

MAINE STATE LEGISLATURE

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the
State
Legislative
Leaders
Foundation



THE MAINE PROGRAM FOR LEGISLATIVE
RESOURCE IMPROVEMENT

An analysis of the Maine Legislative Process
with specific recommendations for its structural
and procedural improvement

January 1, 1976 - September 17, 1976

By

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and

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September 17, 1976

Preface

I submit this report to Legislative Council for its review in its partially completed form. I do so with the objective of allowing Legislative Council the opportunity to consider a number of my recommendations at the earliest possible date.

S.G.L.
September 17, 1976

INTRODUCTION

In January of 1976, the State Legislative Leaders Foundation embarked upon a comprehensive examination of the Maine Legislative Process - the principal objective therein being the development and implementation of specific recommendations designed to improve the overall effectiveness of the legislature. Utilizing matching funds made available thru the U.S. Civil Service Commission's I.P.A. Grant Program, the State Legislative Leaders Foundation entered into a contractual arrangement with the Maine Legislature which broadly stated the objectives and attendant methodology of what became known as the Maine Program for Legislative Resource Improvement, (M.P.L.R.I.). This contractual arrangement noted that the grant period would be for nine months commencing on January 1, 1976 and extending thru September 30, 1976. Also noted in this contractual arrangement was the fact that the SLLF would file a request for a grant extension to continue the Program for an additional nine month period.

This report covers the first grant period. It is divided into three sections. Section I offers the Foundation's analysis of the Maine Legislative Process. Inclusive within this section is a description of the various methodological procedures which were incorporated into the research design. Section II concerns itself with the specific recommendations the Foundation has developed, is developing and proposes to develop. Each of these recommendations is discussed in terms of its underlying rationale, particular characteristics, and consequent expected effect upon the Maine Legislative Process. Finally, section III suggests two sets of distinct yet inter-related conclusions.

The first relating to the work thus far completed by the Foundation and the second relating to the future needs of the Maine Legislature.

In conducting this study we have relied heavily on 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 suggestions 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 judgement has led to the development of nearly all the conclusions which appear in this report.

Additionally, in formulating our recommendations we have similarly sought the input of these groups. Where appropriate the substance of specific recommendations has been developed with their direct assistance. For instance, the staff from the Legislative Assistants Office have participated in the development of subject matter jurisdictions for each regular joint standing committee of the legislature. Given the fact that the Legislative Assistants Office staffs nearly all the regular joint standing committees of the legislature, (only Legal Affairs and Judiciary are staffed with personnel who do not originate out of the Assistants' Office), the logic of seeking their input in developing these jurisdictions is clear.

II

THE MAINE LEGISLATIVE PROCESS

The Maine Legislature in 1976 rests squarely at the crossroads of institutional reform. As with many New England states, there has been a predisposition among the citizens of Maine to view their state legislature as a part-time, citizens legislature rather than a full-time, so called, "professional legislature." While it is quite true that the Maine Legislature is not a full-time, professional legislature in the sense that the Massachusetts or New York Legislature's are; it remains that the Maine Legislature is also no longer strictly a part-time citizens legislature.

The trend toward more state government in Maine is inexorable. The increasing complexities of Maine society coupled with a marked shift from federal government dominance to more state and local control of the many programs and policies that affect our daily lives, has implicitly compelled the people of Maine to vest greater and greater responsibility in their state legislature. In so doing the people of Maine have made legislative reform prescriptive. Simply stated, if the Maine State Legislature is to respond fully and effectively to the growing needs of Maine, it too must grow. That is, it must improve or reform its internal structure and operating procedures.

This requisite need for legislative reform has been apparent to many Maine Legislators for several years. At this point in time a number of significant reforms have already been adopted by the Maine Legislature. Among these reforms are:

(1) Increased Professional Staffing. By the development of a professional

staff - particularly at the committee level - the legislature has clearly improved its capabilities of gathering, processing, and assessing information. Indeed, the development of a professional staff represents the single most significant improvement adopted by the Maine Legislature in recent years.

(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. Essentially this law was designed to give the legislature the necessary capability to coordinate and manage the legislature thru a centralized apparatus. The creation of this joint management structure represents a significant step toward increasing the general efficiency of the legislative operation.

(3) Electronic Bill Status System. An electronic bill status system was installed during the 1974 special session. This system permits easy access to information pertaining to the status of a particular bill in the legislative process, the L.D. number, the sponsor, the number of bills considered by each committee, etc. While the system now only permits status identification, it is compatible with more sophisticated systems which permit printing of bills and amendments and statutory retrieval.

(4) Performance Audit. The 107th. Legislature created a Performance Audit Committee to audit and review ongoing legislatively mandated programs. This Performance Audit Committee was established to at least partially fulfill a major function of the state legislature - that of oversight.

(5) Annual Sessions. 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 matters of a fiscal or emergency nature. The shift to annual sessions will have a major impact on the entire legislative process in Maine. Accordingly, we shall fully explore this shift to annual sessions and we shall set forth a number of recommendations for legislative organization under an annual session format at a later point.

The adoption of these and certain other legislative reforms amply reflects the legislature's recognition of the need to improve the legislative institution. Yet though these reforms are significant not only for what they reflect but also for what they do and promise to do; it remains that when viewed in the full context of effective legislative performance in Maine - they are but first steps.

As the ensuing pages will reveal, a number of areas in the Maine Legislative Process still require reform. In many instances the reforms we recommend are designed to improve upon an existing structure or operating procedure. In certain other instances our recommendations are designed to supplant a specific structure or operating procedure. And finally, to satisfy both the present and future needs of the legislature we suggest, in certain instances, the creation of entirely new procedures and structures.

FINDINGS

Our survey of legislator attitudes and perceptions conducted at the

beginning of 1976 clearly underscores the need for instituting further improvements in the Maine Legislative Process. In a series of questions designed to determine what each legislator's image was of how well the legislature performs several major functions, we found that large numbers of legislators were quite critical of certain aspects of the legislative process.

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.

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%,

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	35	33	29	47	32
	100%	100%	100%	100%	100%
<u>Funding</u>					
Excellent or Good	47	63	54	70	60
Fair or Poor	53	37	46	30	40
	100%	100%	100%	100%	100%
<u>Overseeing</u>					
Excellent or Good	10	26	17	31	24
Fair or Poor	90	74	83	69	76
	100%	100%	100%	100%	100%

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 alot of high powered people to it... than 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 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 " "	05	12	05	13	08
No " "	<u>01</u>	<u>01</u>	<u>01</u>	<u>05</u>	<u>05</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 "	00	20	11	25	17
No "	<u>09</u>	<u>04</u>	<u>01</u>	<u>09</u>	<u>05</u>
	100%	100%	100%	100%	100%

Our investigation has led us to conclude that legislators were correct in citing these "reformed areas" as being in need of further reform. In the next section we will offer a detailed analysis of our findings in each of these areas along with our recommendations.

Time Utilization

Looking beyond these initial findings our investigation revealed the presence of certain other significant structural and procedural weaknesses in the Maine Legislative Process. Most significantly, in the course of our interviews with legislators and other participants in the legislative process we discovered an overwhelming consensus of opinion that held that the legislature does a poor job in using its available legislative time.

Again using these perceptions as our starting point, we set out to measure and define just how significant the problem of time utilization is. In addition to being afforded the opportunity to observe the legislature in session, we conducted a statistical analysis of the flow of legislation thru the Maine Legislature in three separate sessions commencing with the 106th special and proceeding thru the 107th regular to the 107th special sessions. Our statistically based findings, derived from source materials supplied by the Office of Legislative Research, The Senate Secretary, (where we found a wealth of detailed, well-kept records on legislation flowing thru committee), and the Law and Legislative Reference Library, clearly indicated to us that the Maine Legislature does improperly use its available legislative time. Indeed, our continued investigation and

analysis of this problem has led us to the conclusion that the improper use of time is the single greatest problem confronting the Maine Legislature.

The importance we attach to this question of time utilization in the Maine Legislature is a reflection of our conviction that the overall effectiveness of the legislature 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 ability of the Maine Legislature to legislate effectively.

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 17 indicates, it is actually not until 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 gets fewer the volume of legislation gets greater. This phenomena, so very apparent in the Maine Legislature, is euphemistically referred to as a, "Logjam."

In the special session of the 107th Legislature the end of session logjam became so severe that it necessitated that 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 they

had to vote on. Not only were they confronted with great numbers of bills each day, many of which were among the most complex of the session; 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 often times 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 - a fact that is documented by every state that has moved in the past decade from biennial to annual sessions.

The next section will concern itself fully with the question of time utilization. As consequences of the improper use of time are identified at each stage in the legislative process, specific corrective recommendations will be offered.

Conclusions

As noted in the opening paragraphs of this report, we seek to assist the Maine Legislature in becoming a more effective decisional institution. By this we mean that our objective is to make the Maine State 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) formulating sound solutions to deal with these problems in a timely fashion; and

(3) overseeing and evaluating and where necessary, correcting the conduct of administration and the effects of state programs. In short, we seek to assist the Maine Legislature in becoming a more responsive, co-equal, policy making institution.

In pursuit of these objectives we hold that the overall effectiveness of the legislative institution is in large measure determined by its internal structure and operating procedures. We recognize further that the effectiveness of the legislature is also a function of the political environment indigenous to that institution. Finally, and perhaps most important, we recognize that for any legislative improvement effort to be successful there must be a clear commitment on the part of the legislative leadership. Our observations and dealings with the Maine Legislature have led us to conclude that there is a healthy political environment for legislative reform in Maine, and there is a clear commitment on the part of legislative leadership to the goal of legislative reform.

In looking at the Maine Legislative Process we conclude first of all, that the Maine Legislature rests upon a sound foundation for initiating legislative reforms. The Maine Constitution is not overly restrictive as is the case in neighboring New Hampshire. While it broadly prescribes the subject matter of the second regular session of the legislature, it does not restrict the length. Rather, it allows the legislature to set its own session length by statute. Secondly, as we have noted, a number of reforms have already been initiated in the Maine Legislature. One significant consequence of this experience with legislative reform has been the establishment of a political environment conducive to further legislative reform. Finally, the

Maine Legislature is not burdened by a number of restrictive traditions which retard legislative improvement as is the case in Massachusetts.

Comparatively speaking, we regard the Maine Legislature as being a more effective legislative institution than many of its sister New England states. This fact notwithstanding, the Maine Legislature requires significant strengthening in a number of areas. Specifically, we have noted that improvements must be initiated in: (1) time utilization; (2) coordination and use of professional staff; (3) committee organization and procedures; and (4) legislative oversight. The next section will deal with our recommendations in each of these areas.

II

RECOMMENDATIONS

In this section we shall consider all the recommendations which PLRI staff has thus far devised. In a number of instances the recommendations are quite extensive owing to our objective of developing more than simply a statement of what should be done. In addition to presenting what should be done, we will also endeavor to explain why and suggest how.

In certain other instances our recommendations are only partially developed. We may know why a particular reform is necessary but we may still not have concluded as to precisely what should be done.

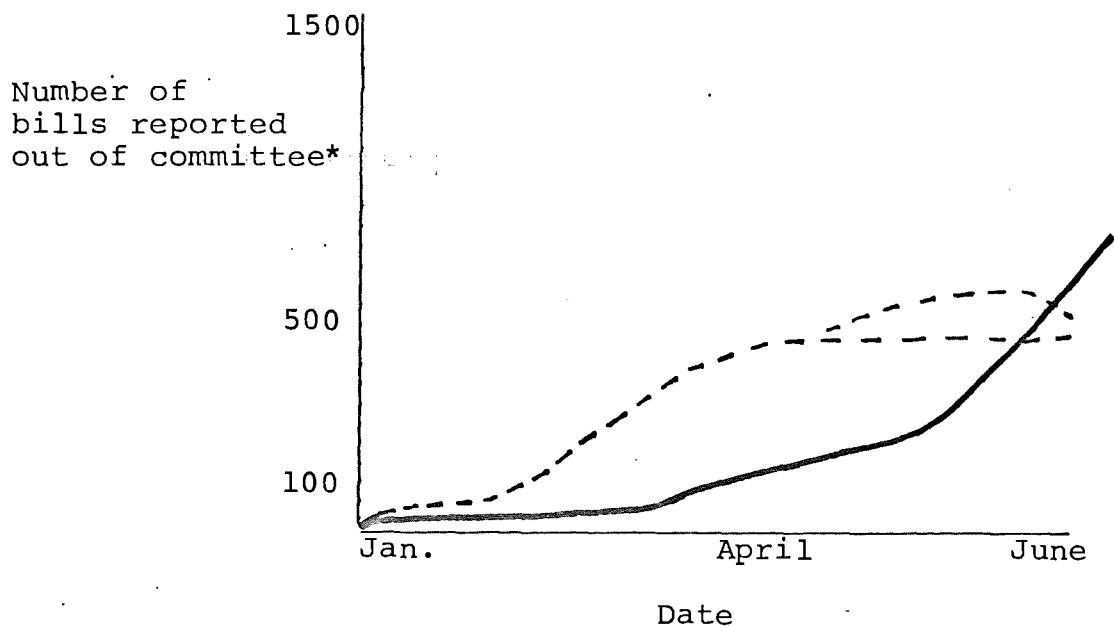
In presenting our recommendations we have divided this section into three parts. Part 1 will deal with the matter of time utilization. Here we will consider more effective procedures for organizing the pre-session and regulating the flow of legislation thru the legislature. In this section we will also explore the consequences of annual sessions - a matter which has thus far been given very little attention. Part 2 will deal with committee reorganization. Here we will consider subject matter jurisdictions for each committee, specific committee procedures - both during the session and interim, and committee consolidation. Finally part 3 will deal with three of the major legislative service agencies. We will explore the role of Legislative Research, Legislative Assistants, and the Law and Legislative Reference Library. We will also consider the role of Legislative Council. Here we will offer recommendations for improving the administrative and management roles of Council.

1. Time Utilization

As noted earlier, the greatest problem confronting the Maine Legislature relates to the manner in which it uses its available time. Our statistical studies revealed that in the opening months of a legislative session there is very little meaningful activity. Toward the middle of the session legislative activity gradually picks up. Finally, by mid-May until adjournment, the pace of legislative activity abruptly climbs to what we call, logjam proportions.

TABLE 3

LEGISLATIVE TIME USE



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

Clearly a major cause of end-of-session logjams is the uneven use of legislative time. If the legislature devoted more time to working on legislation at the beginning of the session, it follows

the end-of-session logjam would, in large measure, be eliminated.

Recommendations

Recognizing the need to make greater and more effective use of Legislative time in the opening months of the session we recommend the following:

- (1) A pre-session organizational session should be conducted 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.

Florida, Indiana, Tennessee, North Dakota, and Idaho are among the states which have written provisions for an organizational session in their Constitutions and/or statutes. We recommend that Maine follow this procedure and incorporate provisions for a pre-session organization period in their Constitution.

During the pre-session period the following activities should take place:

- 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

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 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 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 the 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, Sec. 1, as amended would have to be further amended. Additionally, Article IV, Part First, Sec. 5, and Article IV, Part Second, Sec. 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 1st 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.

In order to make the pre-session period we are suggesting here fully effective, that is, in order to enhance the legislature's ability to get off to a fast start at the beginning of the session, we recommend an additional reform:

- (2) The practice of pre-filing legislative measures should be strengthened by permitting reference of pre-filed bills to committee during the pre-session periods. Further, the Legislative Leadership should strongly encourage executive agencies and departments, legislative agents, and Legislators to pre-file.

As noted earlier, the Maine Joint Rules permit pre-filing to occur within 45 days of the convening of the regular session. In light of our recommendations concerning the establishment of a pre-session, we now recommend that this rule be amended to read as follows:

"6 Pre-filing. (a) Any member-elect may file bills and resolves with the Clerk of the House OR the Secretary of the Senate for introduction within forty-five days prior to the convening of any regular session. The Clerk and Secretary shall number and print such measures in advance after which they become the property of the legislature and may not be withdrawn by the sponsor.

(b) THE CLERK AND SECRETARY SHALL PRESENT SUCH PRE-FILED MEASURES TO THE SPEAKER AND PRESIDENT RESPECTIVELY WHO SHALL, IN TURN, IN ACCORDANCE WITH JOINT RULE 1* REFER ALL MEASURES TO THE APPROPRIATE JOINT STANDING COMMITTEE**

* Our reference to Joint Rule 1 refers to the suggested amendment to J.R. 1 contained in section 2 of this report.

** ALL CAPS signifies new language.

By initiating this new pre-filing procedure our objective is to enable joint committees to start building up their workloads and organizing for the session prior to the session convening in January. In our estimation it serves only a limited value to allow pre-filed measures to proceed thru only one stage during the pre-session - that of introduction. If committees are appointed during the pre-session as we recommend here, then committees should logically be permitted to begin work on those legislative measures which have been pre-filed.

Our recommendation further noted that, "the Legislative Leadership should strongly encourage executive agencies and departments, legislative agents, and legislators to pre-file." This suggestion is based upon our belief that many of these agencies, departments, and individuals are fully capable of pre-filing substantial amounts of their legislation but instead choose to refrain from doing so. As one senior legislative staff person noted:

"Many people who introduce legislation will hold back until they think the time to introduce is right... that is, the time of introduction is based upon political considerations."

If the legislature is to get off to a faster start at the beginning of the regular session, then, in addition to establishing a more effective pre-filing system, Legislative Leadership must strongly encourage greater use of pre-filing. Currently little more than 2% of all legislation is pre-filed. It is conceivable and probable that with the proper prodding by the Leadership this figure can increase substantially.

Our third recommendation with respect to more effective time utilization relates to the use of legislative time in the opening weeks of the regular session in January. Specifically, we recommend the following:

- (3) 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 a period of extended committee activity.

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 is adopted, the Legislature may deem it propitious to move into a period of concentrated committee work immediately after the legislative session is 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 interin 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	05	21	19	20	20
(4) No opinion, undecided	$\frac{21}{100\%}$	$\frac{18}{100\%}$	$\frac{04}{100\%}$	$\frac{24}{100\%}$	$\frac{15}{100\%}$

In those instances where legislators expressed their favor but indicated a need for modifications, (#2 in the response column), the modifications suggested primarily dealt with the question of constitutionality. A number of legislators expressed reservation as to whether this plan is constitutional. Upon reviewing the Maine Constitution, we conclude that there is no conflict which might prohibit such a plan from being put into effect immediately. Rather, the question of constitutionality appears to have been raised as a consequence of our inadvertent use of the term, "recess", in the questionnaire.

The Maine Constitution defines the term recess as, "...the adjournment without day of a session of the Legislature;" Art. IV, Sec. 20, Part Third as amended. Under the plan we are proposing the legislature will not recess; it will instead simply suspend all floor activities and move into a period of committee activity.

The advantages to be realized by Maine adopting what we term, an interim committee floor period are:

- (a) Continuity. By providing for an interim committee floor period immediately following the convening of the regular session and subsequent to the pre-session organizational period, heavy committee work, unhampered by floor sessions will be realized.
- (b) More thorough research and investigation. The interim committee floor 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) Enhancement of oversight capabilities. The interim committee floor period offers the legislature the opportunity to investigate and examine previously enacted programs which are being administered by the executive branch.

Only if the legislature knows how policy is implemented can it hold the executive branch accountable - as it should be held accountable - for its performance.

- (d) 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 often times most complex legislation comes up for legislative action at the end of the session. The creation of an interim committee floor 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.
- (e) Elimination of conflicting committee meetings. At the present time Maine Legislators are often faced with conflicting committee meetings. This problem is further complicated by the fact that in many instances committee meetings run concurrent to regular floor sessions. By making use of an interim committee floor period, this problem of conflicting schedules can be eliminated.

Our fourth and final recommendation dealing with more effective use of legislative time is that the Maine Legislature adopt a comprehensive deadline structure. More precisely, our recommendation is that:

- (4) 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 regular 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; (5) committee action, and (6) floor action in both houses.

Clearly if the legislature is to more effectively and efficiently use its available time it must establish a system which 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 thru 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	00	10	08	09	08
No opinion, don't know	00 100%	01 100%	00 100%	01 100%	01 100%

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 sessions 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 1/3 of the total session volume of legislation was reported out of committee in the final six weeks. Moreover, engendered within this volume was some of the most complex, controversial, and time consuming pieces of legislation considered in each session.

We attribute the failure of deadlines in Maine to four principle 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 of our 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.

At this point we do not recommend anything stronger than a Joint Rule for imposing deadlines. While some states establish statutorily based deadlines, we consider this to be far too rigid and restrictive a measure for Maine. Instead, we propose the establishment and promulgation in the rules of a more realistic and comprehensive deadline structure, developed by a careful review of the time requirements of each phase in the legislative process.

- (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 part 3 of this section. 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 1976.

In the ensuing weeks we propose to establish an ad hoc committee comprised of legislative leaders, and staff from each of the major legislative service agencies. The purpose of this ad hoc committee will be to develop a suitable deadline structure to more effectively regulate legislative activities during the legislative biennium. At this juncture we should like to propose the types of deadlines we believe would be beneficial to the Maine Legislature and as such should be considered by this ad hoc committee.

- (a) Automatic committee discharge rules. While we favor proposal (b) below over this it nonetheless deserves consideration. Essentially what this does is stipulate the

- (a) amount of time a committee may hold a bill. For example, the North Dakota Rules specify that committees have 21 days to act on each bill upon receipt.
- (b) Staggered committee reporting deadlines. Rather than have a single reporting date for all committees, under this system no more than three or four committees would have their final deadlines on any one day. Connecticut employs such a staggered system, staggering committee reporting deadlines at intervals of from two to five days.
- (c) Freshman deadlines. These deadlines apply only to the submission of bills and resolves to Legislative Research for bill drafting. What this proposal would do is permit freshman legislators up to perhaps two weeks additional time to introduce bills and resolves. The extended deadline period is a recognition of the fact that freshman legislators are less familiar with the intricacies of the legislative process and thus should be accorded more time.
- (d) Interim study deadlines. All interim studies should be completed by a date certain. Additionally, interim study deadlines would specify early deadlines for the drafting and introduction of legislation coming out of an interim study.
- (e) Appropriations Committee deadlines. If the recommendation pertaining to committee reorganization is adopted, (see part 2 of this section), it will be necessary to develop an extended deadline period for the Appropriations Committee.
- (f) Deadlines for even-year session. Given the fact that the even-year session will be of shorter duration, a different deadline structure will be necessary. This deadline structure should reflect the fact that the even-year session will undoubtedly get off to a faster start due to the fact that there will be no organizational session as in the first year. Furthermore, if the legislature

(f) adopts a bill carry-over system along the lines suggested below in the discussion of annual sessions, then it is even more probable that the second year will get off to a quicker start.

CONCLUSION - TIME UTILIZATION

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 are four recommendations which, if properly implemented, will effectively obviate 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 objective - as well. 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. Perhaps more importantly however, is the fact that thru proper implementation of the above 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 implementation, creating an atmosphere conducive to each particular legislative reform. In other words, the proper implementation of each legislative reform we offer requires that legislators and the public as well, be made fully aware of the need or rationale for the reform. More importantly, legislators and the public must come to share a broad consensus of opinion that the reform is necessary and worthwhile. Only thru such "prompt implementation," will each reform succeed in its objectives.

Annual Sessions

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. At this early juncture however, it is difficult to predict how effective annual sessions will be in Maine.

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 an existing 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 the basis of comparative analysis, it appears virtually certain that the volume of legislation in the Maine Legislature will increase significantly in annual sessions. What this means for the Maine Legislature is that it 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. 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. If the carryover system we are recommending below is adopted, the significance of the interim period will be further heightened.
- (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.

We have already presented a number of recommendations for more effectively organizing and using the legislature's time during the legislative biennium. To these recommendations we now add another:

- (5) Bill carry-over. The rules of the House and Senate should be expanded to include provisions enabling bills introduced in the first year of the biennium to be carried over into the second year.

Over half the state legislatures in the nation employ some form of bill carry-over system. What bill carry-over 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 would be of significant benefit to the legislature.

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

- (a) Carry-over 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

- (d) With a carry-over system in effect Legislators will not be forced to vote on those matters that do not require immediate action.
- (e) It will further reinforce the practice of organizing for the biennium.

In order to secure the above benefits of carry-over we recommend that the system adopted by the Maine Legislature embody the following characteristics:

- (1) The carry-over system should restrict the carry-over 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..." (Art. IV, Sec 1, Part Third as amended by Art. CXXX)

There appears to be no constitutional problem initiating a carry-over system in Maine. In fact, an excerpt from the Maine Constitution indicating that, "legislation referred to committees for study and report by the Legislature in the first regular session;" can be readily interpreted as enabling the legislature to carry-over measures.

- (2) Each regular joint standing committee should determine, by a 2/3 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 carry-over simply state in their rules that all measures not acted upon in the first regular session shall be carried

(2) 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 carry-over 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 carry-over we discovered that in states where the carry-over process is unrestricted the volume of legislation carried-over is quite high. For example, N.Y. 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 carry-over is a healthy 22%. We envision a similar rate for Maine.

(3) 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 carry-over is to permit committees to study those measures in the interim that have not received careful attention during the session.

(4) Any bill carried-over in committee must be reported out no later than seven calendar days after the convening of the second regular 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.

Having presented those characteristics we feel are appropriate for a carry-over system in the Maine Legislature, we now offer a suggested rule for the Leg-

Legislatures consideration:

Rule. (new) Bill carry-over. (a) Any measure 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 upon written and signed request of two-thirds of all the members appointed to said committee and upon said report being recorded in the Journals of the two branches;

(b) Any measure to be carried-over shall be so voted and recorded at least two weeks prior to said committee's final reporting deadline.

(c) It shall be in order for a member to move to discharge a joint committee from its action to carry-over a measure for two (2) legislative days following the notice of such action by a committee in the journal of the branch to which said member was elected. Excepting that a unanimous committee report to carry-over shall be non-debatable; said measure being automatically carried-over.

(d) Members of the Senate may move to discharge Senate measures only, and members of the House may move to discharge House measures only. A majority vote shall be necessary to effect discharge on the floor of each branch.

(e) Any measure carried-over must be reported out by said committee no later than seven (7) calendar days after the convening of the second regular session in the odd-numbered year.

The adoption of a rule similar to this will, we believe, enable the Maine Legislature to realize those benefits noted above.

2. Committee Reorganization.

This section shall concern itself primarily with our work in developing subject matter jurisdictions for each regular joint standing committee of the Maine Legislature. Inclusive within our recommendation for subject matter jurisdictions will be a number of additional recommendations specifying new procedures for certain committees, and consolidation for others. Additionally, in this section we shall offer recommendations pertaining to the staff needs of Maine's joint standing committees and the establishment of uniform rules of committee procedure.

Subject Matter Committee Jurisdictions.

One recommendation on which nearly all legislative leaders seemed to agree was that the Reference of Bills Committee should be abolished. Nearly every legislative leader indicated that he or she favored the abolition of this committee on the grounds that it involves itself unnecessarily in mechanical matters which could be handled in a far more efficient and equitable fashion. We wholeheartedly agree.

At its best, the Reference of Bills Committee is a time consuming, inefficient method of getting bills referred to the appropriate joint standing committee. The valuable time spent by legislative leaders on the Reference of Bills Committee could be far better spent. At its worst, the Reference of Bills Committee is an imprecise vehicle which occasionally makes inaccurate references which can lead to: time delays; faulty legislation due to the wrong committee handling the bill; and duplication of committee effort by inadvertently referring similar bills to different committees.

While we recognize that the Reference of Bills Committee more often than not makes the correct reference, we nonetheless believe that its drawbacks are sufficient enough to warrant its abolition. As Table 6 shows, well over 60% of all legislators surveyed agreed with us.

TABLE 6

LEGISLATOR ATTITUDES TOWARD THE ABOLITION OF THE REFERENCE OF BILLS COMMITTEE
AND THE ESTABLISHMENT OF SUBJECT MATTER JURISDICTIONS

<u>Establishment of</u> <u>Jurisdictions and</u> <u>abolition of Reference</u> <u>of Bills Committee</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 practice satisfactory	33	32	33	23	32
No opinion, undecided	$\frac{14}{100\%}$	$\frac{02}{100\%}$	$\frac{09}{100\%}$	$\frac{05}{100\%}$	$\frac{04}{100\%}$

On the basis of our findings we therefore now recommend the following:

- (6) The Reference of Bills Committee should be abolished and in its stead subject matter jurisdictions for each joint standing committee should be established so that all bills dealing with the same subject matter are automatically referred to the same committee. Further, these subject matter jurisdictions should be enumerated in the Joint Rules.

The Maine State Legislature is the only state legislature in the nation which uses a joint leadership committee to reference bills to committee. The overwhelming majority of state legislatures permit their presiding officers to make references on

the floor. It is such a system we are proposing here - with one additional characteristic. Rather than permit the leadership to make references solely on their own discretion, we are suggesting that comprehensive subject matter jurisdictions be developed and enumerated in the Joint Rules. The presiding officers will thus make their references on the basis of these jurisdictions.

In addition to vesting this referencing authority in the presiding officers, we further recommend that the House Clerk and Senate Secretary be charged with assisting the leaders in making the appropriate references. Both the Clerk and Secretary are eminently qualified to assist the presiding officers in this function. The Clerk and Secretary are now responsible for a number of essentially mechanical procedures such as indexing, preparing the daily issue of the Advance Journal and Calendar, and keeping the official Journals of Proceedings. Given these functions, and the fact that we regard referencing as essentially a mechanical procedure, particularly in light of the subject matter jurisdictions we are proposing, the vesting of this advisory responsibility in the Clerk and Secretary appears both logical and appropriate.

One final point. Although referencing is essentially a mechanical procedure, it cannot be overlooked that due to the nature of what is being referenced, i.e., legislation; politics will occasionally come into play. While this is not necessarily undesirable, it does serve to point out the felicity of keeping the referencing responsibility out of those legislative service agencies which must maintain a non-political position within the legislature.

By initiating a system such as we are proposing here, a number of significant benefits will accrue. Chief among these are:

- (1) More time for legislative leaders. By freeing up their time, legislative leaders will be able to devote more attention to more significant administrative and policy matters.

- (2) More accurate referencing. By establishing comprehensive committee jurisdictions more accurate referencing should result.
- (3) Strengthening pre-filing. As we noted earlier when we discussed improvements in pre-filing, committees should be allowed to consider pre-filed legislation in the pre-session period. By establishing subject matter jurisdictions in the Joint Rules it will be possible to automatically refer legislation to committee in the pre-session.
- (4) Enhance openness of the legislative system. By enumerating jurisdictions in the Joint Rules, the public will be afforded a clearer picture of which committees handle what subjects.
- (5) Encourage continuity of committee experience and the development of committee expertness in specific subject areas. In reviewing committee references made in the past two legislative bienniums, and in discussing this matter with staff in the Legislative Assistant's Office, we have discovered that in many instances the same subject matter will be referred to different committees from session to session. Again, subject jurisdictions should eliminate this thereby enabling committees to build experience and develop expertise.
- (6) Improve legislature's ability to oversee the administration of state government. In developing each committee jurisdiction we have endeavored to create a committee structure which roughly parallels the executive branch. Where possible we have constructed subject matter jurisdictions which make reference to specific executive departments and agencies. If one committee handles all the legislation relating to a particular department and/or agency, it will gain a better understanding of just how that department or agency functions. If all committees specialize roughly along departmental lines, the legislature's oversight capabilities will necessarily be strengthened.

In accordance with the objectives set forth above we now recommend the following amendments to the Maine Joint Rules.

I. 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, viz:

Agriculture. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

- I. The Department of Agriculture, including quasi independent agencies within the Department.
- II. Regulation and promotion of agricultural industry
- III. Agricultural extension, research, societies, and fairs
- IV. Animal industry and animal welfare
- V. Plant industry including pesticides and pesticide control and soil conservation

Business Legislation. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

- I. Insurance generally and non profit hospital or medical service corporations (Titles 24 and 24 - A)
- II. Maine Consumer Credit Code (Title 9 - A)
- III. Financial institutions (Title 9 - B)
- IV. Uniform Commercial Code (Title 11)
- V. Corporations and other business organizations (Titles 13 and 13 - A)
- VI. Professional and occupational liscensing and regulatory boards, other than health care professions (Title 32)
- VII. Other business and trade regulation and consumer protection.

Education. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

- I. Education generally
- II. Schools and secondary education
- III. Colleges and universities, University of Maine
- IV. Vocational Technical education
- V. School lunch program
- VI. Special education

Education (continued)

VII. Public school funding

VIII. Teachers employment

IX. School construction

X. School administrative districts

Election Laws. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

I. Federal, state and county elections (Title 21)

II. Confirmation Review for certain appointed officers of the executive branch

Fisheries and Wildlife. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

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

Health, Human Services, and Corrections* To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

I. 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:

II. 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)

III. 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.

IV. Measures relating to correctional facilities, programs and services for both juveniles and adults.

V. 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.)

VI. Measures relating to assistance programs, including Aid to Families with Dependent Children, food stamps, general assistance, Supplemental Security Income, Medicaid,

Health, Human Services, and Corrections, (continued)

VI. Medicare, and state administered medical assistance programs.

Judiciary. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

- I. Courts and court procedure including Judicial Branch personnel
- II. Criminal Law
- III. Probate and Domestic Relations

Liquor Control. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

- I. State Administration
- II. Sale of Alcoholic Beverages
- III. Retail and Wholesale establishments
- IV. Taxation of Liquor

Labor. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

- I. Workmen's compensation and Industrial Accident Commission
- II. Unemployment insurance program (includes tax and compensation)
- III. 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")
- IV. Compensation (including unpaid and minimum wages), hours, and conditions of labor
- V. Apprenticeship, union labels and trademarks, preference to Maine workers
- VI. Workplace health and safety, including OSHA
- VII. Other matters affecting Labor unions
- VIII. Inspection functions of the Bureau of Labor
- IX. Employment of children and women
- X. Organization, staffing, etc., of The Department of Manpower Affairs (shares with State Government)

Local and County Government. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

- I. County Government, generally, including county budgets
- II. Municipal government, generally
- III. Governmental organizations and functions of Village, Plantation and unorganized territory
- IV. Confirmation Review for certain appointed officers of executive branch

Marine Resources. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

- I. Marine Resources generally
- II. Fishing and selling licenses for Marine Resources

Natural Resources and Land Use Planning*. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

- I. Matters relating to the conservation of natural resources and energy
- II. Legislation to be implemented by the Department of Conservation
- III. Legislation to be implemented by the Department of Environmental Protection and the Board of Environmental Protection
- IV. Matters relating to Land Use including planning and zoning

Public Utilities. To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

- I. Public Utilities generally, including: (a) Title 36; (b) Electric utilities; (c) Sewerage and water districts; (d) Telephone and telegraph; (e) Sanitation districts; (f) Common carriers
- II. Matters relating to Public Utilities Commission
- III. Power generation

State Government.* To this committee shall be referred all bills, resolves, and other matters relating to the following subjects:

- I. Legislation affecting state employees, including "the Personnel Law" and excluding questions of classified salaries and retirement
- II. The Maine State Retirement System
- III. State services to Veterans generally
- IV. Measures relating to the Capitol building and all other buildings in the Capitol complex
- V. Measures pertaining to the creation and powers, organization, staffing and management of two or more executive departments and or independent agencies

State Government, (continued)

VIII. Constitutional amendments except those affecting areas within the jurisdiction of other committees (e.g., Election Laws, County Government)

Taxation. To this committee shall be referred all bills, resolves, and other matters relating to the following areas:

- I. Taxes generally
- II. Property valuations

Transportation. To this committee shall be referred all bills, resolves and other matters relating to the following areas:

- I. Highway and bridges, including maintenance and tolls
- II. 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* To this committee shall be referred all bills, resolves, and other matters relating to the following areas:

- I. Right to Know
- II. Claims against the State
- III. Lobbyist regulation and ethics legislation
- IV. Statutory changes affecting the Legislature and Constitutional officers
- V. Errors and Inconsistencies Bill excluding items handled in each committee as proposed.**
- VI. Bankruptcy

Appropriations and Financial Affairs* To this committee shall be referred all bills, resolves, and other matters relating to the following areas:

- I. General Appropriations Bills
- II. Bond issues of State (highway, University)
- III. 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.

A review of these committee jurisdictions reveals that a number of

substantive changes have been initiated. Each of these represents a further reform which shall now be considered.

- (7) Committee Consolidation. We recommend that the number of regular joint standing committees be reduced from the present 22 to no more than 19. Specifically, we recommend that the following committees be abolished: Energy - whose subject matter shall next be considered by the Natural Resources Committee; Human Resources - whose subject matter shall next be considered by Health, Human Services, and Corrections Committee; Veterans and Retirement - whose subject matter shall next be considered by State Government.

There are two principal reasons why we advocate the reduction in the number of joint standing committees from 22 to 19:

First. The committees we recommend abolishing considered a combined total of 85 bills and resolves during the 1975 regular legislative session. This amounts to less than 1% of the total volume of legislation considered in that session.

Second. By eliminating these committees it will be possible to effect a much needed reduction in the number of individual committee assignments for senators. As Table 7 below clearly shows; a large majority of senators are burdened with 3 or more committee assignments per session.

One of the advantages of a joint committee system is that it allows house and senate members to deliberate together. Yet, most Maine Legislators, particularly senators, have little time for careful consideration of legislation due to their multiplicity of committee assignments.

Obviously, a reduction in the total number of committees will enable the legislature to bring about a corresponding reduction in the total number of individual committee assignments per legislator. While we recognize that fewer committee assignments does not mean that legislators will have less work to perform; we do believe that with fewer assignments legislators will be able to attend more meetings of those committees on which they serve. Consequently, legislators will have a greater opportunity to participate more actively and effectively in committee deliberations.

TABLE 7
NUMBER OF INDIVIDUAL COMMITTEE
ASSIGNMENTS PER SENATOR
 107th Legislature

<u>Number of committee assignments</u>	<u>Number of Senators</u>	<u>Percentage of Senate</u>
1	2	6%
2	6	19%
3	14	42%
4	9	27%
5	2	6%
		<u>100%</u>

- (8) More even distribution of committee workloads. To the extent possible, we recommend that committee workloads be evenly apportioned amongst the 19 regular joint standing committees enumerated above.

In looking at the workloads of each committee in the 107th Legislature we found that the workloads, as measured in terms of volume of legislation considered, were rather unevenly distributed. In order to at least partially rectify this situation we have shifted some of the workload out of the more overburdened committees to committees that are less burdened. It should be emphasized that in making these shifts our primary concern has been to create committee jurisdictions that are uniform in subject matter and relevant to the title of the committee. Additionally, in making these shifts we have attempted to take into consideration the complexity of the subject matter we are transferring.

A prime example of this equalization in workload is the transfer from Judiciary to Legal Affairs of subject matter dealing with: bankruptcy, claims against the state, and the Errors and Inconsistencies Bill, excluding items handled in each committee as proposed below. In effecting this transfer, the Judiciary Committee will still continue to have a sizeable workload each session. Unquestionably however, this workload will be less burdensome than it has been in past sessions. On the other side, in vesting additional subjects under the jurisdiction of Legal Affairs, both the workload and the importance of the committee will be favorably enhanced.

- (9) We recommend that the Appropriations committee's jurisdiction be restricted to the subject matter and procedures noted above on page 48. That is, general appropriations bills, bond issues of the State, (highway and University) and 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.

The purpose of this recommendation is to permit legislation to be evaluated first on its substantive merits and second on its fiscal impact. There is no logical justification for having the Appropriations Committee sit in judgement on legislation that it has no expertise on. In reviewing the subject matter referred to Appropriations we discovered that it has considered legislation dealing with such subjects as: care of the elderly; Mental Health Institutions; and Pesticide Control. While we recognize that these matters may have required a fiscal expenditure; we nonetheless hold that the Appropriations Committee is in no position to determine whether or not to approve the legislation on its substantive merit. The Appropriations Committee can only make determinations based upon the fiscal qualities of legislation. Our recommendation reflects and reaffirms this fact.

Appropriations will still be able to review and report to the floor all legislation carrying a fiscal note. The difference will be that under our plan, the remaining 16 joint standing committees will have an opportunity to evaluate legislation on the basis of its substantive merit - before Appropriations conducts its own review.

If this proposal is adopted it will be necessary to establish an earlier deadline for all committees having legislation containing a fiscal note.