

MAINE STATE LEGISLATURE

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the State Legislative Leaders Foundation



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IMPROVING THE MAINE LEGISLATURE

An Analysis of the Maine Legislative Process
with Specific Recommendations for its Structural
and Procedural Improvement.

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September 22, 1977

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INTRODUCTION

For the past eighteen months the State Legislative Leaders Foundation has been engaged in a comprehensive program designed to improve the effectiveness and efficiency of the Maine Legislature. In striving to meet this goal of strengthening the Maine Legislature, our overriding objective has been to provide Maine legislators and the citizens of Maine with a more responsive and effective governmental institution that can better fulfill their needs and aspirations.

By this we mean that our objective has been to develop and, where possible, implement recommendations to help make the Maine Legislature more capable of:

- 1) Identifying the problems which confront the people of Maine -- not only in the present but also potentially in the future.
- 2) Developing sound solutions to deal with these problems in a timely fashion.
- 3) Overseeing, evaluating and, where necessary, capable of correcting state programs and administrative activities.

To these several ends we believe the Program for Legislative Resource Improvement has made a significant contribution.

In conducting our study of the Maine Legislature we have relied heavily on the opinions and perceptions of legislators themselves as well as on legislative staff, executive personnel, legislative agents

(lobbyists), and knowledgeable citizens of the state. Using a combination of written questionnaires and interviews, we have endeavored to learn their assessments of the way the Maine Legislature functions, their ideas on how the process can be improved, and their reactions to our conclusions and recommendations. Assimilating this information and then evaluating it in the context of our own independent research and judgment has led to the development of nearly all the recommendations which appear in this report.

OVERVIEW

The Trend Toward Legislative Reform and Current Legislative Attitudes Toward Legislative Performance and Legislative Reform

In an earlier report we stated that the Maine Legislature rests squarely at the crossroads of institutional reform. We continued in that report by noting how the Maine Legislature is increasingly being called upon to assume greater and greater responsibilities in the governance of the state. Finally, we noted that this trend toward vesting greater responsibility in the state legislature is "inexorable" and that in order to assure that the legislature is capable of meeting its ever-increasing responsibilities, it is imperative that measures be taken to strengthen the legislative process.

Our initial studies of the history of the Maine Legislature -- particularly its course of development -- indicated to us that the legislature had already established a clear pattern of legislative improvement. We noted that over the past decade several significant improvements had been made in the Maine legislative process.

Among these improvements were:

1. Increased Use of Professional Staff. The legislature has clearly strengthened its ability to independently gather, process and assess information through the development of a full-time professional committee staff.
2. Joint Legislative Management. At the close of the regular

session in 1973, legislation was enacted creating a Legislative Council and a new staff position of Legislative Administrative Director. The purpose of this law was to strengthen the legislature's ability to coordinate and manage the entire legislative apparatus by creating a centralized joint management structure.

3. Electronic Bill Status System. In 1974 the legislature installed an electronic bill status system. The system permits quick and easy access to information relative to the status of all legislation in the legislative process. Among the status information available through the Legislative Information Office is complete bill history including L.D. number, sponsor, committee of reference, committee actions, and floor action. Additionally the computer has been programmed by the staff in the Legislative Information Office to provide summaries and totals of legislation referred to each committee, reported out of committee, and introduced by each legislator. The system currently in use is only programmed to provide basic status information. It is, however, capable of expansion into other areas such as bill printing and statutory retrieval.

4. Performance Audit. The 107th legislature created a Performance Audit Committee in recognition of the need to strengthen the legislature's capability in the area of oversight. While the committee has yet to fulfill the needs of the legislature in this area, it remains that it is a significant demonstration of the legislature's intent to deal with this heretofore neglected function.

The efforts of SLLF and the beginning efforts of the Eagleton Institute of Politics are further demonstration of the legislature's commitment to strengthen its oversight capabilities.

5. Annual Session. Beginning with the 108th legislature, Maine legislators will meet in annual session. Unlike the first year of the biennium which will remain open ended as to subject matter, the second year will be restricted to considering only those matters which were referred to interim study in the first year or are of a fiscal or emergency nature.

The shift to annual sessions will have a major impact upon the entire legislative process in Maine. We believe that while the Maine Legislature will not become "full-time" in the sense of New York or Massachusetts, annual sessions nonetheless herald the ending of the "part-time citizen legislator."

The improvements cited above served two major functions as we embarked upon our study. First, they indicated to us that the Maine Legislature in recent years has become aware of its weaknesses and has taken steps to correct them. This was quite important insofar as our overriding objective was to conduct a study which could produce tangible results in the area of legislative reform. Had the legislature's history shown that the legislature was resistant to reform, our task would have undoubtedly been more difficult.

Secondly, these improvements served as the foundation upon which we structured our study.

Current Legislative Attitudes Toward Legislative Performance and Legislative Reform

The first step which we took in our study was to assess as best we could the attitudes and perceptions of legislators toward the present Maine legislative process. Using a survey questionnaire which was distributed to the entire legislature and which elicited a total of some 120 legislative responses combined with interviews with a large cross-sampling of legislators, legislative leaders and legislative staff, we formulated a rather complete picture.

Through the legislative questionnaire* we asked each legislator how well they felt the legislature was performing in terms of (1) formulating state policies and programs, that is proposing, considering and enacting legislation; (2) appropriating funds for state government programs, and (3) overseeing and supervising state administration to ensure that the laws are accomplishing what the legislature intended when it enacted them.

As Table I shows, each legislative response indicated a successively lesser degree of satisfaction with the performance of the legislature. Almost 33%, 1/3, of all members thought the legislature did no better than a fair or poor job in formulating policies; over 40% gave low evaluations of the legislature's job in funding programs; and over 75% of legislators believed oversight of state administration to be inadequate.

*The findings disclosed in this legislative questionnaire are contained in the appendix section of this report.

Given these findings members of the 107th legislature were next asked if they believed something needs to be done to improve the legislature's performance. Not surprisingly our survey revealed an overwhelming majority, 88%, who felt that there is a need for either major or some improvement in the legislative process. When asked further as to the priority of legislative improvement, only slightly less, 78%, indicated that legislative reform should be accorded either highest or medium priority.

In follow-up interviews started shortly after the survey was completed and returned, we attempted to isolate specific problem areas. Legislators were asked to talk about the need and priority of reform in conjunction with those specific problem areas in which they felt legislative reform was necessary. Interestingly, among the areas most legislators cited as being in need of reform were the very areas that have already been reformed! To wit, legislators expressed a need to improve staffing; to redefine the duties, responsibilities, and operation of Legislative Council; and to strengthen the Performance Audit Committee.

As one legislative leader noted,

"The general quality of legislation here is adversely affected by the absence of enough trained staff to do the research, drafting, and re-drafting of legislation."

Another legislator noted,

"Something has to be done to make Legislative Council work better. As it is now, they do many tasks that they are not supposed to do. If we don't change it I think we should abolish it."

Finally, commenting on the Performance Audit Committee, a senior legislator remarked,

"We set up this committee and appointed a lot of high-powered people to it ... then we never gave it any real duties or responsibilities. I think it will be a great loss to us if we don't do something to rectify the situation."

TABLE 1

LEGISLATOR IMAGE OF HOW WELL THE LEGISLATURE PERFORMS

<u>Performance of Legislative Tasks</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
<u>Formulating</u>					
Excellent or Good	65	67	71	53	68
Fair or Poor	<u>35</u>	<u>33</u>	<u>29</u>	<u>47</u>	<u>32</u>
	100%	100%	100%	100%	100%
<u>Funding</u>					
Excellent or Good	47	63	54	70	60
Fair or Poor	<u>53</u>	<u>37</u>	<u>46</u>	<u>30</u>	<u>40</u>
	100%	100%	100%	100%	100%
<u>Overseeing</u>					
Excellent or Good	10	26	17	31	24
Fair or Poor	<u>90</u>	<u>74</u>	<u>83</u>	<u>69</u>	<u>76</u>
	100%	100%	100%	100%	100%

TABLE 2

LEGISLATOR ORIENTATIONS TOWARD LEGISLATIVE IMPROVEMENT

<u>Legislative Improvement</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
<u>Need for Improvement</u>					
Major Improvement	26	14	23	15	19
Some "	68	73	71	67	69
Little "	5	12	5	13	8
No "	<u>1</u>	<u>1</u>	<u>1</u>	<u>5</u>	<u>5</u>
	100%	100%	100%	100%	100%
<u>Priority of Improvement</u>					
Highest Priority	37	18	25	16	21
Medium "	54	58	63	50	57
Low "	0	20	11	25	17
No "	<u>9</u>	<u>4</u>	<u>1</u>	<u>9</u>	<u>5</u>
	100%	100%	100%	100%	100%

The Use of Time in the Maine Legislature

Findings

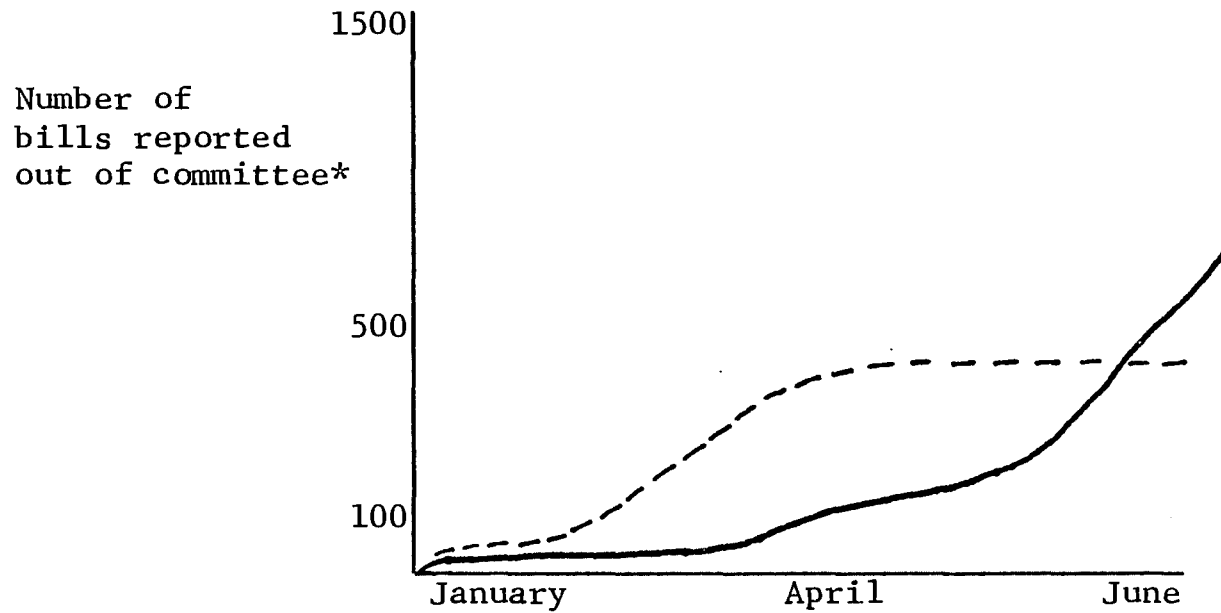
Our investigations of the Maine legislative process revealed that the most pressing problem facing the legislature relates to the manner in which time is organized and used. Accordingly, while the scope of our study remained the entire legislative process, most of our efforts to bring about the adoption of specific reforms during the latter part of this program centered upon this pre-eminently important area of time utilization.

The importance which we attached to this question of time utilization is a reflection of our conviction that the overall effectiveness of the legislative operation is a direct function of the way legislative time is used and managed. More precisely, we hold that the improper use of time adversely affects the performance of the legislature.

Through our statistical studies and observations we discovered that while poor time utilization manifests itself at nearly every stage of the Maine legislative process, it is actually in the earlier stages of introduction, bill drafting, referral to and reporting from committee, where the most deleterious effects of this mismanagement occur. Although the legislature formally convenes in early January, the pace of activity remains minimal until about the middle of February. As Table 3 on page 13 indicates, it is actually not until

TABLE 3

LEGISLATIVE TIME USE



Solid line depicts actual pattern.
Dashed line depicts desired pattern.

early April that any really significant amount of legislative activity occurs. From this point on, in mid-April to the end of the session, as the number of legislative days becomes fewer the volume of legislation considered in committee and on the floor increases. This phenomena, so very apparent in the Maine Legislature, customarily results in substantial end-of-session logjams.

In the special session of the 107th legislature and in the first regular session of the 108th, the end-of-session logjams became so severe that they necessitated the legislature meet in double sessions each day. That is, once in the morning and again in the afternoon. During this period it was virtually impossible for legislators to be cognizant of the content of many of the bills upon which they were called to vote. Not only were they confronted with great numbers of bills each day, many of which were among the most complex of the session, but they were also required to decipher the impact of a plethora of amendments - many of which had been in print for but a few scant hours. As one legislator described the end-of-session period,

"It's impossible to know what all these bills contain. I have to look to my colleagues, that is those whose opinion I trust. If I have time I ask him or her what the bill is about ... if there is no time, I vote the way he or she does."

To be sure, it is virtually impossible for a legislator to be fully cognizant of every bill that comes before him. The committee

system where specialization is encouraged itself reflects this fact. We recognize that in many cases the individual legislator must depend upon the opinions of other legislators who are more familiar with a particular bill. Unfortunately during the end-of-session period this need to rely upon the opinions of others becomes so acute, due to the sheer volume of bills and numerous amendments impinging upon them, that oftentimes legislators are unable to accurately assess the content and impact of a particular bill. This situation which usually precipitates disorder and confusion occasionally leads to the passage of faulty or hastily considered legislation.

A few examples will illustrate this point. During the regular session of the 107th legislature a lobbyist reform bill was enacted. Later on in the same session, however, the same bill was inadvertently repealed. Consequently, the 107th special session was forced to reenact a new lobbyist disclosure bill. Still another recent example is the school funding bill which was considered in the first special session of the 107th legislature. Many participants in the legislative process have since indicated that the reason the school funding question arose during the special session was because the legislature had failed to adequately deal with the problem when it became apparent during the previous regular session. Finally, the ever-growing Errors and Inconsistencies Bill is in itself a stark example of the problems which arise from the improper use of time. (In a later section we

will deal more extensively with this errors bill.)

Now that the legislature is moving into an annual session schedule, where they will have more time to deliberate, the problem of logjams will undoubtedly increase if corrective actions are not taken. For while the legislature will have more available time, it will also be considering more legislation than it has in past even-year special sessions.

The logjam at the end of the session is the most apparent manifestation of poor time utilization. However, while it itself is a serious problem, it remains that there are a number of other adverse consequences of poor time use which are not at first glance so readily apparent.

As we have already noted, it is in the beginning stages of introduction and drafting where the most serious mismanagement of time occurs. One of the principal adverse consequences of this is that the whole deliberative process is thrown out of balance. Bills are introduced into the legislative process late, consequently the Office of Legislative Research must be given more time to complete its drafting. As a result of these delays, the committee stage -- the single most important stage in the entire legislative process -- is often characterized by feverish and sometimes hasty action due to the fact that not enough real time is left to devote to committee deliberations.

During the latter portion of 1976 we recommended to the Legislative Council that they take immediate steps to deal with this problem of poor time utilization. Because a number of the recommendations we offered at that time were subsequently adopted by the legislature, they will here be presented in the complete context of what we recommended, why we did so, and what results we contemplate. This information should serve as a useful and practical guide to the Legislative Council as it moves ahead with the implementation of these recommendations.

RECOMMENDATIONS

Early Organization

Our first recommendation to the legislature was that in order to make greater and more effective use of legislative time in the opening months of the first regular session they adopt an amendment to the Maine Constitution permitting December organization of the legislature.

More precisely our recommendation was that:

1. A pre-session organizational session be held after an official canvass of votes, but no later than the first week in December pursuant to the general election. At this session the legislature should organize itself for the entire biennium.

In line with this recommendation we noted that Florida, Indiana, Tennessee, North Dakota, Idaho and New Hampshire are among the states which have written provisions for an organizational session in their constitutions and/or statutes.

We further noted that if Maine were to adopt similar provisions for early organization, the following activities currently dealt with in January could be accomplished in December.

A) Leadership Selection. At present the Maine Constitution makes no specific stipulation as to when the selection of legislative leadership is to be made. Rather, Article IV, Part First,

Section 7, specifies that, "The House of Representatives shall choose their Speaker, Clerk and other officers." Section 8 of the same article further stipulates that, "The Senate shall choose their President, Secretary, and other officers." Finally, Article IV, Part Third, Section 1 as amended, defines the political year as commencing on the first Wednesday after the first Tuesday in January: "and shall further convene on the first Wednesday after the first Tuesday in the subsequent year in what shall be designated the second regular session of the legislature, and at such other times on the call of the President of the Senate and the Speaker of the House..."

All of these references should be amended in order for the organizational session's actions to be official.

In all likelihood, as is the case in New Hampshire, Idaho, Indiana, and North Dakota, party caucuses would be conducted prior to the organizational session and the caucuses' selections would be later validated when both houses organize.

It would further be worthwhile to add in the rules appropriate language specifying the election of legislative leadership during the pre-session period.

B) Committee Assignments. Committee assignments should be made by the legislative leaders either at the organizational session or no later than ten (10) calendar days following such.

One of the fundamental ingredients of efficient use of time is

resolving the mechanical matters that are never made official until the session begins. By making committee assignments in the pre-session period or no later than mid-December the following benefits should be realized:

1) Speed-up of the legislative process at the outset of the regular session. By allowing committees to meet prior to the convening of the regular session to organize, schedule, and possibly conduct hearings and meetings, the traditional slow starts of Maine legislative sessions will be significantly decreased if not eliminated entirely.

2) Enhance the effectiveness of pre-filing. Joint Rule 6 stipulates that bills and resolves may be introduced within 45 days prior to the convening of any regular session. If committees are organized during the pre-session, and if our recommendations offered below with respect to pre-filing are adopted, the effect should be a faster start to committee activity.

Florida, Indiana, and Idaho are among the states that name all committees prior to the regular session. Florida stands above the rest in that their regular working session follows organization by nearly five months. Work on pre-filed and interim committee bills is extensive and many issues are resolved at the committee level prior to convening the regular session but, it should be noted, there is an effective deadline system to manage the session's time.

C) Administration of Oath of Office to Members-Elect. In order to permit the administration of the oath of office to members-elect, Article IX, Section 1 as amended, would have to be further amended. Additionally, Article IV, Part First, Section 5, and Article IV, Part Second, Section 5, would have to be amended.

Florida, Idaho, Indiana, North Dakota, Alabama, Georgia, Tennessee, and West Virginia are among the states that swear their members-elect in at the organizational sessions.

D) Salaries for Legislators Should Become Effective as of December 1 Following Their Election and Pursuant to Their Being Qualified by Their Respective Houses. It is difficult to comprehend the purposes of organizing in pre-session without making salaries effective at or near the same time. It is assumed that members will begin to function as full-fledged Senators and Representatives during the pre-session. In North Dakota and Idaho, salaries commence on December 1, and in Indiana, on November 20.

E) Orientation Conference. Maine already conducts an orientation conference during the pre-session. If the legislature adopts the pre-session organization format suggested here, however, it will be necessary to change when this orientation conference takes place. Specifically, the orientation conference should follow any activities that might be controversial, such as leadership selection, so as to be kept free of partisan interference. The purpose of orientation sessions is education, and lobbying members during such to resolve

leadership selection difficulties is not desired.

F) Temporary House, Senate, and Joint Rules Should be Adopted.

This will give the entire legislature a definite code of procedures to carry them through the organizational session to the beginning of the regular session. Proposals to amend the rules should be open for consideration and passage at an organizational session and both houses should be prepared to adopt permanent rules in the early segments of the first regular session.

Only Indiana of the states surveyed adopts permanent rules at the organizational session. North Dakota opts to start with temporary rules while Idaho, which is statutorily permitted to pass permanent rules at the organizational meeting has never exercised this power.

G) A House Clerk and Senate Secretary Should Be Selected As

Well As Initial Determination of Who Need Be Employed for the Sessions and Interim Period Between Sessions. Rules now call for such decisions to be made official when the regular session convenes, although in many instances the selection of employees and the designation of task areas is accomplished prior to the session. Since these recommendations for the pre-session period do entail earlier activity, needs for staff help should correspondingly alter.

Legislative Action

Late in the 1977 session the legislature adopted the unanimous

ought to pass report of the Committee on State Government that the Constitution be amended to permit early organization of the legislature (L.D. 1259).

During the committee deliberation stage, we presented both oral and written testimony concerning the possible effects this legislation would have on the Maine legislative process if enacted and adopted by the voters in the 1978 November general election. In addition to providing the committee members with essentially the same information we have here presented, we informed the committee and the legislative leadership of two additional considerations which might have a bearing on their activities should this legislation be favorably acted upon by the voters in November.

First, the Legislative Council must be prepared to make good use of this early organization period if it is finally adopted at the polls. In the first year of application, the New Hampshire legislature failed to adequately plan how it would utilize this additional time. As a consequence, the overall effectiveness of the early organization period was considerably weakened.

To avoid this and to ensure the most efficient and effective use of the pre-session, we now suggest that:

2. The Legislative Council begin well in advance of the next biennium to establish a formal set of activities and procedures which will be adhered to during the early organization session.

These procedures should specify: all activities which will take place during the early session, and the amount of time which will be allotted for carrying out these activities.

Additionally, the Council should make a concerted effort to inform legislators and the public of the purpose of this constitutional amendment. The objective herein is to insure support amongst legislators and the general public for the passage and successful application of this new procedure.

To this end we therefore recommend that:

3. The Legislative Council as well as the principal sponsor of L.D. 1259 and the Committee on State Government make a concerted effort to inform legislators and media representatives across the state of the purpose of early legislative organization.

Pre-filing

The next major proposal we advanced for making better use of legislative time during the opening months of the session related to strengthening the practice of pre-filing legislation.

We recommended that:

4. The practice of pre-filing legislative measures be strengthened by permitting reference of pre-filed bills to committee during the pre-session period. Further, the legislative leadership should strongly encourage executive agencies and departments to pre-file.

The primary objective of this pre-filing recommendation was essentially two-fold: (1) to get legislation into the legislature earlier, and (2) to get it referred to committee earlier.

When we first presented this recommendation to the Legislative Council we suggested that implementation of this pre-filing provision should be attempted by use of a legislative request to all executive agencies and departments, and not by more formal or binding means such as a requirement stipulated in the joint rules.

We indicated to the Legislative Council that it was conceivable with the proper legislative prodding that the current low rate of pre-filing (less than 2%) could be substantially increased.

In accordance with this suggestion the Legislative Council drafted and distributed a letter requesting all executive agencies and departments to pre-file their legislation. The response was negligible. In fact, the total number of pre-files in the first year of the 108th actually decreased over the total number of pre-files introduced in the first year of the 107th!

Because the estimated amount of legislation introduced by executive agencies and departments amounts to between one-third and one-half the total volume introduced in any session* and, further, because most executive agencies and departments have

*Precise figures are impossible to obtain given the fact that most agency, department and commission bills are not identified as such.

their legislation ready well in advance of the session (but nonetheless fail to pre-file most of it), we felt that stronger steps were appropriate.

Legislative Action

Insofar as informal prodding failed to produce the desired pre-filing results, we recommended that the legislature adopt a formal joint rule specifying who shall pre-file and what requirements shall be met in pre-filing.

The text of this rule which was adopted by both houses in concurrence appears below.

Departmental Bills

(1) No bill or resolve shall be introduced on behalf of any state department, agency or commission, except the Governor or Chief Justice, after the first day of December preceding the convening of the first regular legislative session. If the Governor has been newly elected in the November preceding the convening of the first regular session, a bill or resolve introduced on behalf of a state department, agency or commission, except the Governor or Chief Justice, shall be introduced within 30 days after the Governor is administered the oath of office.

(2) Each bill or resolve submitted to the Director of Legislative Research by an executive agency, department or commission for

preparation shall clearly designate under the title, the department, agency or commission upon whose behalf the bill or resolve is submitted.

(3) Bills or resolves pre-filed under this rule shall bear the designation of the title "President of the Senate" or "Speaker of the House" for purposes of introduction unless a member of the legislature sponsors or co-sponsors that bill or resolve.

(4) A bill or resolve may be filed on behalf of the Governor or Chief Justice under the title of "President of the Senate" or "Speaker of the House" provided that the bill bears on its jacket the appropriate designation that the bill or resolve has been introduced on behalf of the Governor or Chief Justice.

(5) Any departmental bill or resolve filed after the first day of December shall be considered late filed. All requests for such late-filed bills or resolves shall be transmitted to the Legislative Council by the Clerk of the House or Secretary of the Senate. The Legislative Council shall ascertain from the department the facts supporting introduction notwithstanding cloture and, if two-thirds of the Legislative Council approves, the bill or resolve, following preparation, shall appear on the calendar of the appropriate house, duly noted as having been approved by two-thirds of the Legislative Council and the document shall be received.

Analysis

This rule was designed primarily to require that all departmental bills be introduced into the legislative process in a more timely fashion. By accomplishing this it would be possible to, in turn, speed up the early stages of legislative activity.

Section 1 of this rule establishes December 1 as the deadline for introduction of all department, agency, or commission bills. The Governor and Chief Justice are excluded from this rule on constitutional grounds. Additionally a 30-day extension for all departments, agencies and commissions is granted in the case of a newly elected Governor who, in all likelihood, will not have made all his executive appointments by the December 1 deadline.

Section 2 of this rule stipulates that the specific executive department, agency, or commission sponsor of the bill be designated directly under the bill's title.

In discussing the design and content of this rule with legislators, we discovered that many feel at a marked disadvantage when deliberating on executive department, agency, or commission bills. In most instances, legislators are not aware of a particular bill's executive origins. Instead, the only information they have pertaining to the bill's origin is the legislative sponsor's name. Accordingly many legislators are hesitant to rule against an executive bill with a legislative sponsor. This despite the fact that the legislator

whose name appears on the bill may have agreed to sponsorship only for purposes of allowing introduction and not because of any deep commitment to the bill's objectives.

The absence of clear identification of who the actual sponsor of the bill is means that legislators are being denied access to potentially valuable information which may aid them in determining the true objectives of a particular piece of legislation. In addition to supplying legislators with this valuable information, this provision will also enable the legislature to more accurately determine how many bills are introduced yearly by departments, agencies and commissions. Finally, this sponsor designation will enable Legislative Research to more easily identify late-filed department, agency and commission bills.

In Section 3 of this rule another major change with past procedure has been made. This provision alters the previous requirement for pre-filing which holds that every pre-filed measure must have a legislative sponsor. Under the provisions of this new rule, legislative sponsorship will still be necessary for purposes of introduction. The difference with past procedure, however, is that where no legislative sponsor of a department, agency, or commission bill is forthcoming, the bill will automatically be introduced under the designation of "President of the Senate" or "Speaker of the House."

A point of fact is that this new provision eliminates the need for rank and file legislative sponsorship for every such pre-filed measure. Instead, this provision makes such sponsorship optional. No longer will it be necessary for introduction for legislators to sign their names to bills they may have little or no commitment to. Instead, if legislators do not wish to sponsor department, agency, or commission bills, then these bills will be automatically introduced under the title of either the President or Speaker.

We believe this new provision will have at least four positive effects upon the legislative process.

Initially, it will facilitate and speed up the introduction of department, agency or commission bills into the Office of Legislative Research. Past procedure of requiring legislative sponsorship before the bill was introduced into the Office of Legislative Research often acted as an impediment to pre-filing due to the obvious difficulties of locating legislative sponsors prior to the convening of the session.

Secondly, facilitating and expediting the introduction of department, agency or commission bills into Legislative Research will, in turn, facilitate the introduction of such measures into the legislature. Although we envision departments, agencies, and commissions actively seeking legislative sponsorship at this stage, replacement of the old sponsorship provision with this new provision means that a number of these pre-filed measures will be referred to committees

in a more expeditious fashion. For as we have noted, if legislative sponsors are not forthcoming, these bills will be referred to committee under the title of either "President of the Senate" or "Speaker of the House."

A third benefit of this new provision is that it will make legislative sponsorship of department, agency, or commission bills more meaningful. Again, as we have noted, many legislators sponsor such pre-filed bills not because of the bill's merit, but rather because such sponsorship is necessary in order for the bill to be introduced.* Many times legislators will sponsor these executive bills upon request of the particular department, agency, or commission, or perhaps even upon request of the committee chairman to whose committee these bills will be referred. Such sponsorship of convenience has the effect of obscuring answers to proper legislative inquiries such as: "Who supports this bill; to what extent; where did the bill originate; why is it being offered?"

As we have stated, under the new provision, unless a legislator specifically wants to sponsor a department, agency or commission bill, the bill will be automatically introduced under the heading of "President of the Senate" or "Speaker of the House." Such a designation serves to satisfy the statutory requirement that all legislation

*It should be noted that rarely are executive agency, department or commission bills denied the necessary legislative sponsorship for introduction.

must have a legislative sponsor and, additionally, it makes the process of obtaining legislative sponsorship more flexible and meaningful.

One last benefit which this new sponsorship provision may produce is more significant department, agency and commission legislation. Under our rule, if a bill does not have a legislative sponsor then it will be introduced under the heading of either the "President of the Senate" or "Speaker of the House." Such a designation should serve notice to legislators that the bill's executive sponsor was unable to locate legislative sponsors either because the effort was not made or because no legislator wanted to be associated with the particular bill. This information, readily available on the face of every bill, should serve as a valuable aid to committees and the legislature as each attempts to evaluate the merits of the proposals before them. Furthermore, it should serve to weed out the introduction of many weak bills simply because departments will know that without legislative sponsorship or leadership support, the bill will have little or no chance of passage.

Section 4 of this rule is a restatement of the current J.R. 22 provision. It simply clarifies the method of introduction of bills or resolves filed on behalf of the Governor or Chief Justice.

Finally, Section 5 of this joint rule establishes a new and more restrictive procedure for screening late-filed department bills

or resolves. It requires that any measure filed after December 1 must be referred to the Legislative Council whereupon a determination will be made as to whether or not to allow the bill's introduction.

To insure that the facts supporting introduction of a late-filed bill are substantial, this provision further requires that an extraordinary vote, two-thirds of the Legislative Council, is necessary to approve the introduction of any such late-filed measure. The underlying rationale behind this provision is that the reasons supporting late introduction should be significant enough to convince at least two-thirds of the members of the Council.

We believe that when this rule takes effect prior to the convening of the first regular session in 1978, it will have a marked impact upon the level of legislative activity during the opening months of that session. In addition to its favorable impact upon the early stages of the legislative operation, this rule coupled with our first recommendation for early organization will have continual and positive impact upon each successive stage of the legislative process.

In order to insure the successful application of this rule we offer one additional recommendation. Specifically, we recommend that:

5. The Legislative Council furnish to each executive agency, department and commission a copy of this new pre-filing rule along

with appropriate explanation of the procedures it stipulates.

We offer this recommendation for the obvious reason of guarding against the possibility of certain departments, agencies or commissions not adhering to this rule out of possible ignorance of its existence. Additionally, by distributing this rule at an early date to all those who are affected, the Council will be able to respond to any questions concerning its application which will undoubtedly arise.

Interim Committee Periods

Our next recommendation with respect to giving the legislature the ability to more effectively and efficiently organize and use its time related to the use of legislative time in the opening weeks of the session.

Again late in 1976 we recommended to the Legislative Council that:

6. The Maine Legislature, and in particular the legislative leadership, should be granted the authority to suspend all floor activities at a time of their own choosing for purposes of moving the legislature into an in-depth committee period.

In line with this recommendation we noted that the legislature, and in particular the legislative leadership is the best judge of when the legislative business is such that daily floor sessions are needed, and when the legislative process would be better served by extended periods of uninterrupted committee activity. For example,

if the expanded program of pre-session activities suggested above were adopted, the legislative leadership could decide to move into a period of concentrated committee work immediately after the legislative session was convened.

In our survey of legislators, we asked how they felt about instituting such a procedure where the legislature would convene in January and then move into an interim committee period. As Table 4 on the following page shows, the large majority of Maine legislators favor such a plan.

TABLE 4

LEGISLATOR ATTITUDES TOWARD THE ESTABLISHMENT OF INTERIM COMMITTEE FLOOR PERIODS

<u>Attitude toward interim committee floor periods</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
(1) Favor	58	46	55	43	49
(2) Favor but think modifications necessary	16	15	22	13	16
(3) Oppose	5	21	19	20	20
(4) No opinion, undecided	$\frac{21}{100\%}$	$\frac{18}{100\%}$	$\frac{4}{100\%}$	$\frac{24}{100\%}$	$\frac{15}{100\%}$

The advantages to be realized by Maine adopting an interim committee period during the session are:

a) Continuity. By providing for an interim committee floor period following the convening of the regular session, heavy committee work, unhampered by floor sessions will be realized.

b) More thorough research and investigation. The interim committee period will further permit the opportunity for concentrated study of problem areas. It will permit a more thorough research and investigation by individual legislators of areas in which they have a particular interest or in which they wish to develop a special competence.

c) Ability to deal with complex legislation earlier in the session. We have noted that by more effective utilization of the legislature's time at the beginning of the session much of the end-of-session logjam can be eliminated. A significant portion of the end-of-session logjam is attributable to the fact that in most instances the most significant, and oftentimes most complex legislation comes up for legislative action at the end of the session. The creation of an interim committee period at the outset of the session in which legislators could more carefully consider and act upon complex legislation (as well as routine legislative proposals), would necessarily be a step toward reducing this end-of-session logjam.

d) Elimination of conflicting committee meetings. At the

present time Maine legislators are often faced with conflicting committee meetings. By making use of an interim committee floor period, plus the recommendations we suggest at a later point for grouping committees, this problem of conflicting schedules can be eliminated.

e) Speed up the committee process. The interim committee periods will provide committees with more uninterrupted time for their deliberations. This in turn should better enable committees to meet the last Friday in April deadline for reporting bills and resolves to the floor.

Legislative Action

When this recommendation was offered to the Legislative Council the reaction was generally favorable although cautious. Some legislative leaders expressed concern that a suspension of floor activities would cause many legislators to "go home" rather than work at their committee jobs.

We disagreed with this argument noting that we felt the vast majority of Maine legislators would honor their responsibilities. All this notwithstanding, the Council did move to adopt a modified version of this proposal. Specific days were designated as committee days and brief legislative sessions, to insure legislator attendance, were held in either the early morning or mid-afternoon.

The interim committee periods failed to produce all the desired results. While it is true that the legislature was able to deal with some of the most complex legislation early in the session (point c above), it remained that the ability of committees to report legislation out in a timely fashion (i.e., by the cloture date) was not realized.

Our close analysis of committee activity during the 1977 regular legislative session by means of a tracking system we developed (see below) indicated that the failure of the interim committee periods can be largely attributed to four factors:

- 1) No effective pre-filing.
- 2) Not enough scheduled working sessions.
- 3) Late start for committees due to political problems concerning the composition of joint committees.
- 4) Early preoccupation with major pieces of legislation.

Among these four factors, the absence of any significant pre-filing has been, in our opinion, the single greatest reason for the failure of the interim committee periods. Without all their legislation before them in a timely fashion, most committees were unable to fully optimize these interim periods. As one committee chairman remarked,

"I've had to delay a lot of committee hearings and put off working sessions simply because we don't have all the legislation on one particular subject before us yet."

Point 2 above - not enough scheduled working sessions - may in large measure be a direct consequence of this lack of full committee workloads at the time the interim periods were held. It should be noted, however, that this was not the case in every instance. Our review of committee workloads disclosed that a number of committees did have near full workloads and despite this still failed to schedule sufficient numbers of working sessions. The problem here, therefore, appears to be at least in part attributable to the lack of effective control over the committee's scheduling by the committee chairmen.

We noted also that certain political problems concerning the size and composition of joint standing committees delayed the full appointment of committees and thus contributed to the weakening of the effectiveness of the interim period. Of course, we cannot eliminate the probability that similar political considerations will not arise again in the future. We can, however, point out that with early December organization this problem of committee composition could have been addressed before the session actually got underway.

Point 4 - early preoccupation with major legislation - was a positive consequence which we had sought from the use of interim committee periods. As such, while it may have slowed down the committee deliberative process somewhat, this was more than offset by the fact that significant and complex legislation was dealt with

early rather than late during the hectic closing weeks of the session.

We continue to hold that the use of the interim committee period during the session will produce all the benefits we have attached to it. Indeed, even if it only continues to enable the legislature to deal with complex legislation early in the session, it will serve a useful purpose.

Committee Tracking System

At this point a discussion of the committee tracking system we developed and utilized during the 1977 session is in order.* The tracking system was developed with the assistance of the Law Librarian and the able staff in the Legislative Information Office to give the leadership a means of quickly and easily assessing the flow of legislation through the committee stage. To this end it served a useful purpose as it provided leadership with the necessary information they required to schedule activities during the final months of the session.

Because of its practical value and because it became increasingly time consuming to manually prepare this information, we now recommend that:

7. The tracking system as described in the appendix of this report be placed on a computer program so as to provide quick and

*See appendix for a detailed memorandum outlining the format and use of this tracking system.

easy access for legislative leadership to this pertinent committee information.

We further recommend that:

8. The computer printouts of this tracking system be distributed to the members of the Legislative Council on a weekly basis from the beginning of the session until such time as the Council determines this information is no longer required.

Deadlines

Our next recommendation to the Legislative Council dealing with time utilization was that the legislature adopt a comprehensive deadline structure.

Specifically, we recommended that:

9. The Joint Rules of the Maine Legislature should be expanded to include a comprehensive deadline system for both houses. This deadline system should be designed to serve both sessions of the biennium as well as the interim between legislative sessions. Deadlines should be established regulating: (1) pre-filing requests for bill drafting; (2) interim committee reports; (3) submission of bills and resolves into Legislative Research; (4) introduction of bills and resolves; and (5) committee action.

We argued that if the legislature is to more effectively and efficiently use its available time it must establish a system that will allocate reasonable amounts of time to specific stages in the

legislative process. Deadlines, if properly constructed and implemented, can satisfy much of this need. As Table 5 points out, the overwhelming majority of legislators feel that deadlines can be effective as a means of regulating the flow of legislation through the legislature.

TABLE 5

LEGISLATOR ATTITUDES TOWARD DEADLINES

<u>Effectiveness of Deadlines</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
Yes - effective	78	58	56	68	62
Yes - effective - but only partially	22	31	36	22	29
No - not effective	0	10	8	9	8
No opinion, don't know	$\frac{0}{100\%}$	$\frac{1}{100\%}$	$\frac{0}{100\%}$	$\frac{1}{100\%}$	$\frac{1}{100\%}$

Analysis of Maine Deadline System

Our analysis of the Maine deadline system revealed that its single most unique feature is its unenforceability. We looked back as far as 1971 and discovered that in every regular and special session since 1971 the original deadlines for introduction of legislation, drafting of legislation, and committee reporting, have never been enforced!

For example, in the 1973 regular session of the legislature, the time for introduction of bills and resolves being processed in Legislative Research was originally March 6, 1973. This deadline was subsequently extended to March 14, extended again to March 28, and finally extended to March 30.

The fact that no original deadline has ever been adhered to (at least since 1971), is further exacerbated by the fact that very few of the extended deadline dates have ever been adhered to! Our statistical analysis of committee activity in 1973 and 1975 regular legislative session revealed that nearly 15% of all legislation filed in 1973 and over 25% of all legislation filed in 1975 was filed after the final extended cloture dates for introducing bills and resolves. This same analysis further revealed that in both sessions over one-third of the total session volume of legislation was reported out of committee in the final six weeks. Moreover, contained within this volume were some of the most complex, controversial, and time-consuming pieces of legislation considered in each session.

When we first offered this recommendation to the Legislative Council, we attributed the failure of current deadlines in Maine to four principal factors:

(1) Lack of leadership support. We consider the relative absence of leadership support for deadlines to be a chief reason for their failure. Legislative leaders appear loathe to enforce deadlines on their colleagues -- particularly committee chairmen. As one legislative leader remarked, "Our biggest problem in enforcing deadlines is with some committee chairmen who will delay as long as they can. They don't like to be pushed." As with most legislative procedures, deadlines can only be as effective as the legislature and its leadership wants them to be. Without strong leadership backing no deadline system will succeed.

(2) Absence of formal sanctions. While Joint Rule 8 specifies the cloture dates for submission and introduction of bills and resolves, it remains that this rule is hardly an effective sanction. As we have noted, in every session of the legislature since 1971, this rule has been suspended.

(3) Poor organization during the opening months of the session. Still another reason for the failure of existing deadlines is the lethargic pace of legislative activity in the opening months of the session. If the recommendations suggested above for pre-session organization, pre-filing, and interim committee floor periods are adopted, then adherence to an even earlier deadline schedule than

that prescribed in the present joint rules may be possible.

(4) Lack of sufficient staff resources. We shall speak of this matter at length in a subsequent section of this report. Suffice to note here that the current staff levels in the Office of Legislative Research and the Legislative Assistants Office are not sufficient to satisfy the bill drafting and research needs of the Maine Legislature in 1977.

Legislative Action

Discussion of this proposal in Legislative Council produced a broad consensus that certain corrective steps should be taken to strengthen the deadline structure.

As we have noted, the legislature has already adopted one new major deadline to regulate departmental pre-filing. In addition to this new deadline, in a later section on committee organization we propose the adoption of a new rule which establishes a reporting deadline for all interim committee reports.

As to the establishment of new deadlines for the submission of bills and resolves into Legislative Research, the introduction of bills and resolves, and committee action, no new deadlines have as yet been developed.

We believe that in these aforementioned areas two distinct sets of deadlines should be developed - one set to regulate the first regular session; the other set to regulate the second regular session.

Deadlines for first regular session

The development of deadlines for the first regular session in the areas we have prescribed above will in large measure depend upon three factors: 1) the passage of the early organization amendment; 2) the effectiveness of interim committee reporting deadlines; and 3) the effectiveness of the newly established pre-filing deadlines for executive agencies and departments.

That the legislature will not be able to accurately predict or gauge the effect of these factors until late in 1977 seems to preclude the final development of new deadlines at this stage. Accordingly, our recommendation at this stage is that:

10. The Legislative Council carefully monitor the interim period between the 1978 and 1979 legislative sessions. Specifically, the Council should seek to measure the amount of pre-filed legislation introduced into Legislative Research and the effectiveness of the interim committee reporting deadlines. On the basis of this monitoring, the Council should be able to determine by December preceding the 1979 session whether or not new and earlier deadlines for the introduction of bills and resolves and committee action should be established.

Deadlines for second regular session

The second regular session of the legislature will require an entirely new set of deadlines to reflect its several unique character-

istics. Among the characteristics which must be taken into consideration are:

1) Shorter session length. While the length of this second regular session will be significantly shorter, we believe that the proportion of legislation introduced to legislative days will be similar to the first regular session. Accordingly the legislature, in order to meet its statutory adjournment deadline in the second year, should establish earlier deadlines for a) the introduction of bills and resolves into Legislative Research; b) the referral of bills and resolves to committees; and c) committee reporting.

2) More significant interim period. The interim period between sessions will be highly significant not simply because legislators will be afforded an opportunity to study in depth specific issues, but also for two additional reasons:

a) Legislation resulting from interim studies can be prepared for immediate introduction once the legislature convenes in January.

b) Legislators will be better able to utilize the interim to pre-file their legislation. Unlike the first year of the biennium, legislators will not have to contend with the rigors of a campaign. Additionally, all freshman legislators will have had one full session of experience and will thus be in a far better position to cope with the complex legislative process.

After considerable discussion and debate with the Legislative

Council and with the Senate Democratic and Republican caucuses, we developed the following new cloture rule for the second regular session:

Cloture; second regular session. All requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1 p.m. of the first Wednesday in November preceding the convening of the second regular session.

The Legislative Council shall review all requests for bills and resolves in order to ensure compliance with the requirements of the Maine Constitution, Article IV, Part Third, Section 1.

The Legislative Council shall complete its review of all requests for bills and resolves by the 15th day of November. Legislators whose bills and resolves have been approved for introduction shall, within 15 days of that approval, transmit to the Director of Legislative Research sufficient information and data necessary for drafting.

All bills and resolves submitted for preparation to the Director of Legislative Research shall be introduced in the appropriate House, in complete final form, not later than 1 p.m. of the second Wednesday in January.

As this rule states, the date for the submission of bills and resolves into Legislative Research was established as the first Wednesday in November preceding the convening of the second regular session. We believed this early deadline was both realistic and

necessary. Originally our proposal was for a cloture date of October 1. However, upon discussion of this cloture date with a number of legislators we agreed that it should be moved back, given the fact that many legislators would still be deeply involved in their principal occupations during October. Unfortunately this rule was offered in the closing days of the 1977 session at a time when a number of other complex and significant proposals were under consideration. Consequently, rather than risk the possibility of losing this proposal on the floor, the leadership opted to withdraw it and refer it instead to the Council for action during the interim between sessions.*

On the basis of this action, we therefore now recommend that:

11. The Legislative Council establish, no later than August 1977, a new cloture system to regulate the introduction of bills and resolves into Legislative Research and the referral of bills and resolves to committee.

In addition to this, we further recommend that:

12. The Legislative Council consider the aforementioned cloture rule and, as an alternative, it also consider the following cloture rule:

Cloture; second regular session. All requests for bills and resolves introduced on behalf of any state department, agency or commission except the Governor or Chief Justice shall be submitted

*Joint Rule 24 stipulates that the Council may establish cloture procedures to regulate the second regular session.

to the Director of Legislative Research not later than 1 p.m. of the first Wednesday of November preceding the convening of the second regular session.

All legislative requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1 p.m. of the second Wednesday in January following the convening of the second regular session.

The Legislative Council shall review all requests for bills and resolves in order to ensure compliance with the requirements of the Maine Constitution, Article IV, Part Third, Section 1.

In the case of executive agency or department requests for bills, the Legislative Council shall complete its review of all such requests by the 15th day of November.

In the case of legislative requests for bills and resolves, the Legislative Council shall complete its review of all such requests by the 4th Wednesday in January.

This alternative cloture rule establishes two sets of cloture dates - an earlier cloture date to regulate department, agency and commission bills and resolves (first Wednesday in November), and a later cloture date to regulate legislative introduction (second Wednesday in January).

We believe that in certain respects this alternative proposal is superior to our original proposal. The one potential drawback to this proposal is that if executive agencies, departments and commissions

do not adhere to this pre-filing provision, the effectiveness of this rule will be negated. Thus, should the Legislative Council adopt this or a similar rule, it will be necessary that appropriate steps be taken to insure executive compliance.

Annual Sessions

In speaking of effective time utilization, it is appropriate that we next consider the impact of annual sessions upon the Maine legislative process.

We consider the shift to annual sessions to be one of the most potentially significant advances ever made in the Maine legislative process. By providing the legislature with essential time to conduct its affairs on a regular basis, a more effective, co-equal legislature may evolve.

In our conversations with legislators and legislative staff, it has become increasingly apparent to us that very little thought and even less planning has been given to the pending shift from biennial to annual sessions. We sense that many legislators feel that the shift to annual sessions will not be much of a departure from present session patterns in which a regular legislative session in the odd-numbered year has been customarily followed by at least one special session in the even-numbered year. We wholly disagree with this assumption.

Special sessions by their very nature are always reactive. That is, they are always called to deal with some nature of emergency.

Rarely is the legislature afforded adequate time in a special session to deal with the particular problem(s) in a deliberative fashion. Annual sessions, on the contrary, afford the legislature adequate time, on a regular basis, to deal with the growing needs of the people of Maine. While it is true that the legislature will continue to have to react to certain problems as they arise, it remains equally true that annual sessions will, if properly organized, permit the legislature to respond more effectively, after careful study, to many problems before they reach emergency proportions.

To further understand this difference we present below what we believe will be some of the more significant consequences of annual sessions for the Maine Legislature:

1) More legislation. We noted earlier that on a proportionate basis, the volume of legislation in the second regular session will approach the first session's volume. What this means for the Maine Legislature is that during this shorter second session the legislature must develop better methods of making use of its time. All of the recommendations we have thus far proposed, and many which we will be proposing, are designed to enable the legislature to do just that.

2) More significant interim periods. Again as we mentioned earlier, if the legislature meets every year, the interim period between regular sessions will be far more valuable. In the first instance, every legislator serving in the odd-year session will be

back for the even-year session. Inevitably, this will result in greater interest and participation during the interim since legislators will now know with certainty that they will be able during the second session to act on any recommendations made in the interim. Secondly, the interim will afford legislators and their staff the opportunity to study and prepare legislation on matters they know will be before them in the second regular session.

3) A more professional atmosphere. The move to annual sessions will precipitate the evolution of an atmosphere of professionalism among both staff and legislators as well. In the course of this evolution the need for more full-time staff will become increasingly apparent to legislators who themselves will discover that their legislative jobs are rapidly becoming full-time.

4) More responsiveness by increased visibility. Annual sessions should further make legislators more responsive to the wishes of the people they serve by increasing the visibility of individual legislators.

Carryover

In order to further strengthen the significance of the interim between the first and second regular sessions and in order to establish an immediate workload at the outset of the second regular session, we also recommended to the Council the adoption of a rule permitting the carryover of legislation from the first regular session to the second.

Specifically, this rule was as follows:

"Carryover of bills and resolves"

"(1) Any bill or resolve introduced in the first regular session of the legislature, whose subject matter is germane to the subject matter of the second regular session, may be carried over to the second regular session in the same status it was in at the time of adjournment upon written and signed request of 2/3 of the members appointed to the original committee of reference and the approval of the Legislative Council providing that the request is made at least 2 weeks prior to the final reporting deadline of the committee of reference.

"(2) Any bill or resolve carried over must be reported out of committee no later than the 15th day of December preceding the convening of the second regular session in the even-numbered year."

In debating this rule we noted that over half the state legislatures in the nation employ some form of bill carryover system. What bill carryover does is reflect the fact that the legislature is a continuous body, organized for two consecutive years. This procedure permits legislation introduced in the first year of the biennium to be considered in either year of that biennium without reintroduction. Now that the Maine Legislature is moving into an annual session format, we believe that a restricted form of bill carryover will be of significant benefit to the legislature.

Specifically, the form of bill carryover we are recommending here should produce the following results:

a) Carryover will give the legislature a package of bills to begin considering immediately upon the convening of the second regular session of the legislature.

b) It will eliminate some of the need to reintroduce legislation in the second session, thereby saving time and some printing costs.

c) It will enhance the significance and effectiveness of the interim between regular sessions. During the interim the legislature will be able to hold hearings and give careful consideration to carried-over bills, thus providing additional time during the session to take up other matters.

d) It will help avoid end-of-session logjams, particularly in the odd-year session.

e) With a carryover system in effect, legislators will not be forced to vote on those matters that do not require immediate action.

f) It will further reinforce the practice of organizing for the biennium.

In order to secure the above benefits of carryover we recommended that the following action be taken by the Maine Legislature:

13. The Maine Legislature should adopt a new joint rule providing for bill carryover. The carryover system should restrict the carryover of legislation into the even-year session to those matters constitutionally germane to the second regular session. That is, carried-

over measures should be limited to "...budgetary matters; legislation in the Governor's call; legislation referred to committees for study and report by the legislature in the first regular session; and legislation presented to the legislature by written petition of the electors..." (Article IV, Section 1, Part Third as amended by Article CXXX)

14. Each regular joint standing committee should determine, by a two-thirds vote those measures it wishes to have carried over. The committee should further report those measures it wishes to carry over to the floor for debate and vote. A number of states which employ carryover simply state in their rules that all measures not acted upon in the first regular session shall be carried over to the second regular session. We do not advise this because we feel that such a system would make it far too easy to put off decisions until the next year. Moreover, an unrestricted carryover system would also potentially produce a second-year session with more legislation before it than the first. In a survey we conducted of other state legislatures which employ carryover we discovered that in states where the carryover process is unrestricted, the volume of legislation carried over is quite high. For example, New York reports that they customarily carry over in excess of 70% of all legislation introduced in the first year; Pennsylvania reports that they carry over in excess of 90%! Contrary to these unrestricted systems, Wisconsin, which requires an extraordinary vote to carry over measures, reports that

their rate of carryover is a healthy 22%. We envision a similar rate for Maine.

15. Standing committees should be permitted to consider carried-over bills during the interim between regular sessions. Indeed, this should be a clear requirement. A primary purpose of carryover is to permit committees to study those measures in the interim that have not received careful attention during the session.

16. Any bill carried over in committee must be reported out no later than the 15th day of December preceding the convening of the second session in January. By prescribing such a procedure, the legislature's ability to get off to a fast start in the second regular session will be insured. Furthermore, the possibility of having carried-over bills ending up for consideration in the closing days of the second-year session will be eliminated.

Legislative Action

The aforestated carryover rule was never formally adopted by the legislature. Instead, the basic provisions of this rule were applied to specific pieces of legislation by using individual joint resolutions.

While we believe that these joint resolutions clearly demonstrated the need and usefulness of the carryover provision, we feel that the use of joint resolutions rather than a joint rule is not a sound method for exercising carryover.

Our principal objections to the use of a joint resolution to affect carryover lie in the fact that it is both arbitrary and impermanent. Arbitrary in the sense that one can never be sure when a bill or resolve may be carried over, and impermanent because a joint resolution can be altered at any given time. The absence of established, firm procedures can, we believe, lead to misuse of this technique.

One final point on this carryover proposal. At the time when this proposal was being debated on the floor, a question was raised as to the rule's constitutionality.

Article IV, Section 1, Part Third as amended by Article CXXX of the Maine Constitution, states that the second regular session shall be limited to "...budgetary matters; legislation in the Governor's call; legislation referred to committees for study and report by the legislature in the first regular session; and legislation presented to the legislature by written petition of the electors..."

While we believe that this underlined provision sufficiently provides for carryover, we nonetheless feel that a definitive opinion must be sought from the Attorney General on this question before any further attempt is made to implement this rule.

Conclusion

In the opening pages of this report we postulated that the single most important resource of a legislature is time. We further

noted that the most significant problem confronting the Maine Legislature relates to its improper use of legislative time. We have now offered what we believe to be recommendations which, if properly implemented, will effectively eliminate many of the ills associated with poor time utilization.

Having said this, a few words of caution are in order.

Our recommendations, if properly implemented, will not eliminate all the ills associated with poor time utilization. Indeed, this can be said of all our subsequent recommendations - regardless of their objectives. We cannot absolutely guarantee, as some legislators would understandably like us to do, that our recommendations will enable the legislature to adjourn earlier. Nor can we guarantee that end-of-session logjams will be eliminated entirely.

What we can say with some certitude is that our recommendations will reduce many of the problems we speak of. The above recommendations will reduce end-of-session logjams and this may indeed enable the legislature to adjourn a bit earlier. More importantly, however, is the fact that through proper implementation of these recommendations what will accrue is a legislative system more capable of careful deliberation and sound decision making.

One final point. When we speak of proper implementation we mean substantially more than simply writing a sound piece of reform legislation or drafting a well-worded rule. We mean by proper implementa-

tion, creating an atmosphere conducive to each particular legislative reform. In other words, the proper implementation of each legislative reform we offer requires that legislators, executive and judicial officials, and the public as well, be made fully aware of the need or rationale for the reform. Most importantly, legislators and the public must come to share a broad consensus of opinion that the reform is necessary and worthwhile. Only through such "proper implementation" will each reform succeed in its objectives.

Summary of Recommendations for Improving the Legislature's Use of Time

1. A pre-session organizational session be held after an official canvass of votes, but no later than the first week in December pursuant to the general election. At this session the legislature should organize itself for the entire biennium. (see page 18)
2. The Legislative Council begin well in advance of the next biennium to establish a formal set of activities and procedures which will be adhered to during the early organization session. These procedures should specify: all activities which will take place during the early session, and the amount of time which will be allotted for carrying out these activities. (see pages 23 & 24)
3. The Legislative Council as well as the principal sponsor of L.D. 1259 and the Committee on State Government make a concerted effort to inform legislators and media representatives across the

state of the purpose of early legislative organization. (see page 24)

4. The practice of pre-filing legislative measures be strengthened by permitting reference of pre-filed bills to committee during the pre-session period. Further, the legislative leadership should strongly encourage executive agencies and departments to pre-file. (see page 24)

5. The Legislative Council furnish to each executive agency, department and commission a copy of this new pre-filing rule along with appropriate explanation of the procedures it stipulates. (see page 33)

6. The Maine Legislature, and in particular the legislative leadership, should be granted the authority to suspend all floor activities at a time of their own choosing for purposes of moving the legislature into an in-depth committee period. (see page 34)

7. The tracking system as described in the appendix of this report be placed on a computer program so as to provide quick and easy access for legislative leadership to this pertinent committee information. (see page 41)

8. The computer printouts of this tracking system be distributed to the members of the Legislative Council on a weekly basis from the beginning of the session until such time as the Council determines this information is no longer required. (see page 42)

9. The Joint Rules of the Maine Legislature should be expanded to include a comprehensive deadline system for both houses. This deadline system should be designed to serve both sessions of the biennium as well as the interim between legislative sessions. Deadlines should be established regulating: (1) pre-filing requests for bill drafting; (2) interim committee reports; (3) submission of bills and resolves into Legislative Research; (4) introduction of bills and resolves; and (5) committee action. (see page 42)

10. The Legislative Council carefully monitor the interim period between the 1978 and 1979 legislative sessions. Specifically, the Council should seek to measure the amount of pre-filed legislation introduced into Legislative Research and the effectiveness of the interim committee reporting deadlines. On the basis of this monitoring, the Council should be able to determine by December preceding the 1979 session whether or not new and earlier deadlines for the introduction of bills and resolves and committee action should be established. (see page 48)

11. The Legislative Council establish, no later than August 1977, a new cloture system to regulate the introduction of bills and resolves into Legislative Research and the referral of bills and resolves to committee. (see page 51)

12. The Legislative Council consider the aforementioned cloture rule and, as an alternative, it also consider the following cloture rule. (see page 51)

13. The Maine Legislature should adopt a new joint rule providing for bill carryover. The carryover system should restrict the carryover of legislation into the even-year session to those matters constitutionally germane to the second regular session. (see page 57)

14. Each regular joint standing committee should determine, by a two-thirds vote those measures it wishes to have carried over. The committee should further report those measures it wishes to carry over to the floor for debate and vote. (see page 58)

15. Standing committees should be permitted to consider carried-over bills during the interim between regular sessions. (see page 59)

16. Any bill carried over in committee must be reported out no later than the 15th day of December preceding the convening of the second session in January. (see page 59)

Committee Organization and Procedure

Standing committees are the principal vehicles by which the legislature performs its major task of law making. Only through the use of standing committees can the legislature hope to thoroughly deal with the thousands of separate pieces of legislation they must consider annually. Accordingly, in assessing committees, it can be said that, to the degree committees function effectively and efficiently, the legislature will similarly function effectively and efficiently. Conversely, a weak committee system usually means a weak legislature.

There are several positive characteristics of Maine's committee system which contribute to making it basically sound.

In the first instance, we consider the use of joint committees to be a distinct advantage over the more customary use of separate House and Senate standing committees.* Among the benefits of a joint committee structure are that it helps eliminate duplication of effort and it facilitates inter-house communication. Both of these attributes are apparent through Maine's joint committees.

Secondly, the Maine Legislature has been gradually moving toward providing full-time professional staff for all its joint standing committees. As we note in a later chapter, professional staff is considered by nearly all professional legislative organi-

*Maine is one of only three states in the nation that relies exclusively upon joint committee operations; the other two are Massachusetts and Connecticut.

zations and scholars of the legislative process to be the single greatest determinant affecting committee performance.

Thirdly, on the basis of analyzing the degree to which committees screen legislation, we again conclude that Maine's joint standing committees function well.

This final assessment is based on the fact that a positive correlation has been shown to exist between the ability and extent to which committees screen legislation and committee performance. Generally stated, in evaluating committee performance, the greater the extent of committee screening of legislation, the better the committee performs.**

In looking at how Maine's committees screen legislation, we focused our attention on the following considerations: 1) the ability of committees to amend legislation before them; 2) the extent to which committees exercise their amending authority; 3) the number of unfavorable committee reports issued by committees; and 4) the incidence of committee reports being overturned on the floor.

During the first regular session of the 108th legislature, approximately 1,890 separate pieces of legislation were considered by joint committees. Of this total, the following separate committee actions were taken:

** See Alan Rosenthal's "Legislative Performance in the States."

231	L.D.'s	received	"ought to pass" (OTP)
343	"	"	"ought to pass as amended" (OTP-AM)
112	"	"	"ought to pass - new draft" (OTP-ND)
413	"	"	"leave to withdraw" (LV/WD)***
15	"	"	"engrossed without reference" (ENG W/O REF)
372	"	"	"divided reports"
223	"	"	"ought not to pass" (ONTP)

What these statistics reveal is that Maine's committees, as a whole, play a major role in shaping legislation.

However, these favorable characteristics notwithstanding, our study has further revealed the presence of a number of weaknesses in the Maine joint standing committee structure, organization and procedures.

Our survey and our interviews revealed that legislators themselves are aware of the many weaknesses in the current standing committee system. (For a detailed examination of legislator responses to questions on committee performance and reorganization, see pages 7-9 of the survey questionnaire located in the appendix of this report.)

The ensuing pages shall deal with our recommendations for improving the performance of Maine's joint standing committees. Specifically, we shall propose the following: 1) committee consolidation; 2) establishment of committee jurisdictions; and 3) establishment of uniform rules of procedure to regulate committees both during the session and the interim.

*** "Leave to withdraw" is tantamount to an "ought not to pass" report.

Committee Consolidation

In an earlier report to the Maine Legislative Council we called for the reduction in the total number of joint standing committees from 22 to 19. While we felt at that time that even more committees could be eliminated, we regarded the elimination of three in particular as most appropriate. When we proposed this recommendation to the Legislative Council to consolidate committees, the reaction was that these committees could not be eliminated because of "political considerations."

We are well aware of the difficulties such a proposal causes legislative leaders. Committee chairmanships are generally regarded as valuable prizes in legislatures. In this regard, the remarks of the Illinois Commission* are quite appropriate:

"...some committees have continued to exist in order to provide a chairmanship - and thus the appearance of power, if not substance - for some members; a few committees exist in order to provide a sympathetic home or graveyard, as the case may be, for bills that affect especially potent private groups; other committees exist because they have always existed and nobody has thought to take the initiative to change things."

In our earlier report we recommended the elimination of the Energy Committee, the Human Resources Committee, and the Veterans & Retirement Committee. The rationale for eliminating these three

*Illinois Commission on the Organization of the General Assembly. Improving the State Legislature (Urbana, Ill.: University of Illinois Press, 1967), page 53.

committees in particular was based upon a consideration of the small workload considered by each, and upon the fact that a reduction in the total number of committees would permit a reduction in the total number of committee assignments for individual legislators. This rationale still applies today - even more so.

During the 1975 regular legislative session, these three committees - Energy, Human Resources, and Veterans & Retirement - considered a combined total of 85 bills and resolves. During the 1977 regular legislative session, these same three committees considered a combined total of only 73 bills and resolves. This amounts to less than 4% of the total volume of legislation considered this past session!

Because the reasons we cited for committee consolidation in 1976 continue to apply in 1977, as we have demonstrated here, we again strongly recommend that:

17. The number of regular joint standing committees be reduced from the present 22 to no more than 19.

18. The Energy Committee be abolished and its subject matter be transferred to the Natural Resources Committee hereinafter to be entitled the Committee on Energy & Natural Resources.

19. The Human Resources Committee be abolished and its subject matter be transferred to Health & Institutional Services Committee.

20. The Veterans & Retirement Committee be abolished and its subject matter be transferred to the Committee on State Government.

TABLE 6

LEGISLATOR ATTITUDES TOWARD REDUCING THE NUMBER OF COMMITTEE ASSIGNMENTS

<u>Attitude toward fewer committee assignments</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
Strongly favor fewer assignments	52	32	36	33	35
Somewhat favor fewer assignments	16	33	25	37	30
Oppose fewer assignments	18	27	27	26	26
No opinion	$\frac{14}{100\%}$	$\frac{8}{100\%}$	$\frac{12}{100\%}$	$\frac{4}{100\%}$	$\frac{9}{100\%}$

Reduction in Committee Assignments

Concerning the second objective of reducing the number of individual committee assignments, Table 6 reveals that over 60% of all legislators surveyed supported a reduction in the number of committee assignments per member.

Looking further at this table reveals that over one-half of all the Senators surveyed strongly favor a reduction in the total number of committee assignments.

Indeed that such an overwhelming percentage of Senators favor fewer committee assignments is fully understandable given the fact that a majority of Senators as Table 7 reveals continue to hold three or more committee assignments.

What is perhaps even more indicative of the over-burdened workload for Senators is the fact that thirteen Senate chairmen hold at least two additional committee posts and of that thirteen, three are chairman of more than one committee.

Accordingly, we now recommend that:

21. The Maine Legislature adopt a joint rule which limits Senate committee assignments to no more than three and precludes committee chairmen from serving on more than one additional committee. This rule, if implemented, should significantly ease the current burden of too many committee assignments per Senator.

TABLE 7

COMMITTEE ASSIGNMENTS IN THE MAINE SENATE - 108TH LEGISLATURE

<u>Number of committee assignments</u>	<u>No. of Senators</u>		<u>% of Senators</u>	
	1975	1977	1975	1977
1	2	2	6	6
2	6	8	19	26
3	14	13	42	42
4	9	7	27	23
5	2	1	$\frac{6}{100\%}$	$\frac{3}{100\%}$

Committee Jurisdictions

Insofar as is possible, all bills dealing with the same subject matter should be considered by the same committee. As the following table reveals, members of the Maine Legislature strongly concur with this statement.

TABLE 8

LEGISLATOR ATTITUDES TOWARD THE ESTABLISHMENT OF SUBJECT MATTER JURISDICTIONS

<u>Establishment of jurisdictions</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
Yes - subject matter jurisdictions should be established	53	66	58	72	64
No - current jurisdictions satisfactory	33	32	33	23	32
No opinion, undecided	$\frac{14}{100\%}$	$\frac{2}{100\%}$	$\frac{9}{100\%}$	$\frac{5}{100\%}$	$\frac{4}{100\%}$

In line with this objective of creating subject matter jurisdictions, we have attempted to define committee jurisdictions by grouping by title the subject matter generally considered by each regular joint standing committee over the past three legislative sessions.*

Joint Standing Committees. There shall be no more than 19 joint standing committees which shall be appointed as follows at the commencement of the session. To these committees shall be referred all bills, resolves, and other matters relating to the subjects listed below each committee name.

Agriculture

1. The Department of Agriculture, including quasi independent agencies within the Department.
2. Regulation and promotion of agricultural industry.
3. Agricultural extension, research, societies, and fairs.
4. Animal industry and animal welfare.
5. Plant industry including pesticides and pesticide control and soil conservation.

Business Legislation

1. Insurance generally and nonprofit hospital or medical service corporations (Titles 24 and 24 - A).

*It should be noted that the subject matter jurisdictions which appear here incorporate our previous recommendations for committee consolidation.

2. Maine Consumer Credit Code (Title 9 - A).
3. Financial institutions (Title 9 - B).
4. Uniform Commercial Code (Title 11).
5. Corporations and other business organizations (Titles 13 and 13 - A).
6. Professional and occupational licensing and regulatory boards,
other than health care professions (Title 32).
7. Other business and trade regulation and consumer protection.

Education

1. Education generally.
2. Schools and secondary education.
3. Colleges and universities, University of Maine.
4. Vocational Technical education.
5. School lunch program.
6. Special education.
7. Public school funding.
8. Teachers' employment.
9. School construction.
10. School administrative districts.

Election Laws

1. Federal, state and county elections (Title 21).
2. Confirmation review for certain appointed officers of the
executive branch.

Fisheries and Wildlife

1. Matters relating to the Department of Inland Fisheries and Wildlife (Title 12).

Health and Institutional Services

1. Measures relating to the administration of agencies, programs, and services supported by the Department of Human Services and the Department of Mental Health and Corrections.
2. Measures relating to health, including proposals in the following areas: (a) Personal Health (e.g., disease control, health services and programs, substance abuse, anatomical gifts, etc.); (b) Environmental Health (e.g., regulations about plumbing, water, mass gatherings, restaurants and hotels, lead poisoning, occupational health, etc.); (c) Occupations (e.g., licensing, registration, standards, etc.); Facilities and Agencies (e.g., licensing, standards, etc.); Controlled Substances (i.e., drugs).
3. Measures relating to mental health facilities, programs, services and occupations, including proposals which affect persons who are mentally ill or who are mentally retarded or otherwise developmentally disabled.
4. Measures relating to correctional facilities, programs and services for both juveniles and adults.
5. Measures relating to social services, including proposals in the following areas: (a) Protective and supportive programs and

services for adults; (b) Programs and services specifically for the elderly; (c) Rehabilitation programs and services; (d) Programs and services for children and youth (e.g., child abuse and neglect, substitute care, daycare and nursery schools, etc.); (e) Community-based residential and other programs and services (e.g., licensing, standards, etc.); (f) State and federal funds for service programs (e.g., priority Social Services Programs, Title XX, etc.).

6. Measures relating to assistance programs, including Aid to Families with Dependent Children, food stamps, general assistance, Supplemental Security Income, Medicaid.
7. Medicare and state administered medical assistance programs.

Judiciary

1. Courts and court procedure including judicial branch personnel.
2. Criminal law.
3. Probate and domestic relations.

Liquor Control

1. State administration.
2. Sale of alcoholic beverages.
3. Retail and wholesale establishments.
4. Taxation of liquor.

Labor

1. Workmen's compensation and Industrial Accident Commission.

2. Unemployment insurance program (includes tax and compensation).
3. Public and private sector collective bargaining and dispute resolution; includes fact finding, mediation, and arbitration (shares to a degree with State Government and Education Committees; State Government handles "The Personnel Law").
4. Compensation (including unpaid and minimum wages), hours, and conditions of labor.
5. Apprenticeship, union labels and trademarks, preference to Maine workers.
6. Workplace health and safety, including OSHA.
7. Other matters affecting labor unions.
8. Inspection functions of the Bureau of Labor.
9. Employment of children and women.
10. Organization, staffing, etc., of the Department of Manpower Affairs (shares with State Government).

Local and County Government

1. County government generally, including county budgets.
2. Municipal government generally.
3. Governmental organizations and functions of Village, Plantation and unorganized territory.
4. Confirmation review for certain appointed officers of executive branch.

Marine Resources

1. Marine resources generally.
2. Fishing and selling licenses for marine resources.

Energy and Natural Resources

1. Matters relating to the conservation and use of natural resources and energy.
2. Legislation to be implemented by the Department of Conservation.
3. Legislation to be implemented by the Department of Environmental Protection and the Board of Environmental Protection.
4. Matters relating to land use including planning and zoning.

Public Utilities

1. Public utilities generally, including: (a) Title 36; (b) Electric utilities; (c) Sewerage and waste districts; (d) Telephone and telegraph; (e) Sanitation districts; (f) Common carriers.
2. Matters relating to Public Utilities Commission.
3. Power generation.

State Government

1. Legislation affecting state employees, including "The Personnel Law" and excluding questions of classified salaries and retirement.
2. The Maine State Retirement System.
3. State services to veterans generally.
4. Measures relating to the Capitol building and all other buildings in the Capitol complex.

5. Measures pertaining to the creation and powers, organization, staffing, and management of two or more executive departments and/or independent agencies.
6. Constitutional amendments except those affecting areas within the jurisdiction of other committees (e.g., Election Laws, County Government).

Taxation

1. Taxes generally.
2. Property valuations.

Transportation

1. Highways and bridges, including maintenance and tolls.
2. Vehicular travel, including vehicles which use the roads, and planes and trains but not including common carrier problems regulated by the P.U.C.

Legal Affairs

1. Right to know.
2. Claims against the state.
3. Lobbyist regulation and ethics legislation.
4. Statutory changes affecting the legislature and constitutional officers.
5. Errors and Inconsistencies Bill excluding items handled in each committee as proposed.
6. Bankruptcy.

Appropriations and Financial Affairs

1. General appropriations bills.
2. Bond issues of state (highway, University).
3. All bills or joint resolutions carrying or requiring appropriations and favorably reported by any other committee, unless reference to said committee is dispensed with by a two-thirds vote of each house.

These subject matter jurisdictions have already proven their value as they have been extensively employed by the Clerk of the House and the Secretary of the Senate in suggesting committee references under the new referencing system we established in 1976. While they have proven valuable, however, these jurisdictions must be further refined in order to produce a more equalized workload for each committee.

Currently the five busiest committees - Business Legislation, Education, Judiciary, State Government and Taxation - consider nearly 40% of all the legislation introduced annually into the legislature. It should be possible for the Legislative Council to take the jurisdictions we have developed and reorganize them in such a fashion that a more equalized workload for all committees accrues.

Accordingly, we now recommend that:

22. The Legislative Council reorganize the committee subject matter jurisdictions we have developed so as to produce a more even distribution of legislation among all joint standing committees.

We realize that even if this recommendation is adopted, the five committees we have cited above will undoubtedly continue to be the busiest in the legislature. This fact notwithstanding, we believe that an appreciable percentage of these five committees' workloads can be shifted to other committees, thereby easing their burden somewhat.

Uniform Rules of Committee Procedure

Early in 1976 when we conducted our survey of legislative attitudes and perceptions concerning the Maine legislative process one of the questions we asked legislators was how they felt about the establishment of uniform rules of committee procedure. The responses, as noted on Table 9, indicated overwhelming support for the establishment of such uniform rules. In fact the percentage of individuals responding in the affirmative to this question was higher than that recorded for any other question in the entire survey.

TABLE 9

LEGISLATOR ATTITUDES TOWARD THE DEVELOPMENT OF UNIFORM RULES OF COMMITTEE PROCEDURE

<u>Attitudes toward uniform committee rules</u>	<u>By Chamber</u>		<u>By Party</u>		<u>Total</u>
	Senate	House	Democrat	Republican	
Favor	80	87	86	84	85
Oppose	0	10	7	11	9
No opinion	$\frac{20}{100\%}$	$\frac{3}{100\%}$	$\frac{7}{100\%}$	$\frac{5}{100\%}$	$\frac{6}{100\%}$

Currently there are no uniform rules of procedure regulating committee operations either during the session or the interim in the Maine Legislature. As a consequence of this, committee procedures differ markedly from one committee to the next.

The uniform rules of procedure we suggest below are designed to create uniformity among committees in areas relating to: chairman's duties; attendance requirements; scheduling procedures; reporting requirements both during the session and the interim; notice requirements both during the session and interim; quorum requirements; voting requirements and procedures; committee minutes and permanent committee records.

We believe that these uniform rules of procedure will significantly strengthen Maine's committees by making them more effective, efficient, accountable and informed.

Accordingly, we therefore recommend that:

23. The joint rules of the Maine Legislature be expanded by adding a new section entitled Uniform Rules of Committee Procedure, and that the following uniform rules be included in this new section:

24. J.R. 1 - Committee Chairmen; Duties

It shall be the duty of each committee chairman appointed pursuant to H.R. 1, S.R. 32 and J.R. 13 to:

- a) Preside at all scheduled meetings of the committee;
- b) Call the meetings to order at the time and place designated by the meeting notice;

c) A quorum being present, to cause the committee to proceed with its business in the proper order according to the agenda and to announce the business before the committee as it proceeds with such business;

d) Preserve order and decorum and to speak on points of order, in which case he shall have preference over other members;

e) Decide all points of order, subject to appeal to the committee;

f) Explain or clarify a rule of procedure upon request;

g) State, or direct the clerk to state, each motion as it is made;

h) Recognize members;

i) State and put to a vote all questions requiring a vote or upon which a vote is ordered and to announce the vote;

j) Appoint the chairmanship of all subcommittees and further to appoint the membership of all subcommittees;

k) Arrange for the posting and filing of committee notices;

l) Supervise and be responsible for the preparation of committee reports and supplements;

m) Prepare or supervise the preparation of the agenda for each committee meeting as required by these rules.

n) Have custody, during the legislative session, subject to state statutes, of all legislative documents and reports referred or submitted to committee.

25. J.R. 2 - Members; Duty to Attend Meetings; Attendance Record

It shall be the duty of committee members to attend and participate in all committee meetings. A record of the members present and the members absent at each committee meeting shall be maintained. The chairman shall be responsible for assuring that this record is maintained and he shall notify the Speaker and President of excessive absences.

26. J.R. 3 - Excessive Absences

Each committee chairman is authorized to request the Speaker and President to remove from committee membership any member of the committee whose absences from committee meetings are judged to be excessive in number.

27. J.R. 4 - Interim Committee Meeting Schedule

Within 30 calendar days following the adjournment of any regular legislative session an organizational meeting shall be held by each committee to which study orders or other legislative matters have been referred.

The purpose of this organizational meeting shall be to establish a schedule of regular meeting days for the committee during the interim and to further define the method by which the committee will deal with all matters placed before it.

28. J.R. 5 - Interim Committee Reporting Deadlines

During the interim between the first and second regular session

of the legislature all interim committees shall submit reports of their activities along with any requests for legislation to the Legislative Council for review no later than the 15th day of October preceding the convening of the second regular session.

29. J.R. 6 - Notice

Each committee clerk, at the direction of the chairman, shall cause notice of each committee meeting to be posted in the State House at least five days prior to the meeting date. Committee clerks shall further be responsible for transmitting such notice of committee meetings to members of the respective committee no later than seven days prior to the meeting date during any regular session, and no later than 14 days prior to the meeting during the interim. The committee clerk shall also be responsible for making such notices available to the news media, to the public, and to all lobbyists of record who have filed written request for such notice with the committee.

30. J.R. 7 - Working Sessions; Schedule

A working session shall be defined as a regular committee meeting where specific legislation before committee is reviewed and, where the review is completed, voted upon. The House and Senate chairmen of each committee shall establish a schedule for working session committee meetings provided that said schedule specify at least two regular working sessions during each week of the legislative session.

31. J. R. 8 - Working Sessions; Notice

Notice of all working sessions shall be given by (1) notification in the House and Senate calendars at least two days prior to said working session; and (2) notification by the respective House and Senate chairmen on the floor of the House and Senate.

32. J.R. 9 - Notice; Contents

Each meeting notice shall contain the following information: (1) the name of the committee chairman; (2) the time and place of the meeting; (3) the matters proposed for consideration; and (4) any other information which the committee deems pertinent.

33. J.R. 10 - Quorum Required to Transact Business

The presence of a quorum (a majority of each committee shall constitute a quorum to do business), shall be required for a committee to transact business and no official action shall be taken by a committee unless a quorum is present.

34. J.R. 11 - Vote Required for Committee Action; Members Disqualified

The approval of a majority of the quorum present shall be required for a committee to decide a question or to take official action on any matter; provided however, that a member excused or disqualified from voting on a question for reasons provided in these rules or Rules or Order of the House of Representatives or Senate shall not be counted for purposes of determining the number necessary for or for establishing a quorum to act on that question.

35. J.R. 12 - Roll Call; Record Votes Required

At each legislative committee meeting, final action on any bill or resolution shall be by roll call. All roll call votes shall be record votes and shall appear in the records of the committee as otherwise provided in these rules. In all record votes the names of the members voting for the motion, the names of the members voting against the motion, and the names of the members abstaining shall be recorded and such record of yeas and nays shall be attached to the bill and a copy thereof sent to the clerk of the appropriate house.

36. J.R. 13 - Committee Reports

The committee staff as provided by the Office of Legislative Assistants shall be responsible for preparing detailed committee reports on all major legislation, so defined by the chairmen, considered by each respective committee.

These committee reports shall include: (1) an up-to-date synopsis of a bill's contents; (2) the date and location of the committee meeting; (3) a list of individual committee members; (4) recorded roll call vote on final action; (5) all amendments agreed upon in committee and a summary explanation of the impact of each upon the bill; (6) notation of the position advocated by those individuals or groups who appeared at the bill's public hearing; and (7) any submitted written testimony.

37. J.R. 14 - Committee Assignments

No House member shall be permitted to serve on more than two committees and no Senator shall be permitted to serve on more than three committees. Further, all House and Senate chairmen shall be limited to service on only one committee other than that which they chair.

38. J.R. 15 - Subcommittee Appointments and Authority

The chairmen of each regular joint standing committee, in consultation with the presiding officer, may establish subcommittees and appoint members from the full committee thereof.

At the direction of the chairmen and with the concurrence of the presiding officer these subcommittees may be delegated responsibility for holding public hearings on bills and resolves, provided that all subcommittee action be subject to final approval by the full committee.

In addition to these uniform rules, we further recommend that:

39. Committee Scheduling

Joint committees be organized into three groups, the purpose of this division being to clarify and facilitate the committee scheduling process and thereby eliminate the incidence of conflicting committee meetings.

On the basis of the groupings we suggest below, the Legislative Council in consultation with the respective committee chairmen shall

establish a specific meeting time for each group. Additionally, it should be specified that no legislator can serve on more than one committee within each group.*

The groupings we suggest are as follows:

I

Business Legislation
Taxation
Transportation
Education
Judiciary
State Government
Appropriations and Financial Affairs

II

Health and Institutional Services
Election Laws
Local and County Government
Fisheries and Wildlife
Labor
Public Utilities

III

Agriculture
Legal Affairs
Marine Resources
Energy and Natural Resources
Liquor Control
Performance Audit

We have organized groups I, II and III roughly along lines of the volume of legislation considered. For instance, group I contains the busiest committees in the legislature. No legislator, accordingly, should be permitted to serve on more than one committee in group I.

*The committees contained in these groups represent the reduced number of 19 we recommended earlier.

Groups II and III are composed of committees with successively smaller legislative workloads.

An example of how this system might function is as follows:

The Speaker may appoint a House member to serve as chairman of the Taxation Committee. Said member, because he is a chairman, could serve on only one additional committee. An appointment to a committee in group III would seem most appropriate insofar as these committees are the least busy and thus would not severely impinge on the chairman's already considerable responsibilities.

During the session, committee scheduling could be set up so that group I committees would meet on Tuesday and Thursday at 10:00 a.m.; group II committees on Wednesday and Thursday at 1:00 p.m.; and group III committees on Wednesday at 9:00 a.m.

Summary of Recommendations for Strengthening the Maine Committee System

17. The number of regular joint standing committees be reduced from the present 22 to no more than 19. (see page 70)

18. The Energy Committee be abolished and its subject matter be transferred to the Natural Resources Committee hereinafter to be entitled the Committee on Energy & Natural Resources. (see page 70)

19. The Human Resources Committee be abolished and its subject matter be transferred to Health & Institutional Services Committee. (see page 7)

20. The Veterans & Retirement Committee be abolished and its subject matter be transferred to the Committee on State Government. (see page 70)
21. The Maine Legislature adopt a joint rule which limits Senate committee assignments to no more than three and precludes committee chairmen from serving on more than one additional committee. (see page 7)
22. The Legislative Council reorganize the committee subject matter jurisdictions we have developed so as to produce a more even distribution of legislation among all joint standing committees. (see page 83)
23. The joint rules of the Maine Legislature be expanded by adding a new section entitled Uniform Rules of Committee Procedure. (see page 86)
24. J.R. 1 - Committee Chairmen; Duties. (see page 86)
25. J.R. 2 - Members; Duty to Attend Meetings; Attendance Record. (see page 88)
26. J.R. 3 - Excessive Absences. (see page 88)
27. J.R. 4 - Interim Committee Meeting Schedule. (see page 88)
28. J.R. 5 - Interim Committee Reporting Deadlines. (see page 88)
29. J.R. 6 - Notice. (see page 89)
30. J.R. 7 - Working Sessions; Schedule. (see page 89)

31. J.R. 8 - Working Sessions; Notice. (see page 90)
32. J.R. 9 - Notice; Contents. (see page 90)
33. J.R. 10 - Quorum Required to Transact Business. (see page 90)
34. J.R. 11 - Vote Required for Committee Action; Members Disqualified. (see page 90)
35. J.R. 12 - Roll Call; Record Votes Required. (see page 91)
36. J.R. 13 - Committee Reports. (see page 91)
37. J.R. 14 - Committee Assignments. (see page 92)
38. J.R. 15 - Subcommittee Appointments and Authority. (see page 92)
39. Committee Scheduling. (see page 92)

Legislative Staffing

There are six principal staffing agencies or groups serving the Maine Legislature: (1) The Office of Legislative Staff Assistants; (2) The Office of Legislative Research; (3) The Office of Legislative Finance; (4) The Law and Legislative Reference Library; (5) Partisan Legislative Staff; and (6) The Committee Clerks. In this section we shall explore the roles of each of these legislative staffing agencies or groups in the context of how well they perform their designated roles and, more importantly, in the context of what can be done to improve their performance. Additionally, inherent in this ensuing discussion will be an analysis of both the legislative and administrative roles of Legislative Council.

In conducting our analysis of each staffing agency or group and in formulating our subsequent recommendations, we have been guided by the firm belief that legislative staff constitutes a major resource for the state legislature. With the proper structuring and application of legislative staff we further believe that this major resource can be a source of continuing improvement in nearly all aspects of legislative performance.

Legislators in Maine are very much aware of the need for more staff assistance as their response to our survey demonstrates. The actual areas in which legislators would like to see more staff are shown in Tables 10 and 11. Table 12 indicates how Maine legislators

feel such staff should be used. Referring to Table 10, in the case of professional staffing, 57% of those responding assigned a high priority to increasing standing committee staff; only slightly less, 55%, assigned a high priority to increasing staff support for the Office of Legislative Research. With respect to the Office of Legislative Finance and Legislative Leaders, in each instance over one-third of all respondents assigned high priority to increased staff support.

TABLE 10

ATTITUDES OF LEGISLATORS REGARDING PROFESSIONAL STAFF NEEDS

<u>Additional professional staff should be assigned to:</u>	<u>High Priority</u>	<u>Medium Priority</u>	<u>Low Priority</u>
Legislative Leaders	35%	34%	31%
Standing Committees	57%	28%	15%
Individual Legislators	18%	23%	59%
Groups of 2 to 5 Legislators	26%	28%	45%
Office of Senate Secretary	12%	27%	65%
Office of House Clerk	12%	31%	56%
Office of Legislative Council	18%	34%	49%
Office of Legislative Finance Officer	34%	38%	28%
Office of Legislative Research	55%	31%	14%

Turning to Table 11, in terms of secretarial assistance, 48% assigned a high priority to providing a secretary for each standing committee. In addition to this, 27% felt that high priority should be given to enlarging existing secretarial pools.

TABLE 11

ATTITUDES OF LEGISLATORS REGARDING SECRETARIAL STAFF NEEDS

<u>Additional secretarial staff should be assigned to:</u>	<u>High Priority</u>	<u>Medium Priority</u>	<u>Low Priority</u>
Each Standing Committee	48%	33%	19%
Each Legislator	2%	8%	90%
Groups of 2 to 5 Legislators	13%	31%	55%
The Existing Secretarial Pool	27%	41%	32%

Finally, in Table 12 Maine legislators were given the opportunity to refine their previous expressions for staff support by indicating the precise task areas in which they would like to see such support increased. A comparison of the responses in Table 12 to those given in Table 10 reveals a close correlation between task areas and agencies or groups assigned to perform specific tasks.

TABLE 12

ATTITUDES OF LEGISLATORS REGARDING THE USE OF PROFESSIONAL STAFF

<u>Tasks for which staff assistance necessary</u>	<u>Much More Assistance Needed</u>	<u>Some More Assistance Needed</u>	<u>No More Assistance Needed</u>
Drafting and summarizing bills	28%	56%	14%
In-depth research on state problems	53%	33%	14%
Analyzing budget and appropriation requests	57%	33%	10%
Conducting post audits and review of executive agency performance	47%	37%	16%
Helping respond to constituent requests	19%	42%	39%
Analyzing bills and drafting committee reports	29%	45%	25%

The preceding three tables clearly demonstrate that Maine legislators are strongly committed to increased staff support in specific task areas and within specific agencies or groups. As our analysis of each of these agencies or groups will show, we generally support the positions of most legislators who feel that increased staff support is necessary in certain areas. However, in addition to this, our recommendations will also call for a redressing of the organization, orientation, and use of certain types of legislative staff.

The Office of Legislative Staff Assistants

The Office of Legislative Staff Assistants was created in 1973 to provide full-time professional staff support to Maine's regular joint standing committees. As such, the Office of Legislative Staff Assistants occupies a central position in the Maine legislative process. During each legislative session, the legislative assistants are primarily responsible for handling all bills assigned to those committees which they staff. This responsibility entails researching and analyzing bills, attending and assisting in the organization of committee meetings, and drafting committee amendments and new drafts. During the interim between legislative sessions, the primary duties of the legislative assistants relate to conducting in-depth research on state problems within each particular committee's jurisdiction. The specific areas in which such research is conducted in the interim are defined by the legislature in the form of joint study orders.

(At a later point we shall present a number of recommendations calling for a restructuring of the manner in which study orders are acted upon by the legislature, and the manner in which they are implemented during the interim.)

In all of these assigned tasks the Office of Legislative Assistants does an exemplary job. In the course of interviews with Maine legislators, the comments pertaining to the Office of Legislative Assistants were uniformly favorable. As one legislator remarked, "When we first created the Office of Legislative Assistants, I opposed it because I honestly felt we didn't need all that staff at such an expense. Now, having worked with them in committee, I can't see how we could carry out all our (legislator) responsibilities without them."

Having studied the organization and operation of this staffing agency, we conclude that while it does perform quite well, there are a number of structural and procedural changes which, if implemented, would considerably improve the effectiveness of this office.

Because the activities of the legislative assistants impact so directly and significantly upon committee performance, we addressed ourselves to developing our proposals for this office and working toward their implementation early in this program. Our objective, as in other selected areas, was to not simply develop recommendations

but also to work toward the implementation of those recommendations we felt were necessary in order to deal with a pressing and significant problem.

Specifically, after reviewing the operation of the legislative assistants we immediately recommended that:

40. All joint standing committees, excluding the Appropriations and Financial Affairs Committee, should be staffed by the central Office of Legislative Staff Assistants.

We noted that prior to the convening of the 108th legislature the Office of Legislative Staff Assistants staffed all regular joint standing committees except Legal Affairs and Judiciary (Appropriations and Financial Affairs is staffed by the Office of Legislative Finance). Both of these committees in the past hired their own temporary (i.e., sessional) staff. While most of these sessional staff employees had reputations of being capable committee staffers, our feeling nonetheless was that this practice of hiring outside staff support for regular committees should be terminated effective immediately.

The hiring of part-time employees to serve two of the major joint standing committees of the legislature undermines the entire concept of centralized and professional full-time committee staff as embodied in the Office of Legislative Staff Assistants. Most significantly, this practice detracts from the ability of the legislature to develop a continuity of information and expertise in the substantive areas considered by these two committees. This lack of continuity manifests

itself most clearly in the interim period between legislative sessions. Unlike all other committees where staff is provided by either the legislative assistants or the Office of Legislative Finance on a year-round basis, the Judiciary and Legal Affairs Committees do not have the staff capability to conduct extensive, in-depth interim studies of past enacted programs and future legislative proposals. This inability to properly conduct interim studies is particularly significant when considered in light of the wide range of complex subjects germane to each of these committees.

In addition to these reasons, the nature of these sessional committee staff employees should be considered. First, because they are recruited through the respective committee chairmen, they feel at best only a partial responsibility to the legislature. Second, because they are part-time legislative employees they must have other jobs which provide their main source of income. Thus, their legislative work can only be viewed as "moonlighting," useful in supplementing their basic income. Clearly, the staffing needs of the Maine Legislature require a greater commitment than this.

On the basis of this recommendation, the Legislative Council moved to stop the practice of hiring "outside" sessional staff. We regard this as both a significant reaffirmation of the importance of the Office of Legislative Staff Assistants and a marked improvement in the overall performance of these two committees - Judiciary and

Legal Affairs.

Our next recommendation to the Legislative Council concerning the Office of Legislative Staff Assistants related to the level of staff support provided by this office. We noted that in 1976, the legislative assistants provided support to 19 of Maine's 22 joint standing committees. This staff support was provided with a complement of only eight full-time professionals. Even if our recommendation calling for a reduction in the total number of committees from 22 to 19 is adopted, it remains that the staff will still be extended to their limit in attempting to provide the necessary support to each regular committee. Moreover, because the duties and responsibilities of the Maine Legislature are ever expanding, the legislature must continually upgrade its resource capabilities, particularly in the area of professional staff.

In accordance with this we therefore recommend that:

41. The number of full-time professional staffers in the Office of Legislative Assistants be increased by no less than two in the 1977-1978 legislative biennium.

The rationale underlying recommendation #41 is that with more professional staff the Office of Legislative Assistants will be in a position to not only more effectively and efficiently perform its existing functions, but will also be in a position to assume new responsibilities - responsibilities we feel are critical to improving

the performance of the legislature. Specifically, with increased staff support the Office of Legislative Assistants will be able to initiate more comprehensive committee reporting during the legislative session and certain oversight functions of the various state agencies within each committee's jurisdiction during the interim between sessions.

In response to this proposal that two additional staffers be hired in the Office of Legislative Assistants, the Council moved to permit the hiring of one full-time staffer immediately at the outset of the 1977 session with one additional staffer to be hired at the end of the session.

Because no action has yet been taken to fill the second position, we now recommend that:

42. The Legislative Council authorize the hiring of one additional full-time staffer in the Office of Legislative Assistants prior to the convening of the second regular session of the biennium.

Our next series of recommendations concerning the Legislative Council, although offered at the same time as the previous recommendations, did not require the same immediate attention. This notwithstanding, we feel that these proposals should be implemented at the earliest possible date in order to further improve the capability of this office to serve the Maine Legislature.

Specifically, our next recommendation is that:

43. The legislative assistants be charged with the responsibility of preparing detailed committee reports. Inclusive within these reports should be: a) an up-to-date synopsis of a bill's contents; b) the date and location of the committee meeting; c) a list of individual committee members in attendance; d) recorded vote on final action; e) all amendments agreed upon in committee and an explanation summary of each; f) a list of individuals or groups who indicated a pro or con stance on the bill as introduced; and g) any submitted written testimony.

Currently, a committee report is nothing more than simply a statement of what action a committee has taken on a particular legislative proposal.

In a 1974 survey of 34 states, nearly every state indicated that it submitted a separate report on each bill. Among those states responding to the survey, Hawaii, Indiana, Wisconsin and Florida were found to have the most comprehensive reporting systems. The major reason why committee bill reports should be comprehensive is best exemplified in a report to the Arkansas Legislature:

"If committee reports do not explain why the committee is recommending what it is, then their responsibility of preparing the full chamber to deal with legislation is being neglected."*

*Ralph Craft, Improving the Arkansas Legislature. Eagleton Institute of Politics (Rutgers University Press: 1972).

If the Maine Legislature adopts this committee reporting structure, we recommend that these committee reports be included in the bill jacket. In this manner each legislator will have an at-hand data bank on each legislative measure that comes before him on the floor.

Recommending a comprehensive bill reporting system is not an idea merely to create more paper distribution or to make additional work for legislative staffs. Its benefits are numerous and include, but are not limited to, the following:

- 1) It will give legislators an objective, neutral, informational tool summarizing exactly what occurred in a standing meeting; it should lend itself to strengthening the quality of the decision-making process;
- 2) It will serve as a useful informational tool for the public;
- 3) It will help executive agencies and the courts to comprehend precisely what the Legislature's intent on a particular bill was;
- 4) It will assist legislators in doing their "homework" for floor debate;
- 5) It will serve as a handy reference to review votes and rationale for the legislature while serving as a quasi-historical source for the public.
- 6) It will enhance the Office of Legislative Staff Assistants' records on legislation.

We believe that the feasibility of successfully initiating such a comprehensive reporting system depends largely upon increasing the staff complement in the Office of Legislative Assistants in the manner we have suggested above. There is, however, another significant factor which will impact upon the feasibility of this proposal - The Committee Clerks.

The Committee Clerks constitute an added potential resource which, with proper direction, can be effectively utilized in preparing much of the information that will go into these reports. In order to realize the full potential of the Committee Clerks however, it is necessary that a greater degree of coordination of effort be established between the Clerks and the Office of Legislative Assistants. Recognizing this, we therefore recommend that:

44. The director of the Office of Legislative Assistants be given management and supervisory responsibility for the committee clerks.

At present, the Committee Clerks are individually hired by the committee chairmen and in many instances their positions are filled on the basis of partisan loyalty to member(s) of the committee. While a number of Clerks have distinguished themselves as being capable clerical staffers for committees, it remains that a number of them have failed to provide the type of assistance required by the committee. In large measure the unevenness of their performance is due to the nature of their part-time positions and the manner in which they are hired. By tying the Committee Clerks into the

centralized professional staffing office, it will be possible to establish a coordinated committee staffing approach which will enhance the performance of the Legislative Assistants, the Committee Clerks, and the committees they serve.

By initiating the measures we have suggested above, it will be possible to enhance the effectiveness of interim period activities as well as seasonal committee activities.

Increased staff will provide the Legislative Assistants the opportunity to devote more attention to the oversight of agencies within the committee's jurisdiction during the interim period. In this area the staff should build files on the various state agencies, visit the agencies to learn how they operate and what programs they are responsible for, develop closer contact with the Office of Legislative Finance on those matters related to agency financial affairs, and establish contact with those legislative auditors in the Department of Audit who have conducted audits of the various state agencies. In addition to this, staff should be aware of any new legislation that agencies plan to request, as well as what plans the Governor has for the agencies. Accordingly we now recommend that:

45. During the interim the Office of Legislative Assistants be charged with the responsibility of overseeing the specific activities of those executive agencies, departments and commissions within each committee's jurisdiction.

In line with these specific tasks associated with legislative oversight, the Legislative Assistants should further be required to report their findings to the legislature on a certain date prior to the convening of the regular session. Moreover, the legislature should assume responsibility for directing the activities of the Legislative Assistants by determining which agencies should be audited.

Our next recommendation pertaining to the Office of Legislative Assistants relates to the title of this committee staffing agency. We believe the name, Office of Legislative Staff Assistants, is both vague and misleading and accordingly we recommend that:

46. The name, Office of Legislative Staff Assistants, be changed to Office of Legislative Policy Research.

The name, Office of Legislative Policy Research, more clearly denotes the principal function of the office than does the name Office of Legislative Staff Assistants. While a name change such as we are suggesting here may appear to be a matter of little consequence, we believe that the impact of this change, on both legislators and staff as well as on the public, is sufficient justification for it.

Our final recommendation with respect to the Office of Legislative Staff Assistants pertains to physical facilities. In order to alleviate the present cramped quarters of the Legislative Assistants, we recommend that:

47. The Legislative Council direct the Legislative Administrative Director to take steps to increase the amount of office space available to the Legislative Assistants by adding Room 425 to the present assistants' office complex.

We recognize that office space is at a minimum in the State House Building, however, we do believe that suitable office space can be provided to the assistants with minimal disruption of other offices. Specifically, Room 425, which is contiguous to the Legislative Assistants' office, can be easily utilized as additional staff office space. Currently Room 425 is being used as a press office. Because there are a number of press offices on the fourth floor, it should be possible to combine the press in Room 425 with the press in one of the other offices.

The Office of Legislative Research

The Office of Legislative Research was established in 1947 for the express purpose of providing professional staff assistance to the legislature in areas of bill drafting, statutory revision, and preparation for printing and indexing of the session laws. In each of these areas the duties and responsibilities of this office have expanded markedly since its creation some thirty years ago.

During and immediately prior to the formal convening of a legislative session, the office is almost exclusively involved with drafting legislation and amendments to legislation. During the

regular session of the 107th legislature, the Office of Legislative Research drafted a total of 2,394 bills and resolves, of which 1,948 were introduced. In addition, the office drafted 1,566 amendments to bills of which 1,245 were introduced and further drafted 333 orders and 46 resolutions.*

Associated with this bill drafting function, the office is also responsible for preparing and affixing to each bill a statement of fact. This statement of fact which outlines the salient characteristics and purpose of each bill, requires that the office conduct a limited amount of research on nearly every bill it drafts.

In 1975 the office assumed further responsibilities as a new Office of Legislative Information and a new position of Legislative Indexer were created and placed under its jurisdiction. In a subsequent section of this report both of these relatively new legislative resources will be considered in detail. For our present purposes it will suffice to simply note that the creation and placement of these resources under the jurisdiction of Legislative Research represents an additional responsibility and function of this office.

* Maine State Government, Annual Report 1974-1975, ed. Carl T. Silsby (Augusta, Maine, 1975), p. 50.

During the interim between legislative sessions the office becomes primarily involved with publishing the newly enacted statutes and revising the master setup of the Maine Statutes. In addition to these activities the office is responsible for drafting any pre-filed measures as well as any proposed legislation originating out of interim study. Finally, the Office of Legislative Research holds a number of supportive roles, chief among them being staff to the Legislative Council.

Because it is responsible for these and a number of other activities, and because many of its most significant activities occur during the opening weeks of the legislative session, the Office of Legislative Research holds a pivotal position in the Maine legislative process. It is, by virtue of its primary bill drafting responsibility, a major determinant of how the legislature will utilize its available time.

In assessing the performance of this office, particular attention has been paid to its ability to carry out its bill drafting and associated responsibilities in a timely fashion. This responsibility, in turn, has been considered from the perspective of the customary volume of legislation the office must prepare and the staff resources the office can bring to bear on this volume. Additionally, in formulating our recommendations here we have been concerned with the ability of this office to satisfy the future and more demanding needs of the legislature.

As was the case with the Office of Legislative Assistants, we addressed ourselves to developing specific proposals for the Office of Legislative Research early in this program. Most particularly, given the volume of legislation which this office is customarily called upon to draft, and given the wide range of duties and responsibilities assigned to this office, we concluded that the two-man professional bill drafting staff was not nearly large enough to fully satisfy the needs of the legislature. Indeed, we noted that was only because of the high individual abilities and dedication of this two-man bill drafting staff that the office has been able to provide the basic drafting services to the legislature.

Referring back to Table 10, fully 86% of all legislators responding indicated that the Office of Legislative Research should receive either high or medium priority with respect to increasing its professional staff complement. We concurred wholeheartedly with this sentiment and accordingly recommended to the Council that:

48. The Legislative Council authorize the Director of Legislative Research to hire two additional full-time professional bill drafters.

Our reasons for this recommendation were:

- 1) Earlier and firmer deadlines for introduction of bills being processed in the Legislative Research Office. This constitutes one of the most important reasons for increasing the current bill drafting staff. In the past two

regular and special sessions of the legislature, the original deadline for the introduction of bills being processed by Legislative Research has never been adhered to. The effect of this failure (i.e., the failure to use available legislative time efficiently) upon the legislative process has become only apparent as the legislature has repeatedly found itself running out of time at the end of the session.

A number of remedial procedures such as: pre-session organization; greater use of pre-filing; and extended committee periods during the opening weeks of the session; have already been cited as methods of improving the legislature's use of available time. Our concern at this juncture is with insuring that these recommended procedures, if implemented, will achieve the results the legislature desires. To do this the legislature must now recognize that no staffing agency in the legislature will have a greater impact on, nor be more affected by these procedures than will the Office of Legislative Research. In every instance - with pre-filing, pre-session organization and extended committee periods, much of the responsibility

for making these recommended procedures work will fall squarely upon the staff in this office.

A modest staff increase will enable the office to far more effectively and efficiently meet its present duties and responsibilities within the deadlines set by the legislature. Moreover, only with such a staff increase in this office will the legislature be able to realize the full benefit of those other recommendations suggested above. In short, if the Maine Legislature desires to reduce end-of-session logjams; permit more thorough review of legislation before final action; and finish its work either on time or possibly before the final deadline for adjournment; it must make a commitment to improving the staff resource capability of this office.*

* An interesting comparison in bill drafting staffs can be made between the Maine Office of Legislative Research and the N.H. Office of Legislative Services. The N.H. Legislature, which is limited to 90 legislative days and must meet for all these days in the first year of the biennium, has a bill drafting complement of six full-time attorneys. On the average the N.H. Legislature considers 1,500 pieces of legislation. Rarely are deadlines ever extended in N.H. Also, the N.H. experience with end-of-session logjams has been far less severe than Maine's.

- 2) A second benefit of increased staff support in this office will be improved statements of fact. Currently, as has been noted, in addition to their bill drafting duties, the staff in the Office of Legislative Research must also affix to each bill a brief, concise summary of what the bill is intended to do. These summaries, or statements of fact, are valuable and useful informational tools and as such their preparation by this office should continue.

In order to maximize the potential of these summaries however, it is necessary to provide the Office of Legislative Research with additional staff support. Now, with only two full-time professionals in the office, this responsibility constitutes an added burden. Furthermore, because the staff in the office correctly view their primary duty as being bill drafting, it logically follows that the careful preparation of statements of fact must be relegated to a lesser priority. While this situation is inevitable under the present conditions it nonetheless remains that the absence of carefully developed statements of fact robs the legislature of a useful and impartial informational tool.

- 3) Still a third benefit of increased staff support in Legislative Research will be more thorough review of legislation being reported out of this office. Under the current limited

staffing system there is practically no opportunity for careful review of legislation prior to it being reported out. Furthermore, because the Director of Legislative Research is one-half of the entire bill drafting staff, there is little opportunity for him to exercise his administrative and supervisory roles. The immediate consequences of this situation are twofold: first, certain technical errors in the language of drafted legislation may be overlooked only to resurface and cause delay at a later stage in the legislative process; and second, duplicate legislation or perhaps legislation which is unconstitutional may be drafted and reported out to the legislature.

The inability of the Director to exercise his administrative and supervisory roles due to the fact that he must draft legislation full-time, has certain long term consequences for the office and the legislature as well. Most notably, because the Director must be so involved with drafting legislation, he can have little opportunity for other matters such as developing new techniques to improve the effectiveness of his staff. In effect, by restricting his role, the legislature is denying itself and the Office of Legislative Research the full potential of its Director.

- 4) A fourth benefit accruing from increased staff support in this office will be realized in a more productive interim period. Specifically, added staff will enable the Office of Legislative Research to revise the entire Maine Revised Statutes - an objective which the office itself had set forth in the 1974 - 1975 Annual Report. In addition to this comprehensive statutory revision, the office will be in a stronger position to handle any increases in bill drafting brought about by strengthened pre-filing procedures and interim committee studies.

One final point on this recommendation for increased staff support. A staffing system has been worked out whereby the Office of Legislative Staff Assistants provides the Office of Legislative Research with staff support for bill drafting in the opening weeks of the session. This stop-gap measure is no solution to the problem. Rather, it merely serves to further point out the need for increased staff support in the Office of Legislative Research. More importantly, as this legislature now moves into an annual session format with all its expected consequences such as increased legislative volume and shorter and more significant interim periods; the need for increased staff support from both offices will become heightened. Accordingly, the legislature should discount this stop-gap procedure as a viable alternative to increased staff support for the Office of Legislative Research.

In response to the recommendation for increased staff support, the Legislative Council approved the hiring of one additional full-

time staffer in the Office of Legislative Research immediately preceding the convening of the first regular session of the 108th. The Council further authorized the hiring of a second staffer at the close of the first regular session.

Because we continue to feel the additional staff position is necessary, we now recommend that:

49. The Legislative Council authorize the hiring of one additional full-time staffer in the Office of Legislative Research prior to the convening of the second regular session.

Our next recommendation pertaining to the Office of Legislative Research relates to the office's name. Specifically, as was the case with the Office of Legislative Staff Assistants, the Office of Legislative Research does not adequately connote the principal duties of this office. To rectify this situation, we therefore recommend that:

50. The name, Office of Legislative Research, be changed to Office of Revisor of Statutes.

Not only does the name, Office of Revisor of Statutes, more clearly define the principal duties of this office, but it also is consistent with the name originally given to this office by the legislature. In 1947 this original name, Office of Revisor of Statutes, was changed so as to more clearly reflect the new administrative structure brought about by the creation of a new legislative committee entitled the Legislative Research Committee.

In 1973 this Legislative Research Committee was supplanted by the present Legislative Council. Additionally, in 1973 the administrative role was removed from the Office of Legislative Research and vested in a new legislative administrative director position. This change, however, did not precipitate a concomitant change in the name, Office of Legislative Research. What we are suggesting now is that appropriate name change.

The Legislative Council

As the principal joint administrative management committee, the Legislative Council occupies a crucial position in the operation of the Maine Legislature. Yet, to this date, some four years following its establishment, the Council has failed to exercise its full potential in this essential administrative management role. To wit, while it has performed certain house-keeping functions satisfactorily, it remains that in areas such as legislative staff coordination and the oversight of the legislative process, the Council has not provided the legislature with the effective leadership it is potentially capable of.

We believe the specific weaknesses in the Council we address below can, if not dealt with, lead to a gradual erosion in the Council's effectiveness to a point where it becomes a mere titular management committee. This possibility should be cause for concern by the Maine Legislature. For, given the ever increasing complexity of Maine's state government, and the concomitant growth

in legislative activity, such an erosion of the Council form of legislative management would be a decisive step backward in legislative improvement.

The fundamental problem with the Legislative Council is that it has failed to clearly define and establish its role in the Maine legislative process. As our interviews and observations have revealed, there is a substantial diversion of opinion among both legislators and legislative staff agencies as to what precisely is the role of the Legislative Council.

This absence of a general consensus as to the role of the Council has prompted us to ask, "How can the Council function effectively as manager and administrator of the entire legislative operation, when it itself is not clear as to what its role is?" Furthermore, "How can the Council provide effective leadership for the legislature when its very function appears to be held in question by many segments of the legislative community?" The answer to these questions, of course, is that the Council cannot function effectively without a clear comprehension of its role.

This fundamental weakness in the Council appears to have had its origin in the manner by which joint management was developed in the Maine Legislature. Quite literally, the entire joint management apparatus was abruptly thrust upon the Maine Legislature in 1973. There appears to have been remarkably little pre-planning or discussion and debate of

the actual design or need for joint management preceding its appearance in 1973. Accordingly, because the clear need for joint management was neither sufficiently documented nor adequately debated in the open forum of the legislature, the consequent joint management apparatus which emerged lacked, from the outset, the broad foundation of legislative support so essential to the success of such a major effort.

We are fully convinced that the original concepts embodied in the Maine Legislative Council are sound and that joint management is necessary for the effective operation of the Maine legislature. We are also equally convinced that a renewed effort must be made by the present Legislative Council to define its role as administrator and manager of the legislature. This entails taking appropriate steps to correct specific internal weaknesses in the Council which we identify below.

Before considering further the substantive results of our analysis of the Legislative Council, it is necessary that we first consider the methodology by which this analysis was conducted. In studying the Maine Legislative Council, we relied on information developed from three complementary perspectives:

- (1) Interviews with legislators and legislative staff agency personnel;
- (2) On-site observation and participation in the actual operation of the Legislative Council; and
- (3) Comparison of the Maine Legislative Council with similar joint legislative management structures in New Hampshire and Connecticut.

It was through our interviews with legislators and legislative staff, conducted in both the 107th and 108th legislatures, that we discovered the presence of considerable controversy surrounding the need for and effectiveness of the present Legislative Council. The remarks of one former Council member typify the attitude of many of the legislators we spoke with:

"I think this Council is a waste of time. All too often we sit there trying to make decisions on matters we are only half informed about. Sometimes I have to vote on a question that I have been aware of for only a few minutes.....the presiding officers could do a better job."

And from a staff perspective came this equally negative assessment of the Legislative Council:

"The legislature was being run as well, if not better, before the advent of the Legislative Council...the fact of the matter is, we were never consulted nor brought into the discussion when they were contemplating this change."

It is likely that some of these negative evaluations are at least in part a reaction to the abrupt change in the status quo occasioned by the appearance of the Council structure. This notwithstanding, the fact remains that these perceptions do continue to exist - four years following the Council's creation.

We place a great deal of significance on these legislator/staff perceptions. For, to the degree that this low esteem for the Council does continue to exist amongst the legislative

community, the Council's own effectiveness will be adversely affected.

Our own on-site observation and participation in the Council operation, has served to further document the specific strengths and weaknesses we will note in succeeding pages. Finally, our comparative analysis of the Maine Council with the New Hampshire and Connecticut joint management committees has given us valuable insight into how other similar committee structures have dealt with the complex questions of how best to manage and administer the legislative operation.

Findings

Our analysis of the Maine Legislative Council from these three perspectives revealed several positive as well as negative qualities. Among the positive qualities we associate with the Maine Legislative Council is a strong undercurrent of support amongst the Council members for reform and strengthening of the Council structure. The significance of this fact is that it implies that the Council is amenable to improving itself. Furthermore, this evidenced commitment to the Council form of joint management will have a positive influence upon the future course of legislative improvement in Maine. For, as we have already stated, the Legislative Council is and will increasingly continue to occupy an essential position in the administration and management of the legislature.

Two additional positive characteristics of the Maine Legislative Council relate to its actual composition and the legislative staff personnel associated with it. The ten-member Council embracing all majority and minority leadership in both houses, including in particular, assistant leaders from both parties in both houses, makes the Council a truly representative body. Although diverging opinions on the Council over specific issues occasionally result in stalemates and long debate, the advantages to the legislature of having such broad representation on this management committee far outweigh these and any other possible disadvantages. Furthermore, by including the assistant leaders on the Council, the legislature is providing excellent training in the management of the legislative operation for individuals who at a later date are likely to ascend to top leadership positions, as often happens in the Maine Legislature.

Complementing the representative composition of the Council is the high caliber of legislative and staff personnel who serve it. There is no deficiency of talent among those who staff the Maine Legislative Council. Rather, what is lacking is a clear sense of direction and organization of this talent in a manner which brings it to bear on the legislative process in the most effective and efficient way.

In addition to these several significant positive aspects of the Maine Legislative Council, we have taken notice of several

specific weaknesses in the present Council structure which must be redressed if the Legislative Council is to succeed in the future.

In the first instance, the Legislative Council must strengthen its role of overseeing the legislative process. One of the principal duties envisioned in the joint management concept is that of oversight of the legislative process. In order to best determine what administrative steps should be taken in running the legislature, the Council must have a clear picture of precisely what activities are being performed by whom, when and how. This essential information is not regularly available to the Council in any standardized format.

Only when crises situations emerge or when specific issues require redress will the Council endeavor to answer those questions associated with its oversight role. This reactionary approach to legislative oversight is, however, by definition, no substitute for the careful, organized, and regular review of the legislative process necessary to insure sound administration and management.

A second weakness in the present Council structure relates to its poor planning capability. As noted above, many of the actions taken by the Legislative Council are of a reactive nature. As situations arise the Council deals with them. This type of operational mode implies that little consideration is given to assessing future legislative needs and even less effort is made to deal with perceived future needs now before they assume a critical nature.

Again, implicit in the role of joint legislative management is the ability to plan for future legislative needs and, where appropriate, deal with these future needs before they become critical. At this point in time, the Maine Legislative Council has yet to develop such a systemized approach for planning.

Still a third weakness in the present Council structure is the absence of effective procedures to regulate Council deliberations. While the Council does have formal procedures to follow, they are neither consistently adhered to nor are they complete. An example of this lack of sufficient internal organization are the Council's agendas. Rarely do these agendas do more than simply outline the general topics of discussion for the periodic Council meetings.

Without more defined organization, Legislative Council meetings often end up with a great deal of time being devoted to relatively inconsequential matters and too little time being devoted to matters of considerably more import. As one Legislative Council member aptly remarked, "How can the Council manage the entire legislature when it can't even manage itself?"

Still a fourth weakness in the Council lies in its relationship to its administrative arm - the Legislative Administrative Director's Office. The effectiveness of the Council as manager and administrator of the legislature is closely intertwined with its Legislative Management Director. To the extent that the Council specifies what duties it wishes the Office of the Legislative Administrative Director to

perform and generally how it wishes these duties to be performed, then to that degree the Office of the Legislative Administrative Director will be effective in meeting its responsibilities. Conversely, if the Council fails to adequately specify such duties of the Office of the Legislative Administrative Director and how generally they are to be met, then to that degree the effectiveness of this office will be diminished.

Recommendations

Having now identified what we believe are the principal weaknesses in the Maine Legislative Council we now offer thirteen specific recommendations designed to correct these weaknesses.

To improve the Legislative Council's ability to oversee the legislative operation, we recommend that:

51. Detailed monthly reports be prepared in the Office of the Legislative Administrative Director and be presented to the Legislative Council. Among the information provided in these reports should be:

(a) Budgetary review of all legislative accounts including all budgets for the operation of legislative committees, legislative service agencies, including the offices of the Senate Secretary and House Clerk, both during the session and interim period between sessions;

(b) Scrutiny of standing committee workloads with analysis of the flow of legislation through committees (committee tracking system - see appendix);

(c) Supervision of all professional staff agencies with a detailed

account of what functions are being performed by whom and how well these functions are being performed; and

(d) Any recommendations for improving the legislative operation or correcting specific deficiencies in the legislative operation.

To improve the ability of the Legislative Council to plan for future needs in the Maine Legislature, we recommend that:

52. Office of the Legislative Administrative Director continually review and assess the legislative operation and on the basis of such reviews and assessments, issue periodic reports to the Legislative Council indicating what reforms should be considered and/or implemented in contemplation of future legislative needs.

Another recommendation designed to improve the Council's internal organization relates to the establishment of separate House and Senate Management Committees. Where the operation of only a single house is involved, responsibility should be lodged with the leadership group from that particular house alone. In other words, members of the Legislative Council will act as separate House and Senate committees on those matters which pertain solely to one house of the Legislature. For example, there is no reason why Senate leaders should be involved in the supervision of the House Clerk's office or the hiring of a secretarial pool for Representatives. There is similarly no reason why House leaders should be involved in the supervision of the Senate Secretary's office or the hiring of a secretarial pool for Senators.

Accordingly, we recommend that:

53. The rules of each house provide for separate House and Senate Management Committees each comprised of the respective House and Senate members of the Legislative Council. We further recommend that the House Management Committee and the Senate Management Committee be delegated those responsibilities which relate solely to the operation of each respective house.

The next step the Council should take to improve its internal organization relates to the establishment of a regular Personnel Policies Subcommittee. The Personnel Policies Subcommittee should be comprised of the President of the Senate, the Speaker of the House, the Majority and Minority Leaders of each house, and the President and Speaker should be co-chairmen thereof. The purpose of this subcommittee on personnel policies will be to review all matters pertaining to legislative personnel and to report to the full Council its findings along with any recommendations it may develop.

In line with this we therefore recommend that:

54. The Legislative Council take steps to establish a regular Personnel Policies Subcommittee to be responsible for reviewing all matters pertaining to legislative personnel. Said Personnel Policy Subcommittee should be comprised of the President of the Senate, the Speaker of the House, the Majority and Minority Leaders of each house, and the President and Speaker should be co-chairmen thereof.

Finally, our last recommendation designed to improve the internal

organization of the Legislative Council is that the rules be amended to provide better and more regular access to information for Council members.

Specifically, we recommend the following rule amendments and additions:

55. The Chairman shall issue written calls for all regular meetings not less seven (7) days prior to each such meeting. Where practicable, written notice of all special meetings shall be mailed to all members of the committee not less than five (5) days prior to each such meeting.

56. Amend rule eight (8) to read as follows:
An accurate, permanent, written record of all meetings and proceedings of the Council shall be maintained by the Legislative Administrative Director. Copies of the previous meeting records shall be distributed to all members not less than seven (7) days prior to the next regular meeting of the committee.

And, finally, we recommend that a new rule be inserted to read as follows:

57. A written agenda shall be sent to all members of the committee by the Legislative Administrative Director at least five (5) days prior to each meeting. The contents of this written agenda shall specify in detail the subject matter to be considered at each Council meeting. Additionally, these agendas should fully enumerate all pertinent information which the Council must consider in the course of its deliberations.

To establish a more effective relationship between the Council and the Office of the Legislative Administrative Director, we recommend that:

58. The Legislative Council establish a clear set of reporting requirements for the Office of the Legislative Administrative Director. These reporting requirements should specify precisely what information the Council requires, the format in which this information is to be organized and the frequency with which this information is to be presented to the Council.

In accordance with this recommendation we recommend the following two reporting requirements:

- (a) Detailed written agendas as specified in recommendation 57;
- and
- (b) Monthly reports covering those areas specified in recommendation 58.

Our next recommendation is designed to strengthen the relationship between the Office of the Legislative Administrative Director and the Legislative Council relates to the jurisdictional authority the Council had delegated to this office. We speak here specifically of the Legislative Administrative Director's responsibility over all legislative accounts as specified in M.R.S. title 3, section 162.

While this statute seemingly states the Council's control over all legislative accounts, it remains that the offices of the House Clerk and Senate Secretary have customarily not been included under

the Council's direct jurisdiction.

We recognize that the unique elected positions of the Clerk and Secretary preclude these offices from being placed under the jurisdiction of the Legislative Council and the Legislative Administrative Director in the same fashion as are most other legislative agencies. This notwithstanding, it is unnecessarily difficult particularly in light of the law as stated in M.R.S. title 3 for the Legislative Administrative Director to conform with his delegated responsibilities as spelled out in General Directive Number three (3), without having some prior knowledge of what expenditures for either supplies or personnel are being made by the Clerk and Secretary. More importantly, the lack of timely information forthcoming to the Legislative Administrative Director from these two major legislative service agencies, reduces the overall effectiveness of the Council in fulfilling its principal role as coordinator and as administrator of the entire legislative operation.

It is therefore our recommendation that:

59. The Legislative Council take immediate steps to clarify the relationship of the House Clerk and Senate Secretary to the Legislative Council and to the Office of Legislative Administrative Director.

In doing this, we further recommend that:

60. The relationship the Council establishes between itself and the House Clerk and Senate Secretary be structured along the lines placing the House Clerk under the jurisdiction of the House Management Committee and by placing the Senate Secretary under the juris-

diction of the Senate Management Committee. (see recommendation 53)

Given the wide range of duties and responsibilities currently vested in the Legislative Administrative Director, and also given the fact that we envision these duties and responsibilities growing substantially in succeeding years, we next recommend that:

61. The Council provide for the hiring of one full-time Administrative Assistant to assist the Legislative Administrative Director in the routine support of the Legislative Council.

Specifically, the following duties should be assigned to this Administrative Assistant:

(a) Development and maintenance of committee records and documents pertinent to the administration of the legislature;

(b) Research and information gathering regarding improvements in legislative operations in other states;

(c) Development of information files regarding the impact of federal legislation and executive directives on Maine and general development of intergovernmental communications;

(d) Routine administration of the legislature on behalf of the Legislative Council and the Legislative Administrative Director, and;

(e) Such other duties as are assigned by the Legislative Administrative Director.

Our final recommendation pertaining to the relationship of the Office of the Legislative Administrative Director to the Legislative Council deals with the Legislative Administrative Director's term of

office. Specifically, the provision that the Director serve for a term of seven (7) years creates, we believe, unwarranted insulation for this office. While we recognize the need for security in a legislative position, we feel that this seven-year term could have the effect of reducing accountability to the Legislative Council. We therefore recommend that:

62. After the present seven-year term of the Legislative Administrative Director expires, the statutes should be amended to provide that the appointment and dismissal of the Legislative Administrative Director require the affirmative vote of two-thirds of the membership of the Legislative Council.

We further recommend that:

63. The same appointment and dismissal authority (i.e., two-thirds vote of the Legislative Council) be stipulated in the statutes for all other similar seven-year term legislative staff positions. As in the case of the present Legislative Administrative Director, we also recommend that this new appointment and dismissal procedure not become effective until the end of the present seven-year terms currently held by other legislative staff.

Earlier in this section we noted that the fundamental weakness in the Legislative Council relates to the absence of a clear definition of the Council's role in the legislative process. We noted that to a considerable degree this weakness was due to the manner in which the

Council was established. Obviously, we cannot recreate the Council. It should be equally obvious that no simple solutions can be applied to correct the weaknesses we have associated with the Maine Council. Instead, if the Legislative Council is to establish a clear role as the chief administrative management vehicle of the legislature, it must itself initiate the necessary steps. What we have offered here are suggestions on how it should proceed toward this goal.

Partisan Legislative Staff

The legislative decision-making process needs both technical and political information to function effectively. Accordingly, just as nonpartisan technical staff is necessary for the legislature to function, so too is partisan legislative staff. Moreover, in the political arena of legislature, to deny the necessity of partisan staff is to deny the reality of legislative politics. Accordingly, we feel that the legislature must have a mix of both professional nonpartisan staff and professional partisan staff.

Nonpartisan technical staff is primarily involved in supplying the legislature with straightforward legal, fiscal and policy research information. Partisan staff should be primarily responsible for supplying the legislature with political information. By this we mean that partisan staff must be able to take technical information and examine and utilize it from the standpoint of its effects upon the position of the political parties and individual legislators within each party.

In addition to interpreting technical staff information in the political context, partisan staff should also be able to perform whatever research is necessary on those issues which are identified as partisan and are thus not within the jurisdiction of nonpartisan technical staff. Finally, partisan staff should be able to provide information and assistance to party leaders and members of the legislative party on matters concerning legislation, publicity and constituent services.

The partisan staffing pattern in the 108th Maine Legislature has yet to evolve to the stage where it can meet the duties and responsibilities we have specified here. Currently, each leadership office has at least one full-time Administrative Assistant plus secretarial help.*

The principal function performed by these Administrative Assistants is in the area of personal services to the legislative leaders. These personal service duties encompass press release preparation, answering constituent mail and constituent requests, and managing the legislative leader's office.

While we believe the Maine Legislature has made a good start in the development of partisan legislative staff, we also believe that current and future needs of the legislature dictate that a number of

* The exception is the House Majority and Assistant Majority Leaders' offices. At the beginning of the first regular session of the 108th legislature, the Administrative Assistant position allocated to these offices was divided into two positions - each paying one-half the total salary allocated for the original Administrative Assistant position.

changes be made in this present partisan staffing pattern. Specifically, the current staffing pattern of providing the leadership with personal staff, while important, is not alone sufficient for it fails to adequately provide assistance to the rank and file of the legislative party.

Given the large size of the Maine Legislature, it is not economically feasible to speak in terms of providing staff for individual legislators. What we therefore recommend is that:

64. Each legislative party develop a small staff of professionals who can serve both party leaders and party rank and file alike.

In line with this recommendation, we further recommend that:

65. The Maine Legislature develop two partisan staff offices - a Democratic staff office to serve the needs of the House and Senate Democrats, and a Republican staff office to serve the needs of House and Senate Republicans.

The effective development of a professional partisan staff capability along the lines we suggest here will depend on at least two factors. First, the legislative leadership must recognize the importance and scope of the services which professional partisan staff can provide the legislative party. In a state such as Maine where the legislative parties are highly competitive, it would appear that such a recognition of the importance of partisan staff would be quite apparent. However, up to this point in time, as we have already noted, partisan staff is being utilized in only a limited fashion.

Secondly, the effective development of partisan staff along the lines we suggest will also depend on the caliber of people recruited to fill these staff positions. If a party chooses to fill partisan staff positions on a purely patronage basis alone with little or no attention devoted to professional abilities, then that party stands to lose in competing with the party that takes ability into prime account. Roughly the same high professional standards which have been established in recruiting individuals for nonpartisan technical staff positions should be applied in recruiting professional partisan staff. Partisan staffers must additionally possess a high degree of political acumen in order to function effectively in their delegated roles.

If the Maine Legislature accepts these recommendations to upgrade its partisan staff capabilities along the lines we suggest, we envision the establishment of two party offices, each with a complement of three full-time professionals plus one full-time Director.

As to the internal organization of these party offices, we recommend the following approach. The salaries and budgets for these offices should be established by the Legislative Council. The director of each office should then be selected by the respective party leaders from both houses. The director, in turn, should have the authority to fill all authorized staff positions subject to the final approval of the party leaders. While the staff would ultimately be responsible to the party leaders, it would be available to assist all legislators

in each party. A number of duties and responsibilities would thereupon be performed by these party offices.

First and foremost, these party officers would be responsible for interpreting technical information in terms of its partisan and political ramifications. On the basis of these interpretations, party offices would submit reports to leaders, individual members, and party caucuses.

One significant application of this type of information in Maine would be the analysis of legislation. Partisan staff could analyze important legislation in the context of the parties' political ideology and public policy. On the basis of such a political analysis the partisan staff could subsequently present its findings to party members in the respective party caucuses.

In still other instances, party staff could assist committee majorities and minorities on certain issues that are partisan in nature and where purely technical information is insufficient for reaching a decision. Party staff would additionally be able to assist individual legislators in developing ideas for bills they may wish to introduce. Another important task which might be performed by the partisan staff is the dissemination of information to both legislators and the public. For instance, staff could be used by the legislative leaders to convey specific information concerning legislation or other legislative activities to legislators and/or the public during the session.

During the interim between sessions, this information role could continue to be significant as staff could send out newsletters to members of the legislative party furnishing them with information about various legislative activities occurring between legislative sessions. For instance, during the interim, staff could monitor the various interim studies being conducted by standing committees and could subsequently apprise legislators in their party of what actions are being taken in these interim studies and, more importantly, what legislation is contemplated as a result of these interim studies.

Additionally, another major task a party staff would perform is helping legislators with their constituents. Staff could prepare newsletters, general press releases and press releases for individual party member's use. All these constituent services would be particularly helpful - not simply to legislators but also to the public. For by providing the public with this type of information, the public will in turn be better able to hold its elected representatives accountable for their actions.

In summation, our recommendations for strengthening the partisan staffing system in the Maine Legislature are that:

66. Each legislative party should be provided with one staff office to assist its party leaders and party members in both houses of the Maine Legislature.

67. Each party staff office should be comprised of one full-time director to be appointed by the party leadership plus three

full-time professionals to be appointed by the director with the approval of the party leadership.

68. Each party staff office should provide, among other things, the following services:

(a) Interpretation of technical information (e.g., interim study reports and legislation) within the partisan political context of the party;

(b) Dissemination of this information to party leaders, individual members, and party caucuses;

(c) Assistance to legislators in formulating ideas for legislation they might wish to introduce; and

(d) Constituent assistance to legislators through the preparation of newsletters and press releases during the session and the interim.

One final note on partisan staff in the Maine Legislature. The development of a truly effective partisan staff complement for the Maine Legislature depends as we have noted on the recruitment of qualified individuals who possess the necessary technical and political expertise to function effectively. Fortunately, legislative leaders in each party have already demonstrated their primary concern for professionalism in filling the partisan staff positions they currently have. Our recommendations in this area are, therefore, designed not to change the type of staff recruited for these partisan positions, but rather to broaden the framework within which these partisan staff operate and to further expand their duties and

responsibilities so that these staff are utilized to their fullest potential.

Summary of Recommendations for Strengthening Maine Legislative Staffing

40. All joint standing committees, excluding the Appropriations and Financial Affairs Committee, should be staffed by the central Office of Legislative Staff Assistants. (see page 106)

41. The number of full-time professional staffers in the Office of Legislative Assistants be increased by no less than two in the 1977-1978 legislative biennium. (see page 108)

42. The Legislative Council authorize the hiring of one additional full-time staffer in the Office of Legislative Assistants prior to the convening of the second regular session of the biennium. (see page 109)

43. The legislative assistants be charged with the responsibility of preparing detailed committee reports. Inclusive within these reports should be: a) an up-to-date synopsis of a bill's contents; b) the date and location of the committee meeting; c) a list of individual committee members in attendance; d) recorded vote on final action; e) all amendments agreed upon in committee and an explanation summary of each; f) a list of individuals or groups who indicated a pro or con stance on the bill as introduced; and g) any submitted written testimony. (see page 110)

44. The director of the Office of Legislative Assistants be given management and supervisory responsibility for the committee clerks. (see page 112)

45. During the interim the Office of Legislative Assistants be charged with the responsibility of overseeing the specific activities of those executive agencies, departments and commissions within each committee's jurisdiction. (see page 113)

46. The name, Office of Legislative Staff Assistants, be changed to Office of Legislative Policy Research. (see page 114)

47. The Legislative Council direct the Legislative Administrative Director to take steps to increase the amount of office space available to the Legislative Assistants by adding Room 425 to the present assistants' office complex. (see page 115)

48. The Legislative Council authorize the Director of Legislative Research to hire two additional full-time professional bill drafters. (see page 118)

49. The Legislative Council authorize the hiring of one additional full-time staffer in the Office of Legislative Research prior to the convening of the second regular session. (see page 124)

50. The name, Office of Legislative Research, be changed to Office of Revisor of Statutes. (see page 124)

51. Detailed monthly reports be prepared in the Office of the Legislative Administrative Director and be presented to the Legislative Council. (see page 133)

52. Office of the Legislative Administrative Director continually review and assess the legislative operation and on the basis of such reviews and assessments, issue periodic reports to the Legislative Council indicating what reforms should be considered and/or implemented in contemplation of future legislative needs. (see page 134)

53. The rules of each house provide for separate House and Senate Management Committees each comprised of the respective House and Senate members of the Legislative Council. We further recommend that the House Management Committee and the Senate Management Committee be delegated those responsibilities which relate solely to the operation of each respective house. (see page 135)

54. The Legislative Council take steps to establish a regular Personnel Policies Subcommittee to be responsible for reviewing all matters pertaining to legislative personnel. Said Personnel Policy Subcommittee should be comprised of the President of the Senate, the Speaker of the House, the Majority and Minority Leaders of each house, and the President and Speaker should be co-chairmen thereof. (see page 135)

55. The Chairman shall issue written calls for all regular meetings not less than seven (7) days prior to each such meeting. Where practicable, written notice of all special meetings shall be mailed to all members of the committee not less than five (5) days prior to each such meeting. (see page 136)

56. Amend rule eight (8) to read as follows:

An accurate, permanent, written record of all meetings and proceedings of the Council shall be maintained by the Executive Director. Copies of the previous meeting records shall be distributed to all members not less than seven (7) days prior to the next regular meeting of the committee. (see page 136)

57. A written agenda shall be sent to all members of the committee by the Executive Director at least five (5) days prior to each meeting. The contents of this written agenda shall specify in detail the subject matter to be considered at each Council meeting. Additionally, these agendas should fully enumerate all pertinent information which the Council must consider in the course of its deliberations. (see page 136)

58. The Legislative Council establish a clear set of reporting requirements for the Office of the Legislative Administrative Director. These reporting requirements should specify precisely what information the Council requires, the format in which this information is to be organized and the frequency with which this information is to be presented to the Council. (see page 137)

59. The Legislative Council take immediate steps to clarify the relationship of the House Clerk and Senate Secretary to the Legislative Council and to the Office of Legislative Administrative Director. (see page 138)

60. The relationship the Council establishes between itself and the House Clerk and Senate Secretary be structured along the lines placing the House Clerk under the jurisdiction of the House Management Committee and by placing the Senate Secretary under the jurisdiction of the Senate Management Committee. (see page 138)

61. The Council provide for the hiring of one full-time Administrative Assistant to assist the Legislative Administrative Director in the routine support of the Legislative Council. (see page 139)

62. After the present seven-year term of the Legislative Administrative Director expires, the statutes should be amended to provide that the appointment and dismissal of the Legislative Administrative Director require the affirmative vote of two-thirds of the membership of the Legislative Council. (see page 140)

63. The same appointment and dismissal authority (i.e., two-thirds vote of the Legislative Council) be stipulated in the statutes for all other similar seven-year term legislative staff positions. As in the case of the present Legislative Administrative Director, we also recommend that this new appointment and dismissal procedure not

become effective until the end of the present seven-year terms currently held by other legislative staff. (see page 140)

64. Each legislative party develop a small staff of professionals who can serve both party leaders and party rank and file alike. (see page 143)

65. The Maine Legislature develop two partisan staff offices - a Democratic staff office to serve the needs of the House and Senate Democrats, and a Republican staff office to serve the needs of House and Senate Republicans. (see page 143)

66. Each legislative party should be provided with one staff office to assist its party leaders and party members in both houses of the Maine Legislature. (see page 146)

67. Each party staff office should be comprised of one full-time director to be appointed by the party leadership plus three full-time professionals to be appointed by the director with the approval of the party leadership. (see page 146)

68. Each party staff office should provide, among other things, the following services. (see page 147)

Summary of Recommendations

1. A pre-session organizational session be held after an official canvass of votes, but no later than the first week in December pursuant to the general election. At this session the legislature should organize itself for the entire biennium. (see page 18)
2. The Legislative Council begin well in advance of the next biennium to establish a formal set of activities and procedures which will be adhered to during the early organization session. These procedures should specify: all activities which will take place during the early session, and the amount of time which will be allotted for carrying out these activities. (see pages 23 & 24)
3. The Legislative Council as well as the principal sponsor of L.D. 1259 and the Committee on State Government make a concerted effort to inform legislators and media representatives across the state of the purpose of early legislative organization. (see page 24)
4. The practice of pre-filing legislative measures be strengthened by permitting reference of pre-filed bills to committee during the pre-session period. Further, the legislative leadership should strongly encourage executive agencies and departments to pre-file. (see page 24)
5. The Legislative Council furnish to each executive agency, department and commission a copy of this new pre-filing rule along with

appropriate explanation of the procedures it stipulates. (see page 33)

6. The Maine Legislature, and in particular the legislative leadership, should be granted the authority to suspend all floor activities at a time of their own choosing for purposes of moving the legislature into an in-depth committee period. (see page 34)

7. The tracking system as described in the appendix of this report be placed on a computer program so as to provide quick and easy access for legislative leadership to this pertinent committee information. (see page 41)

8. The computer printouts of this tracking system be distributed to the members of the Legislative Council on a weekly basis from the beginning of the session until such time as the Council determines this information is no longer required. (see page 42)

9. The Joint Rules of the Maine Legislature should be expanded to include a comprehensive deadline system for both houses. This deadline system should be designed to serve both sessions of the biennium as well as the interim between legislative sessions. Deadlines should be established regulating: (1) pre-filing requests for bill drafting; (2) interim committee reports; (3) submission of bills and resolves into Legislative Research; (4) introduction of bills and resolves; and (5) committee action. (see page 42)

10. The Legislative Council carefully monitor the interim period between the 1978 and 1979 legislative sessions. Specifically, the Council should seek to measure the amount of pre-filed legislation introduced into Legislative Research and the effectiveness of the interim committee reporting deadlines. On the basis of this monitoring, the Council should be able to determine by December preceding the 1979 session whether or not new and earlier deadlines for the introduction of bills and resolves and committee action should be established. (see page 48)

11. The Legislative Council establish, no later than August 1977, a new cloture system to regulate the introduction of bills and resolves into Legislative Research and the referral of bills and resolves to committee. (see page 51)

12. The Legislative Council consider the aforementioned cloture rule and, as an alternative, it also consider the following cloture rule. (see page 51)

13. The Maine Legislature should adopt a new joint rule providing for bill carryover. The carryover system should restrict the carryover of legislation into the even-year session to those matters constitutionally germane to the second regular session. (see page 57)

14. Each regular joint standing committee should determine, by a two-thirds vote those measures it wishes to have carried over. The

committee should further report those measures it wishes to carry over to the floor for debate and vote. (see page 58)

15. Standing committees should be permitted to consider carried-over bills during the interim between regular sessions. (see page 59)

16. Any bill carried over in committee must be reported out no later than the 15th day of December preceding the convening of the second session in January. (see page 59)

17. The number of regular joint standing committees be reduced from the present 22 to no more than 19. (see page 70)

18. The Energy Committee be abolished and its subject matter be transferred to the Natural Resources Committee hereinafter to be entitled the Committee on Energy & Natural Resources. (see page 70)

19. The Human Resources Committee be abolished and its subject matter be transferred to Health & Institutional Services Committee. (see page 7)

20. The Veterans & Retirement Committee be abolished and its subject matter be transferred to the Committee on State Government. (see page 70)

21. The Maine Legislature adopt a joint rule which limits Senate committee assignments to no more than three and precludes committee chairmen from serving on more than one additional committee. (see page 7)

22. The Legislative Council reorganize the committee subject matter

jurisdictions we have developed so as to produce a more even distribution of legislation among all joint standing committees. (see page 83)

23. The joint rules of the Maine Legislature be expanded by adding a new section entitled Uniform Rules of Committee Procedure. (see page 86)

24. J.R. 1 - Committee Chairmen; Duties. (see page 86)

25. J.R. 2 - Members; Duty to Attend Meetings; Attendance Record. (see page 88)

26. J.R. 3 - Excessive Absences. (see page 88)

27. J.R. 4 - Interim Committee Meeting Schedule. (see page 88)

28. J.R. 5 - Interim Committee Reporting Deadlines. (see page 88)

29. J.R. 6 - Notice. (see page 89)

30. J.R. 7 - Working Sessions; Schedule. (see page 89)

31. J.R. 8 - Working Sessions; Notice. (see page 90)

32. J.R. 9 - Notice; Contents. (see page 90)

33. J.R. 10 - Quorum Required to Transact Business. (see page 90)

34. J.R. 11 - Vote Required for Committee Action; Members Disqualified. (see page 90)

35. J.R. 12 - Roll Call; Record Votes Required. (see page 91)

36. J.R. 13 - Committee Reports. (see page 91)
37. J.R. 14 - Committee Assignments. (see page 92)
38. J.R. 15 - Subcommittee Appointments and Authority. (see page 92)
39. Committee Scheduling. (see page 92)
40. All joint standing committees, excluding the Appropriations and Financial Affairs Committee, should be staffed by the central Office of Legislative Staff Assistants. (see page 106)
41. The number of full-time professional staffers in the Office of Legislative Assistants be increased by no less than two in the 1977-1978 legislative biennium. (see page 108)
42. The Legislative Council authorize the hiring of one additional full-time staffer in the Office of Legislative Assistants prior to the convening of the second regular session of the biennium. (see page 109)
43. The legislative assistants be charged with the responsibility of preparing detailed committee reports. Inclusive within these reports should be: a) an up-to-date synopsis of a bill's contents; b) the date and location of the committee meeting; c) a list of individual committee members in attendance; d) recorded vote on final action; e) all amendments agreed upon in committee and an explanation summary of each; f) a list of individuals or groups who

indicated a pro or con stance on the bill as introduced; and g) any submitted written testimony. (see page 110)

44. The director of the Office of Legislative Assistants be given management and supervisory responsibility for the committee clerks. (see page 112)

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54. The Legislative Council take steps to establish a regular Personnel Policies Subcommittee to be responsible for reviewing all matters pertaining to legislative personnel. Said Personnel Policy Subcommittee should be comprised of the President of the Senate, the Speaker of the House, the Majority and Minority Leaders of each house, and the President and Speaker should be co-chairmen thereof. (see page 135)

55. The Chairman shall issue written calls for all regular meetings not less than seven (7) days prior to each such meeting. Where practicable, written notice of all special meetings shall be mailed to all members of the committee not less than five (5) days prior to each such meeting. (see page 136)

56. Amend rule eight (8) to read as follows:

An accurate, permanent, written record of all meetings and proceedings of the Council shall be maintained by the Executive Director. Copies of the previous meeting records shall be distributed to all members not less than seven (7) days prior to the next regular meeting of the committee. (see page 136)

57. A written agenda shall be sent to all members of the committee by the Executive Director at least five (5) days prior to each meeting. The contents of this written agenda shall specify in detail the subject matter to be considered at each Council meeting. Additionally, these agendas should fully enumerate all pertinent information which the Council must consider in the course of its deliberations. (see page 136)

58. The Legislative Council establish a clear set of reporting requirements for the Office of the Legislative Administrative Director. These reporting requirements should specify precisely what information the Council requires, the format in which this information is to be organized and the frequency with which this information is to be presented to the Council. (see page 137)

59. The Legislative Council take immediate steps to clarify the relationship of the House Clerk and Senate Secretary to the Legislative Council and to the Office of Legislative Administrative Director. (see page 138)

60. The relationship the Council establishes between itself and the House Clerk and Senate Secretary be structured along the lines placing the House Clerk under the jurisdiction of the House Management Committee and by placing the Senate Secretary under the jurisdiction of the Senate Management Committee. (see page 138)

61. The Council provide for the hiring of one full-time Administrative Assistant to assist the Legislative Administrative Director in the routine support of the Legislative Council. (see page 139)

62. After the present seven-year term of the Legislative Administrative Director expires, the statutes should be amended to provide that the appointment and dismissal of the Legislative Administrative Director require the affirmative vote of two-thirds of the membership of the Legislative Council. (see page 140)

63. The same appointment and dismissal authority (i.e., two-thirds vote of the Legislative Council) be stipulated in the statutes for all other similar seven-year term legislative staff positions. As in the case of the present Legislative Administrative Director, we also recommend that this new appointment and dismissal procedure not

become effective until the end of the present seven-year terms currently held by other legislative staff. (see page 140)

64. Each legislative party develop a small staff of professionals who can serve both party leaders and party rank and file alike. (see page 143)

65. The Maine Legislature develop two partisan staff offices - a Democratic staff office to serve the needs of the House and Senate Democrats, and a Republican staff office to serve the needs of House and Senate Republicans. (see page 143)

66. Each legislative party should be provided with one staff office to assist its party leaders and party members in both houses of the Maine Legislature. (see page 146)

67. Each party staff office should be comprised of one full-time director to be appointed by the party leadership plus three full-time professionals to be appointed by the director with the approval of the party leadership. (see page 146)

68. Each party staff office should provide, among other things, the following services. (see page 147)