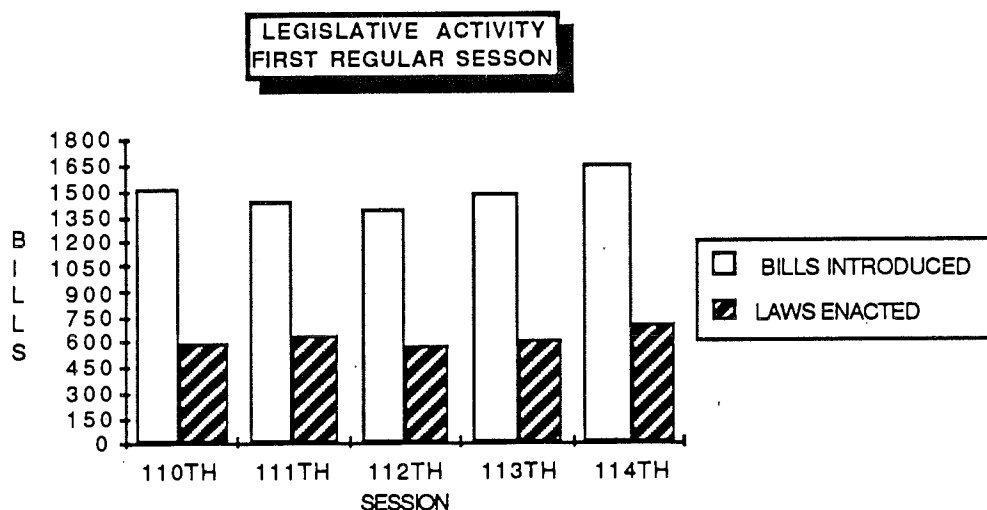
The core partisan functions have remained constant since the early 1980's; the growth in staff in the leadership offices is predominantly related to policy decisions to provide a higher ratio of staff per caucus member to support constituent services and casework and to provide some degree of policy 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 strengthening 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

II Legislative Trends and Patterns

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:

- 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
Demographics							
• 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
Finances And Staffing							
• Full-Time Staff Positions (1988)	131	311	119	804	65	1,774	34
• Legislative expenditures (\$million) (2)	\$14.00	\$28.20	N/A	\$39.60	\$7.60	\$85.30	\$4.90
• Legislative expenditures per capita (approx.) (3)	\$12.45	\$9.10	N/A	\$9.70	\$12.75	\$8.75	\$9.60

Notes: * Source: Council of State Governments, The Book of States 1988 edition, unless noted otherwise.

(1) All states population from 1980 Federal Census data

(2) Expenditure data from Peat Marwick 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

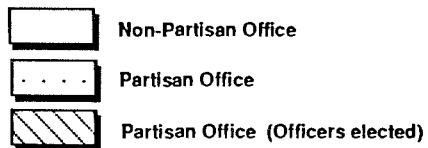
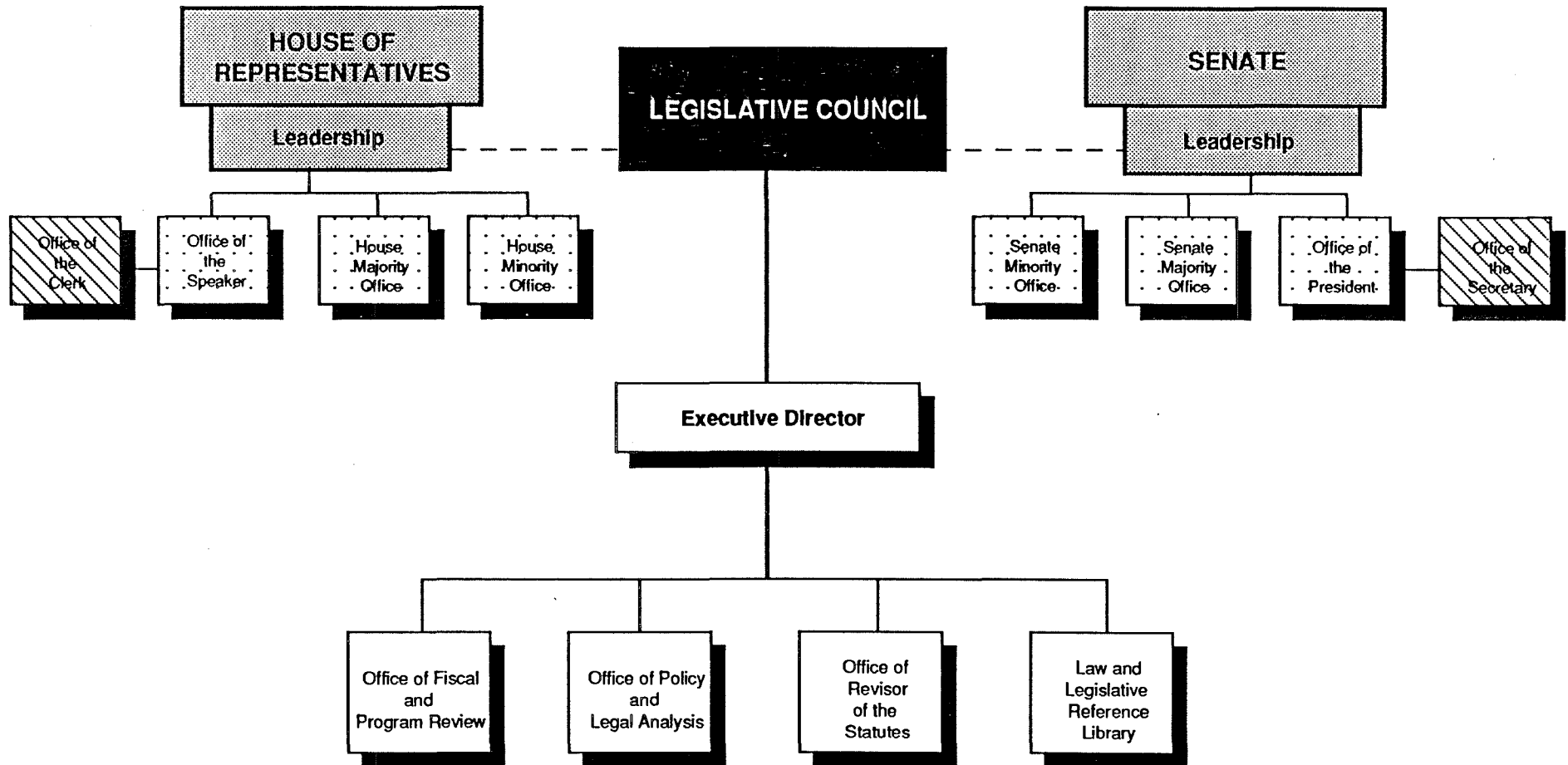
	MAINE	CONNECTICUT	NEW HAMPSHIRE	MINNESOTA	DELAWARE	FLORIDA	VERMONT
Legislative Structure And Operations							
• Management and Staffing Structure	Legislative Council	Council Plus Partisan Staff	Separate House and Senate Staff	Separate House and Senate Staff	Council Plus Partisan Staff	Joint Mgmt. w/Committee 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
Legislative Compensation							
• 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 LEGISLATURE

EXHIBIT
Maine Legislature
Management and Support Organization



III. MANAGEMENT OF THE LEGISLATURE

Our analysis of management practices in the Maine 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 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 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
- establish salary schedules for legislative employees (with some exceptions)

III. Management of the Legislature

- 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

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:

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

III. Management of the Legislature

- 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 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:

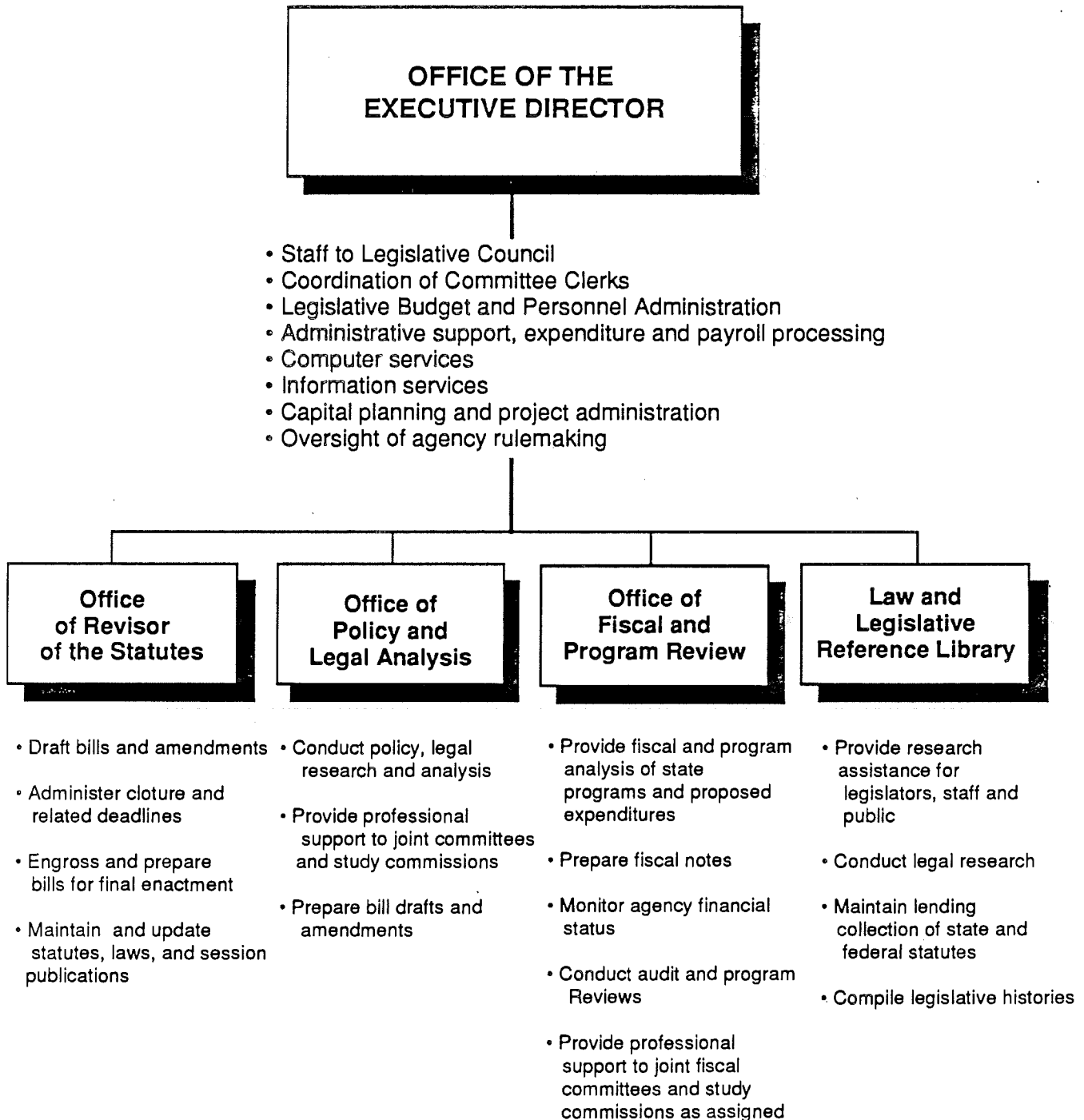
III. Management of the Legislature

1. The members of the Legislative Council must give increased priority and commitment to their statutory management and oversight responsibilities. Many of the recommendations in this report relating to the Council's budgeting, planning, financial oversight and personnel management role will require more active participation and commitment of time by the Council members. The principle focus of and activities of the Council should be in support of the Council's mandated statutory responsibilities.
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 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."*²

Non-Partisan Staff Offices



III. Management of the Legislature

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 opposite 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.

III. Management of the Legislature

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 authority over the non-partisan offices. Staff increases in the Office since 1983 have been primarily in the computer support and information services areas in order to enhance systems development, maintenance and data processing functions. The Information Systems staff has continued to be responsive to the information needs of legislators and management through internally developed software, user training and systems research. The most recent new staff positions were added in 1988 with the creation of two new offices to oversee executive rulemaking activities and the preservation and restoration of the state capital building and grounds.

Our review of the Office of the Executive Director has shown that, in general, it carries out its broad and varied responsibilities for non-partisan staff direction and legislative support in an effective manner. The Executive Director and staff are responsive to staff needs, accessible to legislators, and have established and sustained high professional standards in performing their assigned duties. Also, the Executive Director has provided strong leadership with respect to the upgrading of legislative information systems and the continued professionalization of staff resources, through sound selection and hiring procedures and a commitment to professional training and development programs.

As the chief administrative officer of the Legislature, the Executive Director is responsible for instituting, managing, and implementing the initiatives of the Legislative Council. The Executive Director has taken positive initiatives in the professionalization of the non-partisan offices, computerization, and training and development efforts to the benefit of the

III. Management of the Legislature

institution. The role of the Executive Director is and will continue to be of critical importance in the management of the Maine Legislature in the 1990's. We recommend that the Legislative Council fully utilize the Executive Director in developing management policy issues for Council review, presenting long-term operating and capital resource needs, and establishing management and administrative priorities for study, review and Council action.

Notwithstanding these strengths, however, we have identified several areas where changes in management practices in the Executive Director's Office are warranted. These are highlighted as follows:

- Procedures for the development, administration and reporting of the legislative budget are not adequate in many respects, and do not reflect sound fiscal management practices; (these are discussed in detail in Chapter IV);
- The Executive Director, in conjunction with the Legislative Council, has not developed clear-cut policies and procedures for the preparation and dissemination of fiscal information to legislators and the public at large; the absence of such policies has engendered suspicion and mistrust concerning the purposes and extent of legislative spending.
- The Information Systems unit, with direction from the Executive Director, has considered replacement of the vacant Director of Information Systems position with the position of Manager. At the same time, Information Systems must maintain and continue to update the various applications as well as be responsive to other needs, such as:
 - a word searching (retrieval) system for the Office of the Revisor, the Library and OPLA.
 - budget/financial analysis application to be defined and developed once the State's financial management system is in place.
 - reapportionment software with needed hardware to assess alternative legislator scenarios, and
 - networking of the personal computers throughout the various departments.

III. Management of the Legislature

These on-going system and application needs will require additional staff support.

Chapter IV of this report presents several recommendations related to planning and budgeting for the Legislature as an institution. The Executive Director will be a key player in this recommended process. To facilitate the budgeting, planning, goal-setting, and policy initiative activities will require some modifications in the Office of Executive Director

Recommendations

Our recommendations with respect to the Office of Executive Director are:

4. Establish a Senior Budget Analyst position within the Office of Executive Director to report to the Administrative Services Director. The new position will be responsible for budgeting, accounting and personnel systems, analysis and reporting. This position is necessary to support many of the new budget, accounting and personnel administration recommendations presented in Chapters III and IV.
5. The Executive Director and the Legislative Council should develop a formal policy regarding dissemination of budgetary and financial information to interested legislators, managers and the public. The availability of various standardized budget reports will reduce random ad-hoc information demands on the Office, will promote confidence in the Legislature's financial management practices on the part of interested parties, and will promote accountability for sound financial management and decision-making.
6. We concur with the plans of not filling the Director of Information Systems position. We agree with this decision given the size of the organization and the level of activity, and due to the fact that the Legislature has completed significant automation initiatives in recent years. However, given the needed level of work volume to maintain and update existing software applications, software training, and possibly hardware conversion/expansion, the Office should hire at least one if not two programmers/system analysts. In making this decision, the Office should continue to develop a five-year systems plan that would be approved by the Executive Director, before it is included in the budget and submitted to the Legislative Council.

III. Management of the Legislature

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 (also receives staff support from OPLA) 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 program 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. Also, there is a need to improve the benefits of having a management structure that provides for both a director and deputy director.
- 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, at the present time OFPR is not sufficiently integrated into the procedures and systems for bill and amendment drafting and tracking presently utilized by OPLA and ORS; this situation is one example of the need for increased coordination and integration among the three key offices that support the legislative process.
- The current fiscal note process in Maine does not require an analysis and statement of cost to municipalities or counties for implementing or complying with a proposed law. There have been some initiatives to remedy this deficiency; however, at the current time the State Statutes (3 MRSA S163-A.12) only require that this information be provided if it is available from outside sources. Many state legislatures provide this analysis and information as part of the overall fiscal note process, as it is very valuable in assisting legislators in their deliberations.

III. Management of the Legislature

- 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.
- OFPR analysts do a sound, comprehensive review of the expenditure requests within the Governor's Budget. At the same time, there is a significant degree of manual analysis of budget requests by analysts in OFPR. While there are policy and substantive 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 number of fiscal/budget analysts within OFPR is not adequate to support the current and continually growing information needs of the Maine Legislature. As mentioned previously, municipal and county financial impact analysis cannot be provided, and analysis of federal program impacts on the state budget cannot be completed on an independent basis by the Legislature, due to the limited number of analysts.

Recommendations

We recommend the following with respect to OFPR:

7. 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 would provide additional job enrichment opportunities for professional staffers. This need to optimize professional staff is further supported by our recommendation to streamline the program review time cycle in Chapter V.

This is more important in consideration of the management structure within OFPR that provides both Director and Deputy Director level positions. This structure and level of management is appropriate only if both units of the Office interact extensively and are interdependent. To maintain the current management

III. Management of the Legislature

structure, we recommend the more active involvement of management in coordinating staff resources and in providing direction and consistent support and services to the Taxation Committee and the Audit and Program Review Committee.

8. 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, both to facilitate the communications and interactions among these three key support functions and to further support the team staffing approach which is explained in the OPLA section of our study.
9. We recommend that the Maine Legislature require analysis of and statements of municipal impact in fiscal notes in the future. This information is increasingly more important in decision-making, and we recommend that the Legislative staff be responsible for the preparation of this information.

The municipal impact analysis should focus on narrative statements as to the degree of impact, an estimated cost range, and -- in terms of very important pieces of legislation -- an analysis of the impact on a large, mid-size, and small municipalities. OFPR should utilize outside sources of information (professional associations and interest groups) and municipal finance directors; however, OFPR analysts must bring a level of independence to the process and be responsible for the final assessment as to the degree of impact.

10. 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.
11. In order to facilitate and enhance fiscal analysts' review of the Governor's budget requests, we recommend that all staff analysts receive on-going training in computerized financial/ budgetary analysis applications and that the Legislature continue the recent initiative to increase the numbers of personal computers to accomplish this work. This will reduce the current level of manual

III. Management of the Legislature

analysis and calculations which is time consuming and hinders staff productivity.

12. We recommend the addition of at least three analyst positions (full-time equivalents) within OFPR. The new positions are required to support the need for analysis of intergovernmental budgetary and fiscal impacts. Specifically, OFPR can enhance support to the Appropriations Committee through analysis of Maine programs that are federally funded or subsidized, and through analysis of local government impact. It is important to recognize that all fiscal analysts would then be responsible for analysis of state impacts, municipal impacts, and budget programs within a specialized program/policy area.

We also recommend the further specialization of staff within OFPR by program area. This supports our proposal in Chapter V for specialized standing sub-committees of the Appropriations Committee to serve as the most appropriate structure in the future to review the Governor's Budget.

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, reviewing 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

III. Management of the Legislature

cloture deadlines, committee deadlines, bill sponsorship, confidentiality, bill drafting requirements and standards, etc.

The Office of Revisor of Statutes provides legal support and review functions in the drafting of bills and amendments. It is important to note that ORS attorneys do not serve as primary staff to committees; direct legal and policy assistance is provided to committees by the Office of Policy and Legal Analysis (OPLA).

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. The Revisor has had to be involved in direct oversight of the proofreading and word processing functions.
- 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 specialization that can parallel 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 to assure final review for consistency and legal form.
- 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

III. Management of the Legislature

identify duplicate bills. The ORS is initiating an automated indexing system.

- 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.
- At the present time in the Maine Legislature, there is no formal responsibility within the non-partisan staff offices for the final legal review of bills prior to enactment into law. Currently, before any bill is passed to be enacted into law it is engrossed by the Engrossing Division of the ORS. This is a sound procedural process to ensure that the pending law incorporates the procedurally correct committee amendments and floor amendments. While it is a sound clerical and procedural process, there is no mechanism in place to assure that the pending law is consistent and constitutional.

Recommendations

We have several recommendations with respect to the Office of the Revisor of Statutes. Many of these recommendations are related to implementation of the Proposed Bill System recommended in Chapter V and a system of strict deadlines for referral of bills to committee and reporting of bills out of committee. Our recommendations are as follows:

13. 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 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. This will require the addition of one new attorney position.
14. The professional staff in the office should be organized under and report to the principal attorneys (as recommended above). The professional staff should be organized and have responsibility according to major substantive area: environment, human

III. Management of the Legislature

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 preparation of or review of the original draft, all committee amendments, and floor amendments on the same bills.

15. 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 should be implemented in conjunction with our proposed changes in bill drafting policies and requirements (discussed in Chapter V).
16. 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.
17. 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.
18. The adoption of the proposed bill system as recommended in Chapter V will reduce the volume of work activity within ORS primarily in the word processing and proofreading areas. As the new process becomes operational, the Legislature should consider a total staffing reduction of two legislative technicians and four proofreaders. As the ORS has generally had success in use of contractual support employees during limited peaks of activities, the Office could use temporary staff for peaks in activity.
19. After a bill is engrossed, we recommend a final legal review of the bill by attorneys in ORS to identify any potential conflicts and

III. Management of the Legislature

review it for form and constitutionality. The Joint Rules should be modified to require this procedure and place responsibility in the Revisor of the Statutes. The Revisor should be required to certify all bills after engrossment for consistency, form, and constitutionality. The Joint Rules should allow a minimum of 24 hours for this final legal review.

OFFICE OF POLICY AND LEGAL ANALYSIS

The Office of Policy and Legal Analysis (OPLA) serves as professional staff to the sixteen policy committees of the Legislature. As the principal analytical resource to committees during Legislative sessions as well as during the interim, OPLA plays a critical role in drafting and analyzing legislation and in facilitating committee deliberations.

Staffing in the OPLA has increased from 16 full-time positions in 1982 to 23 positions currently. A total of 14 professional analysts are assigned to one or more committees; three of these analysts are principal analysts who have both managerial and committee staffing responsibilities. The analysts are supported by three research assistants.

OPLA is responsible for five major functions within the Legislature:

- to provide policy and legal research and analysis to facilitate decision-making by the policy committees.
- to prepare committee amendments and new drafts.
- to prepare public act summaries which review all public acts.
- to provide legal and policy materials, research services, and analysis to assist individual legislators in developing policy options and legislative initiatives.
- to provide research, analysis and drafting support for the Legislature's interim study committees and commissions.

Commencing with the 114th session of the Legislature, the office was reorganized into three working groups: Natural Resources; Government and Economic Activities; and Legal and Human Services. Each group is overseen by a principal analyst who reports to the Director of OPLA. This organization

III. Management of the Legislature

has provided an intermediate supervisory level of managers within the office to facilitate service to the committees and to coordinate and focus groups of analysts and research assistants by major policy areas.

To fully understand the operations of OPLA, its role in supporting policy committees, and its interrelationship with the Office of the Revisor of the Statutes, it is important to recognize the distinction between the two classifications of analysts that staff the committees. Within OPLA there are eight policy analysts and six legal analysts. Policy analysts are professional researchers drawn from disciplines other than law, and as such they provide analytical assistance to committees which relate primarily to substantive policy issues. The legal analysts are attorneys who can provide legal information and expertise directly to the committee and focus on constitutional and statutory issues. Each OPLA working group is staffed by at least one attorney (legal analyst) who supports the policy analysts in the preparation of committee amendments and new drafts.

Our findings in relation to the Office of Policy and Legal Analysis are:

- The policy committees of the Maine Legislature require both substantive support and expertise in such areas as environmental policy, economic policy, human services policy supplemented by staff attorneys to provide legal counsel, drafting assistance and legal research whenever necessary. The current staffing patterns within OPLA provide combined legal and policy services to the joint standing committees. More procedural legal drafting and legal reviews are performed by attorneys in ORS.
- The current policy within the Legislature provides that OPLA rotate staff analysts assigned to committees every three years. This policy of rotating staff to new committee assignments can negatively affect OPLA service to committees, as "new" analysts will not be able to bring the same level of expertise, history or institutional memory to assist the committee in review of legislation.
- There are some concerns expressed by staff and legislators with respect to whether the current allocation of OPLA analysts to committees is adequate to service committee needs and to prevent some staff conflicts in schedules and instances of overlaps in committee assignments.
- Two staffing factors will become increasingly important in servicing the Maine Legislature in ensuing sessions: specialization and integration. In

III. Management of the Legislature

terms of staff specialization, OPLA has reorganized to support specialization by major policy area. Within the ORS and OFPR sections, we have recommended further specialization of professional staff in these functions. The less focus there is on specialization among the three offices--OPLA, OFPR, and ORS--then the less opportunity there is for coordination of the key staff players in supporting legislation through the process.

Recommendations

20. We believe that the current staffing pattern in OPLA which combines legal staff with policy analysts is an extremely efficient use of staff and has to date been effective in eliminating dual staffing of committees with attorneys in ORS. In 3 to 5 years, the Legislature should assess the option of providing each committee with two primary staffers: a policy/research staff person and a separate staff attorney. This would be appropriate based on continued increases in volume of legislation and the need to provide substantive policy expertise to assist in the non-legal aspects of committee deliberations.
21. Long-term staff specialization by committee and policy area should be promoted. A policy of staff specialization will provide committees with specialized skill sets for their needs, and with a staff person who has historical perspective on similar legislative initiatives from prior sessions. Ongoing committee staffing is always affected by turnover and specific needs for transfers at the discretion of the Director of OPLA; we believe that rotations of professional staff should not be encouraged and should be left to the judgment of the Office Director.
22. Chapter V of this study presents our recommendation with respect to reducing the number of joint standing committees. This recommendation will have positive benefits for OPLA. OPLA analysts would no longer serve as staff to 16 committees (and the Select Committee on Corrections), but to 13 committees. Clearly the volume of legislation will remain the same, but the Legislature's work will be structured through 13 policy committees, eliminating some of the problems of staff serving dual committee assignments and deadlines, and will also preclude conflicts in hearings and work sessions of their respective committees.

Also under a more consolidated committee structure, committees will still not have equivalent workloads. In the future, committees such as Energy and Natural Resources and Judiciary should be

III. Management of the Legislature

supported by two staff analysts, and a few of the lower volume committees (such as Agriculture) should continue to "share" staff.

23. Consistent with our support of and recommendation for further specialization of staff within OPLA, ORS and OFPR, we recommend that a team approach be established by these three offices. Under this approach, a team of staff would be responsible to support environmental legislation, another team for business legislation, etc. These teams would be an informal structure that would not change the organization and management of the three non-partisan offices. This approach would integrate the operations of the three offices; provide staff support more focused on the complete process as opposed to a fragmented part (i.e., preparation of a fiscal note); and would require office directors to coordinate resources to facilitate the legislative process as a whole.

LAW AND LEGISLATIVE REFERENCE LIBRARY

The Library provides a variety of reference, research, literature search and information and circulation services to legislators, the committees, staff personnel and the public. The Library's primary purpose is to disseminate information and provide research services to legislators. It also serves as the state's principal law library servicing judges and attorneys; housing all inventories of the Maine Revised Statutes and supplements; session laws; legislative records and documents; and Maine court reports.

The Library is organized and staffed according to its two major functions: public services and technical services. Direct services to the public (on average 200 library users per day) are provided by three librarians and four assistants. Primary services include 1) on-line automated access to the bill status system and several databases, including: Legisnet, Statenet, DIALOG, Vutext, and WESTLAW; 2) general and legal research for legislators, staff, state agencies and the public; 3) interlibrary referral and loan service; 4) circulation of over 80% of the collection; 5) provision of audiovisual equipment for legislators and staff. Some of the valuable resources available to legislators, staff, and the public include: 1) an extensive legal collection of state statutes, court reports, agency regulations and law reviews; 2) a comprehensive collection of Maine State legislative reference materials, executive orders and judicial court briefs; 3) a newspaper collection and

III. Management of the Legislature

newspaper clipping files; 4) federal government documents and studies; 5) policy and research reports and studies.

The technical services function is staffed by two librarians and four assistants. Technical services required to support the library's operations include: 1) on-going classifications of the various collections to facilitate usage; 2) cataloguing of all acquisitions; 3) microfilming; 4) sales distribution and billing of the Maine State Statutes; and 5) shelving and maintenance of the collection.

Staffing has more than doubled in the Library over the last ten years to accommodate a tremendous increase in usage. At the present time, staffing levels appear adequate to meet service demands, although the Director would like to increase the level of library services and provision of information to legislators and staff, and improve relations with other state library systems if additional resources can be provided.

The Library is a well-run operation and an invaluable research arm of the State Legislature. According to our survey and interviews, it is well regarded by legislators and staff alike; 71% of the legislators who responded to our survey rated library service as "Excellent".

Our findings with respect to the library are as follows:

- Two of the library's principle functions -- cataloging and circulation -- are manual operations. The cataloging of all library materials is maintained and updated through the preparation of index cards, and users must access the catalog file in conducting research. The Library's circulation desk recording system is also a manual card filing system.
- The library provides orientation training to new non-partisan staff regarding both the services and resources of the library. This is extremely important to optimize staff research capabilities and assure their knowledge of and access to all relevant materials and sources. During our study, a fair number of staff -- both partisan and non-partisan-- indicated a need to know what prior studies and resource materials exist within the Legislature so that they would not re-research an issue that was previously studied or analyzed, advise a constituent that information was not available, etc.

III. Management of the Legislature

- As discussed in other sections of this study, availability of office space and the need for proximity of legislative offices is a paramount issue for the Legislature. The lack of adequate space is evident in the library, which is not in conformance with National Library Standards.
- The library's public services and resources are widely used, but access to library services is limited to Monday-Friday, day-time hours only (except when the Legislature is in session). As the state's law and legislative reference resource, the hours limit access of many potential users.
- At the present time, the Library is responsible for sales of some legislative publications and for billing and collection of revenues. This activity does not directly relate to the library's reference and technical services operations.

Recommendations

24. The Legislature has made major strides in automation of many applications in recent years; the Legislature should give priority and resources to additional automation within the Library in such areas as circulation. The Library's automation requirements should be prioritized by the Executive Director and the Legislative Council as part of the five-year systems plan.
25. We strongly recommend periodic training programs for all legislative staff in the services and resources of the library, which in turn will facilitate staff service to constituents and increase their knowledge of valuable existing information sources and available studies and reports on relevant issues.
26. The Library prepares and distributes an Acquisition List of all new materials, documents, studies and reports. This list should be distributed on a very timely basis to all non-partisan professional staff, partisan analytical and constituent service staff, and committee clerks. Also, the Library should be more proactive in addressing staff's information needs through institution of a selective dissemination of information (SDI) program. Under SDI, individual legislators' or staff's areas of interest are recorded; all current information resources are printed out for the individual listed; the individual then would receive ongoing, periodic updates of new sources (studies, journals, magazine articles) of information on the relevant topic.
27. The future space and physical location plans for the library must recognize the strong preference of both staff and of legislators to be

III. Management of the Legislature

in close proximity to the Legislative Reference and Law Library as an invaluable research service and resource. The future planning for the Library should also give priority to increased access to the library through expanded hours of service for the public.

28. The billing and collection activities related to sales of publications should be transferred to the fiscal staff within the Office of Executive Director. At some point, it may be most appropriate to have a centralized state bookstore assume responsibility for sales and distribution of all state publications.

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

III. Management of the Legislature

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
- 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 and 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:

III. Management of the Legislature

- Many of the services that the Clerk and Secretary provide are directly related to the activities and requirements of the legislative session. At the same time, each operation requires adequately trained staff to support the legislative process.
- 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 has provided at times for 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 positions.
- 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 budgets 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 stenographers' 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

29. We recommend that the Office of the Clerk of the House transfer one calendar clerk position from full-time permanent status to session-only status.

III. Management of the Legislature

30. We recommend that the Maine Legislature continue to prepare a verbatim Legislative Record of all House and Senate debates. This record is used by over 40 subscribers, and the Library's reference staff has indicated that the Legislative Record is used on a consistent basis by attorneys and researchers. We recommend that the Secretary of the Senate and Clerk of the House provide staff to transcribe the Record on an as needed basis only through temporary employees.
31. We recommend that the Sergeant-at-Arms and the Assistant Sergeant-at-Arms positions be returned to session-only status. We also recommend that the Legislature establish written policy requiring the termination of session-employees within a limited number of days after the session ends.
32. 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.
33. 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.
34. 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

III. Management of the Legislature

Speaker of the House and President of the Senate have staff dedicated to assist them as presiding officers. Their staffs provide legal counsel services, constituent support services, casework services, media relations, speech writing, 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, speech writing, 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 majority senators in the Senate receive constituent support services from the professional staff in the Office of the Senate President. This benefits the caucus but does not promote a clear understanding of the separate roles of the Office of the Senate President and the Senate Majority Office.
- The six leadership offices are currently funded within the general legislature's budget; the current budget process and practice does not provide for budgetary identification and allocation of the specific resources for the operations of each of these individual offices. This practice does not promote accountability for management of partisan requirements separate from other legislative functions. It also does not provide either the majority party or 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

III. Management of the Legislature

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 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

35. 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 the numbers of members to be served.
36. In order to provide a clear dichotomy of responsibility between the Office of the President of the Senate and the Senate Majority Office, we recommend transfer of one full-time professional from the Office of the President to the Senate Majority Office. This will provide the Senate Majority caucus with three full-time aides dedicated to the caucus and to constituent service. Based on the minority representation in the Senate, and the same needs for constituent service, we recommend the addition of one professional staff position to the Senate Minority Office.
37. 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 annual budgets for the House Majority, House Minority, Senate Majority and Senate

III. Management of the Legislature

Minority to provide funding for fixed staff to support the Majority and Minority leaders and supplemental staff based on representation, in order to serve the caucus. 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 each of the leadership offices

Also it is important to note that all personal services budgets should continue to be developed in conformance with existing pay and classification plans; all personal services costs, adjustments and increases should be calculated and administered centrally by the Office of the Executive Director.

38. 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 legislators' newsletters
- sharing of generic issue letters and of materials for speeches

39. The partisan offices should consider development of formal policies 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.

40. In future years, 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; the analyst would provide this capacity for leadership of both parties in both houses. At the present time, respective leaders should have

SUMMARY OF STAFFING RECOMMENDATIONS

Office of Executive Director:

Addition of:

- Budget Analyst (1)
- Systems Programmer (1)

Office of Revisor of Statutes:

Addition of:

- Attorney (1)

Reduction of:

- 2 Legislative Technicians
- 4 Proofreaders

Office of Fiscal and Program Review:

Addition of:

- Fiscal/Budget Analysts (3)

Transfer of:

- Legislative Oversight position; reclassification from Director level position to analyst level position

Senate Majority Office:

Transfer of:

- Legislative Aide (1) from Office of President of the Senate (represents full-time-equivalent of caucus service work previously provided by positions in Office of President)

Senate Minority Office:

Addition of:

- Legislative Aide (1) (Caucus)

House Minority Office:

Addition of:

- Legislative Aide (1) (Caucus)

Office of the Clerk of the House:

Transfer of:

- Calendar Clerk (1) from full-time to session only position
- Limit House Reporters to temporary, as needed or contractual service basis

Office of Secretary of the Senate:

Transfer of:

- Sergeant at Arms and Assistant Sergeant at Arms from full-time to session only positions
- Limit Senate Reporter to a temporary, as needed or contractual service basis

III. Management of the Legislature

the authority and resources to staff their offices as they believe is most appropriate to service partisan objectives.

Several of our recommendations with respect to the Offices of the Legislature are related to staffing requirements. The exhibit on the opposite page presents a summary of the staffing changes by 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 for non-partisan staff.

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

- 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

III. Management of the Legislature

- 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 partisan leadership staff and non-partisan positions are based on formal compensation schedules which have been adopted by the Legislative Council. The range and step positions are being used as a basis for salary decisions and some changes have been made to the job classes to recognize new, as well as retired positions. At the same time, the Offices of the Secretary of the Senate and the Clerk of the House have not been required to adopt a salary classification and pay plan for their 51 full and part-time personnel. This allows for excessive flexibility in assigning positions to ranges and steps, but more importantly, may result in salary imbalance among legislative employees.
- 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 non-partisan directors have begun to develop a uniform performance evaluation system, in co-operation with the Personnel Committee.
- Personnel receive salary increases and promotions annually on their individual anniversary dates. While this is a convenient procedure for tracking each employee, it does not provide for a sound planning, decision making basis for awarding salary increase and promotions. Each person is being evaluated in a vacuum and there is no direct tie between next year's budgeted (available) funds and salary/promotion recognition, using the Legislature's approved classification and pay plan.

NOTE: The attached pages were omitted in the production of the Final Report through an oversight. Peat Marwick has reprinted a small number of copies of the entire Report so that pages will be numbered consecutively. These pages should be inserted after page 54 in this Report; the page numbers will **not** be consecutive.

III. Management of the Legislature

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:

41. 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.
42. We recommend that the Legislative Council engage an outside human resources firm to conduct a compensation study of both part-and full-time partisan and non-partisan personnel positions that are presently not part of the adopted classification and pay plans. This seems most appropriate for committee clerks, and for positions within the Office of Secretary of the Senate and Clerk of the House. Once implemented, the risk of salary inequities among positions would dissipate, and personnel would not feel mistreated and/or not recognized for job performance. Also, appropriate grade and/or step differentials would be provided to reflect varying workloads and position requirements.
43. We recommend that the Executive Director and Office Directors continue their efforts to develop a standardized program for performance appraisals to be implemented by all non-partisan offices as soon as possible. We also recommend that a similar effort be undertaken by the partisan offices both in format and context so that both employer and employee will both complete the evaluation and then have dedicated time to compare results, negotiate the individual's strengths and weaknesses and participate in the final evaluation which both persons will sign and then be included in the employee's personnel file. 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

III. Management of the Legislature

criteria" is still a valid one and should be completed as time permits.

44. As a follow-up to our recommendation for performance appraisal, we also recommend that all non-partisan and partisan offices replace individual anniversary date performance and salary reviews with a formal once-a-year (annual) compensation/promotion review of all personnel. This would allow management to compare employees' performance against level of expectations and each other, and then allocate available funds based upon step increases, performance ranking and available funds. This process should be completed just prior to fiscal year-end and be responsive to available funds in the next year's approved budget.

STAFF UTILIZATION

As an institution which operates primarily on a semi-annual schedule, the Maine 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.

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.

III. Management of the Legislature

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:

45. 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.
46. 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 can provide cost savings and may have little or no effect on legislative support capabilities.
47. 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.

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 "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 supports the information needs of legislators and legislative staff. It provides

III. Management of the Legislature

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:

48. 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.
49. As a second priority, we recommend that the actual text of bills that have been referred to committee and drafted be made available to not only non-partisan staff, but to all 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 information will be available to all legislative offices this summer.

The costs of such a system upgrade, as well as the cost of providing this information to the Executive Branch and outside subscribers, should be partially or totally recouped through increased subscription fees, which are now only a nominal amount.

IV. 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 ("all other")
- capital costs.

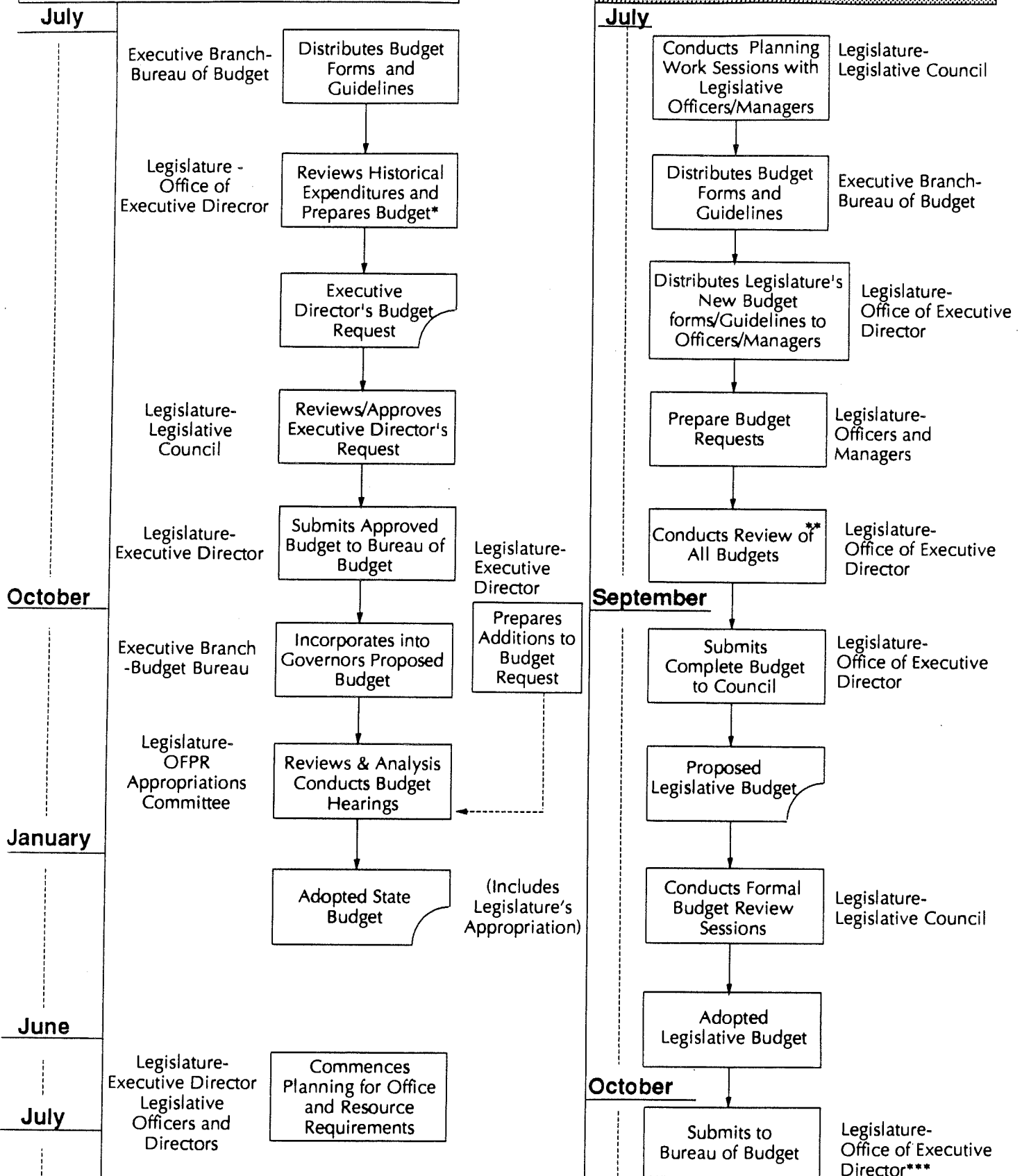
Within these categories, the Legislature has total flexibility in the administration of its budget across offices, units, and line-items of expenditure, so long as the budget does not exceed the three total appropriations referenced above.

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 Part I Budget, or current services budget, is developed on a biennial basis in the late summer and fall of even-numbered years for consideration by the Legislature in the 1st regular session and is effective as of July 1st. In addition, the state budget process provides for

OVERVIEW OF THE LEGISLATURE'S BUDGET PROCESS

Current Process

Recommended Process



* Limited, informal input from Officers/Managers

** Procedural Review of all Budgets and Substantive Review of Non-Partisan Budgets

*** Or when appropriate the Appropriations Committee

IV. The Legislative Budget

submittal and funding of emergency budget requests through a separate Budget Act in the 1st regular session. The state's Part II budget requests fund new or expanded programs or services and is prepared in the late summer and fall of odd-numbered years for consideration by the Legislature in the 2nd regular session.

The key steps in the current process include:

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

IV. The Legislative Budget

- 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.

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.

IV. The Legislative Budget

- Planning for the Legislature is neither well developed nor defined; and this process is not coordinated with the biennial/annual 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.
- 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.

On limited occasions budget status reports are presented to the Council to satisfy specific ad hoc requests, however they do not provide the three categories of information listed above nor are they a formal requirement of the budget adoption process.

- 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)

IV. The Legislative Budget

- 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 an activity budget (plan).
- Since there is no way to manage or control expenditures against a budgetary plan by office or major activity, there is no mechanism in place to assure that expenditures are consistent with budgetary intent (intent of the Legislative Council). Again, the Legislature's budget is prepared and administered for the Legislature as a whole instead of by office or functional activity and as such it is not a meaningful planning or financial management mechanism.
- The Legislative Council does not routinely receive/review periodic budgetary expenditure reports to facilitate its oversight and control.
- 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

IV. The Legislative Budget

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.

It is important to recognize that the recommendations with respect to planning, adopting and managing the Legislature's budget will require the Legislative Council to have a more active management role than in the past and that some of this activity will need to occur during the interim. Specifically, the Council will have to dedicate additional time and attention to budget priorities, allocation of resources, and oversight. Our recommendations also provide a formal on-going process for effective bi-partisan management of the Legislature, as the Legislature's budget document and annual budget cycle serve as the key planning, decision-making and resource allocation mechanisms for the institution.

Planning

50. 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. It is important to note that the interim between the 1st and 2nd regular sessions is a key period for budget planning as the current Legislative Council will have had a

IV. The Legislative Budget

reasonable period of time to prioritize its objectives and legislative needs which can then be presented, in the future, as part of the Legislature's Part II Budget request during the 2nd regular session.

Development

51. 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.
52. 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.
53. 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 services
 - supplies

Adoption

54. The format and information contained in the proposed budget request that is submitted to the Council is critical to facilitate a meaningful review of the proposed budget request. We recommend that the budget document submitted to the Council include:

IV. The Legislative Budget

- 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
55. 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.
56. 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

57. 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

IV. The Legislative Budget

- capital

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.

58. The Legislature's budget process, procedures, calendar and budget development standards should be formalized and documented in a Budget Manual.
59. The Legislature should continue to participate in the centralized financial management reporting and accounting system of the Executive Branch. It is important to note that the Legislature will benefit from the diverse capabilities of a statewide system, yet the Executive Branch will not exercise control over the Legislature's budget or expenditures: 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.
60. 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 (i.e.: OPLA to Revisor of Statutes)
 - transfers of funds between categories of expenses within an office (i.e, personal services to non-personal services/all other)

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

IV. The Legislative Budget

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:

- 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. While there may be a basic understanding that the needed funding requirements will be incorporated in the Legislature's subsequent supplemental or emergency budget request, the services or items are nevertheless funded without an appropriation.
- The Office of Executive Director does not routinely 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 several weeks and is a concern to some Office Directors. Payments are affected by:
 - review and processing time in Office of Executive Director
 - absence of an appropriation
 - sufficiency of funds per allotment period

IV. The Legislative Budget

- data entry and procedural review by the Bureau of Accounts and Control

Recommendations

61. 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 and which is currently being implemented within state government.

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 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.

62. As an alternative to spending without appropriations, the Legislature should consider establishing a contingency account, as is done in some other states. This account should be limited in amount and should be subject to a formal transfer and approval process by the Legislative Council.

A contingency account will provide a specific allocation to fund unforeseen or emergency requirements over the course of the fiscal year. The contingency account allocation should be limited to approximately two percent of the total Legislative appropriation.

The Legislative Council, as the management body of the Legislature, should be responsible for and accountable for decisions to transfer funds from the contingency account for unforeseen purposes and emergencies. The Council should approve transfers based upon formal vote authorizing the transfer of funds from contingency to a specific function/expense account for a specific use.

IV. The Legislative Budget

63. The payment process for vendors of the Legislature 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 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.

V. THE LEGISLATURE AND THE LEGISLATIVE PROCESS

V. THE LEGISLATURE AND THE LEGISLATIVE PROCESS

Our analysis of the legislative process of the Maine Legislature centered primarily on four discrete areas: (1) the use of legislative time, in particular, how the legislature allocates time to each stage in the legislative process -- introduction and bill drafting, committee deliberations and floor activities; (2) joint committee operations; (3) interim activities; and (4) the organization of the second year regular session. Our study has also focused on the committees of the Legislature with special emphasis on the Appropriations and Financial Affairs Committee and the Audit and Program Review Committee; workload of the joint standing committees, legislative oversight, and the role of the minority party within the Legislature.

While each of these areas is treated separately in our analysis, they are nonetheless deeply inter-related and should be viewed as integral parts of the whole. What happens at the beginning of the session has a dramatic impact on what occurs at the end of the session. Similarly, interim activities affect bill drafting and committee deliberations. The reader should note that any recommendations offered to change a practice or procedure in one area will have consequences on other areas of legislative activity.

As a broad statement of findings, we believe that the process by which legislation is introduced and referred to committee would benefit from a significant restructuring. As we will graphically demonstrate, during the first year of each legislative session this Legislature is simply unable to process its bill volume in a timely and rational fashion. The consequences of this early logjam are felt throughout the session and are especially evident in the final days and hours when critical decisions are being made pell mell in a near crisis atmosphere.

Our findings will also show that the joint committee structure - while well suited to the task of reviewing and screening legislation - would benefit by the adoption of certain uniform procedures and more realistic reporting deadlines. As well, we will recommend that the Maine Legislature consider reducing the number of committees to facilitate a more even distribution of the legislative workload and to make better use of legislator and staff time.

V. The Legislature and the Legislative Process

We also believe that the role of the Appropriations and Finance Committee could be enhanced by more clearly prescribing its jurisdiction and by establishing more effective procedures for involving other committees and legislators in its deliberations. We will also suggest ways and means of strengthening the interim period by promulgating specific uniform procedures for the organization, conduct, and reporting of all interim studies. We will recommend strengthening the role of one of the potentially most influential committees in the legislature, Audit and Program Review. We will also document the dramatic increase in legislative activity during the second regular session and present recommendations pertaining to how this "short session" can be better organized. Finally, in light of our proposed bill system recommendation, we will present recommendations with respect to the role of the minority party within the Legislature.

USE OF LEGISLATIVE TIME *

Bill Filing Procedures

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

Over the past decade, the volume of legislation considered by the Maine Legislature has grown at a modest, but fairly steady rate, from 1,581 individual bills and resolves in the 109/1st to 1,735 in the 114/1st. Comparatively speaking, as Appendix C.1 demonstrates, this bill volume places Maine

* Our analysis of how the Legislature uses its available time is confined to the first year, odd-numbered session. Procedures and session activities differ markedly in the second year and will be analyzed in a subsequent section of this chapter.

V. The Legislature and the Legislative Process

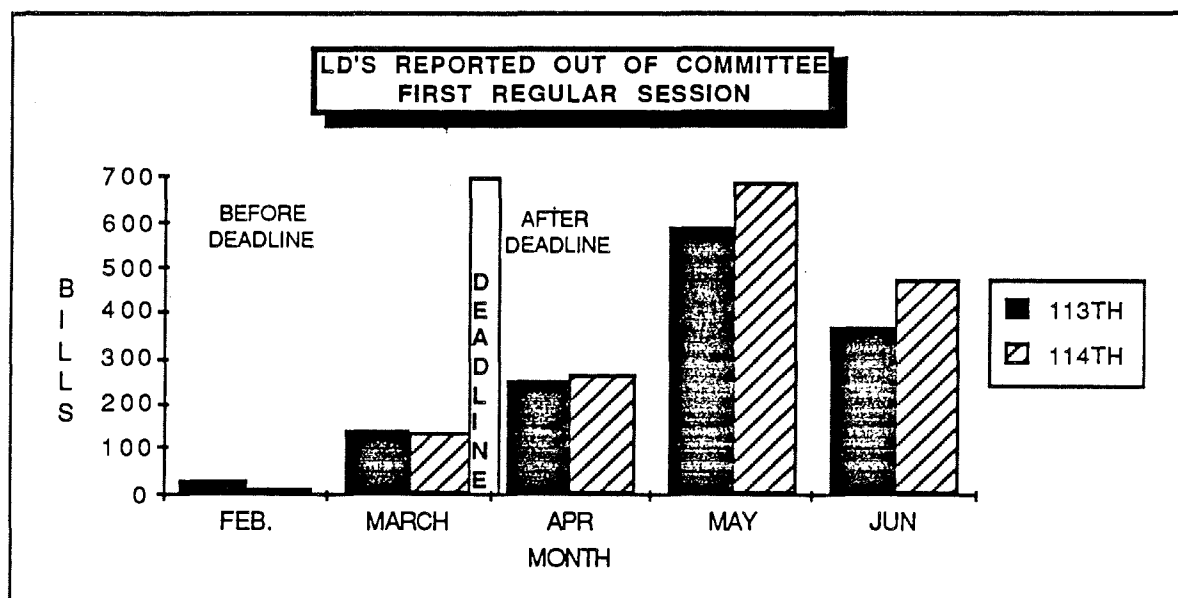
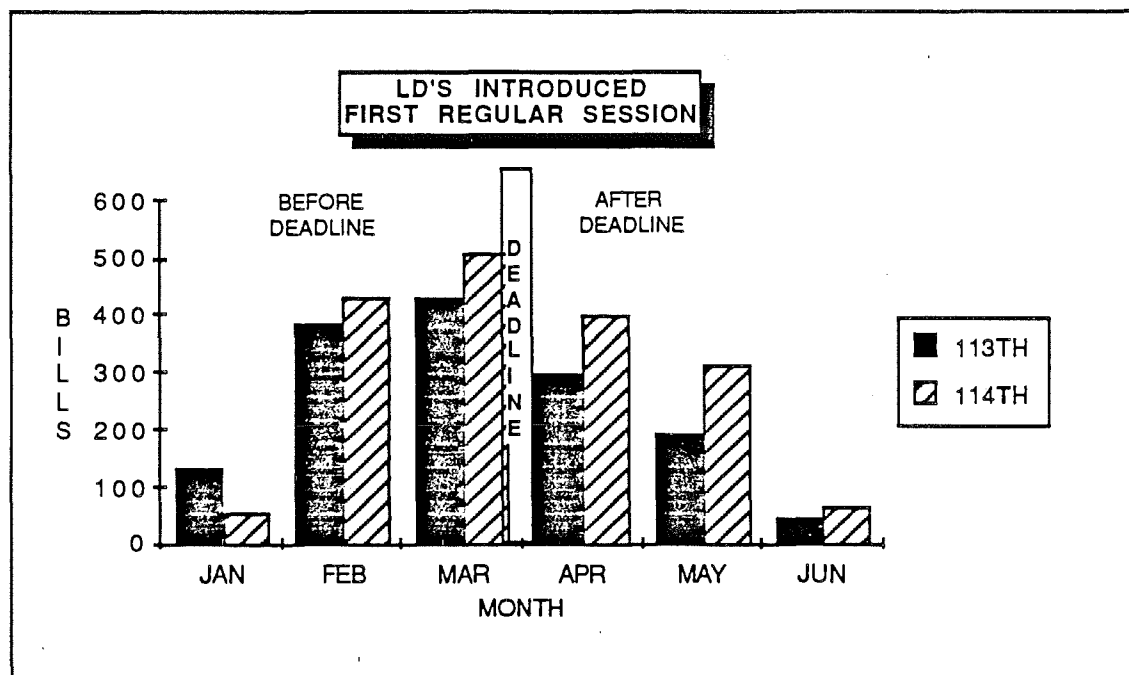
roughly in the middle of all other state legislatures in terms of total bill volume. However, when the industrialized, full-time state legislatures are factored out, Maine's position changes dramatically. Among the part-time citizen's legislatures, Maine ranks as one of the busiest and in the northern New England states, it is at the top of the list.

In an effort to regulate its large bill volume, the Maine legislature employs a cloture system or series of deadlines which are stipulated in the joint rules. These deadlines attempt to address the two critical stages in the legislative process: bill drafting requests and committee reports. As will be shown, however, neither of these deadlines effectively regulate this bill volume.

Under the present system, the opening weeks and months of the legislative session are characterized by a flurry of activity as the Revisor's Office endeavors to draft bills and move them along in the process. For a variety of reasons, the Revisor's Office must receive bill drafting assistance from other staff offices within and outside the legislative branch. To assist the Office during this period of intense bill drafting, the Office of Policy and Legal Analysis and the Office of the Attorney General provide invaluable staff support. In 1989 alone, of the total of 1,735 bills considered, nearly 600 were drafted by OPLA and an additional 150 by the Attorney General's Office. In sum, well over one-third of all bill drafting took place outside of ORS.

Despite this significant "outside" assistance, a large majority of bills and resolves still do not get drafted and referred to committee until the legislature is already at the mid-point of its session. As the exhibits below graphically illustrate, in both the 113/1st and 114/1st, nearly three-quarters of all legislative requests were not actually referred to committee until March and over 40% of these bills and resolves were not even introduced until after the joint rule deadline for committee reporting had passed.

V. The Legislature and the Legislative Process



The consequences of this inordinate backlog in the opening weeks and months of the session are profound. Committees, of course, cannot begin serious deliberations until at least a majority of the bills and resolves they will review are before them. Only then can they begin the process of scheduling hearings, screening bills and preparing committee reports.

V. The Legislature and the Legislative Process

Because of the delays in bill drafting, it is not until late March that committees can begin their work in earnest. Furthermore, valuable professional staff resources are tied up just getting bills drafted and into committee, and the end of session scramble to pass major legislation is, if anything, even more intense than the early session logjam. Although a spirit of professionalism and cooperation prevails, the pressure to get the bills up and out, places undue strains and stress on everyone involved.

Given this pattern of legislative activity, there can be little wonder that the end of the session is even more frantic than the beginning. We recognize that in all legislatures as the session draws to a close, the pace of activity quickens. However, it would be difficult to find another legislature which faces such an enormous rush of activity in the final weeks, days and hours of the session, as does Maine. Moreover, even if other legislatures do experience similar end-of-session logjams, this should not be construed as meaning that such a situation is unavoidable or in any way justified.

To illustrate the depth of the problem, one example will suffice. During the final two days of the 114/1st session, the Maine legislature enacted the Part II budget, major pieces of legislation dealing with property tax relief and health care, and in the bargain, cleared more than 160 bills off the appropriations table. It defies logic to conclude that the present system is operating as effectively and as efficiently as possible.

To be sure, a number of new developments hold promise for easing up the early session backlog. The new Director of the Office of the Revisor of Statutes has already implemented a series of progressive administrative procedures which will enhance the efficiency of his office's operations and no doubt, speed up the bill drafting process. Moreover, based upon our analysis of this office and our extensive interviews with the Director and many legislators who rely on this office, the Director will extract the maximum efficiency out of his office using the limited resources at his disposal.

There are those who contend that the 114/1st was an anomaly. The Office of the Revisor of Statutes (ORS) was in a state of flux brought about by the hiring of a new Director just before the session began. To further

V. The Legislature and the Legislative Process

exacerbate the situation, the Office also had to deal with illnesses and critical staff vacancies during the first part of the session. Notwithstanding these mitigating circumstances, we believe that ORS cannot continue to support the job at hand. In the best of circumstances, four bill drafters, plus the Director, plus OPLA staff support, plus support from the Attorney General, will not be able to get the job done in a timely fashion without some significant changes.

Already there are clear signs that the ORS will not be able to continue to rely so heavily on OPLA for bill drafting assistance. As a subsequent section of our report will show, the time demands on OPLA for on-going research on issues being considered in committee and for completing and drafting complex legislation emanating from interim studies, are growing. Furthermore, the present excellent professional relationship which exists between ORS and OPLA directors is a major factor in accounting for the cooperative spirit evident in these two offices. In the future, it is at least conceivable that this spirit of cooperation could change, resulting, if no other procedural steps are taken in a marked decline in productivity.

Finally, even if bill volume levels off or drops slightly in future sessions, it seems self-evident that the issues and problems the legislature must grapple with will continue to expand and grow in complexity. Who will take issue with the fact that legislatures throughout the land are spending more time and greater resources in attempting to address the needs of the people they serve?

Based on our findings, we conclude that if this Legislature wishes to preserve its part-time, citizen's status and continue to provide the same quality of service to the people of Maine, it must take strong and decisive steps aimed at restructuring the legislative process. As the ensuing sections of this chapter will describe, we believe that the Maine Legislature will benefit by the adoption of a series of inter-related procedures governing the use of time, committee operations, and interim activities.

V. The Legislature and the Legislative Process

Summary of Recommendations

We recommend that the Maine Legislature institute the following changes in rules and procedures to facilitate the use of legislative time:

64. Establish a new bill filing procedure (the proposed bill system) as described herein whereby all requests for bills and resolves would be drafted and referred to committee in a non-statutory, layman's language format.
65. Amend Joint Rule 28. "Cosponsorship" to permit an unlimited number of members to sponsor any bill or resolve.
66. Develop and enumerate in the Joint Rules a new series of deadlines to regulate the flow of legislation from bill drafting requests to committee reports.
67. Amend Joint Rule 27. "Filing After Cloture" to require a two-thirds vote of both houses before any late filed measure can be introduced.

Each of these recommendations is delineated in detail below.

PROPOSED BILL SYSTEM

At the very core of our recommendations is a call for the Maine Legislature to adopt a new system for introducing legislation we define as the Proposed Bill System. In essence, this system will enable the Maine Legislature to get off to a much quicker start at the beginning of the session. Significantly more time would be afforded to joint standing committees to complete their deliberations and there would be at least the opportunity to reduce the tremendous end-of-session logjam.

The Proposed Bill System we recommend for Maine is patterned along the lines of the Connecticut General Assembly's system, which has been successfully employed for more than a decade. We have, however, incorporated a number of significant changes which take into account the unique circumstances evident in the Maine Legislature. What follows is a detailed three-part outline which presents the key provisions of the Proposed Bill System, the benefits we believe will accrue, and a final section which

V. The Legislature and the Legislative Process

presents a series of questions and answers addressing the major issues which Maine legislators and staff have raised.

Key Provisions

Under the procedure we are recommending for Maine, all requests for drafts would be submitted to the Revisor's Office in a non-statutory, layman's language format. The Revisor's Office would, as is currently the case, assist each legislator in developing the key provisions of his/her bill. This would include a statement of purpose (150 words or less), brief enumeration of key provisions and title.

Following reference, the committees would group all proposed bills according to subject matter and then schedule subject matter public hearings. The notice for these hearings would include the subjects to be considered plus the title and number of each proposed bill. Legislators, members of the public and other interested parties would be permitted to testify and/or offer written testimony on the subjects or proposed bills before the committee. Following the public hearing, the committee would meet in working session to decide by majority vote which bills it wishes to have drafted as committee bills in full statutory form. At this stage, the committee would be moving to accept proposed bills as is, combining similar measures, offering amendments, and performing whatever additional research is necessary.

Cosponsorship

When a committee bill is based on two or more proposed bills, the committee would designate which proposed bill is to be used as the primary vehicle. All other proposed bills which are incorporated into the committee bill would be noted by number and sponsor at the bottom of the new committee bill. It should be emphasized that unlike present practice, any number of legislators may co-sponsor a proposed bill and all co-sponsors would be listed on the new committee bill. This is especially significant in the frequent case where proposed bills would be combined.

V. The Legislature and the Legislative Process

As is presently the case, the Revisor's Office would receive bill drafting support from OPLA. While the bulk of bill drafting would take place at a later date, the critical difference would be a measurable reduction in the total number of drafting requests. Furthermore, by this stage in the process, after the proposed bills have been drafted in layman's language and after the public hearings and working sessions, ORS and OPLA would have a well developed body of information and knowledge from which to draw upon in preparing committee bills.

Once the committee has completed its deliberations, it would request that the Office of the Revisor of Statutes prepare full statutory drafts (committee bills). After preparing the committee bills the Revisor's Office would return the bills to committee for final consideration. The committee would then issue its report to the originating house. Proposed bills which the committee elects not to have drafted as committee bills would be reported out as is. That is, in the non-statutory proposed bill format. These measures would also be reported out adversely as "ought not to pass" or "unanimous ought not to pass." Only committee bills would be reported out favorably as "ought to pass", "ought to pass as amended", "ought to pass in new draft" or "unanimous ought to pass."

Deadlines

Under this proposed bill system, we recommend a comprehensive new set of deadlines to be implemented as follows:

- a) The current deadline for requests for bills and resolves would remain as is, thus continuing to permit legislators to have ample time to submit their requests for proposed bill drafts.
- b) A second deadline would speak to the time limit the ORS would have to prepare all requests for introduction. This deadline would initially be set for the last Friday in January. (Once the Legislature has become familiar with this new system, it is likely that they may wish to move this date up.)
- c) A third deadline would be established stipulating when committees must make their requests for statutory drafts. To help even out the

V. The Legislature and the Legislative Process

workload, the committee drafting deadline should be staggered from mid- to late-February.

- d) A final set of deadlines would specify when all committee reports must be made to the floor of the House or Senate. Again, a staggered committee reporting system, spanning late March through early April, would be recommended for all committees.

Filing after Cloture

We also recommend a change in the Legislative Council's role in dealing with after-deadline requests. Specifically, we suggest that the present practice whereby the Legislative Council decides by majority vote which measures to allow in as late-files be amended to require that a 2/3rd's vote of both houses of the legislature is necessary to permit the introduction of late-filed measures. This change would be in keeping with the practice employed by a majority of state legislatures (see Appendix C.2) and addresses the perception of 60% of the Maine legislators who responded to our survey that the Legislative Council does only a fair to poor job in screening bills filed after cloture.

While this new proposal is not designed to eliminate the introduction of all after-deadline requests, it should significantly reduce the number. Clearly, permitting more than 160 measures to be introduced as late-files, as was the case in the 114/1st, can only further slow down the process.

Benefits of the Recommended System

Under the proposed bill system, the Maine Legislature will be able to more efficiently, effectively and rationally allocate time. The inordinate delays caused by attempts to draft all legislation in full statutory format at the beginning of session would be, in large measure, eliminated. The ORS and OPLA would then only be called upon to draft those measures which the committees report favorably. This would amount to a significant reduction in full bill drafts as presently some 40% of all legislation reported to committee is reported out as either "unanimous ought not to pass" or as a majority report of "ought not to pass." Few of these adverse reports are ever overturned on the floor of the House or Senate. No longer will the staff of

V. The Legislature and the Legislative Process

ORS or OPLA be required to draft these already predestined bills. Moreover, it is estimated that as much as 20% of the total bill volume is duplicative in nature, being identical or closely linked to other bills which address the same issue or problem. Because similar bills will be combined in committee, this will eliminate the need to draft duplicative legislation.

Eliminating duplicative legislation and drafts of unfavorable measures would be especially significant when one considers some of the major pieces of legislation which customarily are 20, 30 or more pages in length. Because of their high public visibility and importance, legislators, lobbyists and representatives of the Executive branch will frequently file their "own" versions of the same measure. For example, during the 114/1st one of the most controversial and complex bills considered was the solid waste bill. By the time the Energy and Natural Resources Committee had completed its deliberations, over 40 individual bills on the same subject had been considered. Yet of these more than 40, only four were seriously considered by the committee. Notwithstanding this fact, the remaining bulk of bills were still fully researched, drafted and printed. Hundreds of pages of drafts, countless hours of research, all for naught.

The proposed bill system will reduce bill volume dramatically. For example, in Connecticut before this system was adopted annual bill drafting requests exceeded 6,000. In 1989, fewer than 1,500 bills were drafted into full statutory format. We estimate that in the first year of operation the Maine Legislature could experience a reduction of approximately 20% in total bill volume. In addition to time savings, there should be a measurable dollar savings in printing costs and, as noted in Chapter III, in the potential for reducing the total number of proofreaders and legislative technicians employed in ORS.

Finally, the proposed bill system, with the attendant changes we recommend in cloture and certain committee operations, will even out the pace of legislative activity throughout the session. By getting off to a quicker start, the Legislature may find itself with more time at the end of the session to deal with the press of business. In order to more fully illustrate the benefits

V. The Legislature and the Legislative Process

associated with the proposed bill system, we have prepared responses to some of the questions that have arisen with respect to the recommended system.

Questions and Answers

1. Q: *"The proposed bill system runs contrary to the concept of the citizen's legislature. Under this new system every bill would no longer get a public hearing or be debated on the floor of the House or Senate."*

A: The proposed bill system will not impinge on the right of a measure to be openly discussed and debated in public. When committees schedule subject-matter hearings, members of the public, legislators and other interested individuals will be invited to offer written and oral testimony on any subject or individual measure before the committee. Furthermore, because the proposed bills will be in layman's language they will be far easier for the public to understand. Rather than diminish the citizen's legislature, this proposed bill system will help assure that the State of Maine can continue to maintain its present style of government.

2. Q: *"Because each proposed bill will not be in full statutory language, neither the committee nor the public will be able to fully understand what they are looking at. This will be especially true in the case of really technical, complex measures that frequently come before the legislature."*

A: Proposed bills look like regular bills in any other legislature. They are numbered, printed, referred to committee, and distributed publicly. Each proposed bill would include a title, a short statement of purpose (150 words or less) and a summary of the key provisions (i.e., what statutes will be affected, whether a new statute is being called for, etc.). Because each measure would be written in layman's language, it would be far easier to understand than is presently the case. The public would benefit by being able to more readily comprehend the key elements of the measure and by the opportunity to present testimony either on the entire subject or on a specific measure. It should also be remembered that once the committee has decided which measures it wishes to have drafted as committee bills, the committee would have an opportunity to review the full legal text before issuing its report.

V. The Legislature and the Legislative Process

Copies of sample proposed bills and fully drafted committee bills are enclosed for your reference (please refer to Appendix D).

3. Q: *"What is there to prevent the majority party from drafting all the bills introduced by its members and ignoring those introduced by members of the minority party?"*

A: To avoid this possibility, we propose a procedure whereby a minority of the membership of either house (10 of 35 Senators or 40 of 151 Representatives) can petition a committee to draft a particular proposed bill and schedule it for a public hearing, this is detailed under our discussion of the role of the minority party in the Legislature.

4. Q: *"Won't this new system simply shift the bill drafting burden from the early weeks of the session to a much later date, and if it does this, won't we end up with more of a time management problem than we have now?"*

A: While it is true that full statutory bill drafting would not take place until after public hearings and working sessions have been held, bill drafting would still begin in earnest at an early date. Moreover, it needs to be recognized that not only would the volume of legislation be significantly less, but ORS and OPLA would have more information on which to base their final drafts. They would no longer begin the drafting process from square one as is presently the case with so many requests.

5. Q: *"How will ORS be able to turn these bill drafting requests around in a timely fashion and won't this system just continue to emphasize the reliance that ORS places on OPLA for bill drafting support?"*

A: Under the proposed bill system, there would be a significant reduction in the total number of bills drafted in full statutory language. Furthermore, ORS staff would continue to be assisted by OPLA staff in bill drafting.

Under the present system, OPLA staff assumes a great degree of responsibility for researching and drafting complex legislation, amendments and re-drafts, while ORS staff is responsible for bill drafting plus reviewing all

V. The Legislature and the Legislative Process

fully drafted legislation for form and accuracy. As has been noted in Chapter III, OPLA staff includes a number of attorneys and non-attorneys who play a major role in research and drafting legislation. Under this new system, while ORS would continue to rely on OPLA for bill drafting support, OPLA staff would only be dealing with measures which the committee plans to report out favorably. This would represent a more efficient and rational use of this valuable staff resource.

6. Q: *"Won't it be impossible to determine whether a bill has a fiscal impact or needs a fiscal note without being able to see the full statutory draft?"*

A: The statement of purpose and description of each proposed bill will make it self-evident in nearly every case whether or not an appropriation would be required and whether a fiscal note is thus necessary. Furthermore, on any measures the committee has a question, they can request a full draft and refer the measure to the Office of Fiscal and Program Review for the preparation of a fiscal note. Under this new system the major difference will be that only committee bills will receive fiscal notes as opposed to the current system whereby all money bills receive fiscal notes..

7. Q: *"What about other options to address this time use problem?"*

A: There are several other options which we have considered and rejected due to the adverse consequences they would produce. The first would be to adjust the legislative schedule to provide for a later convening date. Instead of opening the session in January, the session would begin in early February. The month of January would be devoted to bill drafting and committee activity would take place in February and March.

While it is true that this schedule would afford the ORS more time to prepare bill drafts, we do not believe it would materially affect the present pattern of session activity. Unless the session were lengthened through April, the result would be the same uneven work flow evident in the present system.

V. The Legislature and the Legislative Process

A second option would be to make the proposed bill system optional and applicable only to duplicative legislation and late filed measures. We reject this approach because we believe it would be unenforceable.

Stipulating that only late files or duplicates would be subject to the proposed bill format would imply that these measures were of a "second class status." Even if this were the case, we doubt whether any legislator would acquiesce to having his or her measure treated in such a different manner.

A third option would be to move the filing deadline back to perhaps the first Friday in December, thereby giving ORS more time to draft legislation. It would be extremely difficult for members of a part-time legislature, with outside jobs, to prepare their legislation so far in advance of the session. This is further complicated in an election year. Finally, this early filing date would discriminate against freshman legislators.

A fourth option would be to increase professional staff in the Office of the Revisor of Statutes. By adding at least three full-time attorneys it is conceivable that more bills would be drafted in a timely fashion. We reject this alternative for economic reasons and because we see no justification in a part-time legislature for such a significant staff increase.

Still, a fifth option would be to place a cap on the total number of bills any legislator could introduce as is done in Colorado. This goes against the very core of a citizen's legislature, we therefore reject this proposal.

Finally, the legislature could move to extend the length of legislative sessions, giving itself more time to complete its business. Again, this runs counter of the notion of a citizen's part-time legislature.

8. Q: *"Won't this new system give lobbyists an unfair advantage as they have the resources to introduce fully drafted bills?"*

A: Under this new system, only bills and resolves drafted in layman's language format would be permitted for introduction. Even if a lobbyist or executive agency or department submitted a fully drafted bill, ORS would only prepare a proposed bill containing the title, summary and key provisions.

V. The Legislature and the Legislative Process

9. Q: *"Won't this system give committees too much power, and are committees really capable of making these decisions on which bills to combine?"*

A: The joint committee system used in Maine is one of the most effective committee systems in the nation. Furthermore, our assessment of Maine's joint committees leads us to conclude that they perform their screening and researching responsibilities in a highly effective manner. In most instances, they are well staffed and fully capable of carrying out the responsibilities of this new proposed bill system. It should be kept in mind that this new format will make it more efficient for committees to review and screen legislation.

10. Q: *"Won't this new system simply increase the number of amendments offered on the floor?"*

A. In Connecticut, where the proposed bill system has been in effect for more than a decade, there has been no measurable correlation between the rise in floor amendments and the use of the proposed bill system. Moreover, in the year this proposed bill system was implemented, there was no discernable increase recorded in the number of floor amendments.

Conclusion

As we stated at the outset of this chapter, the single greatest problem facing the Maine Legislature in 1990 is how to effectively manage its available time. This is an especially critical question in Maine when one recognizes that the goal is to balance the desire to maintain a citizen's legislature with the need to address an increasing and more complex workload.

We believe the proposed bill system is the best solution to Maine's situation. It would enable this Legislature to deal more effectively and efficiently with its business and most importantly, it will permit this Legislature to retain its citizen's character. If the Legislature moves to adopt or even further study this proposed bill system, we would recommend that the Legislative Council appoint a special sub-committee comprised of

V. The Legislature and the Legislative Process

legislators and key staff to examine this proposal in further detail. As one necessary step, we would further suggest to the Advisory Committee that they invite to Maine representatives from the Connecticut Legislative Commissioner's Office and several Connecticut legislators to testify in detail on the Connecticut experience with the proposed bill system.

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 judgment, one of the great strengths of this Legislature. Not surprisingly, our survey of legislators' attitudes concerning the present joint committee system bears out this view. 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.

In addition to these technical criteria, the Maine Legislature can lay claim to a number of innovative and nation-leading laws. The extensive research and expertise evident in ground-breaking environmental and social legislation lend further credence to the overall effectiveness of Maine's joint committee structure. Notwithstanding this strong endorsement, we do believe that several significant improvements can be instituted; improvements which will serve to further strengthen each committee's role in shaping public policy.

Summary of Recommendations

We recommend that the Maine Legislature implement the following with respect to the joint standing committees.

V. The Legislature and the Legislative Process

68. Establish a set of uniform rules of committee procedure.
69. Enumerate and formally define the jurisdictions of each of the joint standing committees.
70. Establish two groups or sets of committees to eliminate scheduling conflicts.
71. Reduce the number of joint standing committees to a maximum of sixteen.

Uniform Rules of Committee Procedure

Our first recommendation for Maine's joint standing committees is that a set of uniform rules of committee procedure be established and set forth in the Maine joint rules. This recommendation is based on four factors.

First, in interviewing committee chairs, legislators, and staff, and in reviewing legislators' assessment of committee performance in our survey of legislators, we have discovered that committee procedures vary widely in several critical areas. How committees organize their workload, give notice of meetings, and conduct public hearings and working sessions are questions that can only be answered on a committee by committee basis. Furthermore, it is clear from our research that certain committees operate under more democratic and efficient procedures than others.

Second, the fact that committees in Maine conduct all of their deliberations as joint committees with members from both houses as well as both parties further underscores the need for a clear understanding of relative responsibilities and fundamental operating procedures. Committee co-chairs need to be clear on their respective duties and responsibilities, committee schedules must conform to House and Senate schedules, and all members must have timely and complete access to information.

Third, if our recommendation for a new bill filing system is adopted, committees will need to establish uniform procedures for determining how

V. The Legislature and the Legislative Process

measures are combined, delineating co- sponsorship, determining voting on requests for committee drafts, and preparing committee reports.

Fourth, by enumerating uniform standards for committees, legislators, as well as the interested public, would benefit from a clearer understanding of how committees operate.

Specifically, we recommend that the Maine Legislature adopt a set of uniform rules of committee procedure which address the following topics:

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. Members

- Duties and responsibilities
- Proxy voting
- Quorum requirements

5. Interim Committee Activities

Presently, several state legislatures employ uniform rules of procedure. In most cases the rules speak to the topics we have identified above. If this legislature moves to implement this recommendation, we would suggest that

V. The Legislature and the Legislative Process

they begin by first collecting data on how each and every joint standing committee conducts its deliberations. With this information in hand, the Legislative Council could then begin to develop the appropriate uniform procedures.

Committee Jurisdictions

Under current procedures, as enumerated in Joint Rule 14, the Secretary of the Senate and the Clerk of the House are chiefly responsible for referencing every bill, resolve and petition to committee. Although disputes in referencing occasionally arise, it seems logical and appropriate that this referencing responsibility remains in these two offices. We do nonetheless also feel that the Secretary and Clerk, along with the legislature as a whole, and the general public would benefit from having each committee's jurisdiction spelled out and enumerated in the Joint Rules. Even though a small minority of measures require more careful analysis than simply making the reference by title description, we do believe that jurisdictions can be developed that are sufficiently broad enough to give the Clerk and Secretary flexibility to make the proper assignments. Furthermore, if our subsequent recommendation calling for a reduction in the number of joint standing committees is adopted, we believe that written committee jurisdictions will make clearer the new expanded jurisdictions of certain committees.

Finally, in the process of enumerating committee jurisdictions the legislature will have the opportunity to more clearly define the role and scope of several key committees. As will be seen in the next section of this chapter, we believe that it is essential for the Maine Legislature to clearly delineate the jurisdiction and role of the Appropriations and Financial Affairs Committee and the Audit and Program Review Committee.

If the Legislature moves to accept this recommendation for committee jurisdictions, we suggest that a special sub-committee comprised of the House Clerk, Senate Secretary, Revisor of Statutes and several legislators be established and charged with the responsibility of preparing suitable language for each joint standing committee.

V. The Legislature and the Legislative Process

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 joint standing committees be divided into two groups, and that 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).

Joint Standing Committee Workload

As mentioned earlier, the Maine Legislature uses a joint standing committee system as the mechanism to review, deliberate upon, modify and report out legislation to the full Legislature. The joint committees, composed normally of ten Representatives and three Senators, provide the structure that allows legislators to specialize and develop expertise in complex problems and issues. Currently, the work of the Legislature is divided among 19 joint standing committees and periodic select committees.

The benefits of a joint committee structure are numerous, as legislation is reviewed by committee members of both the House and Senate simultaneously. This eliminates duplication of effort, precludes redundant levels of staff, and helps facilitate better communication between both houses.

V. The Legislature and the Legislative Process

We strongly recommend the continuation of the joint committee system within the Maine Legislature in the years to come.

In our study of the Legislature and its committees, one of the issues we have reviewed is the need to maintain 19 independent joint standing committees. Legislative committees normally exist to provide a reasonable distribution of labor within the Legislature for various reasons. First and foremost is the need of the Legislature to be able to organize itself in a manner which permits specialization on the many issues it must address. As well, there are necessary political reasons for committees: the need to provide chairmanships; the need to satisfy certain public interests; and the desire to continue the status quo. In considering the appropriateness and viability of maintaining nineteen joint standing committees, we have reviewed:

- the distribution of workload among the committees
- the committee assignments of individual legislators
- the distribution of existing staff resources

The distribution of workload among committees gives a fairly accurate picture of the "relative status" of a joint standing committee. Generally speaking, the busier the committee is, the more important it is and the more influence it has. Using this indicator first, our analysis of the average workload of each committee during the 112th, 113th, and 114th Legislatures for both the first and second sessions reveals that over that period, six committees of the Legislature reviewed over 50% of all bills referred to committees. Over 75% of all bills have gone to ten committees! (See Appendix C.3). Clearly, the current workload of committees is not balanced. Moreover, we can safely infer from this that at least a few committees have limited responsibility for screening and reviewing major pieces of legislation. The workload of committees can have an impact on the productivity of the Legislature as a whole. Some committees will finish their work or level of effort earlier in the process, and other committees will be burdened in conducting public hearings and work sessions and in reporting out their bills.

V. The Legislature and the Legislative Process

Our second consideration was the distribution of committee assignments. Clearly, the more committees legislators serve on, the more multiple assignments and possible conflicts they contend with. At the present time, while the number of committee assignments per legislator in the Maine Legislature cannot be considered unmanageable, multiple committee assignments affect legislators' ability to focus expertise in one area and to attend work sessions and public hearings. Also, the current number of committees requires that virtually every Majority party senator serve as a committee chair even when newly elected, which in some instances requires service as a chair before having served as a committee member. A reduction in committees would allow legislators to develop greater expertise and, in turn, contribute to committee performance, thus enhancing individual member's ability to carefully screen and shape legislation.

Currently within OPLA, the primary committee support office, a total of 14 analysts (some with supervisory responsibilities) staff 16 policy committees. Several staff have dual committee assignments serving two sets of committee chairs, many times dealing with conflicting hearing and work session schedules and similar deadlines. A larger number of committees, combined with the fact that some committees have more limited workloads, creates a structure that is more difficult to staff effectively.

We believe the Maine Legislature should reduce the number of joint standing committees from 19 to 16 (as a maximum). While we recognize each committee services specific constituencies and interests, we question the need for individual committees to review legislation in the areas of housing and economic development; and aging, retirement and veterans' affairs. Specifically, we recommend the elimination of the Aging, Retirement and Veterans Affairs Committee and of the Housing and Economic Development Committee.

Generally, the bills previously referred to Aging, Retirement, and Veterans Affairs should be referred to the Human Resources committee; the Housing and Economic Development bills should be referred to the State and Local Government Committee. We also recommend consolidation of the Marine Resources Committee and the Fisheries and Wildlife Committee. A

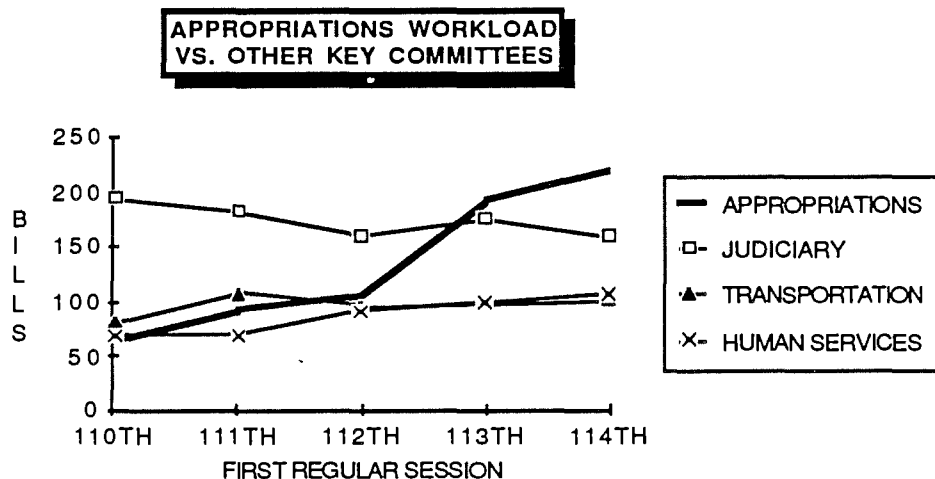
V. The Legislature and the Legislative Process

Maine Legislature operating with 16 joint standing committees will permit a very efficient use of legislators and staff without diminishing the Legislature's ability to develop specialized "workshops" to review and deliberate upon the work of the Legislature.

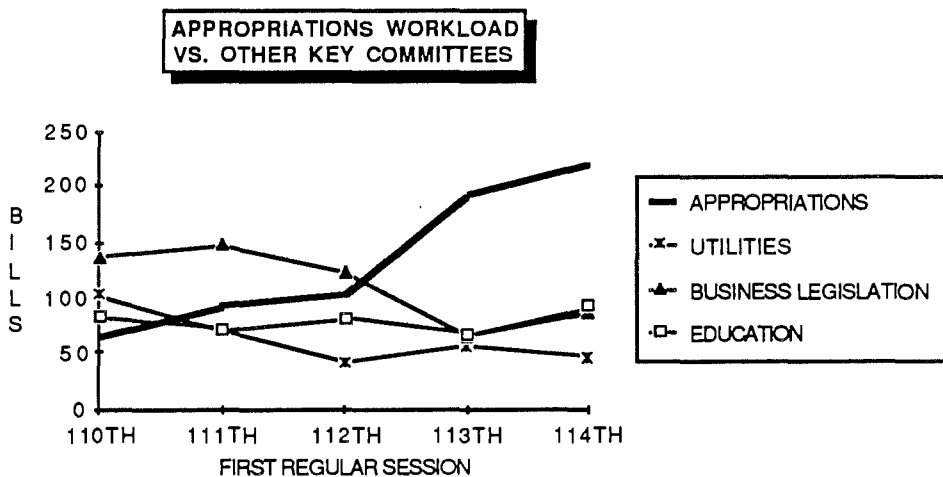
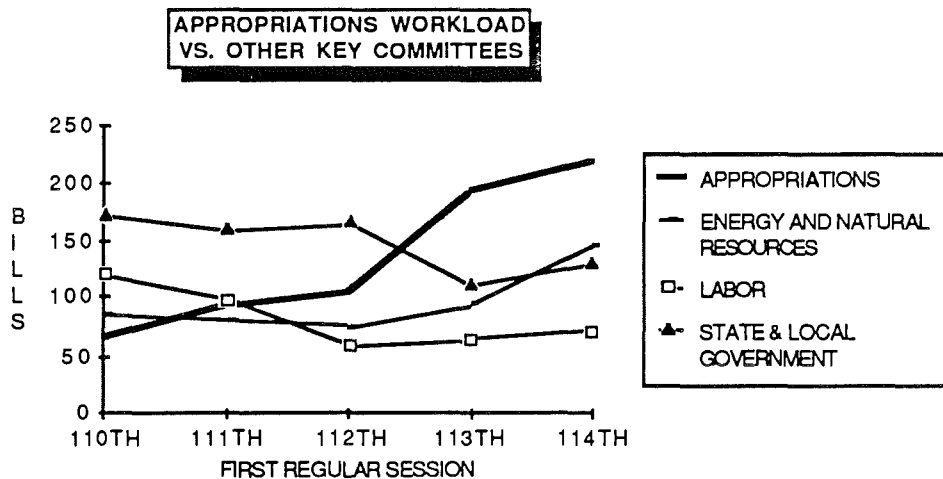
APPROPRIATIONS AND FINANCIAL AFFAIRS COMMITTEE

We are mindful of the fact that as the primary fiscal committee of the Legislature, the Appropriations and Financial Affairs Committee plays a pivotal role in the legislative process and that, in large measure, its subject matter jurisdiction dictates that this Committee will always be among the busiest, if not the busiest. In Maine, this is especially true given the fact that the Appropriations Committee, via the Appropriations Table, acts on all measures which carry a fiscal impact.

A review of the workload of all joint standing committees over the past decade demonstrates that, in point of fact, the Appropriations Committee's workload has grown dramatically. Indeed, from 1981 to 1989 the Committee's workload increased by more than 237%! By far, as the following exhibits demonstrate, this represents the greatest increase recorded by any committee.



V. The Legislature and the Legislative Process



Further contributing to its busy workload, many legislators rely on Appropriations to make the tough decisions. For example, we recognize that frequently legislators will request that their bills be directly referred to Appropriations rather than to a more relevant subject matter committee. Some legislators feel that sending a bill to Appropriations is essential if passage is desired. Still others judge that the expertise to consider the matter rests in Appropriations and/or the bill is really more fiscal in nature than

V. The Legislature and the Legislative Process

programmatic. Finally, in certain cases, legislators may wish to see a bill killed and rather than have to rely on their own committee, they seek to pass the responsibility along to the Appropriations Committee.

Notwithstanding these reasons why the Appropriations and Financial Affairs Committee is an inherently busy committee, we do believe that its jurisdiction has exceeded normal bounds. Appropriations considers too many bills on too many subjects. Even if one accepts the argument that Appropriations must see all money bills, it would seem logical for substantive policy committees, which presumably have needed expertise on those matters that fall within their jurisdiction, to at least have an equal role in the review process. Furthermore, by striking a more equitable balance in both workload and jurisdiction, we believe the Legislature will be taking a major step toward diminishing tensions which so clearly exist between the Appropriations Committee and other substantive policy committees.

One of the most often repeated concerns expressed to us during our interviews with legislators and staff relates to the role of the Appropriations and Financial Affairs Committee. Ninety-two percent of all legislators responding to our survey agreed with the statement, "There is a need for greater cooperation and communication between the Appropriations Committee and other joint standing committees." Our subsequent research and interviews has revealed that the basis for this concern lies in two critical areas: the jurisdiction of the Appropriations Committee and the Appropriations Table.

With respect to the Committee's jurisdiction, the chief concern is that its reach has become far too broad; that in addition to considering matters of a fiscal nature, in the opinion of many, the Appropriations Committee is also considering and acting on issues with increasing frequency that should be handled by other substantive policy committees. At least part of the reason for this seems to be reflected in the belief shared by many Appropriation Committee members that, "If we don't see it, it doesn't get funded."

To reduce the Appropriations Committee's workload and simultaneously give other policy committees a greater role in reviewing and

V. The Legislature and the Legislative Process

screening legislation will require two actions. First, there must be an increased commitment on the part of the legislative leadership of both houses to see that measures of a policy nature are referred first to the appropriate policy committee. Without their commitment, no written rule or recommendation will be effective.

Second, we recommend establishing a new definition of the jurisdiction of the Appropriations and Financial Affairs Committee which will enumerate the procedure whereby legislation of a policy nature would first be referred to the respective policy committee. Specifically we recommend that any definition of the Committee's jurisdiction include language similar to the following:

A committee on Appropriations and Financial Affairs to which shall be referred all bills, resolves and other matters relating to general appropriations bills, bond issues, etc. and all bills or resolves carrying or requiring an appropriation and favorably reported by another committee unless reference to said committee is dispensed with at the request of the chairs of the committee.

The intent of this provision is to assure that 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 fiscal impact. We reject the argument that "if Appropriations doesn't hear it, it doesn't get passed." The recommendation of the substantive policy committee should be sufficient for determining whether the bill moves ahead in the process. The Appropriations Committee must rely on the expertise and recommendations of other policy committees. This in no way diminishes the ability of Appropriations to evaluate each measure in terms of its fiscal impact.

Related to this concern over the growing jurisdiction of Appropriations are serious questions about the process by which legislation is cleared off the "Appropriations Table". It is long standing practice in Maine to hold off final action on most measures that carry a fiscal note until the major money bills are dealt with. This means that bills with a fiscal note which pass the House and reach the stage of enactment in the Senate end up on the "Appropriations Table" until the closing days and quite literally the closing

V. The Legislature and the Legislative Process

hours of the session. In the midst of racing to end the session and resolve the many major complex issues still pending, the Appropriations Committee must take final action on all those measures assigned to the "Table". This is not an inconsiderable task. In the 114/1st fully 160 bills languished on the "Appropriations Table" until the final two days of the session.

Deciding which of these tabled bills gets funded and at what level, is determined variously by the Appropriations chairs, the presiding officers, pertinent committee chairs, and other members of the Appropriations committee. The factors that influence their decisions include: evaluating the merits of the bill, the size of the fiscal note, the bill's sponsors, and the amount of available funds. Of course, this unique decision-making process also provides ample opportunity for adept political maneuvering - compromises must be struck, trade-offs made, decisions quickly reached.

While the concept of the Appropriations Table is grounded in common sense, "You can't spend what you don't have and you don't know what you have left until you take care of all essential services," the present process appears to us to need significant restructuring. Too many important decisions are being made in far too little time. Often to meet a spending limit, the sponsor of a bill (or committee chair) is told by Appropriations that he or she must cut the funding request dramatically. Even though the very purpose of the bill may be changed, sponsors will often comply simply to assure that "something gets on the books". This is not the best way to establish policy. At its worst, the press to meet deadline forces the legislature to make hasty decisions and creates at the least the appearance that many funding decisions are either made arbitrarily or because of some special influence.

In an effort to alleviate this situation, the Maine Legislature has several procedures spelled out in the Joint Rules designed to involve other committees in the Appropriations Committee's decision-making process and help Appropriations decide which measures on the "Table" are to get funded. Presently, the Appropriations Committee attempts to involve other substantive policy committees in its deliberations by inviting sub-committees of each joint standing committee to participate in budget hearings and work

V. The Legislature and the Legislative Process

sessions. Additionally, Joint Rule 13 makes note of the fact that each committee should submit a priority list to Appropriations indicating the committee's priority for final passage of these bills.

Neither practice works effectively. The first provision, having subcommittees meet with Appropriations, is largely unworkable. Members of other committees who wish to participate in the Appropriations hearings often must sit through endless debate and discussion before their issues are actually discussed which creates conflicts with their own committee hearings and work sessions. Furthermore, as will be described in greater detail below, the awkward configuration of the Appropriations Committee room, makes close collaboration between Appropriations and other committees unlikely. The second provision, presenting a priority list to Appropriations, is only slightly more effective. Some committee chairs identify a few items as priorities, others submit much longer lists, still others may submit no list at all. Moreover, ultimately the success each committee chair has with his or her priority list is often determined by whether or not Appropriations has seen the measure beforehand and the skill of the chair in lobbying for what he or she wants.

We do not deny or criticize the art of lobbying or compromise in the legislative political process. Politics is the essence of a vigorous democracy. There must be room for give and take especially in a state legislature where a chorus of competing interests on any given measure can always be found. Yet even accepting this political reality, the Maine Legislature must recognize that it is placing far too much of a strain on the process, on its Appropriations Committee, and on the members as a whole, when it attempts to take care of so much business in so little time. We believe that changes in the basic structure and operations of the Appropriations Committee are necessary to remedy the last minute decision-making and prioritization of funding needs.

The appropriations process is the focal point of legislative responsibility and decision-making. It determines the means by which the financial resources of the State of Maine are allocated. As the appropriation of public funds is such a critical process, it is evident that many legislators would expect some opportunity for involvement in budgetary decisions and priorities.

V. The Legislature and the Legislative Process

The structure and size of the Appropriations Committee are important factors affecting input to the appropriations process, distribution of critical decision-making responsibility to various legislators, and enhancing the ability to specialize in major programmatic budget areas. We recommend the following with respect to the structure of the Appropriations Committee:

At present, the Appropriations and Financial Affairs Committee is a thirteen-member committee which most often operates as a committee of the whole in hearing, reviewing, and deliberating with respect to the state budget and most pieces of legislation. We recommend that the size of the Appropriations Committee be expanded from the current 13 members to 21 members, commencing with the 115th legislature. Appropriations committees of this size are prevalent in other state legislatures, and by broadening the membership of the committee, more legislators will have direct involvement in a critical process and bring a greater range of expertise to the committee.

We recommend that the Appropriations Committee establish standing subcommittees to review the Governor's Budget and to permit the A&FA to work with the other joint standing committees over the course of the session on funding matters, in order to remedy the prioritization of funding requests at the very end of the session. Under our proposed structure, each subcommittee would report its findings back to the full A&FA committee. This specialization by subcommittee is important in consideration of the size and complexity of the state budget. In Chapter III, we present additional recommendations to facilitate specialization of staff within the Office of Fiscal and Program Review to further promote the use of subcommittees of A&FA.

Also, with the establishment of subcommittees of Appropriations, we recommend the appointment of two members of joint standing committee to subcommittees of the Appropriation Committee for the purpose of budgetary consideration of agencies and programs in the policy committees area of jurisdiction during the review and preparation of the state budget. The policy committee members should have a formal vote on action taken in subcommittee; this procedure would not modify the powers and procedures

V. The Legislature and the Legislative Process

of the full committee. As mentioned previously the current "Appropriations Table" process results in a last minute, end of session prioritization process to fund legislative initiatives. The subcommittees will allow Appropriations committee members and policy committee members with a mechanism to review the priorities of policy committees over the course of several weeks and in a structured format well in advance of the end of the session "Appropriations Table" process.

Finally, with respect to the Appropriations Committee hearing room, we believe that significant changes need to be instituted to improve its general atmosphere and functionality. The configuration of the members' desks resembles an "L". When legislators from other committees join Appropriations in its deliberations, they must sit at a table below and to the right of the committee. This awkward arrangement creates a sense of "second class" status and impedes easy dialogue. We concur with the Senate chair of Appropriations that the table configuration should be restructured, specifically we recommend that the "L" be made into a "U". The additional seating could more conveniently and appropriately accommodate other visiting legislators. Though a relatively small matter, we believe it would have a salutary effect on how people perceive this committee.

Along with reconfiguring the desks, the committee (and everyone who deals with it) would benefit immeasurably from the installation of a new P.A. system and more comfortable seating in the hearing room. During the session, this room is regularly packed with legislators, citizens and special interest representatives. It would doubtless improve productivity and lessen tension if the environment were made more hospitable. (If any major construction were undertaken the Legislature would do well to bring the desks down to floor level.)

Summary of Recommendations

- 72. Increase the commitment of legislative leaders of both houses to assure that measures of a policy nature are first referred to the respective policy committee.**

V. The Legislature and the Legislative Process

73. Establish a new definition of the jurisdiction of the Appropriations and Financial Affairs Committee which will enumerate the procedure whereby legislation of a policy nature is first referred to the respective policy committee.
74. Expand the size of the Appropriations Committee to allow more legislators to have direct involvement in this critical process.
75. Create standing subcommittees of the Appropriations and Financial Affairs Committee to specialize in their review of the Governor's Budget.
76. Appoint two members of each joint standing committee to the specialized subcommittees of Appropriations.
77. Reconfigure the table and seating arrangements in the Appropriations Committee room.

INTERIM ACTIVITIES

One of the clearest signs that the business of the Maine Legislature is growing dramatically can be seen in the increase in activity recorded during the interim period between regular legislative sessions. During the interim between the 113/2nd and 114/1st a total of 27 studies were authorized by either statute or the Legislative Council. The great majority of these studies were of a substantive nature, dealing with such major issues as substance abuse, cost containment of prescription drugs, public funding of state elections, and worker's compensation. All required extensive research and long hours of work by OPLA or OFPR staff. Most telling, a high percentage of these interim studies yielded legislation which was ultimately enacted into law. Of the 27 studies authorized for the 1988-89 interim, 58 study bills were drafted and fully 20 became law. (3 were carried over for further consideration).

We regard the interim period as an invaluable resource for the Maine Legislature. It permits this Legislature to more fully research and study complex, significant issues and it contributes to the Legislature's ability to maintain its present odd-year, even-year schedule of activity. Without an

V. The Legislature and the Legislative Process

effective and productive interim period, there would be added pressure to expand regular session schedules.

Because of the need to schedule vacations and clean up session business, interim study activities between the first and second regular sessions do not commence until August at the earliest. The first meeting in August is usually to bring the study committee or commission together to set an agenda and schedule for future meetings. In September, an informal hearing may be held and more specific requests for research will be made to the staff. In October, the committee will meet to discuss the staff's findings and develop recommendations. There may even be sufficient information to begin work on preparing an actual bill, although this is rare. The November meeting is usually the most critical as decisions will be made on central issues in the study and the major elements of any proposed legislation will at least begin to be decided. Finally, by December 1, unless an extension is given by Legislative Council, all requests for bill drafts must be submitted to the Revisor of Statutes.

Our review of these interim period activities focused primarily on issues of organization and operation. Our goal is to offer recommendations, where necessary, which would insure that the process by which interim studies are conducted is efficient and productive.

Recommendations

Although, as we have noted, the interim is productive, we do feel that several changes can further enhance the value of this important time period and contribute to strengthening regular session activities. The recommendations we offer here are even more significant when one takes into account the trend towards increased interim activities.

78. Our central recommendation calls for the Legislature to establish and enumerate in the Joint Rules a specific set of procedures to govern all interim studies. These procedures should address the form and content of interim study requests, the method of appointing members, schedule of activities, and reporting requirements.

V. The Legislature and the Legislative Process

79. To assure that the authorizing agency, whether it be the Legislature or the Legislative Council, has a clear understanding of what they are being called upon to approve, all requests for interim studies should clearly specify: the subject of the study, the specific issues to be examined, the entity which will be undertaking the study (Joint Standing Committee, commission, etc.), the staffing requirements, and whether an appropriation is requested.
80. Secondly, a time limit must be established relating to the appointment of members, especially in the case where study commissions are used as the vehicle for dealing with complex issues. Unlike interim studies conducted by sub-committees of regular joint standing committees, study commissions usually are comprised of legislators, citizens, executive agency personnel, etc. who may be appointed by the presiding officers and the Governor. Often, because the group is more diverse, it takes more time to complete the appointment process for commissions. Indeed, in a number of cases, commission members may not actually be appointed until September. This is far too late for the interim commission study to begin its work. To address this situation, we recommend that a uniform date be promulgated requiring that all interim commissions must be appointed within 30 days following the adjournment of the legislative session.
81. In addition to these steps, a schedule of activities and tasks should be promulgated to help assure that studies are completed on time and to assist the designated staff agency in planning its own agenda for the interim. This schedule should stipulate that interim commissions or committees must establish a work plan setting forth a schedule for regular meetings.
82. The time limit for requests for bill drafts should be moved up to mid-November rather than December 1 in the odd year. Permitting interim study bill drafting requests to be introduced on December 1, or even later in the case of approved extensions, unnecessarily adds to the already high volume of bill drafting requests being processed by ORS and OPLA prior to the beginning of the regular session.
83. Finally, we recommend that the Drafting Guidelines for Enacted and Council-Approved Studies, issued in a memorandum on April 28, 1989, from the Senate President and Speaker of the House, should be formalized by the Council and issued to all Joint Standing Committees and appointed commissions. These guidelines contain clear language addressing nearly every facet of interim study

V. The Legislature and the Legislative Process

activities and are consistent with the recommendations offered herein.

SECOND YEAR REGULAR SESSION

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; 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 to observe the Legislative Council's deliberations on all bill requests submitted before the cloture date for the filing of legislation in the 114/2nd session. Additionally, we have compiled statistics which measure the volume of legislation considered in each regular session from 1979 to the present. Based on this information, we make the following observations:

- The total volume of legislation considered in the first session of each Legislature has increased at a fairly modest rate over time. In contrast,

V. The Legislature and the Legislative Process

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 114/2nd 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 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.

We believe the Maine Legislature will continue to witness a significant growth in legislative activity, especially during the second regular session. Fortunately, because there is an ample interim period between sessions, the problems with making effective use of time at the beginning of the session are not as acute as they are in the first regular session. For example, the Revisor of Statutes, prior to the commencement of the 114/2nd, enjoyed a

V. The Legislature and the Legislative Process

full six weeks between the bill filing deadline and cloture. Accordingly, his office was able to prepare 310 bills for introduction on the very first day of the session. This represents the largest single number of bills ever prepared for introduction by this date. Not to diminish this most effective use of time, we believe that specific changes are still required to better regulate the pattern of legislative activity in the second year session.

Recommendations

In observing the Legislative Council during its deliberations on screening legislation for introduction to the second session, we note that their decisions on which bills to allow in and which to reject, were based on brief descriptions of each measure prepared by the ORS. It was clear that the Council, in almost every case, fully understood the intent and ramifications of each measure based solely on the brief description provided to them. The proposed bill format would work in much the same way, save that legislators would have more information on which to base their decisions.

84. We recommend that the proposed bill format be applied to the second year session in the same fashion as we have recommended for the first year. We believe the Legislature would recognize the same benefits in improved use of time, reduction in the total number of bills and resolves drafted in statutory form for consideration, and a more even flow of activity throughout the session.
85. Our second recommendation pertains to the role of the Legislative Council in dealing with late-filed measures. During the 114/2nd, as of March 5, 1990, over 80 measures were allowed in after deadline. While this may not present a serious administrative problem for the ORS, it does place added pressure on committees attempting to meet deadline and on OPLA staff. Again, as we recommended for the first regular session, we believe the Legislative Council's role in screening after-deadline requests should be eliminated and that this responsibility should be vested in both houses of the Legislature.

V. The Legislature and the Legislative Process

LEGISLATIVE OVERSIGHT

A principle function of legislatures is oversight of state administration by the Executive Branch to ensure that departments and agencies are operating in accordance with their statutory mandates, that programs are accomplishing what the Legislature intended when it created them, and that regulations and regulatory actions are neither overly stringent nor too lenient in comparison to legislative intent. During our study of the Maine Legislature, both our survey of legislators and interviews of legislators and staff indicated that the Legislature needs to improve its commitment to its legislative oversight responsibilities. Almost 60% of legislators responding to our survey ranked the Legislature as "Poor to Fair" in oversight responsibility of the Executive Branch.

Executive Branch oversight and monitoring functions exist within three forms in Maine State government. First, within the Legislature, through its Audit and Program Review Committee, it has statutory authority to review the mission, programs, and operations of executive branch departments, agencies and commissions pursuant to a statutory review schedule. The committee, assisted by three professional analysts, conducts reviews, issues reports recommending improvements in agency operations, and reports out legislation to modify agency programs and operations.

A second form of oversight was instituted in 1988 when the Legislative Council created a full-time high-level staff position--Director of Legislative Oversight, reporting to the Legislative Council. This position was responsible for reviewing regulations promulgated by state agencies to assess their conformity with state law and legislative intent.

The third form of monitoring agencies is through fiscal, operational and compliance audits conducted by the State Auditor, who is elected by the State Legislature for a four-year term. The State Auditor is responsible for post audits of all financial records of state agencies, review of budgets and capital programs of state agencies and to serve as staff to the Legislature, and to report annually to the Legislature.

V. The Legislature and the Legislative Process

In order to strengthen the legislative oversight function, we recommend the following:

86. Continue the Audit and Program Review Committee as a joint standing committee of the Legislature with centralized responsibility for program review. It is important to recognize that a committee dedicated to this function has the opportunity to be more effective than if the audit function were dispersed across the policy committees; however, to prioritize the role and authority of the Audit and Program Review Committee, we recommend the commitment and support of the leadership of both parties to appoint to the Committee outstanding legislators who are committed to the function and who have expertise in the agencies and departments scheduled for review.

Without this change in direction and commitment to program review, we recommend elimination of the Audit and Program Review Committee as a joint standing committee of the Legislature. As an alternative, the Legislature should retain the full complement of audit and program review professional staff to perform the studies, which are clearly required, under the auspices of the individual policy committees.

87. The agenda for the Audit and Program Review Committee is established per statute over an eleven-year period. All state agencies, boards and commissions are targeted for review based on the eleven-year cycle. We believe that this approach and cycle for program review is a major impediment to an effective and aggressive program review function in Maine government. Specifically, a statutory schedule most often will provide for reviews of agencies that may have sound operations and programs, and there is no true basis or need for a review.

In order to provide an opportunity for a high degree of support and commitment to the study, the Legislature should focus studies on agencies that are of current concern to the Legislature and that are prioritized and approved by the Legislative Council.

88. The Audit and Program Review Committee does not operate as effectively as it should due to the practice of creating large subcommittees, composed of most members of the full committee, to conduct reviews. The large size of the subcommittees does not promote specialization or a good division of labor. The size of the subcommittees also delays the review process, as it becomes more difficult to schedule meetings of the subcommittee. At a

V. The Legislature and the Legislative Process

maximum, five legislators of the committee should serve on a subcommittee.

89. Reduce the time cycle for agency reviews which normally commence in late summer and continue throughout most of the legislative session. The reviews should be conducted over a four-to-five month time frame; and subcommittees of Audit and Program Review should report their findings and recommendations to the full committee by late January.
90. The Audit and Program Review committee invites adjunct members from the joint standing committees who have expertise and interest in the relevant area: education, energy and natural resources, agriculture, etc. This practice is important in that it helps assure that the sub-committee has additional expertise and current knowledge in the issues facing the specific agency. This practice should continue, and the chairs of Audit and Program Review and of the relevant policy committee should appoint at least two policy committee members to each A&PR subcommittee.
91. The Legislature's initial attempts at reviewing agency rules and regulations should continue. The function should be transferred from a high-level staff function reporting to the Legislative Council to an ongoing activity of the Legislative Council's program review unit staff within the Office of Fiscal and Program Review. It is important to consolidate the regulatory review with the program review activities of this office, as it is already a normal task of program review studies. This ad-hoc regulatory review process should become an on-going regulatory responsibility and should be assigned to a "new" analyst position within OFPR. This new position will not be an additional position within the Legislature, but a reclassification or downgrading of the Director of Legislative Oversight position.

THE MINORITY PARTY IN THE MAINE LEGISLATURE

The minority party in a legislature should not be able to "unduly influence" the legislative process, nor should the minority be "powerless" in attempting to play a meaningful role and fully participate in the legislative process.

The minority party in the Maine legislature is soundly represented on the Legislative Council (four minority positions of ten when the majority

V. The Legislature and the Legislative Process

controls both Houses). The current composition of the joint standing committees generally provides for three majority party members to two minority party members, whereas the majority to minority representation within the Legislature as a whole is 2:1. Also, it has been a longstanding practice within the Maine Legislature that all committee members, both of the majority party and the minority party, be appointed by the Speaker of the House (House members) or the President of the Senate (Senate members).

Several of the recommendations in this report with respect to bill filing and drafting strengthen the already powerful role of the committees within the Legislature. In concert with these other recommendations, we recommend additional changes with respect to the role of the minority party within the Maine Legislature.

92. The House Minority Leader and Senate Minority Leader should be the appointing authorities responsible for assignment of minority members to the joint standing committees. Vesting authority for minority party committee assignments with minority leadership provides greater assurance that the minority party will have a reasonable and meaningful role in the legislative process by assignment of their own members to appropriate committees based upon their interest and expertise. Under this system, the majority party committee assignments would be made by the Speaker of the House and President of the Senate; and the minority party committee assignments would be made by the House Minority Leader and the Senate Minority Leader.
93. The Committee's role in shaping legislation increases under the short-bill format and process (Recommendation No. 64). In conjunction with this recommendation, we believe that there should be a petition procedure such that the minority members of a committee can petition for the support of 10 of the 35 members of the Senate and 40 of the 151 members of the House in order to draft a particular bill and allow it to reach the floor for debate. This petition procedure should become part of the Joint Rules and should be modified for each Legislature (115th, 116th, etc.) to establish reasonable petition requirements consistent with changes in the numbers of minority members of the House and Senate.
94. As the committee is a critical decision-making body within the Legislature, we recommend that commencing with the 115th Legislature, the composition of the joint standing committees (i.e.,

V. The Legislature and the Legislative Process

the number of majority members to minority members) more closely reflect the representation of the political parties within the Legislature as a whole.

95. The minority party should also have both independence and accountability for their offices' budgets, including both personal and non-personal services. This would provide the minority with some level of independence in resource allocation, but consistent with our recommendations in Chapter IV, all budgets would be centrally administered through the Office of the Executive Director.

VI. 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 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 in order to develop our preliminary findings in this area.

By almost any standard, the Maine 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 very 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.

VI. Legislative Accessibility and Responsiveness

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

VI. Legislative Accessibility and Responsiveness

In several respects, however, our evaluation of the accessibility and responsiveness of the Maine 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 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.

VII. FUTURE ISSUES AND TRENDS

VII. FUTURE ISSUES AND TRENDS

The goal for the future will be to preserve the character of the Maine Legislature as a part-time, citizen's legislature. No small task, for the pressure to move toward a more full-time, professional legislator model will undoubtedly grow as the state itself grows. In this regard, Maine is not unlike many other part-time state legislatures. Notwithstanding this national trend toward professionalization, we believe this Legislature should and can continue to function as a citizen's legislature, fully responsive, accessible and accountable to the people of Maine.

This study, and the recommendations emanating from it, will serve as at least a part of the blueprint for helping the Maine Legislature strengthen its institutional capacity and overall effectiveness. We believe that if our recommendations are properly implemented, the Maine Legislature will recognize a number of significant benefits. Our study, however, does not mark the end of the process. Indeed, this Legislature must continually look to evaluate itself to determine how well it is doing at its crucial job, and where necessary, what steps it must take to upgrade its resources to meet ever growing demands. This is an especially significant responsibility for a legislature which consciously seeks to preserve and maintain its unique character.

What then for the future? We believe that the Maine Legislature will face growing pressure to further upgrade its resources; that is, its procedures, its professional partisan and non-partisan staff, and its physical facilities. The recommendations presented in this section are offered to demonstrate the type of change this Legislature will need to seriously contemplate in the future. While several of the recommendations offered below build on observable trends, many may, in today's light, appear too far reaching or even out of character for Maine. However, the point should be kept in mind that as the state itself grows, and as the federal government continues to delegate more and more responsibility to the states, the need for change — some major — will become more apparent.

Recommendations for the Future

Our first set of recommendations relates to committee procedures and the Maine Constitution. Maine's Joint Standing Committees, as we have observed, are effective individual workshops which permit this Legislature to develop expertise on the full range of complex social and economic issues that confront the people. For the future, we believe that consideration should be given to expanding the scope of Joint Standing Committees by permitting them to develop and propose legislation not only based on any measure before them, but also based on their own initiatives. Where a committee perceives a need and a potential solution, it should have the ability to act regardless of whether or not a specific piece of legislation is before it. In reality, many committees already do just this by simply substituting one measure for another.

If the Legislature adopts this recommendation, we believe the next step should be to amend the state constitution to expand the subject matter jurisdiction of the second regular session. As we have observed in Chapter V, the subject matter normally considered during the second annual session is far broader than the constitutional definition of what is germane in the second year. We believe this trend will continue to grow in the future. The problems of the people of Maine cannot be confined to one session or another. Accordingly, we recommend that for the future the Maine Legislature consider amending Article IV, Section 1 of the Constitution to give the Legislature greater flexibility to address a greater range of issues. Specifically, we recommend that the Constitution be amended to permit the Legislature to also consider during the second regular session legislation proposed by any regular Joint Standing Committee.

Our third major recommendation relates to expanding the Legislature's role in the budget process. Presently, the Legislature relies on the Executive branch for revenue projections. We believe that to strengthen the independent, co-equal status of the Legislature, it should have the capacity to independently develop fiscal information on state revenues.

VII. Future Issues and Trends

Our fourth recommendation relates to the physical plant. We believe the Maine Legislature must soon address the need to upgrade its physical facilities. Recent studies have been commissioned to improve the physical layout of the statehouse. It seems clear to us that more dramatic measures are necessary. At a minimum, existing committee hearing rooms need to be significantly upgraded. Changes which should be made include installing modern audio equipment, computer terminals, better seating and lighting.

For the future, however, more will be required than simply improving existing facilities. The need will be for developing new office space. In this regard, we recommend that Legislature consider the feasibility of acquiring the next door state office building and retrofitting it to accommodate modern hearing room facilities and office space for each member of the Legislature. As well, this new legislative office building would provide needed space for existing and future professional staff.

The fact that the Maine Legislature is a citizen's legislature does not mean that legislators should have to continue to operate in facilities which in many cases are antiquated and insufficiently equipped. Indeed, the argument we make is that improved and expanded physical facilities will strengthen the citizen's legislature by making it more accessible to the citizens.

Our next recommendation involves strengthening the legislator orientation program. We believe a well-organized, comprehensive orientation program could help new legislators gain a fuller appreciation of their role and the role of the various staff agencies that exist to assist them. The orientation program we envision would include a mix of sessions focusing on some of the major issues which the legislature will confront in the biennium. These sessions could be led by university faculty and public officials expert in given areas. In addition, this program would incorporate in-depth discussions with representatives of the major staff offices in the Legislature, including non-partisan offices, meetings with committee chairs to discuss the role of committees and the duties and responsibilities of committee members, and workshops, led perhaps by the Clerk of the House and Secretary of the Senate, focusing on the legislative process.

VII. Future Issues and Trends

Finally, we recommend that the Legislature establish a college intern program administered by a special sub-committee of the Legislative Council. Such a program could serve a valuable purpose as a learning experience for future public servants and more immediately, as a source of useful staff support. The internship program we envision would see students from Maine colleges and universities assigned to the offices of individual legislators. There they could perform constituent work, research and any other tasks which may be assigned to them. The program would be highly selective. Interns would be paid a modest stipend, with the possibility of earning college credits.

Conclusion

Perhaps the most important recommendation one can offer when speaking of the future of the Maine Legislature is that the Legislature itself should continually seek to evaluate its present performance and anticipate its future needs. The Legislature is a vibrant, ever-changing institution which mirrors the society it serves. As changes occur in Maine, so too must the Legislature adapt to address these new needs.

TEXT REFERENCES

Executive Summary

1. David Smith, Orono, Maine Times, January 26, 1990

Chapter III:

2. David Ogle, Executive Director—Connecticut General Assembly

APPENDICES

APPENDIX A
List of Persons Interviewed

ADVISORY COMMITTEE

Sen. Nancy Randall Clark, Chair
Hon. Kenneth P. MacLeod, Chair
Hon. John D. Chapman
Sen. Robert G. Dillenback
Rep. Judith C. Foss
Rep. Dan A. Gwadosky
Hon. Michael Healy
Hon. Paul E. Violette

LEGISLATORS

Rep. Ronald Bailey	(R) Farmington
Rep. Jeanne Begley	(R) Waldoboro
Sen. Pamela L. Cahill	(R) District 24; Senate Assistant Minority Leader
Rep. Donnell Carroll	(D) Gray
Rep. Donald Carter	(D) Winslow; House Chair, Appropriations and Financial Affairs Committee
Sen. Donald Collins	(R) District 2
Rep. James Reed Coles	(D) Harpswell
Rep. Beverly Daggett	(D) Augusta
Sen. Dennis L. Dutremble	(D) District 34; Senate Assistant Majority Leader
Rep. Maria G. Holt	(D) Bath
Rep. Dana Hanley	(R) Paris
Rep. Linwood Higgins	(R) Scarborough
Rep. Annette Hoglund	(D) Portland
Rep. Ruth Joseph	(D) Waterville; House Chair, State & Local Government Committee
Sen. Judy Kany	(D) District 17; Senate Chair, Energy & Natural Resources Committee
Rep. Marge Kilkelly	(D) Wiscasset
Rep. Catharine Lebowitz	(R) Bangor
Rep. Willis Lord	(R) Waterboro
Rep. Francis C. Marsano	(R) Belfast; House Assistant Minority Floor Leader
Rep. John L. Martin	(D) Eagle Lake; Speaker of the House; Chair, Legislative Council

LEGISLATORS, CONT.

Rep. Joseph W. Mayo	(D) Thomaston; House Assistant Majority Leader
Sen. Michael Pearson	(D) District 6; Senate Chair, Appropriations and Financial Affairs Committee
Sen. Thomas Perkins	(R) District 12
Sen. Charles P. Pray	(D) District 5; President of the Senate
Rep. Charles Priest	(D) Brunswick; House Chair, Legal Affairs Committee
Rep. Vinton Ridley	(D) Shapleigh
Rep. Charlene Rydell	(D) Brunswick; House Chair, Banking & Insurance Committee
Sen. Charles M. Webster	(R) District 4; Senate Minority Leader
Rep. Mary Clark Webster	(R) House Minority Leader
Sen. Norman Weymouth	(R) District 18

STAFF

TITLE

Kenneth Allen	Special Assistant, Office of the Speaker
Judith Barrows	Calendar Clerk, office of the Clerk of the House
Jean Blair	Senior Engrossing Technician, ORS
Don Boisvert	Director, Maine/Canadian Relations
Allen Brown *	Legislative Aide, House Minority Office
Robert Carey	Legislative Aide, Office of the Speaker
Carol Carothers	Executive Assistant, Senate Office of the President
Jim Clair	Principal Analyst, OFPR
Louise Charette	Legislative Aide, House Majority Office
Judi DelFranco	Executive Assistant, office of Secretary of Senate
Sally Diamond	Executive Director
David Elliot	Principal Analyst, OPLA
Patricia Eltman	Legislative Aide, Office of the Speaker
Martha Freeman	Director, OPLA
Janet Grard	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	Supervising Legislative Technician, ORS
David Kennedy	Director, ORS
Locke Kiermaier	Analyst, (Audit and program Review) OFPR

STAFF, CONT.

Lawrence LaRochelle *	Legislative Aide, House Majority Office
Margaret Lerette	House Reporter, office of Clerk of the House
Pamela Lovely	Assistant Secretary of the Senate
Diane Maheux	Accounting Assistant, Office of Executive Director
Meg Matheson	Principal Attorney, ORS
Millicent McFarland	Chief Calendar Clerk, office of Clerk of the House
Joy O'Brien	Secretary of the Senate
Geraldine Olsen	Legislative Analyst, House Minority Office
Daniel Paradee	Special Assistant, Senate Majority Office
Grant Pennoyer	Analyst, OFPR
Edwin Pert	Clerk of the House
Ted Potter	Administrative Assistant, House Majority Office
Lynn Randall	State Law Librarian
Margaret Reinsch	Analyst, OPLA
Cheryl Ring	Principal Analyst (Audit & Program Review), OFPR
Dot Rollins	Legislative Information Coordinator, Office of Executive Director
May Ross	Special Assistant, Senate 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
Jo-Ellen Staples	Committee Clerk
Peggy Tapley	Sergeant-at-Arms
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

TITLE

Susan Bell	Deputy Commissioner, Department of Conservation
William Buker	State Budget Officer, Department of Finance
Victor Fleury	Deputy Controller, Department of Finance
Peter Gore	Deputy Commissioner, Department of Human Services

EXECUTIVE BRANCH, CONT.

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

OTHER

TITLE

Ralph Caruso	Director, Office of Fiscal Analysis, Connecticut General Assembly
John Delahanty	Lobbyist
Patricia Finnegan	Lobbyist
Ken Hayes	Professor, University of Maine
Mary Hermann	Lobbyist
Bob Howe	Lobbyist
Norma Kloten	Director, Office of Legislative Commissioners, Connecticut General Assembly
Doris McAusland	Assistant Director, Conn. General Assembly
David Ogle	Executive Director, Conn. General Assembly
Alan Rosenthal	Eagleton Institute of Politics
Gordon Scott	Lobbyist
Rod Scribner	State Auditor

APPENDIX B
Summary of Responses From
Legislator's Survey

B-1

All Survey Participants*

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

* 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

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
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

	<u>Democrat</u>	<u>Republican</u>	<u>ALL</u>
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	26%	50%	32%

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%

LIMITS ON LEGISLATION

Do you feel that there should be a limit on the amount of legislation submitted each year?

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>	
Yes	29%		73%	46%
Maybe	20%		17%	19%
No	51%		10%	35%

Would you agree to a maximum number of bills to be introduced by each legislator?

	<u>Democrat</u>	<u>Republican</u>	<u>All</u>	
Yes	23%		67%	40%
Maybe	31%		17%	26%
No	46%		16%	34%

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%
To Serve Chairs or the Majority Members	26%		41%
			74%
			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%

Scheduling working sessions:

Good-Excellent
Poor-Fair

ALL
75%
25%

**Reporting out bills in accordance with
committee schedules and deadlines**

Good-Excellent
Poor-Fair

ALL
82%
18%

APPENDIX C

SUPPORTING TABLES

APPENDIX C.1 Bill and Resolution Introductions and Enactments

APPENDIX C.2 Time Limits on Bill Introduction

APPENDIX C.3 Committee Workload

**BILL AND RESOLUTION INTRODUCTIONS AND ENACTMENTS:
1986 AND 1987 REGULAR SESSIONS***

State	Duration of Session	<u>Introductions</u>		<u>Enactments</u>	
		Bills	Resolutions	Bills	Resolutions
Alabama	Jan. 14-April 28, 1986	1,577	985	280	344
	April 21-Aug. 3, 1987	1,883	755	537	689
Alaska	Jan. 3-May 12, 1986	429	100	146	39
	Jan. 9-May 20, 1987	637	96	178	67
Arizona	Jan. 3-May 14, 1986	956	63	420	20
	Jan. 2-May 19, 1987	937	34	369	8
Arkansas	No regular session in 1986 Jan. 12-April 20, 1987	176	297	1,072	191
California	Dec. 3, 1984-Nov. 30, 1986	3,062	560	3,128	322
	Dec. 1, 1986-Nov. 30, 1987	4,389	274	1,034	115
Colorado	Jan. 8-May 27, 1986	528	N.A.	262	N.A.
	Jan. 7-Aug. 13, 1987	634	N.A.	338	N.A.
Connecticut	Feb. 5-May 7, 1986	1,736	207	493	N.A.
	Jan. 7-June 3, 1987	3877	252	701	N.A.
Delaware	Jan. 4-June 30, 1986	640	300	300	N.A.
	Jan. 13-June 30, 1987	682	436	194	16
Florida	April 8-June 7, 1986	2,546	205	465	155
	April 7-June 6, 1987	2,698	165	535	135
Georgia	Jan. 5-March 7, 1986	1,250	839	907	748
	Jan. 2-March 12, 1987	1,574	779	799	661
Hawaii	Jan. 5-April 23, 1986	2,239	976	348	425
	Jan. 21-April 30, 1987	3,716	1,185	384	504
Idaho	Jan. 6-March 28, 1986	693	88	356	28
	Jan. 12-April 1, 1987	619	88	367	49
Illinois	Jan. 8, 1986-Jan. 13, 1986	1,926	1,887	373	1,791
	Jan. 14-Nov. 6, 1987	4,497	1,882	784	1,753
Indiana	Nov. 9, 1985-March 5, 1986	956	18(d)	248	3(d)
	Nov. 18, 1986-April 29, 1987	1,420	19(d)	371	6(d)
Iowa	Jan. 3-May 3, 1986	799	105	201	24
	Jan. 2-May 10, 1987	609	149	234	45
Kansas	Jan. 3-June 6, 1986	938(e)	52	400	33(f)
	Jan. 2-May 21, 1987	1,063	44(f)	404	19(f)
Kentucky	Jan. 7-April 15, 1986	1,388	384	462	317
	No regular session in 1987				
Louisiana	April 21-July 1, 1986	3,235	169	1,083	4
	April 20-July 3, 1987	2,525	116	944	5
Maine	Jan. 8-April 16, 1986	519	43	341	37
	Dec. 3, 1986-June 30, 1987	1,883	51	691	48
Maryland	Jan. 8-April 7, 1986	2,938	127	865	43
	Jan. 14-April 13, 1987	2,668	113	778	25

*Council of the State Governments, The Book of States, 1988-1989.

State	Duration of Session	<u>Introductions</u>		<u>Enactments</u>	
		Bills	Resolutions	Bills	Resolutions
Massachusetts	Jan. 1, 1986-Jan. 6, 1987 Jan. 7, 1987-(i)	8,824	(h)	712	N.A.
Michigan	Jan. 8-Dec. 30, 1986 Jan. 14-Dec. 30, 1987	987 1,903	16(k) 26(k)	332 286	3(k) 0
Minnesota	Feb. 3-March 17, 1986 Jan. 6-May 18, 1987	1,625 3,241	21 38	166 405	2 9
Mississippi	Jan. 7-April 15, 1986 Jan. 6-April 5, 1987	2,390 2,472	500 438	514 569	200 229
Missouri	Jan. 8-May 5, 1986 Jan. 7-June 30, 1987	1,193 1,334	66 85	244 203	6 9
Montana	No regular session in 1986 Jan. 5-April 23, 1987	1,308	86	738	57
Nebraska	Jan. 8-April 16, 1986 Jan. 7-May 29, 1987	531 787	143 245	316 358	97 134
Nevada	No regular session in 1986 Jan. 19-June 18, 1987	1,491	235	824	164
New Hampshire	Jan. 8-June 10, 1986 Jan. 6-May 28, 1987	733 1,062	4 4	230 416	3 1
New Jersey	Jan. 14, 1986-Jan. 12, 1987 Jan. 13, 1987-Jan. 11, 1988	7,120 2,154	581 197	211 460	8(d) 11(d)
New Mexico	Jan. 21, 1986-Feb. 20, 1987 Jan. 20-March 21, 1987	592 1,415	36 33	120 399	9 3
New York	Jan. 8-July 3, 1986 Jan. 7, 1987-(i)	5,842 15,095	3,896 3,667	939 855	3,883 3,651
North Carolina	June 5-July 16, 1986 Feb. 9-Aug. 14, 1987	1,172 3,723	55 93	239 879	25 37
North Dakota	No regular session in 1986 Jan. 6-April 19, 1987	1,239	174	761	137
Ohio	Jan. 6-Dec. 30, 1986 N.A.	431 N.A.	N.A. N.A.	44 N.A.	N.A. N.A.
Oklahoma	Jan. 7-June 13, 1986 Jan. 6-July 16, 1987	722 866	186(o) 272	321 238	10 83
Oregon	No regular session in 1986 Jan. 12-June 28, 1987	2,571	144	906	60
Pennsylvania	Jan. 7-Nov. 26, 1986 Jan. 6-(q)	1,349 3,312	231 (p) 405(r)	275 145	152 234
Rhode Island	Jan. 7-June 26, 1986 Jan. 6-June 25, 1987	3,263 3,601	279 276	931 1,083	279 276
South Carolina	Jan. 14-June 19, 1986 Jan. 13-June 25, 1987	1,047 2,165 (h)	(h) (h)	328 791	(h) (h)
South Dakota	Jan. 14-March 17, 1986 Jan. 13-March 23, 1987	684 656	95 108	424 387	87 99

State	Duration of Session	<u>Introductions</u>		<u>Enactments</u>	
		Bills	Resolutions	Bills	Resolutions
Tennessee	Jan. 15-May 14, 1986	4,157	262	1,141 (s)	245
	Jan. 17-May 7, 1987	2,651	105	578 (s)	92
Texas	No regular session in 1986 Jan. 13-June 1, 1987	4,179	2,070	1,185	1,649
Utah	Jan. 13-Feb. 26, 1986	664	101	222	53
	Jan. 12-Feb. 25, 1987	595	80	255	53
Vermont	Jan. 7-May 3, 1986	493	108	116	79
	Jan. 7-May 22, 1987	698	110	136	85
Virginia	Jan. 8-March 8, 1986	1,603	387	644	283
	Jan. 14-Feb. 28, 1987	1,621	322	981	256
Washington	Jan. 13-March 12, 1986	1,426	98	325	23
	Jan. 12-April 26, 1987	2,334	129	528	26
West Virginia	Jan. 8-March 9, 1986	1,911	180	199	49
	Jan. 14-June 14, 1987	1,978	267	164	98
Wisconsin	Jan. 7-1985-Jan. 5, 1987	1,624	212	293	83
	Jan. 5, 1987-Jan. 3, 1989 (u)	1,609	201	232 (v)	110
Wyoming	Feb. 17-March 15, 1986	209	7	130	6
	Jan. 13-march 2, 1987	781	N.A.	242	4
American Samoa	Jan. 13-April 5, 1986	NA	NA	NA	NA
	July 14-Sept. 20, 1986	NA	NA	NA	NA
	Jan. 12-March 27, 1987	136 (w)	91 (w)	32 (w)	8 (w)
	July 13-Sept. 25, 1987	NA	NA	NA	NA
Puerto Rico	Jan. 13-June 5, 1986	705	1,582	152	148
	Jan. 12-May 18, 1987	613	1,170	93	117
Virgin Islands	Jan. 13, 1986-Jan. 12, 1987	485	47	145	25
	Jan. 16, 1987-Dec. 14, 1987	143	53	70	39

TIME LIMITS ON BILL INTRODUCTION**

State or other jurisdiction	Procedure for granting exception to time limits	State or other jurisdiction	Procedure for granting exception to time limits
Alabama	House: 4/5 vote of quorum present and voting. Senate: majority vote after consideration by Rules Committee	Indiana	House: 2/3 vote of membership; Senate: consent of Rules and Legislative Procedures Committee
Alaska	2/3 vote of membership (concurrent resolution)	Iowa	Constitutional majority
Arizona	Permission of Rules Committee	Kansas	Resolution adopted by majority of members of either house may make specific exceptions to deadlines
Arkansas	2/3 vote of membership	Kentucky	Majority vote of membership each house
California	(c)	Louisiana	2/3 vote of elected members of each house
Colorado	House, Senate Committees on Delayed Bills may extend deadline	Maine	Approval of majority of members of Legislative Council
Connecticut	2/3 vote of members present	Maryland	2/3 vote of elected members of each house
Delaware	_____	Massachusetts	Favorable vote of Rules Committee followed by 4/5 vote of members of each house
Florida	Senate committees on Rules and Calendar determine whether existence of emergency compels bill's consideration. House: 2/3 vote of members present.	Michigan	_____
Georgia	House: unanimous vote; Senate: 2/3 vote of membership	Minnesota	_____
Hawaii	Unanimous vote of membership	Mississippi	2/3 vote of members present and voting
Idaho	_____	Missouri	Majority vote of elected members each house; governor's request for consideration of bill by special message.
Illinois	House: rules governing limitations may not be suspended. Senate: rules may be suspended by affirmative vote of majority of members; suspensions approved by Rules Committee, adopted by majority of members present	Montana	2/3 vote of members.
		Nebraska	3/5 vote of elected membership (s)

** Council of State Governments, The Book of States, 1988-1989.

TIME LIMITS ON BILL INTRODUCTION

State or other jurisdiction	Procedure for granting exception to time limits	State or other jurisdiction	Procedure for granting exception to time limits
Nevada	2/3 vote of members present; also standing committee of a house if request is approved by 2/3 members of committee. Consent to suspend rule may be given only by affirmative vote of majority members elected.	South Dakota	2/3 of membership
		Tennessee	House: 2/3 vote of members; Senate: 2/3 vote of members or unanimous consent of Committee on Delayed Bills
		Texas	4/5 vote of members present and voting
New Hampshire	2/3 vote of members present or approval of 3/5 of Rules Committee	Utah	House: 2/3 vote of members present; Senate: majority of membership
New Jersey	_____		
New Mexico	2/3 vote of members present	Vermont	Approval by Rules Committee
New York	Unanimous vote (x)	Virginia	_____
North Carolina	House: 2/3 of members present and voting; Senate: 2/3 vote of membership, except in case of deadline for local bills which may be suspended by 4/5 of senators present and voting	Washington	2/3 vote of elected members of each house
		West Virginia	2/3 vote of members present.
North Dakota	2/3 vote or approval of majority of Committee on Delayed Bills		
Ohio	House majority vote on recommendation of bill by Reference Committee. Senate: 3/5 vote of elected members.		
Oklahoma	2/3 vote of membership		
Oregon	_____		
Pennsylvania	_____		
Rhode Island	2/3 vote of members present		
South Carolina	House: 2/3 vote of members present and voting; Senate: 2/3 vote of membership		

** Council of State Governments, The Book of States, 1988-1989.

COMMITTEE WORKLOAD
Average Workload of Committees—112th, 113th, and 114th Legislatures

JOINT STANDING COMMITTEES	FIRST SESSION		SECOND SESSION	
	NUMBER OF BILLS REFERRED	% OF TOTAL BILLS REFERRED	NUMBER OF BILLS REFERRED	% OF TOTAL BILLS REFERRED
<u>GROUP I</u>				
Audit and Program Review*	4	0.25%	4	0.60%
Housing & Economic Development	26	1.64%	14	2.11%
Marine Resources	34	2.14%	14	2.11%
Aging, Retirement & Veterans Affairs	39	2.45%	15	2.27%
TOTAL GROUP I		6.48%		7.10%
<u>GROUP II</u>				
Agriculture	40	2.52%	21	3.17%
Utilities	47	2.96%	32	4.83%
Fisheries and Wildlife	60	3.77%	29	4.38%
Labor	64	4.03%	21	3.17%
Banking and Insurance	79	4.97%	36	5.44%
TOTAL GROUP II		18.24%		21.00%
<u>GROUP III</u>				
Education	80	5.03%	26	3.93%
Business Legislation	91	5.72%	39	5.89%
Transportation	97	6.10%	28	4.23%
Human Resources	99	6.23%	49	7.40%
TOTAL GROUP III		23.08%		21.45%
<u>GROUP IV</u>				
Energy and Natural Resources	105	6.60%	49	7.40%
Legal Affairs	123	7.74%	32	4.83%
Taxation	131	8.24%	44	6.65%
State & Local Government	136	8.55%	53	8.01%
Judiciary	164	10.31%	65	9.82%
Appropriations & Financial Affairs	172	10.82%	91	13.75%
TOTAL GROUP IV		52.26%		50.45%

*Nature of committee work (studies and reviews) requires limited number of comprehensive bills.

APPENDIX D

SAMPLE PROPOSED BILLS AND FULLY DRAFTED COMMITTEE BILLS

This Appendix presents samples from the State of Connecticut of two proposed bills and their fully drafted counterparts.

APPENDIX D.1:

Proposed Bill No. 44: An Act to
Require a Biennial State Budget

Committee Bill No. 44: An Act to
Require a Biennial State Budget

APPENDIX D.2:

Proposed Bill No. 5097: An Act
Concerning "Per Se" License
Suspensions

Committee Bill No. 5097: An Act
Concerning "Per Se" License
Suspensions

STATE OF CONNECTICUT	3
Proposed Bill No. 44	4
Page 1 of 1	4
Referred to Committee on APPROPRIATIONS	5
LCO No. 645	6
Introduced by SEN. HARPER, 6th DIST.	7
REP. DYSON, 94TH DIST.	8
SEN. FREEDMAN, 26TH DIST.	9
REP. ARTHUR, 42ND DIST.	10
SEN. LARSON, 3RD DIST.	11
REP. BALDUCCI, 27TH DIST.	12
SEN. SMITH, 8TH DIST.	13
REP. JAEKLE, 122ND DIST.	14
SEN. DIBELLA, 1ST DIST.	15
REP. GILLIGAN, 28TH DIST.	16
SEN. HERBST, 35TH DIST.	17
REP. BELDEN, 113TH DIST.	18
REP. KRAWIECKI, 78TH DIST.	19
General Assembly	20
February Session, A.D., 1990	21
AN ACT TO REQUIRE A BIENNIAL STATE BUDGET.	23
Be it enacted by the Senate and House of Representatives in General Assembly convened:	25 26
That part II of chapter 50 of the general statutes, concerning budget and appropriations, be amended to provide that the general assembly shall adopt a biennial budget in the odd-numbered year sessions and may make necessary revisions to such budget in the even-numbered year sessions.	27 28 29 30 31
STATEMENT OF PURPOSE: To require the adoption of a biennial state budget.	34 35
Co-Sponsors: SEN. MORRIS, 10th DIST.	

STATE OF CONNECTICUT	3
Committee Bill No. 44	4
Referred to Committee on	5
LCO No. 2621	6
Introduced by (APP)	7
General Assembly	8
February Session, A.D., 1990	9

AN ACT TO REQUIRE A BIENNIAL STATE BUDGET. 11

Be it enacted by the Senate and House of Representatives in 13
General Assembly convened: 14

Section 1. Section 2-34 of the general statutes is repealed 15
and the following is substituted in lieu thereof: 16

The title of [each bill for an act making appropriations from 17
the treasury shall be "An Act making Appropriations for" (here 18
insert the object). "for the Fiscal Year ending June Thirtieth" 19
(here insert the calendar year)] THE BIENNIAL BUDGET BILL SHALL 20
BE "AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING 21
JUNE THIRTIETH," (HERE INSERT THE CALENDAR YEAR) "AND MAKING 22
APPROPRIATIONS THEREFOR." THE TITLE OF THE DEFICIENCY BILL SHALL 23
BE "AN ACT MAKING DEFICIENCY APPROPRIATIONS FOR THE FISCAL YEAR 24
ENDING JUNE THIRTIETH," (HERE INSERT THE CALENDAR YEAR). THE 25
TITLE OF ALL OTHER BILLS MAKING APPROPRIATIONS FROM THE TREASURY 26
SHALL BE "AN ACT CONCERNING" (HERE INSERT THE PURPOSE) "AND 27
MAKING AN APPROPRIATION THEREFOR." 28

Sec. 2. Section 2-35 of the general statutes is repealed and 29
the following is substituted in lieu thereof: 30

All bills carrying or requiring appropriations and favorably 31
reported by any other committee, except for payment of claims 32
against the state, shall, before passage, be referred to the 33
joint standing committee of the general assembly having 34
cognizance of matters relating to appropriations and the budgets 35
of state agencies, unless such reference is dispensed with by a 36

vote of at least two-thirds of each house of the general 37
 assembly. Resolutions paying the contingent expenses of the 38
 senate and house of representatives shall be referred to said 39
 committee. Said committee may originate and report any bill which 40
 it deems necessary and shall, from time to time, report such 41
 appropriation bills as it deems necessary for carrying on the 42
 departments of the state government and for providing for such 43
 institutions or persons as are proper subjects for state aid 44
 under the provisions of the statutes. [, for one year from the 45
 following thirtieth day of June.] Each appropriation bill shall 46
 specify the particular purpose for which appropriation is made 47
 [,] AND shall be itemized as far as practicable. [and] THE STATE 48
 BUDGET ACT may contain any legislation necessary to implement its 49
 appropriations provisions, provided no other general legislation 50
 shall be made a part of such [appropriation bill] ACT. The 51
 [appropriations] STATE BUDGET act passed by the legislature for 52
 funding the expenses of operations of the state government in the 53
 ensuing [fiscal year] BIENNIUM shall contain a statement of 54
 estimated revenue, itemized by major source, for each 55
 appropriated fund. The statement of estimated revenue applicable 56
 to each such fund shall include, for any fiscal year, an estimate 57
 of total revenue with respect to such fund, which amount shall be 58
 reduced by an estimate of total refunds of taxes to be paid from 59
 such revenue in accordance with the authorization in section 60
 12-39f. Such statement of estimated revenue, including the 61
 estimated refunds of taxes to be offset against such revenue, 62
 shall be supplied by the joint standing committee of the general 63
 assembly having cognizance of matters relating to state finance, 64
 revenue and bonding. The total estimated revenue for each fund, 65
 as adjusted in accordance with this section, shall not be less 66
 than the total net appropriations made from each fund. On or 67
 before July first of each fiscal year said committee, through its 68
 cochairpersons, shall report to the comptroller any revisions in 69
 such estimates required by virtue of legislative amendments to 70
 the revenue measures proposed by said committee. 71

Sec. 3. Section 2-36 of the general statutes is repealed and 72
the following is substituted in lieu thereof: 73

(a) On or before the twenty-fifth day of each month, the 74
secretary of the office of policy and management shall submit to 75
the governor, the comptroller and the joint standing committee of 76
the general assembly having cognizance of matters relating to 77
appropriations and the budgets of state agencies, through the 78
legislative office of fiscal analysis, a list of appropriation 79
accounts in which a potential deficiency exists. Such list shall 80
be accompanied by a statement which explains the reasons for each 81
such potential deficiency. 82

(b) On the day the governor submits a budget document to the 83
general assembly, OR A REPORT ON THE STATUS OF THE BUDGET ENACTED 84
IN THE PREVIOUS YEAR, pursuant to section 4-71, AS AMENDED BY 85
SECTION 4 OF THIS ACT, the secretary of the office of policy and 86
management shall submit to the treasurer and said joint standing 87
committee, through the office of fiscal analysis, any items to be 88
included in a deficiency bill, which may be passed by the general 89
assembly to pay expenses of the current FISCAL year OF THE 90
BIENNIUM. Each such item shall be accompanied by a statement 91
which explains the need for a deficiency appropriation. Any 92
agency which has an item to be included in the deficiency bill 93
shall, on such day, submit a report to said joint standing 94
committee, through the office of fiscal analysis, concerning any 95
steps taken by the agency to reduce or eliminate the deficiency. 96

Sec. 4. Section 4-71 of the general statutes is repealed and 97
the following is substituted in lieu thereof: 98

Not later than the first session day following the third day 99
of February in each odd-numbered year, the governor shall 100
transmit to the general assembly a budget document setting forth 101
his financial program for the ensuing [fiscal year] BIENNIUM WITH 102
A SEPARATE BUDGET FOR EACH OF THE TWO FISCAL YEARS and having the 103
character and scope hereinafter set forth, provided, if the 104
governor has been elected or succeeded to the office of governor 105
since the submission of the last-preceding budget document, he 106

shall transmit such document to the general assembly not later 107
 than the first session day following the fourteenth day of 108
 February. In the even-numbered years, ON THE DAY ON WHICH THE 109
 GENERAL ASSEMBLY FIRST CONVENES, the governor shall transmit 110
 [such budget document on the day on which the general assembly 111
 first convenes] A REPORT ON THE STATUS OF THE BUDGET ENACTED IN 112
 THE PREVIOUS YEAR WITH ANY RECOMMENDATIONS FOR ADJUSTMENTS AND 113
 REVISIONS. The budget document shall consist of four parts, the 114
 nature and contents of which are set forth in [sections] SECTION 115
 4-72, AS AMENDED BY SECTION 6 OF THIS ACT, SECTION 4-73, AS 116
 AMENDED BY SECTION 7 OF THIS ACT, AND SECTIONS 4-74 and 4-74A 117
 4-72, 4-73, 4-74 and 4-74a and shall be accompanied by the 118
 statement of grants to towns compiled pursuant to the provisions 119
 of section 4-71a and by the computation of the cost of an indexed 120
 increase in assistance payments made pursuant to section 4-71c. 121

Sec. 5. Section 4-71b of the general statutes is repealed and 122
 the following is substituted in lieu thereof: 123

Not later than sixty days after the governor signs the STATE 124
 BUDGET act [making appropriations for the expenses of the state 125
 for such fiscal year], the secretary of the office of policy and 126
 management shall compile, for each state grant-in-aid program 127
 which is determined by statutory formula, the estimated amount of 128
 funds each town in the state can expect to receive for [the] EACH 129
 fiscal year OF THE BIENNIUM under each such program from funds 130
 appropriated for EACH such fiscal year. 131

Sec. 6. Section 4-72 of the general statutes is repealed and 132
 the following is substituted in lieu thereof: 133

Part I of the budget document shall consist of the governor's 134
 budget message in which he shall set forth as follows: (1) His 135
 program for meeting all the expenditure needs of the government 136
 for [the] EACH fiscal year OF THE BIENNIUM to which the budget 137
 relates, indicating the classes of funds, general or special, 138
 from which such appropriations are to be made and the means 139
 through which such expenditure shall be financed; (2) financial 140
 statements giving in summary form: (a) The financial position of 141

all major state operating funds including revolving funds at the
end of the last-completed fiscal year in a form consistent with
accepted accounting practice. He shall also set forth in similar
form the estimated position of each such fund at the end of the
year in progress and the estimated position of each such fund at
the end of [the] EACH FISCAL year OF THE BIENNIUM to which the
budget relates if his proposals are put into effect; (b) a
statement showing as of the close of the last-completed fiscal
year, a year by year summary of all outstanding general
obligation and special tax obligation debt of the state and a
statement showing the yearly interest requirements on such
outstanding debt; (c) a summary of appropriations recommended for
[the] EACH FISCAL year OF THE BIENNIUM to which the budget
relates for each budgeted agency and for the state as a whole in
comparison with actual expenditures of the last-completed fiscal
year and appropriations and estimated expenditures for the year
in progress; (d) a summary of permanent full-time positions
setting forth the number filled and the number vacant as of the
end of the last-completed fiscal year, the total number intended
to be funded by appropriations without reduction for turnover for
the fiscal year in progress, the total number requested and the
total number recommended for [the] EACH FISCAL year OF THE
BIENNIUM to which the budget relates; (e) a summary of the
revenue estimated to be received by the state during [the] EACH
FISCAL year OF THE BIENNIUM to which the budget relates
classified according to sources in comparison with the actual
revenue received by the state during the last-completed fiscal
year and estimated revenue during the year in progress, and (f)
such other financial statements, data and comments as in his
opinion are necessary or desirable in order to make known in all
practicable detail the financial condition and operations of the
government and the effect that the budget as proposed by him will
have on such condition and operations. If the estimated revenue
of the state for the ensuing [year] BIENNIUM as set forth in the
budget on the basis of existing statutes, plus the estimated

unappropriated surplus at the close of the year in progress 177
 available for expenditure in the ensuing [fiscal year] BIENNIUM, 178
 is less than the aggregate appropriations recommended for the 179
 ensuing [fiscal year] BIENNIUM as contained in the budget, the 180
 governor shall make recommendations to the general assembly in 181
 respect to the manner in which such deficit shall be met, whether 182
 by an increase in the indebtedness of the state, by the 183
 imposition of new taxes, by increased rates on existing taxes or 184
 otherwise. If the aggregate of such estimated revenue plus such 185
 estimated unappropriated surplus is greater than such recommended 186
 appropriations for the ensuing [fiscal year] BIENNIUM, he shall 187
 make such recommendations for the use of such surplus for the 188
 reduction of indebtedness, for the reduction in taxation or for 189
 other purposes as in his opinion are in the best interest of the 190
 public welfare. 191

Sec. 7. Section 4-73 of the general statutes is repealed and 192
 the following is substituted in lieu thereof: 193

(a) Part II of the budget document shall present in detail 194
 for EACH FISCAL YEAR OF the ensuing [fiscal year] BIENNIUM the 195
 governor's recommendation for appropriations to meet the 196
 expenditure needs of the state from the general fund and from all 197
 special and agency funds classified by budgeted agencies and 198
 showing for each budgeted agency and its subdivisions: (1) A 199
 narrative summary describing the agency, the governor's 200
 recommendations for appropriations for the agency and a list of 201
 agency programs, the actual expenditure for the last-completed 202
 fiscal year, the estimated expenditure for the current fiscal 203
 year, the amount requested by the agency and the governor's 204
 recommendations for appropriations for EACH FISCAL YEAR OF the 205
 ensuing [fiscal year] BIENNIUM; (2) a summary of permanent 206
 full-time positions by fund, setting forth the number filled and 207
 the number vacant as of the end of the last-completed fiscal 208
 year, the total number intended to be funded by appropriations 209
 without reduction for turnover for the fiscal year in progress, 210
 the total number requested and the total number recommended for 211

[the] EACH FISCAL year OF THE BIENNIUM to which the budget
relates.

(b) In addition, programs shall be supported by: (1) The
statutory authorization for the program; (2) a statement of
program objectives; (3) a description of the program, including a
statement of need, eligibility requirements and any
intergovernmental participation in the program; (4) a statement
of performance measures by which the accomplishments toward the
program objectives can be assessed, which shall include, but not
be limited to, an analysis of the workload, quality or level of
service and effectiveness of the program; (5) program budget data
broken down by major object of expenditure, showing additional
federal and private funds; (6) a summary of permanent full-time
positions by fund, setting forth the number filled and the number
vacant as of the end of the last-completed fiscal year, the total
number intended to be funded by appropriations without reduction
for turnover for the fiscal year in progress, the total number
requested and the total number recommended [by the] FOR EACH
FISCAL year OF THE BIENNIUM to which the budget relates; (7) a
statement of expenditures for the last-completed and current
fiscal years, the agency request and the governor's
recommendation for EACH FISCAL YEAR OF the ensuing [fiscal year]
BIENNIUM and, for any new or expanded program, estimated
expenditure requirements for the fiscal year next succeeding the
[fiscal year] BIENNIUM to which the budget relates and (8) an
explanation of any significant program changes requested by the
agency or recommended by the governor. [The provisions of this
subsection shall apply to budgeted agencies as follows: (1) On
and after March 1, 1982, said provisions shall apply to three
budgeted agencies, as determined by the secretary of the office
of policy and management; (2) on and after March 1, 1983, said
provisions shall apply to ten additional budgeted agencies, as
determined by said secretary and (3) on and after March 1, 1984,
said provisions shall apply to all budgeted agencies.]

(c) There shall be a supporting schedule of total agency 246
 expenditures including a line-item, minor object breakdown of 247
 personal services, contractual services and commodities and a 248
 total of state aid grants and equipment, showing the actual 249
 expenditures for the last-completed fiscal year, estimated 250
 expenditures for the current fiscal year and requested and 251
 recommended appropriations for EACH FISCAL YEAR OF the ensuing 252
 [fiscal year] BIENNIUM, classified by objects according to a 253
 standard plan of classification. 254

(d) All federal funds expended or anticipated for any purpose 255
 shall be accounted for in the budget. The document shall set 256
 forth a listing of federal programs, showing the actual 257
 expenditures for the last-completed fiscal year, estimated 258
 expenditures for the current fiscal year and anticipated funds 259
 available for expenditure for EACH FISCAL YEAR OF the ensuing 260
 [fiscal year] BIENNIUM. Such federal funds shall be classified by 261
 program in each budgeted agency but shall not include research 262
 grants made to educational institutions. 263

(e) Part II of the budget document shall also set forth the 264
 budget recommendations for the capital program, to be supported 265
 by statements listing the agency's requests and the governor's 266
 recommendations with the statements required by section 4-78, AS 267
 AMENDED BY SECTION 10 OF THIS ACT. 268

(f) The appropriations recommended for the legislative branch 269
 of the state government shall be the estimates of expenditure 270
 requirements transmitted to the secretary of the office of policy 271
 and management by the joint [standing] committee on legislative 272
 management pursuant to section 4-77, AS AMENDED BY SECTION 9 OF 273
 THIS ACT, AND THE RECOMMENDED ADJUSTMENTS AND REVISIONS OF SUCH 274
 ESTIMATES SHALL BE THE RECOMMENDED ADJUSTMENTS AND REVISIONS, IF 275
 ANY, TRANSMITTED BY SAID COMMITTEE PURSUANT TO SAID SECTION 4-77. 276

Sec. 8. Section 4-76 of the general statutes is repealed and 277
 the following is substituted in lieu thereof: 278

The governor or his authorized representative or agent shall 279
 appear before the appropriate committees of the general assembly 280
 to explain the details of the budget document TRANSMITTED BY THE 281
 GOVERNOR IN THE ODD-NUMBERED YEARS AND THE REPORT TRANSMITTED BY 282
 THE GOVERNOR IN THE EVEN-NUMBERED YEARS PURSUANT TO SECTION 4-71, 283
 AS AMENDED BY SECTION 4 OF THIS ACT, to answer questions and to 284
 give information as to the items included therein. 285

Sec. 9. Section 4-77 of the general statutes is repealed and 286
 the following is substituted in lieu thereof: 287

(a) The administrative head of each budgeted agency shall 288
 transmit, on or before September first of each EVEN-NUMBERED 289
 year, to the secretary of the office of policy and management, on 290
 blanks to be furnished by him not later than the preceding August 291
 first, and to the joint standing committee of the general 292
 assembly having cognizance of matters relating to appropriations 293
 and the budgets of state agencies, through the office of fiscal 294
 analysis, and the standing committee having cognizance of matters 295
 relating to such budgeted agency, estimates of expenditure 296
 requirements for EACH FISCAL YEAR OF the next [fiscal year] 297
 BIENNIIUM. ON OR BEFORE SEPTEMBER FIRST OF EACH ODD-NUMBERED YEAR, 298
 SAID AGENCY HEAD SHALL TRANSMIT RECOMMENDED ADJUSTMENTS AND 299
 REVISIONS, IF ANY, OF SUCH ESTIMATES. The secretary shall set 300
 guidelines for standard economic and planning factors and for 301
 unit costs, based on source of supply, for fuel oil, electricity, 302
 gas and water usage by state agencies, which shall be used by all 303
 agencies in the preparation of their estimates of expenditure 304
 requirements. The expenditure requirements shall be classified to 305
 show expenditures estimated for each major function and activity, 306
 project or program of the budgeted agency and its subdivisions, 307
 grants or aids to governmental units and capital outlay, and 308
 shall include details setting forth the estimated expenditures 309
 classified by objects according to a standard plan of 310
 classification, with citations of the statutes, if any, relating 311
 thereto. Each expenditure requirement for any purpose other than 312
 capital outlay involving an increase in or addition to any 313

appropriation of the current fiscal year shall be accompanied by 314
 an explanation of the increase or addition. Each expenditure 315
 requirement involving a capital outlay shall be accompanied by 316
 such supporting schedules of data and explanations as may be 317
 required by the secretary. 318

(b) The administrative head of each budgeted agency shall 319
 transmit, on or before September first of each year, to the 320
 secretary, in the form required by him, and, on or before 321
 November fifteenth of each year, to the joint committee of the 322
 general assembly having cognizance of matters relating to state 323
 finance, revenue and bonding, through the office of fiscal 324
 analysis, a statement showing in detail the revenue and estimated 325
 revenue of the agency for the current fiscal year, [and] an 326
 estimate of the revenue from the same or any additional sources 327
 for the next fiscal year [together with his] AND, IN THE 328
 EVEN-NUMBERED YEAR, FOR THE NEXT BIENNIUM. SAID AGENCY HEAD SHALL 329
 INCLUDE IN SUCH STATEMENT recommendations as to any changes in 330
 the management, practices, regulations or laws governing his 331
 budgeted agency affecting the amount of revenue from operations, 332
 fees, taxes or other sources or the collection thereof, and any 333
 other information required by the secretary. 334

(c) If any budgeted agency fails to submit such estimates 335
 within the time specified, the secretary shall cause such 336
 estimates to be prepared for the budgeted agency. The 337
 administrative head of each budgeted agency shall transmit a copy 338
 of the agency's monthly financial status report and monthly 339
 personnel status report to the office of fiscal analysis. 340

Sec. 10. Section 4-78 of the general statutes is repealed and 341
 the following is substituted in lieu thereof: 342

The budget recommendations for the capital program to be paid 343
 from appropriated funds, proceeds of authorized bond issues or 344
 any federal or other funds available for capital projects shall 345
 be supported by statements indicating recommended priorities for 346
 projects and setting forth for each project: (a) The total 347
 estimated cost at completion; (b) appropriations, bond 348

authorizations and federal or other funds received to date; (c) 349
 additional appropriations or bond authorizations required for 350
 completion; (d) the amount available for expenditure from bond 351
 authorizations, appropriations or federal or other funds of prior 352
 years; (e) the bond authorization or appropriation recommended 353
 for EACH FISCAL YEAR OF the ensuing [fiscal year] BIENNIIUM; (f) 354
 the amount available for EACH FISCAL YEAR OF the ensuing [fiscal 355
 year] BIENNIIUM if the budget recommendation is approved; (g) bond 356
 authorizations or appropriations estimated to be required for 357
 subsequent fiscal years for completion; and (h) the estimated 358
 addition to the operating budget when completed. All capital 359
 projects authorized, begun or completed in prior years shall be 360
 reviewed annually in terms of requirement for continuation of 361
 appropriations made to date and, where appropriation balances 362
 remain at completion or no imminent forwarding of the project is 363
 contemplated or where the project has been abandoned, 364
 recommendation shall be made for the reduction of such authorized 365
 bond issues or the lapsing of such appropriation balances. 366

Sec. 11. Section 4-84 of the general statutes is repealed and 367
 the following is substituted in lieu thereof: 368

The budget as submitted by the governor to the general 369
 assembly shall include a recommended appropriation for 370
 contingencies not to exceed one hundred thousand dollars for EACH 371
 FISCAL YEAR OF the ensuing [fiscal year] BIENNIIUM. Wherever an 372
 emergency exists and the governor is of the opinion that the 373
 necessities of a budgeted agency warrant an increased 374
 appropriation or it is necessary to provide for emergency 375
 expenditures, he may approve such expenditures as he deems 376
 necessary and for the best interest of the public from such 377
 contingency appropriation, provided the total amount of 378
 individual allotments from such appropriation shall not exceed 379
 the total amount of the contingency appropriation as established 380
 by the general assembly. Additions to specific appropriations for 381
 current expenses of any state court or for current expenses of 382
 state institutions or for maintenance of inmates therein or for 383

the reimbursement of towns for relief, support and 384
hospitalization furnished state paupers or for forest fire 385
suppression shall not be considered as within the total 386
appropriation for such contingencies. The governor shall report 387
to the general assembly, not later than the first session day 388
following THE THIRD DAY OF February [fourteenth of each regular 389
session] EACH EACH ODD-NUMBERED YEAR, all increases made by him 390
under authority of this section and the reasons therefor. IN THE 391
EVEN-NUMBERED YEARS, THE GOVERNOR SHALL SUBMIT SUCH REPORT ON THE 392
DAY ON WHICH THE GENERAL ASSEMBLY FIRST CONVENES. 393

Sec. 12. Section 4-85d of the general statutes is repealed 394
and the following is substituted in lieu thereof: 395

The secretary of the office of policy and management shall 396
annually submit to the joint standing committee of the general 397
assembly having cognizance of matters relating to energy planning 398
and activities, at the same time that the [governor transmits 399
the] budget document IS TRANSMITTED BY THE GOVERNOR IN THE 400
ODD-NUMBERED YEARS AND THE REPORT IS TRANSMITTED BY THE GOVERNOR 401
IN THE EVEN-NUMBERED YEARS to the general assembly under section 402
4-71, AS AMENDED BY SECTION 4 OF THIS ACT, an estimated 403
accounting of all federal funds for energy programs that will be 404
carried over into the following fiscal year and an estimated 405
accounting of federal energy funds which the state anticipates 406
receiving in such fiscal year, accompanied by a detailed 407
description of how such carried over and anticipated funds will 408
be expended. The provisions of this section shall not apply to 409
energy assistance programs and funds. 410

Sec. 13. Section 4-99 of the general statutes is repealed and 411
the following is substituted in lieu thereof: 412

Any [annual] appropriation FOR A FISCAL YEAR OF A BIENNIUM 413
shall be available for commitment fifteen days before the 414
beginning of the fiscal period for which such appropriation was 415
made, provided the comptroller shall have on file an allotment 416
covering such commitment, but no commitment thus effected shall 417
be liquidated before the beginning of such fiscal period. 418

Sec. 14. Section 1 of public act 89-279 is repealed and the 419
following is substituted in lieu thereof. 420

The estimates of expenditure requirements transmitted by the 421
administrative head of each budgeted agency to the secretary of 422
the office of policy and management, pursuant to section 4-77 of 423
the general statutes, AS AMENDED BY SECTION 9 OF THIS ACT, shall 424
include an estimate of the amount required by such agency for the 425
payment of the workers' compensation claims of the employees of 426
each such agency. Any appropriations for the payment of such 427
claims (1) recommended in the budget document transmitted by the 428
governor IN THE ODD-NUMBERED YEARS OR THE REPORT TRANSMITTED BY 429
THE GOVERNOR IN THE EVEN-NUMBERED YEARS to the general assembly 430
pursuant to section 4-71 of the general statutes, AS AMENDED BY 431
SECTION 4 OF THIS ACT, or (2) contained in the [annual 432
appropriations] STATE BUDGET act or any deficiency bill, as 433
provided in section 2-36 of the general statutes, AS AMENDED BY 434
SECTION 3 OF THIS ACT, shall be made directly to each such 435
agency. 436

STATEMENT OF PURPOSE: To require the adoption of a biennial state 439
budget. 440

[Proposed deletions are enclosed in brackets. Proposed 442
additions are all capitalized or underlined where appropriate, 443
except that when the entire text of a bill or resolution or a 444
section thereof is new, it is not capitalized or underlined.] 445

Co-Sponsors:	SEN. HARPER, 6th DIST.	453
	REP. DYSON, 94th DIST.	454
	SEN. FREEDMAN, 26th DIST.	455
	REP. ARTHUR, 42nd DIST.	456
	SEN. LARSON, 3rd DIST.	457
	REP. BALDUCCI, 27th DIST.	458
	SEN. SMITH, 8th DIST.	459
	REP. JAEKLE, 122nd DIST.	460
	SEN. DIBELLA, 1st DIST.	461
	REP. GILLIGAN, 28th DIST.	462
	SEN. HERBST, 35th DIST.	463
	REP. BELDEN, 113th DIST.	464
	REP. KRAWIECKI, 78th DIST.	465
	SEN. MORRIS, 10th DIST.	466
	REP. LUPPI, 88th DIST.	467
	REP. FRITZ, 90th DIST.	468
	SEN. SULLIVAN, 5th DIST.	469
	REP. TRUGLIA, 145th DIST.	470
	REP. FARR, 19th DIST.	471

Proposed Bill No.

5097

Page 1 of 3

Referred to Committee on

JUDICIARY

LCO No. 378

Introduced by REP. PRAGUE, 8th DIST.

REP. CARTER, 7th DIST.

REP. THOMPSON, 13th DIST.

REP. FARR, 19th DIST.

REP. RAIK, 23rd DIST.

REP. DANDROW, 30th DIST.

REP. MAZZOTTA, 32nd DIST.

REP. GIONFRIDDO, 33rd DIST.

REP. TUREK, 43rd DIST.

REP. LESCOE, 49th DIST.

REP. GORDES, 62nd DIST.

REP. MANIA, 63rd DIST.

REP. AVITABILE, 65th DIST.

REP. MIGLIARO, 80th DIST.

REP. MUSHINSKY, 85th DIST.

REP. FRITZ, 90th DIST.

REP. HAUSER, 97th DIST.

REP. HANCHURUCK, 102nd DIST.

REP. RELL, 107th DIST.

REP. GYLE, 108th DIST.

REP. BELDEN, 113th DIST.

REP. ADAMO, 116th DIST.

REP. SMITH, 119th DIST.

REP. JAEKLE, 122nd DIST.

REP. COCCO, 127th DIST.

REP. WILBER, 133rd DIST.

REP. MEYER, 135th DIST.

REP. FUCHS, 136th DIST.

REP. GILL, 142nd DIST. 35
 REP. TRUGLIA, 145th DIST. 36
 REP. OSLER, 150th DIST. 37
 SEN. MEOTTI, 4th DIST. 38
 SEN. SULLIVAN, 5th DIST. 39
 SEN. SMITH, 8th DIST. 40
 SEN. MATTHEWS, 9th DIST. 41
 SEN. PRZYBYSZ, 19th DIST. 42
 SEN. MALONEY, 24th DIST. 43
 SEN. EADS, 30th DIST. 44
 SEN. HERBST, 35th DIST. 45

General Assembly 48
 January Session, A.D., 1989 49

AN ACT CONCERNING ADMINISTRATIVE "PER SE" LICENSE SUSPENSIONS. 51

Be It enacted by the Senate and House of Representatives in 53
 General Assembly convened: 54

That chapter 248 of the general statutes, concerning vehicle 56
 highway use, be amended to provide that whenever a law 57
 enforcement officer arrests a person for a violation of section 58
 14-227a, 53a-56b or 53a-60d of the general statutes and such 59
 person refuses to submit to a chemical test of his blood, breath 60
 or urine or submits to a chemical test and has a blood alcohol 61
 concentration of ten-hundredths of one per cent or more of 62
 alcohol, the arresting officer shall immediately take possession 63
 of such person's operator's license, shall issue a notice of 64
 license suspension and shall issue a temporary operator's license 65
 valid for the period commencing twenty-four hours after issuance 66
 and ending thirty-one days after issuance. Within seven days of 67
 the service of the notice of suspension, such person may request 68
 a hearing before the department of motor vehicles. If such 69

person does not request a hearing, his license shall be suspended 70
 pursuant to the notice given him by the arresting officer. If 71
 such person requests a hearing, the department shall hold a 72
 hearing within fifteen days of the request. If such person fails 73
 to appear at the hearing or if, after the hearing, the 74
 commissioner finds that such person refused to submit to a 75
 chemical test or submitted to a chemical test and had a blood 76
 alcohol concentration of ten-hundredths of one per cent or more 77
 of alcohol, the commissioner shall affirm the suspension 78
 contained in the notice of suspension and shall suspend the 79
 operator's license of such person for the appropriate period. 80

STATEMENT OF PURPOSE: To insure that the driver's license of a 83
 person who is arrested for drunken driving and refuses to take a 84
 chemical test or takes a chemical test and has an elevated blood 85
 alcohol concentration is suspended as quickly and certainly as 86
 possible. 87

Co-Sponsors: Rep. Flaherty, 68th Dist.; Rep. Ireland, 111th Dist.
 Rep. Cohen, 15th Dist.; Rep. Wymen, 53rd Dist.; Rep. Rennie, 14th Dist.

REP. HANCHURUCK, 102nd DIST. 519
 REP. BETKOSKI, 105th DIST. 520
 REP. SCHMIDLE, 106th DIST. 521
 REP. RELL, 107th DIST. 522
 REP. GYLE, 108th DIST. 523
 REP. IRELAND, 111th DIST. 524
 REP. BELDEN, 113th DIST. 525
 REP. ADAMO, 116th DIST. 526
 REP. SMITH, 119th DIST. 527
 REP. JAEKLE, 122nd DIST. 528
 REP. COCCO, 127th DIST. 529
 REP. WILBER, 133rd DIST. 530
 REP. MEYER, 135th DIST. 531
 REP. FUCHS, 136th DIST. 532
 REP. GILL, 142nd DIST. 533
 REP. TRUGLIA, 145th DIST. 534
 REP. OSLER, 150th DIST. 535
 SEN. MEOTTI, 4th DIST. 536
 SEN. SULLIVAN, 5th DIST. 537
 SEN. SMITH, 8th DIST. 538
 SEN. MATTHEWS, 9th DIST. 539
 SEN. MUSTONE, 13th DIST. 540
 SEN. SCOTT, 14th DIST. 541
 SEN. PRZYBYSZ, 19th DIST. 542
 SEN. MALONEY, 24th DIST. 543
 SEN. EADS, 30th DIST. 544
 SEN. HERBST, 35th DIST. 545

STATE OF CONNECTICUT

Committee Bill No. 5097

Page 1 of 16

Referred to Committee on JUDICIARY

LCO No. 3554

Introduced by (JUD)

General Assembly

January Session, A.D., 1989

AN ACT CONCERNING ADMINISTRATIVE "PER SE" LICENSE SUSPENSIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 14-227b of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any person who operates a motor vehicle in this state shall be deemed to have given his consent to a chemical analysis of his blood, breath or urine and, if said person is a minor, his parent or parents or guardian shall also be deemed to have given his consent.

(b) If any such person, having been placed under arrest for MANSLAUGHTER IN THE SECOND DEGREE WITH A MOTOR VEHICLE OR ASSAULT IN THE SECOND DEGREE WITH A MOTOR VEHICLE OR FOR operating a motor vehicle while under the influence of intoxicating liquor or any drug or both or while his ability to operate such motor vehicle is impaired by the consumption of intoxicating liquor, and thereafter, after being apprised of his constitutional rights, having been requested to submit to a blood, breath or urine test at the option of the police officer, having been afforded a reasonable opportunity to telephone an attorney prior to the performance of such test and having been informed that his license or nonresident operating privilege will be suspended in accordance with the provisions of [subsection (d), (e) or (f) of] this section if he refuses to submit to such test OR IF HE SUBMITS TO SUCH TEST AND THE RESULTS OF SUCH TEST INDICATE THAT

AT THE TIME OF THE ALLEGED OFFENSE THE RATIO OF ALCOHOL IN HIS BLOOD WAS TEN-HUNDREDTHS OF ONE PER CENT OR MORE OF ALCOHOL, BY WEIGHT, and that evidence of ANY such refusal shall be admissible in accordance with subsection (f) of section 14-227a and may be used against him in any criminal prosecution, refuses to submit to the designated test, the test shall not be given; provided, if the person refuses or is unable to submit to a blood test, the police officer shall designate the breath or urine test as the test to be taken. The police officer shall make a notation upon the records of the police department that he informed the person that his license or nonresident operating privilege would be suspended if he refused to submit to such test OR IF HE SUBMITTED TO SUCH TEST AND THE RESULTS OF SUCH TEST INDICATED THAT AT THE TIME OF THE ALLEGED OFFENSE THE RATIO OF ALCOHOL IN HIS BLOOD WAS TEN-HUNDREDTHS OF ONE PER CENT OR MORE OF ALCOHOL, BY WEIGHT.

(c) If the person arrested refuses to submit to such test or analysis OR SUBMITS TO SUCH TEST OR ANALYSIS AND SUCH TEST OR ANALYSIS INDICATES THAT AT THE TIME OF THE ALLEGED OFFENSE THE RATIO OF ALCOHOL IN THE BLOOD OF SUCH PERSON WAS TEN-HUNDREDTHS OF ONE PER CENT OR MORE OF ALCOHOL, BY WEIGHT, the police officer shall immediately [revoke] TAKE POSSESSION OF the motor vehicle operator's license or, IF SUCH PERSON IS A NONRESIDENT, SUSPEND THE nonresident operating privilege of such person, [for a twenty-four-hour period and prepare a written report of such refusal. Such written report shall be endorsed by a third person who witnessed such refusal.] ISSUE A NOTICE OF LICENSE OR OPERATING PRIVILEGE SUSPENSION AND ISSUE A TEMPORARY OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE VALID FOR THE PERIOD COMMENCING TWENTY-FOUR HOURS AFTER ISSUANCE AND ENDING THIRTY-ONE DAYS AFTER ISSUANCE.

(d) THE POLICE OFFICER, ACTING ON BEHALF OF THE COMMISSIONER OF MOTOR VEHICLES, SHALL AT THE TIME OF SUCH ARREST SERVE THE NOTICE OF SUSPENSION PERSONALLY UPON SUCH PERSON. SUCH NOTICE SHALL INDICATE: (1) THE EFFECTIVE DATE OF THE SUSPENSION OF SUCH PERSON'S OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE,

WHICH DATE SHALL BE THIRTY-ONE DAYS FROM THE DATE OF SERVICE OF SUCH NOTICE, (2) THE RIGHT OF SUCH PERSON TO REQUEST A HEARING BY THE DEPARTMENT OF MOTOR VEHICLES, (3) THE PROCEDURE FOR REQUESTING SUCH A HEARING, (4) THE DATE BY WHICH A REQUEST FOR SUCH A HEARING MUST BE MADE, WHICH DATE SHALL BE SEVEN DAYS FROM THE DATE OF SERVICE OF SUCH NOTICE, AND (5) THE POTENTIAL PERIOD OF SUSPENSION OF SUCH PERSON'S OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE.

(e) THE POLICE OFFICER SHALL PREPARE A WRITTEN REPORT OF THE INCIDENT AND SHALL MAIL IT TO THE DEPARTMENT OF MOTOR VEHICLES WITHIN THREE BUSINESS DAYS TOGETHER WITH A COPY OF THE COMPLETED NOTICE OF SUSPENSION FORM, A COPY OF THE COMPLETED TEMPORARY LICENSE FORM, ANY OPERATOR'S LICENSE TAKEN INTO POSSESSION AND A COPY OF THE RESULTS OF ANY CHEMICAL TEST OR ANALYSIS. The report shall be made on a form approved by the commissioner of motor vehicles and shall be sworn to under penalty of false statement as provided in section 53a-157 by the police officer before whom such refusal was made OR WHO ADMINISTERED OR CAUSED TO BE ADMINISTERED SUCH TEST OR ANALYSIS. IF THE PERSON ARRESTED REFUSED TO SUBMIT TO SUCH TEST OR ANALYSIS, THE REPORT SHALL BE ENDORSED BY A THIRD PERSON WHO WITNESSED SUCH REFUSAL. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for MANSLAUGHTER IN THE SECOND DEGREE WITH A MOTOR VEHICLE OR ASSAULT IN THE SECOND DEGREE WITH A MOTOR VEHICLE OR FOR operating a motor vehicle while under the influence of intoxicating liquor or any drug or both or while his ability to operate such motor vehicle is impaired by the consumption of intoxicating liquor, and shall state that such person had refused to submit to such test or analysis when requested by such police officer to do so OR THAT SUCH PERSON SUBMITTED TO SUCH TEST OR ANALYSIS AND SUCH TEST OR ANALYSIS INDICATED THAT AT THE TIME OF THE ALLEGED OFFENSE THE RATIO OF ALCOHOL IN THE BLOOD OF SUCH PERSON WAS TEN-HUNDREDTHS OF ONE PER CENT OR MORE OF ALCOHOL, BY WEIGHT.

106 [(d)] (f) [Upon receipt of such report of a first refusal, 106
 107 the commissioner of motor vehicles shall suspend any license or 107
 108 nonresident operating privilege of such person for a period of 108
 109 six months. Any person whose license or operating privilege has 109
 110 been suspended in accordance with this subsection shall 110
 111 automatically be entitled to an immediate hearing before the 111
 112 commissioner.] SUCH PERSON MAY REQUEST A HEARING BY THE 112
 113 DEPARTMENT OF MOTOR VEHICLES TO CONTEST THE SUSPENSION OF HIS 113
 114 OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE UNDER THIS 114
 115 SECTION. TO REQUEST A HEARING, SUCH PERSON OR HIS ATTORNEY SHALL 115
 116 APPEAR IN PERSON AT THE MAIN OFFICE OF THE DEPARTMENT OR SUCH 116
 117 OTHER OFFICE AS MAY BE DESIGNATED BY THE COMMISSIONER NOT LATER 117
 118 THAN SEVEN DAYS FROM THE DATE OF THE SERVICE OF THE NOTICE OF 118
 119 SUSPENSION BY THE POLICE OFFICER PURSUANT TO SUBSECTION (d) OF 119
 120 THIS SECTION AND SHALL BRING WITH HIM A COPY OF SUCH NOTICE OF 120
 121 SUSPENSION. IF SUCH PERSON OR HIS ATTORNEY DOES NOT REQUEST A 121
 122 HEARING WITHIN SAID SEVEN DAYS, THE COMMISSIONER SHALL SUSPEND 122
 123 THE OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE OF SUCH 123
 124 PERSON IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION. 124

125 (g) IF SUCH PERSON OR HIS ATTORNEY APPEARS IN PERSON AND 125
 126 REQUESTS A HEARING PURSUANT TO SUBSECTION (f) OF THIS SECTION, 126
 127 THE DEPARTMENT SHALL THEREUPON ASSIGN SUCH PERSON A DATE, TIME 127
 128 AND PLACE FOR A HEARING WHICH DATE SHALL NOT BE LATER THAN 128
 129 FIFTEEN DAYS FROM THE DATE OF SUCH REQUEST. A REASONABLE PERIOD 129
 130 OF CONTINUANCE MAY BE GRANTED FOR GOOD CAUSE, EXCEPT THAT THE 130
 131 GRANTING OF A CONTINUANCE SHALL NOT STAY THE SUSPENSION OF SUCH 131
 132 PERSON'S OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE 132
 133 BEYOND A DATE FORTY DAYS FROM THE DATE OF SERVICE OF THE NOTICE 133
 134 OF SUSPENSION PURSUANT TO SUBSECTION (d) OF THIS SECTION. The 134
 135 hearing shall be limited to a determination of the following 135
 136 issues: (1) Did the police officer have probable cause to arrest 136
 137 the person for MANSLAUGHTER IN THE SECOND DEGREE WITH A MOTOR 137
 138 VEHICLE OR ASSAULT IN THE SECOND DEGREE WITH A MOTOR VEHICLE OR 138
 139 FOR operating a motor vehicle while under the influence of 139
 140 intoxicating liquor or drug or both or while his ability to 140

141 operate such motor vehicle is impaired by the consumption of 141
 142 intoxicating liquor; (2) was such person placed under arrest; (3) 142
 143 did such person refuse to submit to such test or analysis OR DID 143
 144 SUCH PERSON SUBMIT TO SUCH TEST OR ANALYSIS AND SUCH TEST OR 144
 145 ANALYSIS INDICATED THAT AT THE TIME OF THE ALLEGED OFFENSE THE 145
 146 RATIO OF ALCOHOL IN THE BLOOD OF SUCH PERSON WAS TEN-HUNDREDTHS 146
 147 OF ONE PER CENT OR MORE OF ALCOHOL, BY WEIGHT; and (4) was such 147
 148 person operating the motor vehicle. IN THE DETERMINATION OF SAID 148
 149 ISSUES, THE COMMISSIONER MAY RELY ON THE WRITTEN REPORT OF THE 149
 150 POLICE OFFICER SUBMITTED PURSUANT TO SUBSECTION (e) OF THIS 150
 151 SECTION AND SUCH POLICE OFFICER SHALL NOT BE REQUIRED TO BE 151
 152 PRESENT AND TESTIFY AT THE HEARING EXCEPT IN RESPONSE TO A 152
 153 SUBPOENA ISSUED BY THE COMMISSIONER OR SUCH PERSON. 153

154 (h) [If, after] AFTER such hearing, IF the commissioner finds 154
 155 on any one of the said issues in the negative, [the commissioner] 155
 156 HE shall reinstate such license or operating privilege. IF THE 156
 157 COMMISSIONER DOES NOT FIND ON ANY ONE OF THE SAID ISSUES IN THE 157
 158 NEGATIVE OR IF SUCH PERSON FAILS TO APPEAR AT SUCH HEARING, THE 158
 159 COMMISSIONER SHALL AFFIRM THE SUSPENSION CONTAINED IN THE NOTICE 159
 160 OF SUSPENSION AND SUSPEND THE OPERATOR'S LICENSE OR NONRESIDENT 160
 161 OPERATING PRIVILEGE OF SUCH PERSON FOR THE APPROPRIATE PERIOD IN 161
 162 ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION. THE COMMISSIONER 162
 163 SHALL RENDER A DECISION AT THE CONCLUSION OF SUCH HEARING OR SEND 163
 164 A NOTICE OF HIS DECISION BY CERTIFIED MAIL TO SUCH PERSON NOT 164
 165 LATER THAN THIRTY-ONE DAYS FROM THE DATE OF SERVICE OF THE NOTICE 165
 166 OF SUSPENSION BY THE POLICE OFFICER PURSUANT TO SUBSECTION (d) OF 166
 167 THIS SECTION. THE NOTICE OF SUCH DECISION SENT BY CERTIFIED MAIL 167
 168 TO THE ADDRESS OF SUCH PERSON AS SHOWN BY THE RECORDS OF THE 168
 169 COMMISSIONER SHALL BE SUFFICIENT NOTICE TO SUCH PERSON THAT HIS 169
 170 OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE IS 170
 171 REINSTATED OR SUSPENDED, AS THE CASE MAY BE. UNLESS A CONTINUANCE 171
 172 IS GRANTED TO SUCH PERSON UNDER SUBSECTION (g) OF THIS SECTION, 172
 173 IF THE COMMISSIONER FAILS TO RENDER A DECISION WITHIN SAID 173
 174 THIRTY-ONE DAY PERIOD, HE SHALL REINSTATE SUCH PERSON'S 174
 175 OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE. 175

(1) THE COMMISSIONER SHALL SUSPEND THE OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE OF A PERSON WHO DID NOT REQUEST A HEARING PURSUANT TO SUBSECTION (f) OF THIS SECTION, WHO FAILED TO APPEAR AT A HEARING OR AGAINST WHOM, AFTER A HEARING, THE COMMISSIONER HELD PURSUANT TO SUBSECTION (h) OF THIS SECTION, EFFECTIVE THIRTY-ONE DAYS FROM THE DATE OF SERVICE OF THE NOTICE OF SUSPENSION PURSUANT TO SUBSECTION (d) OF THIS SECTION OR, IF A CONTINUANCE WAS GRANTED UNDER SUBSECTION (g) OF THIS SECTION, EFFECTIVE NOT LATER THAN FORTY DAYS FROM THE DATE OF SERVICE OF THE NOTICE OF SUSPENSION PURSUANT TO SUBSECTION (d) OF THIS SECTION, FOR A PERIOD OF: (1) (A) NINETY DAYS, IF SUCH PERSON SUBMITTED TO A TEST OR ANALYSIS THE RESULTS OF WHICH INDICATED A BLOOD ALCOHOL CONCENTRATION OF TEN-HUNDREDTHS OF ONE PER CENT OR MORE, OR (B) SIX MONTHS IF SUCH PERSON REFUSED TO SUBMIT TO SUCH TEST OR ANALYSIS, (2) ONE YEAR IF SUCH PERSON HAS PREVIOUSLY HAD HIS OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE SUSPENDED UNDER THIS SECTION, AND (3) TWO YEARS IF SUCH PERSON HAS TWO OR MORE TIMES PREVIOUSLY HAD HIS OPERATOR'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE SUSPENDED UNDER THIS SECTION.

[(e) If a police officer revokes a person's operator's license or nonresident operating privilege for twenty-four hours pursuant to subsection (c), such officer shall (1) keep a written record of the revocation of a license, including the name and address of the person and the date and time of the revocation; (2) provide the person with a written statement of the time from which the revocation takes effect, the duration of the revocation, the location where the license may be recovered upon termination of the revocation and acknowledging receipt of the revoked license; and (3) provide the department of motor vehicles with a copy of the notice of revocation of the license of such person, the name and address of such person and the date and time of revocation.

(f) Upon receipt of a report of a refusal by a person (1) whose motor vehicle operator's license or nonresident operating privilege has previously been suspended for a refusal, (2) who

has previously been found guilty under subsection (a) of section 14-227a or (3) who has previously participated in the pretrial alcohol education system under section 54-56g, the commissioner of motor vehicles shall immediately schedule a hearing concerning the suspension of any license or nonresident operating privilege of such person. The hearing shall be limited to a determination of the following issues: (1) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug or both or while his ability to operate such motor vehicle is impaired by the consumption of intoxicating liquor; (2) was such person placed under arrest; (3) did such person refuse to submit to such test or analysis; and (4) was such person operating the motor vehicle. Unless, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall suspend such license or operating privilege of such person for a period of one year for such refusal to submit to such test and for a period of three years for any such subsequent refusal.)

[(g)] (j) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subdivision (5) of subsection (c) of section 14-227a.

[(h)] (k) The provisions of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

[(i)] (l) The state shall pay the reasonable charges of any physician who, at the request of a municipal police department, takes a blood sample for purposes of a test under the provisions of this section.

(m) THE COMMISSIONER OF MOTOR VEHICLES SHALL ADOPT REGULATIONS IN ACCORDANCE WITH CHAPTER 54 TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

Sec. 2. Section 14-227a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person shall operate a motor vehicle while under the influence of intoxicating liquor or any drug or both. A person commits the offense of operating a motor vehicle while under the influence of intoxicating liquor or any drug or both if he operates a motor vehicle on a public highway of this state or on any road of a district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or on any private road on which a speed limit has been established in accordance with the provisions of section 14-218a, or in any parking area for ten or more cars or on any school property (1) while under the influence of intoxicating liquor or any drug or both or (2) while the ratio of alcohol in the blood of such person is ten-hundredths of one per cent or more of alcohol, by weight.

(b) No person shall operate a motor vehicle on a public highway of this state or on any road of a district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or on any private road on which a speed limit has been established in accordance with the provisions of section 14-218a, or in any parking area for ten or more cars or on any school property while his ability to operate such motor vehicle is impaired by the consumption of intoxicating liquor. A person shall be deemed impaired when at the time of the alleged offense the ratio of alcohol in the blood of such person was more than seven-hundredths of one per cent of alcohol, by weight, but less than ten-hundredths of one per cent of alcohol, by weight.

(c) Except as provided in subsection (d) of this section, in any criminal prosecution for violation of subsection (a) or (b) of this section, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis of the defendant's breath, blood or urine shall be admissible and competent provided: (1) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and

consented to the taking of the test upon which such analysis is made; (2) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty-four hours or by the end of the next regular business day, after such result was known, whichever is later; (3) the test was performed by or at the direction of a police officer according to methods and with equipment approved by the department of health services and was performed by a person certified or recertified for such purpose by said department or recertified by persons certified as instructors by the commissioner of health services. If a blood test is taken, it shall be on a blood sample taken by a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, an emergency medical technician II or a registered nurse; (4) the device used for such test was checked for accuracy immediately before and after such test was performed by a person certified by the department of health services; (5) an additional chemical test of the same type was performed at least thirty minutes after the initial test was performed, provided however the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and such additional test was not performed or was not performed within a reasonable time, or the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and (6) evidence is presented which demonstrates that the test results and the analysis thereof accurately reflect the blood alcohol content at the time of the alleged offense.

(d) In any prosecution for a violation of subdivision (1) of subsection (a) of this section, reliable evidence respecting the amount of alcohol or drugs in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis of the defendant's blood, breath or urine, otherwise admissible under subsection (c) of this section, shall be admissible only at the request of the defendant.

(e) The commissioner of health services shall ascertain the reliability of each method and type of device offered for chemical testing purposes of blood, of breath and of urine and certify those methods and types which he finds suitable for use in testing blood, testing breath and in testing urine in this state. He shall adopt regulations governing the conduct of chemical tests, the operation and use of chemical test devices and the training, certification and annual recertification of operators of such devices as he finds necessary to protect the health and safety of persons who submit to chemical tests and to insure reasonable accuracy in testing results.

(f) In any criminal prosecution for a violation of subsection (a) or (b) of this section, evidence that the defendant refused to submit to a blood, breath or urine test requested in accordance with section 14-227b shall be admissible provided the requirements of subsection (b) of said section have been satisfied. If a case involving a violation of subsection (a) of this section is tried to a jury, the court shall instruct the jury as to any inference that may or may not be drawn from the defendant's refusal to submit to a blood, breath or urine test.

(g) If a person is charged with a violation of the provisions of subsection (a) of this section, the charge may not be reduced, nolle or dismissed unless the prosecuting authority states in open court his reasons for the reduction, nolle or dismissal.

(h) Any person who violates any provision of subsection (a) of this section shall: (1) For conviction of a first violation, (A) be fined not less than five hundred dollars nor more than one thousand dollars and (B) be (i) imprisoned not more than six months, forty-eight consecutive hours of which may not be suspended or reduced in any manner or (ii) imprisoned not more than six months, with the execution of such sentence of imprisonment suspended entirely and a period of probation imposed requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) have his motor vehicle operator's

license or nonresident operating privilege suspended for one year; (2) for conviction of a second violation within five years after a conviction for the same offense, be fined not less than five hundred dollars nor more than two thousand dollars and imprisoned not more than one year, ten days of which may not be suspended or reduced in any manner AND SHALL BE SERVED IN SEGMENTS OF NOT LESS THAN FORTY-EIGHT CONSECUTIVE HOURS, and have his motor vehicle operator's license or nonresident operating privilege suspended for two years; (3) for conviction of a third violation within five years after a prior conviction for the same offense, be fined not less than one thousand dollars nor more than four thousand dollars and imprisoned not more than two years, one hundred twenty days of which may not be suspended or reduced in any manner AND SHALL BE SERVED IN SEGMENTS OF NOT LESS THAN FORTY-EIGHT CONSECUTIVE HOURS, and have his motor vehicle operator's license or nonresident operating privilege suspended for three years; and (4) for conviction of a fourth and subsequent violation within five years after a prior conviction for the same offense, be fined not less than two thousand dollars nor more than eight thousand dollars and imprisoned not more than three years, one year of which may not be suspended or reduced in any manner AND SHALL BE SERVED IN SEGMENTS OF NOT LESS THAN FORTY-EIGHT CONSECUTIVE HOURS, and have his motor vehicle operator's license or nonresident operating privilege permanently revoked upon such fourth offense. For purposes of the imposition of penalties for a second, third or fourth and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of section 14-227a in effect on October 1, 1981, or as amended thereafter, and a conviction under the provisions of either subdivision (1) or (2) of subsection (a) of this section shall constitute a prior offense.

(i) Any person who violates subsection (b) of this section shall have committed an infraction.

(j) (1) The suspension of a motor vehicle operator's license or nonresident operating privilege imposed under subsection (h) of this section shall take effect immediately upon the expiration of any period in which an appeal of any conviction under subsection (a) of this section may be taken; provided if an appeal is taken, the suspension shall be stayed during the pendency of such appeal. If the suspension takes effect, the defendant shall immediately send his motor vehicle operator's license or nonresident operating privilege to the department of motor vehicles. (2) The motor vehicle operator's license or nonresident operating privilege of a person found guilty under subsection (a) of this section who is under eighteen years of age shall be suspended for the period of time set forth in subsection (h) of this section, or until such person attains the age of eighteen years, whichever period is longer.

(k) In addition to any fine or sentence imposed pursuant to the provisions of subsection (h) of this section, the court may order such person to participate in an alcohol education and treatment program.

(l) [If a person is arrested as an alleged offender of the provisions of subsection (a) of this section and a blood alcohol test conducted in accordance with subsection (c) of this section or section 14-227b indicates that at the time of the alleged offense the ratio of alcohol in the blood of such person was ten-hundredths of one per cent or more of alcohol, by weight, the arresting police officer shall immediately revoke the motor vehicle operator's license or nonresident operating privilege of such person for a twenty-four hour period. Such officer shall (1) keep a written record of the revocation of a license, including the name and address of the person and the date and time of the revocation; (2) provide the person with a written statement of the time from which the revocation takes effect, the duration of the revocation, the location where the license may be recovered upon termination of the revocation and acknowledging receipt of the revoked license; and (3) provide the department of motor

vehicles with a copy of the notice of revocation of the license of such person, the name and address of such person, the date and time of revocation and the ratio of alcohol in the blood of such person at the time of the alleged offense.

(m) Notwithstanding the provisions of subsection (c) of this section, evidence respecting the amount of alcohol or drug in the blood of an operator of a motor vehicle involved in an accident who has suffered or allegedly suffered physical injury in such accident, which evidence is derived from a chemical analysis of a blood sample taken from such person at a hospital after such accident, shall be competent evidence to establish probable cause for the arrest by warrant of such person for a violation of subsection (a) of this section and shall be admissible and competent in any subsequent prosecution thereof if: (1) The blood sample was taken in the regular course of business of the hospital for the diagnosis and treatment of such injury; (2) the blood sample was taken by a person licensed to practice medicine in this state, a qualified laboratory technician, an emergency technician or a registered nurse; (3) a police officer has demonstrated to the satisfaction of a judge of the superior court that such officer has reason to believe that such person was operating a motor vehicle while under the influence of intoxicating liquor or drug or both and that the chemical analysis of such blood sample constitutes evidence of the commission of the offense of operating a motor vehicle while under the influence of intoxicating liquor or drug or both in violation of subsection (a) of section 14-227a; and (4) such judge has issued a search warrant in accordance with section 54-33a authorizing the seizure of the chemical analysis of such blood sample.

Sec. 3. Section 14-215 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person to whom an operator's license has been refused, or whose operator's license or right to operate a motor vehicle in this state has been suspended or revoked, shall operate any

motor vehicle during the period of such refusal, suspension or
revocation. No person shall operate or cause to be operated any
motor vehicle, the registration of which has been refused,
suspended or revoked, or any motor vehicle, the right to operate
which has been suspended or revoked.

(b) Except as provided in subsection (c) of this section, any
person who violates any provision of subsection (a) of this
section shall be fined not less than one hundred fifty dollars
nor more than two hundred dollars or imprisoned not more than
ninety days or be both fined and imprisoned for the first
offense, and for any subsequent offense shall be fined not less
than two hundred dollars nor more than six hundred dollars or
imprisoned not more than one year or be both fined and
imprisoned.

(c) Any person who operates any motor vehicle during the
period his operator's license or right to operate a motor vehicle
in this state is under suspension or revocation on account of a
violation of subsection (a) of section 14-227a, AS AMENDED BY
SECTION 2 OF THIS ACT, [subsection (d) or (f) of] section
14-227b, AS AMENDED BY SECTION 1 OF THIS ACT, or section 53a-56b
or 53a-60d, shall be fined not less than five hundred dollars nor
more than one thousand dollars and imprisoned not more than one
year, thirty days of which may not be suspended or reduced in any
manner AND SHALL BE SERVED IN SEGMENTS OF NOT LESS THAN
FORTY-EIGHT CONSECUTIVE HOURS.

STATEMENT OF PURPOSE: To insure that the driver's license of a
person who is arrested for drunken driving and refuses to take a
chemical test or takes a chemical test and has an elevated blood
alcohol concentration is suspended as quickly and certainly as
possible.

[Proposed deletions are enclosed in brackets. Proposed
additions are all capitalized or underlined where appropriate,
except that when the entire text of a bill or resolution or a
section thereof is new, it is not capitalized or underlined.]

Co-Sponsors: REP. PRAGUE, 8th DIST.
REP. CARTER, 7th DIST.
REP. THOMPSON, 13th DIST.
REP. RENNIE, 14th DIST.
REP. COHEN, 15th DIST.
REP. RAPOPORT, 18th DIST.
REP. FARR, 19th DIST.
REP. RAI, 23rd DIST.
REP. DANDROW, 30th DIST.
REP. MAZZOTTA, 32nd DIST.
REP. GIONFRIDDO, 33rd DIST.
REP. MARKHAM, 34th DIST.
REP. HOYE, 37th DIST.
REP. TUREK, 43rd DIST.
REP. LESCOE, 49th DIST.
REP. SAVAGE, 50th DIST.
REP. WYMAN, 53rd DIST.
REP. KINER, 59th DIST.
REP. GORDES, 62nd DIST.
REP. MANIA, 63rd DIST.
REP. AVITABILE, 65th DIST.
REP. ROGG, 67th DIST.
REP. FLAHERTY, 68th DIST.
REP. MIGLIARO, 80th DIST.
REP. MUSHINSKY, 85th DIST.
REP. WARD, 86th DIST.
REP. FRITZ, 90th DIST.
REP. HAUSER, 97th DIST.