

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE
FIRST REGULAR SESSION**

**Final Report
of the**

**LEGISLATIVE COUNCIL SUBCOMMITTEE
TO STUDY THE STRUCTURE AND OPERATION
OF THE MAINE LEGISLATURE**

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119th LEGISLATURE
LEGISLATIVE COUNCIL SUBCOMMITTEE TO STUDY
THE STRUCTURE AND OPERATION OF THE MAINE LEGISLATURE

I. Introduction

At its July 14, 1999 meeting, the Legislative Council created a subcommittee to study improvements in the operation and structure of the Maine Legislature. That action was taken to investigate a widespread belief among legislators, staff and the public that, despite compiling a list of significant achievements during recent sessions, in some important ways the Legislature as an institution is not adequately carrying out its fundamental responsibility. The basic responsibility of the Legislature in our tripartite form of government is to formulate state policy through a legislative process that carefully considers policy alternatives and implications, establishes funding priorities for execution of that policy and performs timely oversight of its implementation.

The council subcommittee was chaired by Speaker Rowe and, in addition, consisted of Sen. Bennett, Sen. Rand, Rep. Mike Saxl, Rep. Tom Murphy and Rep. Campbell.

Early in its discussion, the subcommittee established the following set of goals to direct its considerations.

The Maine legislative process should:

- Facilitate public understanding of and involvement in the legislative process;
- Make it easier for individuals to serve in the Legislature;
- Enhance the quality of the Legislature's operations, deliberations and enactments; and
- Empower the Legislature to act as an independent, co-equal branch of Maine government, consistent with its Constitutional charge.

The subcommittee convened on September 22, 1999 and met 6 times through January 2000. Consideration was given to a wide range of issues affecting the organization of the Legislature and the way it carries out its responsibilities. The subcommittee met with representatives of the Executive Branch, representatives of legislative staff offices, municipal government representatives and bipartisan representatives of the Appropriations Committee to discuss various proposals for structural and procedural reform and to seek input. One of the Legislative Council's charges to the subcommittee was to seek the opinions of other legislators in its deliberations. Toward that end, the subcommittee surveyed current legislators on their positions regarding the various proposals to improve the performance of the Legislature.

The results of that survey helped guide the subcommittee in developing its recommendations. A summary of the results of the survey is available in the Office of Policy and Legal Analysis.

Generally, the subcommittee considered structural or operational changes in the following 7 broad areas of the legislative process.

- Changes in the legislative session schedule to more efficiently handled the existing workload
- Reversing the long and short legislative sessions to allow for more organizational and orientation activities at the outset of a legislative biennium
- Limiting the number of bills introduced and considered in the 1st Regular Session to reduce the current workload
- Improvements to protect the integrity of the committee process and enhance the committees' ability to handle an increasing workload
- Improvements in the process for adoption of the biennial budget and clearing of the Special Appropriations Table
- Streamlining floor action and debate to avoid any over emphasis on ceremonial and administrative matters at the expense of substantive debate
- Considering ways to make more effective use of the interim period between regular sessions

II. Recommendations for improvement

As a result of its deliberations the subcommittee recommends the following changes in legislative rules and policies to improve the structure and operation of the Maine Legislature.

1. Control the workload of the Legislature by placing reasonable limits on the number of bills requested by legislators.

- Limit the number of bills that legislators may request for drafting in the 1st Regular Session to 12 per member and relax the cloture date as follows:
 - By the 3rd Friday in December, each legislator may request drafting of up to 12 bills;
 - Between the 3rd Friday in December and the 3rd Friday in January, each legislator may request 7 bills or the number of additional bills that brings his or her total drafting requests for the session to 12; whichever is less; and
 - Between the 3rd Friday in January and the 3rd Friday in February, each Legislator may request 2 more bills or the number of bills that brings his or her total drafting requests for the session to 12, whichever is less.

This limitation on bill introduction and relaxation of the cloture deadline should be conducted on an experimental basis to determine whether limiting the overall bill

workload of the Legislature will result in an enhanced ability to formulate sound policy. The issues of the cloture date, whether bills should be limited and the limit set should be reviewed periodically by the Joint Select Committee on Joint Rules pursuant to Joint Rule 354.

- Eliminate the “By Request” category of bill sponsorship.

2. Reduce the amount of floor time devoted to routine matters

- The Secretary of the Senate and the Clerk of the House should jointly refer bills to the appropriate joint standing or select committee for public hearing and order printing subject to the following:
 - Approval by the President of the Senate and the Speaker of the House;
 - Posting of notice of the referral for 2 days immediately prior to referral and written notice sent to the prime sponsor; and
 - Within the 2 day posting, any member may appeal the referral to the President and the Speaker
- Floor leaders and presiding officers should encourage members’ debate on ceremonial matters such as special sentiments to be brief, relevant and non repetitive.

3. Require a minimum threshold showing of support for bills reported by committees to reduce the likelihood that floor time will be devoted to unnecessary debate. Committee reports recommending passage (Ought to Pass/Ought to Pass as Amended/Ought to Pass in New Draft) must receive a minimum of 3 votes from the committee in order to be reported to either chamber. The minimum number of votes must include the vote of at least one member of each chamber.

4. Allow committees to make better use of the interim period to prepare for the session and to free up session time for consideration of legislative policy matters. Each joint standing and select committee may meet once per month during the time between adjournment *sine die* of the preceding regular session and convening of the next regular session. The purpose of the meetings is to carry out necessary oversight of administrative agencies and conduct committee studies. Committees may also hold public hearings and work sessions on bills and resolves in their possession and conduct other necessary committee business. The specific days of the meetings must be approved by the presiding officers and should be regularly scheduled.

5. The presiding officers should more fully consider the needs of committee members when devising the session schedule.

- The presiding officers should continue to take into account committee schedules when planning and conducting daily sessions, including assigned meeting days throughout the week and daily starting and ending times, adhere to the announced

schedule and periodically inform members of their scheduling plans and the chamber's progress.

- Early in the session, the presiding officers should minimize the frequency of floor sessions and schedule sessions only when significant debate or other chamber business warrants thereby holding as many full days as possible open for committee work. Daily sessions should not be scheduled solely or primarily for consideration of ceremonial matters such as special sentiments.
- Especially during the 1st Regular Session, the presiding officers should schedule at least one week each session for “catch up” during which non partisan staff would be expected to work on drafting and bill and fiscal analysis and legislators would catch up on their commitments outside of Augusta. Committees that had not met their reporting deadlines would be expected to work during that week, however. In scheduling, the presiding officers should take into account holidays and traditional school vacation periods.

7. Consider ways to reduce legislator scheduling conflicts. The Joint Select Committee on Rules of the 119th Legislature should review the number and jurisdiction of joint standing and select committees to address the serious issue of member absenteeism due to scheduling conflicts and multiple committee assignments.

8. Implement changes to improve the budget and Special Appropriations Table processes.

- The presiding officers should encourage both policy committees and the Appropriations Committee to fully comply with Joint Rule 314 for participation in budget hearings and work sessions
- The subcommittee considered but was unable to reach consensus on the issue of adoption of a 3- or 4-year budget instead of the traditional biennial budget. The subcommittee believes that issue should be studied further.

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