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The Maine Legislature: An Examination of Practices, Procedures and Organization

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The Maine Legislature: An Examination of Practices, Procedures and Organization

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NCSL

The National Conference of State Legislatures is the bipartisan organization that serves the legislators and staffs of the states, commonwealths and territories.

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- To improve the quality and effectiveness of state legislatures.
- To promote policy innovation and communication among state legislatures.
- To ensure state legislatures a strong, cohesive voice in the federal system.

The Conference operates from offices in Denver, Colorado, and Washington, D.C.



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One important aspect of our study methodology was the participation of a review group of legislative staff practitioners. We were fortunate to engage three terrific staff professionals on the Maine project. Mary Janicki, director of Connecticut's Office of Legislative Research, Lorne Malkiewich, director of Nevada's Legislative Counsel Bureau, and Dennis Prouty, director of Iowa's Legislative Services Agency, reviewed our work and met with us in Denver to discuss and critique our ideas. Their practical perspective helped us to see new options and strengthened our conclusions.

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EXECUTIVE SUMMARY

In April 2005 the Maine Legislative Council contracted with the National Conference of State Legislatures (NCSL) for the systematic study and evaluation of legislative operations and practices at the Maine State Legislature. The goals of the study were to identify opportunities for improved efficiency and effectiveness in key legislative areas and to present specific recommendations that responded to those opportunities. We were asked to focus on the following goals:

1. To assess the efficiency and effectiveness of key legislative operations in Maine;
2. To assess the logic, effectiveness and efficiency of the current organizational structure of the Maine Legislature;
3. To examine the relevance and efficiency of each staff agency and/or staff group currently providing services to the Maine Legislature;
4. To review the role and structure of the Legislative Council; and
5. To identify practical opportunities for streamlining legislative operations that preserve the integrity of essential legislative activities and services.

We observed a Maine Legislature that provides excellent service to the state's citizens. Legislators take their work seriously, and leaders in both parties show a genuine desire to improve effectiveness and efficiency, even when tough decisions are involved. Maine staff are similarly devoted, showing a strong work ethic and loyalty to their staff organizations.

NCSL's recommendations are based on survey results, interviews, observations of committee and floor proceedings and review of work products such as bills and fiscal notes. In addition, we reviewed our basic recommendations with a team of staff directors from Connecticut, Iowa and Nevada; with key Maine leaders in both parties and both houses; and with key Maine staff directors. We also sought considerable comparative information from legislatures in Arizona, Arkansas, Colorado, Connecticut, Iowa, Indiana, Nevada, New Hampshire, Ohio, Oregon, Rhode Island, South Dakota and Vermont, as well as selected information from other state legislatures.

Chapter 1. Maine Legislative Budget Issues

The Legislative Council has not fully exercised its legal authority over the budget. The Legislature's budget is primarily one consolidated account with limited autonomy, cost accountability and transparency by chamber.

Recommendations:

1. The Legislative Council should re-assert its legal authority over the Legislature's budget. Any and all changes affecting the budget (including new positions and adjustments to line items) should receive advance Council approval before being implemented.
2. The House and Senate office budgets should be partitioned into separate reporting organizations under Maine's budget management system.
3. Upon final budget approval by the Legislative Council, the presiding officer of each chamber should be delegated the authority to make spending decisions within the approved budgets for his or her respective chamber.
4. The presiding officers should not be allowed to exceed the budgeted amounts in any line category within their budgets or incur any ongoing, unbudgeted expenses without advance approval of the Legislative Council.
5. To maintain the independence of the legislative branch, the Maine Legislature should discontinue its practice of submitting financial orders to the governor for approval.

Chapter 2. Legislative Council

The institutional importance of the Legislative Council cannot be overstated. Especially in an era of term limits, the role of the Legislative Council becomes critical to the institution's success. The NCSL study team is impressed with the stature of the Legislative Council within the Maine Legislature, with its routine of regular meetings, and with its record of engagement on key institutional matters and decisions. Term limits make the role of the Council increasingly important. Its work, influence and strategic institutional role should be fostered and encouraged.

Recommendations:

6. The Maine Legislative Council should fully execute its statutory authority and role, especially in areas of institutional reform and progress that require longer-term strategic planning and where actions by the Council can promote consensus and a sense of shared mission among all legislators and legislative employees.
7. The Legislative Council should authorize a temporary study group or committee of legislators, staff and other appropriate participants to examine the status and viability of

the MELD bill drafting system and to develop strategic goals, objectives and deliverables for finalizing the bill drafting system and to set the stage for future deployment and application of information technology within the Legislature. (See chapter 4 for details on this recommendation.)

Chapter 3. The Maine Legislative Services Agency

The so-called “federation” of offices reporting to the Legislative Council could be more coordinated in their planning and services. They should be more closely bound together in purpose and mission through the creation of a single identity for all nonpartisan employees who currently work beneath the Legislative Council umbrella.

Recommendations:

8. The Maine Legislature should establish a Maine Legislative Services Agency (MLSA) to be directed by the executive director of the Legislative Council, who should serve as the Agency’s chief administrative officer. The MLSA should be created through the merger of all nonpartisan staff and offices that currently report to the Council, including the Office of the Revisor, the Office of Policy and Legal Analysis, the Office of Fiscal and Program Review, the Office of Legislative Information Services and the Office of the Executive Director. The MLSA should not include the Office of Program Evaluation and Government Accountability. The Maine State Law and Legislative Reference Library should be placed under the jurisdiction of the Maine State Library.
9. The executive director to the Legislative Council should have final authority regarding the hiring, review and firing of all employees of the Maine Legislative Services Agency. However, the hiring of directors should be subject to the approval of the Legislative Council. The current three-year term of appointment for directors should be repealed.
10. The executive director of the Maine Legislative Services Agency should institute strategies to improve and maintain communication and build trust among MLSA offices and staff and also between the MLSA and the staff of the House and Senate.

Chapter 4. Maine Legislative Information Technology Issues

The Legislature needs to strengthen information technology oversight and planning. The NCSL study team has identified strategic actions that should be taken to ensure that information technology improves efficiency within the Legislature, reduces redundant work processes, and meets the needs of legislators and staff. The Legislature should take the following approaches to institute oversight and accountability measures, increase user input, improve long-term strategic planning, and ensure coordination of information system decisions so that the overall effectiveness of the Senate, the House of Representatives and legislative agencies may be improved.

Recommendations:

11. The Legislative Council should authorize a temporary study group or committee of legislators, staff and other appropriate participants to examine the status and viability of the MELD bill drafting system; to develop strategic goals, objectives and deliverables for finalizing the bill drafting system; and to set the stage for future deployment and application of information technology within the Legislature.
12. Legislative Information Services (LIS) should be housed within the Executive Director's office. The LIS legislative indexer position should be moved from LIS to the Office of the Revisor. The Office of Legislative Information should be removed from LIS. Its committee clerk function and staff should be moved to the Office of Policy and Legal Analysis. The public information staff should be placed within the Executive Director's office as a separate and distinct function.
13. The Legislature should create a permanent Information Systems Review Team, comprising the secretary of the Senate, the clerk of the House of Representatives or their designees, the director of each of the legislative staff offices or their designees, and a staff member appointed by the majority and minority party of each chamber. The goal of this group is to identify needs, set priorities, monitor progress on IT projects, and develop a long-term strategic plan for information technology for review and approval by the Legislative Council.
14. The LIS director and the Information Systems Review Team should develop a long-term plan for the system, including a mission statement, list of goals, activities to reach the goals, and performance measures to gauge whether the goals have been met.

Chapter 5. Maine State Law and Legislative Reference Library

In the 50 states, the Maine State Law and Legislative Reference Library is unique, representing the only case where a "state law library" is supported separately within the legislative branch of government. Its unique status in the state and its broad charge to serve the public, the legal community, the Legislature and state government could be better served by removing it from the jurisdiction of the Legislative Council and the Legislature.

Recommendations:

15. The Maine State Law and Legislative Reference Library should be removed from the jurisdiction of the Legislature and placed within the organizational structure of the Maine State Library. Its operations should remain located at the State House, and the Legislature should stipulate that the Law and Legislative Reference Library continue to provide specific services, including those related to legislative history, to the Legislature.

16. The State Law Librarian (also called the director of the Maine State Law and Legislative Reference Library) should report to the State Librarian. All personnel oversight functions related to the State Law Librarian should be invested in the State Librarian. Current law stipulating that the State Law Librarian is appointed by the Legislative Council should be repealed.
17. The Maine State Law and Legislative Reference Library should significantly amend or discontinue its current newspaper clipping service, at the same time being careful to preserve the contents of its existing newspaper clipping subject files through its conversion into an electronic database. This conversion should be performed by a private contractor.

Chapter 6. Revisor of Statutes

The Office of the Revisor of Statutes should streamline its bill drafting procedure and take advantage of technological improvements.

Recommendation:

18. The Office of the Revisor of Statutes should:
 - Commit its drafters to electronic drafting.
 - Direct drafters to create “polished” first drafts.
 - Separate editing and proofreading steps in the drafting procedure.
 - Allow position reduction to occur naturally in the transition to electronic drafting.

Chapter 7. Sentiments

The Maine Legislature spends too much time and too many resources on legislative sentiments.

Recommendations:

- ✓ 19. The Maine Legislature should use a legislative citation or certificate—which does not require drafting, introduction, committee hearing, floor debate or vote—as the main instrument for expressing commendation, condolences, appreciation or congratulations.
- ✓ 20. The Maine Legislature should strengthen chamber rules to restrict the use of formally drafted ceremonial resolutions.

Chapter 8. The Constituent Services Unit

Legislator demand for constituent service assistance from staff is on the rise. The Maine Legislature currently uses a caucus-based system of staff support on constituent problems. NCSL believes that an alternative approach could improve the effectiveness of Maine's constituent service and also reduce the overall cost of providing that service.

Recommendation:

- ✓ 21. The Maine Legislature should create a nonpartisan Constituent Services Unit (CSU), organized within the current Office of Policy and Legal Analysis. The CSU should be staffed with six full-time analysts, one of whom would serve as manager of the unit. The partisan staff offices should be reduced by a total of 10 FTEs, contributing six to the new CSU, with the remaining four FTEs eliminated and contributed to savings in the legislative budget.

Chapter 9. The Legislative Information Office

The functions of the Legislative Information Office could be redeployed to improve service to legislators and the public. Changes in the method of hiring committee clerks would enhance the nonpartisan status of these employees. Benefits paid to committee clerks and other session-only employees are generous compared to most other state legislatures.

Recommendations:

22. The Legislative Information Office should be discontinued and its two main functions reorganized as follows:
- The session-only committee clerks should be transferred to the Office of Policy and Legal Analysis. Committee clerks should be hired by OPLA.
 - The Legislative Information Manager, the three FTE Legislative Information Assistants and the part-time Legislative Information Associate should be transferred to the Office of the Executive Director. Efforts should be made to enhance the public information activities of these staff and to eliminate duplication with other offices in the areas of bill status and tracking, data entry, and reporting.
23. The Maine Legislature should reexamine its policy that pays year-round benefits to session-only employees.

Chapter 10. Legislator Training

Maine legislators need more training on institutional and policy topics and skills due to the effects of term limits and the increasing complexity of state issues.

Recommendation:

24. Maine legislator training should be revised to:

- Make the training more interactive and practically focused.
- Increase planning time and develop a working group of leaders, new legislators and senior staff.
- Increase the outreach effort about the importance of training.
- Revise committee chair and leader training to emphasize best practices in building consensus; strategic planning, time management; and working with leaders, colleagues, staff and the media.
- Provide a participant-centered focus to the legislative policy forums so that attendees can apply what they have learned to help them vote, craft policy alternatives and work with their constituents on the issue.

INTRODUCTION

Project Overview

In April 2005 the Maine Legislative Council contracted with the National Conference of State Legislatures (NCSL) for the systematic study and evaluation of legislative operations and practices at the Maine State Legislature. The goals of the study were to identify opportunities for improved efficiency and effectiveness in key legislative areas and to present specific recommendations that responded to those opportunities. We were asked to focus on the following goals:

1. To assess the efficiency and effectiveness of key legislative operations in Maine;
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3. To examine the relevance and efficiency of each staff agency or staff group currently providing services to the Maine Legislature;
4. To review the role and structure of the Legislative Council; and
5. To identify practical opportunities for streamlining legislative operations that preserve the integrity of essential legislative activities and services.

Methodology

NCSL has extensive experience conducting studies of legislative operations. During the past 20 years, we have performed in-depth reviews of staff organization, rules and procedures, internal management and legislative personnel systems in 23 state legislatures.

In Maine, the NCSL Study Team consisted of Brian Weberg (Project Director), Corina Eckl, Brenda Erickson, Bruce Feustel and Pam Greenberg. We made five separate trips to Augusta to interview legislators and staff, observe legislative operations and review legislative work products. During those interviews, we talked with many legislators in both parties and both houses, plus staff at all levels of their organizations. Several key individuals, such as the Speaker, Senate President, other legislative leaders, leader chiefs of staff, Secretary of the

Senate, Clerk of the House and Executive Director of the Legislative Council were interviewed several times. We also conducted surveys of legislators and staff, hearing back from 40 legislators and 102 legislative staff.

NCSL's recommendations are based on the survey results, interviews, observations of committee and floor proceedings and review of work products such as bills and fiscal notes. In addition, we reviewed our basic recommendations with a team of staff directors from Connecticut, Iowa and Nevada; with key Maine leaders in both parties and both houses; and with key Maine staff directors. We also sought considerable comparative information from legislatures in Arizona, Arkansas, Colorado, Connecticut, Iowa, Indiana, Nevada, New Hampshire, Ohio, Oregon, Rhode Island, South Dakota and Vermont, as well as selected information from other state legislatures. The states were chosen for their similarity to Maine on several criteria, including population, region, expenditures, term limits and legislative procedure.

Themes to Findings

We observed a Maine Legislature that provides excellent service to the state's citizens. Legislators take their work seriously, and leaders in both parties show a genuine desire to improve effectiveness and efficiency, even when tough decisions are involved. Maine lawmakers have a strong commitment to making good policy and budget decisions, handling committee work in a way that improves legislation and involves the public, and providing constituent service.

Maine partisan and non-partisan staff are similarly devoted, showing a strong work ethic and loyalty to their staff organizations. The work they do is top notch. We were impressed with our independent review of their work, and the legislator surveys confirmed this opinion (see table 1).

<i>Satisfaction with services provided to you by the following legislative staff offices and groups.</i>	Average Score
1. Office of Executive Director of the Legislative Council	3.7
2. Office of Fiscal and Program Review	3.9
3. Office of Information Services (computer services)	3.8
4. Committee Clerks to Standing Committees (located within Office of Information Services)	4.3
5. Office of Policy and Legal Analysis	4.4
6. Office of the Revisor of Statutes	4.4
7. Office of Secretary of the Senate or Clerk of the House (as applicable in your chamber)	4.2
8. Law and Legislative Reference Library	4.0
9. Office of the Speaker of the House (as applicable in your chamber)	4.0
10. Office of the President of the Senate (as applicable in your chamber)	3.9
11. Your Caucus Staff Office	4.4

Table 1 measures satisfaction on a one to five scale, with five being “extremely satisfied” and one being “extremely dissatisfied.”

Generally, the Legislature and its staff operations are working effectively and efficiently. However, some key theme areas need to be addressed:

- The Legislature faces major technology challenges, both in short-term areas such as refining the new bill drafting system and in long-term areas such as strategic planning to integrate the various systems used by staff and to anticipate future needs. We make specific recommendations for short-term and long-term technology issues and for the Office of the Revisor of Statutes regarding electronic bill drafting.
- The staff structure, responsibilities and history have created some challenges concerning communication and cooperation among the offices. We suggest structural, procedural and communication revisions, along with clarification of lines of authority, to foster a sense of the interdependence of all staff.
- The Law and Legislative Reference Library is included in the Legislature’s budget, yet the Legislature is not a major user of the library. We recommend placing that library within the organizational structure of the Maine State Library, as well as making other changes.
- Term limits have had a major effect on the Maine Legislature, significantly reducing the amount of experience that legislative leaders and individual members bring to their work. We make a number of suggestions regarding training, budgets and procedures to respond to the challenges of term limits.
- The Maine Legislative Council plays a critical role in communicating and cooperating between the chambers and in enhancing the authority of the legislative branch of government in Maine. We recommend methods to strengthen the Legislative Council and streamline its procedures.
- Constituent service is highly valued, but caucus staff do not have time to specialize and build the necessary relationships and skills to become really good at it. We suggest creating a separate constituent services unit to improve these services, create better records and save money.
- The use of legislative sentiments is increasingly taking up the time and resources of legislators and staff. We suggest some alternative ways to continue to recognize significant constituent achievements in a more efficient and less costly manner.

1. MAINE LEGISLATIVE BUDGET ISSUES

The Legislative Council has not fully exercised its legal authority over the budget. The Legislature's budget is primarily one consolidated account with limited autonomy, cost accountability and transparency by chamber.

Separation of powers—a fundamental principle of American government—mandates, among other requirements, each branch of government to develop and maintain its own operating budget. This enables each branch to operate independently from the other, hire professional staff and allocate resources according to its priorities. Important checks govern this process: budget review, deliberation, enactment and oversight. These checks help attain the goals of public budgeting, which include accountability, transparency, efficiency and proper accounting controls. Although these principles guide the budgets for each branch of government, this discussion focuses on the Legislature's budget.

The Maine Legislature operates under a consolidated budget with separate accounts for specific functions such as the overall Legislature, the Law and Legislative Reference Library and the Office of Program Evaluation and Government Accountability, among others. The overall account for the Legislature includes several sub-accounts (programs) for legislative operations such as the Commission on Uniform Laws, State House Renovations, Special Studies and others. Specifics of the process are detailed later in this section.

Role of the Legislative Council

The Office of the Executive Director of the Legislative Council is the centralized entity responsible for day-to-day budget management and administration of the Legislature's budget. Final responsibility for the budget resides with the Legislative Council, as established by statute in MRSA Title 3, §162.

Although the Legislative Council has fulfilled its fiduciary responsibilities, its leadership role over the budget seems to have ebbed. Most recently, the Council was left to find funding to support one expanded and three new positions in one of the chambers—after the positions

already had been filled. This after-the-fact approval of staffing and budgeting decisions undermines the authority of the Legislative Council in controlling the Legislature's budget.

An important statutory change was made in the 2005 session that clarifies and strengthens the Legislative Council's role over the legislative budget, including position control. This amended law also takes a meaningful step to enhance the Legislature's autonomy vis-à-vis the executive branch (PL 2005, C. 12, Part LL-2 5 MRSA §1521). Necessary statutory authority currently exists that clearly identifies the Legislative Council's role and responsibilities over the Legislature's budget. That authority needs to be fully exercised.

Recommendation 1. The Legislative Council should re-assert its legal authority over the Legislature's budget. Any and all changes affecting the budget (including new positions and adjustments to line items) should receive advance Council approval before being implemented.

Budget Flexibility and Accountability

There are many merits to Maine's legislative budget system. The current structure and process are efficient because budget preparation, administration, accounts management and other budget-related functions are centrally administered through the Office of the Executive Director of the Legislative Council. The current structure also allows flexibility because some funds in the Legislature's overall umbrella account can be moved to accommodate changes in spending plans.

At the same time, this flexibility undermines budget accountability and transparency—two principles of sound budgeting practices. Limitations of the current system were demonstrated when new positions were added to the budget without prior Legislative Council approval: the budgetary impact was absorbed by reducing other legislative line items. There was limited direct impact (accountability) on the chamber that added the positions. Moreover, the consolidated budget does not clearly reveal budget decisions by each chamber because they are lumped into the overall legislative account (undermining transparency). The current system also fails to provide stability and predictability in line-item amounts because they can be (and have been) adjusted.

The drawbacks of the current system are exacerbated under term limits because legislative leaders and other legislators are less likely to be clear about their authority over and the accessibility of funds in the budget structure. The current system does not appear to set sufficiently clear guidelines for appropriate uses and amounts of legislative spending, although some of this confusion could be resolved by the Legislative Council re-asserting its budgetary authority, as recommended above.

Although the recent action by one chamber to change its staffing patterns had a ripple effect on the overall Legislature and its budget, it is not uncommon for legislative chambers to have some level of authority to make intra-chamber budget and staff decisions. Most state

legislatures recognize the need for each chamber to operate cooperatively yet independently from the other. The challenge for any state legislature is to balance responsibility for a shared budget while respecting each chamber's need for autonomy to set spending priorities, establish staffing levels, and control other budget decisions.

Some legislatures have accomplished this goal by establishing distinct and separate budgets for each chamber. Separate budgets typically take two different forms: 1) entirely separate budgets that are transmitted to the executive for inclusion in the state budget bill as distinct appropriations requests, or 2) distinct budgets loosely organized under an overall legislative umbrella account. Under either approach, separate budgets typically require the addition of staff to manage and administer those budgets, leading to deliberate duplication of accounting functions within the legislative branch. The NCSL study team explored the feasibility of separate budgets for the Maine Legislature but rejected them for several reasons. First, they run counter to Maine's tradition and culture of a small, centralized staff who do not duplicate functions (efficiency). Moreover, it would be extremely difficult to accommodate such a change within the Legislature's well-established budgeting and accounting system.

Entirely separate budgets are not the only way to give chambers more autonomy. Within Maine's legislative budgeting and accounting system, it is possible to give each chamber some operating budget discretion by partitioning the House and Senate office budgets into separate reporting organizations under the budget management system ("report organizations"). This level of budget detail currently is applied to nonpartisan offices and should be applied throughout all legislative offices.

There are several benefits to partitioning House and Senate budgets within the overall legislative budget umbrella. Foremost, this separation infuses more accountability and transparency into the Legislature's overall budget. Each chamber becomes responsible for operating strictly within the funds it has been allocated through the appropriations process, which boosts accountability. In addition, legislative budget details for House and Senate offices are separately tracked, thereby increasing budget transparency.

Recommendation 2. The House and Senate office budgets should be partitioned into separate reporting organizations under Maine's budget management system.

Recommendation 3. Upon final budget approval by the Legislative Council, the presiding officer of each chamber should be delegated the authority to make spending decisions within the approved budgets for his or her respective chamber.

Recommendation 4. The presiding officers should not be allowed to exceed the budgeted amounts in any line category within their budgets or incur any ongoing, unbudgeted expenses without advance approval of the Legislative Council.

Although it is reasonable and commonplace for legislative chambers to have some degree of budgetary autonomy from the other, this independence should not supersede the statutory authority over the Legislature's budget already assigned to the Legislature's joint

management body. In Maine's case, upon final budget approval by the Legislative Council (and, ultimately, by the Legislature through the appropriations process), the presiding officer of each chamber should be delegated the authority to make spending decisions within the approved budgets for his or her respective chamber, but only within budgeted amounts and within line categories—Personal Services, All Other and Capital. To stay within the approved legislative budget and to avoid placing unbudgeted costs on other legislative accounts, the presiding officers should not be allowed to exceed the budgeted amounts in any line category within their budgets or incur any ongoing, unbudgeted expenses without advance approval of the Legislative Council.

If the Legislature chooses to partition House and Senate operating budgets into separate reporting organizations, it might consider a further change regarding how legislators' expenses are managed in the overall legislative budget. Currently, legislators' expenses for interim committee work are budgeted in the Office of the Executive Director of the Legislative Council, while legislators' expenses during session are assigned to House and Senate line items. It makes sense to manage all these expenses uniformly in separate report organizations under the control and oversight of the Legislative Council. This change would ensure two important objectives: 1) funds are adequately budgeted and sufficient to make payments to legislators as authorized by law or rule, and 2) funds for legislators' expenses do not become commingled with or diverted to general operational expenses of the House or Senate (if the recommendation to establish separate reporting organizations for them is adopted). The NCSL team is not making this a formal recommendation, but urges the Legislative Council to give it serious consideration after further discussion with the Executive Director of the Legislative Council, the House Clerk and Senate Secretary.

Financial Orders/Separation of Powers

A separate yet important issue that affects the legislative budget pertains to the Legislature's relationship to the executive. Under current law, the Maine Legislature must seek executive approval to move funds across legislative accounts (Title 5, Chapter 145, §1585), even after the proposed transfer is reviewed by the joint standing committee of the Legislature that has jurisdiction over appropriations and financial affairs. This practice seems to violate the fundamental separation of powers. It also is uncommon in the states reviewed for this project.

The NCSL review team did not undertake a legal review of Maine's Constitution for this project; however, there appears to be no constitutional basis for imposing such a requirement upon the Legislature. According to the Distribution of Powers clause, Article III, §2:

To be kept separate. No person or persons, belonging to one of these departments (legislative, executive, judicial) shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.

Because the executive is legally bound by Constitution (Article IX, §14) and statute (Title 5, Chapter 149, §1664) to ensure that the state's budget is balanced, it is reasonable to restrict each branch of government to operate with the resources allocated to it during the appropriations process. As long as the adjustments do not result in any increase in the total legislative appropriation, however, these adjustments should not be subject to gubernatorial approval or denial. If and when adjustments within legislative accounts are deemed necessary by the Legislative Council, the Office of the Executive Director should direct the State Controller to make such authorized adjustments to the legislative accounts.

Recommendation 5. To maintain the independence of the legislative branch, the Maine Legislature should discontinue its practice of submitting financial orders to the governor for approval.

The Legislature can seek to eliminate this practice via permanent statutory change, or it can follow the route used by Nevada, where the provision must be adopted each session as part of the budget approval process. The Nevada language (see Statutes of Nevada, Chapter 434, §41) is as follows:

The sums appropriated to the Legislative Fund by section 10 of this act (the General Appropriations Act) for the support of the Legislative Commission, the various divisions of the Legislative Counsel Bureau and Interim Legislative Operations are available for both Fiscal Years 2005-2006 and 2006-2007, and may be transferred among the Legislative Commission, the various divisions of the Legislative Counsel Bureau and the Interim Legislative Operations and from one fiscal year to another with the approval of the Legislative Commission upon the recommendation of the Director of the Legislative Counsel Bureau.

Maine's Legislative Budget Process

The Legislature's budget is assembled by the Legislative Finance Director in the Office of the Executive Director of the Legislative Council with direct input from the Clerk of the House, Secretary of the Senate and all nonpartisan office directors. The vast majority of the Legislature's budget is contained in a single account (a consolidated budget), with smaller, separate accounts for specific purposes (e.g., the Commission on Uniform State Laws, Miscellaneous Studies, the State House and Capitol Park Commission, the Law and Legislative Reference Library).

The Finance Director provides budget preparation information to the Clerk, Secretary and nonpartisan staff directors. This information includes an overview of executive budget instructions provided to all state departments and historical information regarding "all other" costs. The "personnel services" request is prepared by the Finance Director in consultation with each office, based upon the number of positions authorized for the House, Senate and each nonpartisan office and the benefit rates provided by the state's Budget Office. The consolidated budget also contains the budget requests for the Office of the Executive Director, as well as the requests from the five nonpartisan staff agencies.

Any significant deviations from the previous budget amount or in the number of positions (head count) must first be justified before the Legislative Council's Budget Subcommittee, followed by the full Legislative Council. The Legislative Council ultimately sets the overall budget and the head count and oversees execution of the budget.

Legislative staff are tracked under two head count categories: the legislative count, which includes full- and part-time permanent staff; and 2) full-time equivalents (FTEs), which counts session-only staff. The head count is authorized by the Legislature in accordance with statute (Title 5). The Legislature has available a limited number of "spare" positions. These positions are authorized but not funded.

Legislative Budget Processes in Other States

State legislatures are diverse in the way they develop, manage and oversee their operating budgets. Of the 16 states (including Maine) reviewed for this project, 10 operate with consolidated budgets and six with separate ones for the various legislative entities (e.g., House, Senate, central nonpartisan staff). In some states, budget development, management and control are centralized, while in others, these processes are very decentralized. Table 2 (on page 11) and appendix A provide more detail on the legislative budget processes in 16 selected states.

Legislatures generally fall into four categories regarding their operating budgets:

1. Consolidated budget, centralized management and control (e.g., Maine);
2. Consolidated budget, decentralized management and control (e.g., New Hampshire);
3. Three separate budgets—House, Senate, central nonpartisan staff agency (e.g., Iowa);
4. Separate budgets for multiple legislative entities (e.g., Arizona).

States with consolidated budgets differ considerably in their degree of decentralization in budget development and management. Unlike Maine, many of them give budget development, management and control to specific entities within the House, Senate and specified legislative agencies. Under this system, budget oversight is provided by the Speaker for the House, Senate President for the Senate, and Legislative Council (or other joint leadership management team) for central, nonpartisan staff.

This decentralized system works best when the separate line items within the consolidated budget are strictly adhered to and honored. Each entity is expected to operate within its own line item for all expenses, including those for administration, staffing, travel and so forth. When successfully executed, this structure provides budget managers with flexibility, discretion and accountability if they are held responsible for their line items within the unified budget.

Many states with nonpartisan staff operations have chosen to adopt separate budgets for their three major legislative structures: House, Senate and nonpartisan staff organization. Once amounts are appropriated, the three budget managers (e.g., House Clerk, Senate Secretary and central staff director) have considerable budget flexibility and discretion over their budgets (and there is no need to coordinate with others on budget execution). There also is clear accountability for the effective management of the budget. Budget transparency is enhanced because spending levels and staff size clearly are identified within each separate budget.

This system works best when there is clear oversight responsibility assigned to each budget. In this case, that responsibility would fall to the Speaker, Senate President and Executive Director of the Legislative Services Agency (or their designees).

Several state legislatures operate under decentralized budgeting structures. In these states, each legislative agency is responsible for developing, managing and controlling its own budget. This gives agency budget managers (usually the executive directors of the agencies) significant latitude in organizing and managing their operation, including decisions about staffing levels, travel, and professional development and training.

This system works best when there are legislative committees with specific oversight responsibility over each agency (e.g., the joint fiscal committee for the legislative fiscal office). Under this scenario, the committee chair or full committee reviews and approves budget and staff requests. These individual agency requests may or may not be reviewed by leadership (via a joint management committee) before advancing to the governor for inclusion in the budget. In these systems, each agency typically employs one or more staff devoted to budget management and administration (e.g., accounts receivable). This option would be a radical change from the process currently used in Maine and is not recommended by the NCSL study team.

Table 2. Legislative Budget Processes in Selected States

State	Budget Format		Budget Development	Budget Management and Control	Budget Oversight	FTE Authorization	Status of Legislative Budget Request
	Consolidated	Separate					
<i>Arizona</i>		X	<ul style="list-style-type: none"> • House • Senate • Legislative Council • Joint Legislative Budget Committee (JLBC) • Auditor General • Library and Archives 	<ul style="list-style-type: none"> • House • Senate • Each agency director 	<ul style="list-style-type: none"> • House Speaker • Senate President • Each agency director • Relevant oversight committees 	Via the General Appropriations Act for the staff agencies. The Speaker and Senate President can increase FTEs for their respective chambers if they have funding available.	Subject to regular appropriations process. ¹
<i>Arkansas</i>		X	<ul style="list-style-type: none"> • House • Senate • Legislative Council • Joint Legislative Audit Committee (JLAC) 	<ul style="list-style-type: none"> • House • Senate • Each agency director 	<ul style="list-style-type: none"> • House Speaker/House Management Committee • Senate President/Senate Efficiency Committee • Legislative Council • JLAC 	Via Appropriations Act	Subject to regular appropriations process. ²
<i>Colorado</i>	X		<ul style="list-style-type: none"> • House • Senate • Legislative Council • Joint Budget Committee • Legislative Services • State Auditor 	<ul style="list-style-type: none"> • House • Senate • Each agency director 	<ul style="list-style-type: none"> • House Speaker • Senate President • Relevant oversight committees • Legislative Management Team 	Executive Committee and relevant oversight committees	Subject to regular appropriations process
Connecticut	X ³		<ul style="list-style-type: none"> • Office of Legislative Management (OLM) 	<ul style="list-style-type: none"> • OLM • Four caucuses 	<ul style="list-style-type: none"> • Joint Committee on Legislative Management • OLM 	Newly authorized positions are negotiated between the legislature and the governor ⁴	Governor must recommend legislature's request ⁴
Hawaii	X		<ul style="list-style-type: none"> • House • Senate • Legislative Auditor • Legislative Reference Bureau • Ombudsman 	<ul style="list-style-type: none"> • House • Senate • Each agency director 	<ul style="list-style-type: none"> • House Speaker • Senate President • Each agency director 	Via regular appropriations process	Subject to regular appropriations process
Indiana		X	<ul style="list-style-type: none"> • House • Senate • Legislative Services Commission (LSC) 	<ul style="list-style-type: none"> • House • Senate • LSC • Agency bookkeepers 	<ul style="list-style-type: none"> • Four leaders • House Speaker • Senate President • LSC 	Four leaders	Included in governor's budget as submitted by the legislature. The appropriation is open-ended.

Table 2. Legislative Budget Processes in Selected States, continued

State	Budget Format		Budget Development	Budget Management and Control	Budget Oversight	FTE Authorization	Status of Legislative Budget Request
	Consolidated	Separate					
Iowa		X	<ul style="list-style-type: none"> • House • Senate • Legislative Services Agency (LSA) 	<ul style="list-style-type: none"> • House • Senate • LSA 	<ul style="list-style-type: none"> • Legislative Council • House and Senate Rules and Administration Committees 	Leaders	Included in governor's budget as submitted by the legislature. The appropriation is open-ended.
Maine	X ²		<ul style="list-style-type: none"> • Legislative Finance Director (with input from House, Senate and nonpartisan staff agencies) 	<ul style="list-style-type: none"> • Executive Director of Legislative Council 	<ul style="list-style-type: none"> • Budget Subcommittee of Legislative Council • Full Legislative Council 	Legislative Council	Subject to regular appropriations process
Maryland		X	<ul style="list-style-type: none"> • House • Senate • Department of Legislative Services (DLS) 	<ul style="list-style-type: none"> • House • Senate • DLS 	<ul style="list-style-type: none"> • DLS (although the presiding officers have ultimate oversight authority) 	Presiding officers	Final when sent to the executive Department of Management and Budget. ⁶
Nevada	X		<ul style="list-style-type: none"> • Legislative Counsel Bureau (LCB) • Legislative division • Interim Legislature 	<ul style="list-style-type: none"> • Executive Director of LCB • Each division director • Chamber staff 	<ul style="list-style-type: none"> • Legislative Commission 	Via the budget process	Subject to regular appropriations process
New Hampshire	X		<ul style="list-style-type: none"> • House Administration • Senate Administration • Joint Committee on Legislative Facilities (JCLF) w/agency input⁷ • Office of the Legislative Budget Assistant 	<ul style="list-style-type: none"> • Speaker • Senate President • JCLF • Legislative Budget Assistant • Each agency director 	<ul style="list-style-type: none"> • House and Senate Subcommittees for Legislative Management • JCLF • Fiscal Committee for the Office of the Legislative Budget Assistant 	Via the budget process	Subject to regular appropriations process. ⁷
Ohio		X	<ul style="list-style-type: none"> • House • Senate • Legislative Services Commission • Other legislative commissions 	<ul style="list-style-type: none"> • House • Senate • Commission directors 	<ul style="list-style-type: none"> • Speaker • Senate President • Legislative Services Commission • Each agency's oversight committee 	Legislative Service Commission chair and vice chair (Speaker and Senate President)	Subject to regular appropriations process

Table 2. Legislative Budget Processes in Selected States, continued

State	Budget Format		Budget Development	Budget Management and Control	Budget Oversight	FTE Authorization	Status of Legislative Budget Request
	Consolidated	Separate					
Oregon	X ⁸		<ul style="list-style-type: none"> • Legislative Administration Committee (LAC) • Legislative Assembly • Legislative Counsel Committee • Legislative Fiscal Office • Legislative Revenue Office • Commission on Indian Services 	<ul style="list-style-type: none"> • Six offices and their appointing authorities 	<ul style="list-style-type: none"> • Office appointing authorities 	Via the budget process: enhancements via policy packages that are subject to the regular appropriations process	Subject to regular appropriations process
Rhode Island	X		<ul style="list-style-type: none"> • Executive Director of the Joint Committee on Legislative Services (with input from six agencies) 	<ul style="list-style-type: none"> • Speaker • Legislative Council 	<ul style="list-style-type: none"> • Speaker • Legislative Council 	Via the budget process	Approved as submitted by the General Assembly ⁹
<i>South Dakota</i>	X		<ul style="list-style-type: none"> • Legislative Research Council (LRC) • Department of Legislative Audit (DLA) 	<ul style="list-style-type: none"> • Executive Board • LRC • DLA 	<ul style="list-style-type: none"> • Executive Board 	Via legislation, the general appropriations bill or an amendment to the general appropriations bill	Subject to regular appropriations process
Vermont	X		<ul style="list-style-type: none"> • Staff of the Legislative Council (with input from other staff agencies) • Joint Fiscal Committee • Sergeant-at-Arms 	<ul style="list-style-type: none"> • Legislature • Legislative IT • Legislative Counsel • Joint Fiscal Committee • Sergeant-at-Arms 	<ul style="list-style-type: none"> • Leaders • Each legislative agency's oversight committee 	Via the budget process. ¹⁰	Subject to regular appropriations process

States in *italics* are subject to term limits.

Notes

1. **Arizona:** Technically, the governor does not make recommendations on legislative budgets. As a practical matter, however, the governor includes the prior year's appropriations for the legislative entities in the budget as placeholders.
2. **Arkansas:** Only the budget requests for the Bureau of Legislative Research and the Division of Legislative Audit are forwarded to the executive, which compiles all budget requests for presentation to the legislature. There is no executive recommendation made on either of them. The House and Senate staff bills are introduced during the session as recommended by the governing committees of each. All bills (including appropriations bills) require the governor's signature; without his signature, they become law after a certain number of days.
3. **Connecticut.** There are separate budgets for the five legislative commissions. Any newly authorized positions that are negotiated between the legislature and the governor are reflected in the Office of Fiscal Analysis budget book publication (which is referenced by special act)
4. **Connecticut.** Although the governor must recommend the legislature's budget request, changes may occur during the budget adoption and finalization process.
5. **Maine.** The vast majority of the Legislature's budget is contained in a single account (a unified budget), with smaller, separate accounts for specific purposes (e.g., the Commission on Uniform State Laws, the State House and Capitol Park Commission, the Law and Legislative Reference Library).

Table 2. Legislative Budget Processes in Selected States, continued
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6. **Maryland:** Although the legislature's budget is final when sent to the executive Department of Budget and Management and in terms of hearings on the budget, it can change in conference committee or in the course of the budget process. For example, when the governor included a cost of living adjustment for all employees, the executive provided funds for all branches. Conversely, appropriations have been reduced in the legislative budget for the state match for deferred compensation. Also, it has happened on occasion where the conference committee increased the members' district account money. These instances are rare, however.
7. **New Hampshire:** The Joint Committee on Legislative Facilities is the umbrella organization for the Office of Legislative Services, General Court Information Systems, Legislative Accounting, State House Operations, Health, Protective Services and the Visitor's Center. As a courtesy, the governor accepts the General Court's budget as submitted. Because it is subject to the regular appropriations process, it is subject to change (although it typically passes without changes).
8. **Oregon.** Although the legislature's budget is passed as one bill, funds are appropriated directly to each agency, and spending is separate.
9. **Rhode Island:** When the General Assembly's budget is submitted to the governor for inclusion in the full budget, the governor cannot change the legislature's monetary request, although he can fail to include FTE increases. When this happened recently, the positions were added back through the legislative budget process.
10. **Vermont:** Position authorizations are part of the regular budget process with leaders making recommendations for the legislature, the Legislative Council for legislative staff positions and the Joint Fiscal Committee for fiscal positions.
- Source: NCSL survey, October-November, 2005.

2. LEGISLATIVE COUNCIL

The full exercise of Legislative Council authority and institutional prerogatives is essential to the ongoing effectiveness and efficiency of the Legislature.

The institutional importance of the Legislative Council cannot be overstated. Especially in an era of term limits, the role of the Legislative Council becomes critical to the institution's success. Through its subcommittees, the Council exercises important oversight of personnel, facilities and legislative budgeting decisions. By regularly bringing together House and Senate leaders, the Council serves as a bridge for communication, collaboration and consensus building between the chambers and as a forum for development of strategies that enhance the role of the legislative branch in Maine state government.

The work of the Legislative Council is not glamorous. Participation in Council meetings, debate and decisions rarely garners headlines and generally takes place as background to the more attention-getting public policy work of the joint standing committees. Most legislators do not run for office based on a pledge to improve or manage the institution, nor do they actively seek these roles within the Legislature.

The Legislative Council concept, as practiced in Maine and many other state legislatures, is ingenious in its design to place legislative leaders in charge of institutional planning and decision making. However, in almost all state legislatures, it is typical that "council" duties take a back seat to legislative leaders' more pressing political and policy agendas.

The NCSL study team is impressed with the stature of the Legislative Council within the Maine Legislature, with its routine of regular meetings, and with its record of engagement on key institutional matters and decisions. **Term limits** make the role of the Council increasingly important. Its work, influence and strategic institutional role should be fostered and encouraged.

Recommendation 6. The Maine Legislative Council should fully execute its statutory authority and role, especially in areas of institutional reform and progress that require longer-term strategic planning and where actions by the Council can promote consensus and a sense of shared mission among all legislators and legislative employees.

Recommendation 7. The Legislative Council should authorize a temporary study group or committee of legislators, staff and other appropriate participants to examine the status and viability of the MELD bill drafting system; to develop strategic goals, objectives and deliverables for finalizing the bill drafting system; and to set the stage for future deployment and application of information technology within the Legislature. (See chapter 4 for details on this recommendation.)

Legislative Council Priorities

The Maine Legislative Council is unique, representing the only committee dedicated to the institutional well-being of the Legislature. One pressing need at the Maine Legislature is the development of a cohesive and comprehensive plan for technology development that integrates legislative operations, delivers additional technology options to legislators, and takes full advantage of recent computer investments. This includes the need to rapidly resolve the current issues surrounding implementation of the MELD system. The Legislative Council is the only authority that can oversee this implementation and planning in a holistic manner, taking into account all aspects of legislative activities, including those of the House and the Senate.

At the same time that the Legislative Council is turning its attention to key strategic issues, it probably should delegate a few of its more routine, internal management activities. For example, in the next section of this report, we will recommend the creation of a new Legislative Services Agency that would include all nonpartisan staff. The executive director of the agency should have additional authority to conduct personnel reviews and have enhanced hire and fire authority for the directors of the various agency divisions, or what are now called "offices." The current Council role in those personnel decisions would be changed into an oversight role, rather than the direct management it now conducts. In addition, NCSL will recommend in subsequent sections of this report that the Legislative Council discontinue its oversight of the Law and Legislative Reference Library by transferring authority for that operation to the Maine State Library. This shift will further the Council's ability to focus on key legislative matters.

The Maine Legislative Council plays a key role in the flow of bills that enter the legislative process. It establishes the cloture date for the second regular session of the biennium and serves as the gatekeeper for all bills that miss cloture deadlines. This gatekeeper role has significant institutional implications. Interviews with members and staff, along with survey results, suggest that too many late bills are entering the system, clogging the process and encouraging members to file late introductions. Certainly, political considerations play into these decisions. The Legislative Council should revisit its practices on late bill filings and

send a strong message to members that future introduction deadlines will be more strictly enforced.

The Legislative Council also should continue to fully assert its statutory responsibility for oversight of the Legislature's budget. Recent changes to the law (P.L. 2005, Chapter 12, Part LL) expand this authority to include oversight of "position control," in addition to its ongoing role as overseers of legislative appropriations and accounts. These oversight roles are critical for the efficient and appropriate allocation of legislative funding and link directly to the Council's ability to enact Legislature-wide strategic initiatives. Chapter 1 contains more detail on the budgetary roles of the Legislative Council.

Legislative Council Committees in Other States

The current structure and operation of the Maine Legislative Council is effective, allowing it to make important contributions to the management of the Legislature. Its membership and powers, as set out in statute and rule, parallel those found in similar joint management committees in other states.

Membership

The Maine Legislative Council's membership is typical of other states' joint management committees. These bipartisan committees almost always include the legislative leaders from both chambers. The House and Senate presiding officers usually serve as chair and vice-chair and typically rotate this assignment from session to session.

Legislative council committees' membership size varies from five (Rhode Island) to 50 (Arkansas). However, most legislatures set the range between 10 and 16, with committee membership coming from the ranks of leaders or appointed by the presiding officers. Indiana offers an approach that may represent the "average" approach in creation of a legislative council committee, with some membership specified in law and others appointed by leaders. Indiana law also stipulates the rotation of the council chair.

Indiana Code 2-5-1.1-1 Creation; membership

Sec. 1. There is hereby created a legislative council which shall be composed of sixteen (16) members of the general assembly as follows:

(a) From the senate: The president pro tempore, the minority leader, the majority caucus chairman, the minority caucus chairman, three (3) members appointed by the president pro tempore, and one (1) member appointed by the minority leader.

(b) From the house of representatives: The speaker of the house, the majority leader, the minority leader, the majority caucus chairman, the minority caucus chairman, two (2) members appointed by the speaker, and one (1) member appointed by the minority leader.

IC 2-5-1.1-2 Chairman and vice-chairman

Sec. 2. (a) The president pro tempore shall be chairman of the council beginning January 1 of odd-numbered years and vice-chairman beginning January 1 of even-numbered years. (b) The speaker shall be chairman of the council beginning January 1 of even-numbered years and vice-chairman beginning January 1 of odd-numbered years. As added by Acts 1978, P.L.5, SEC.1.

The Maine Legislative Council has a slightly smaller membership (10) than similar committees in many states and its membership is fixed by statute. Maine law does not stipulate chair rotation, but requires only that “the Legislative Council shall elect a chairman from within its own membership.” However, as the Maine Legislative Web site explains, “The Legislative Council members elect a Chair and Vice-Chair at the beginning of each legislative biennium; the chairmanship alternates between the Senate and House by tradition every two years.”

Clearly, there are many ways to construct a joint management committee. The current approach used in Maine is appropriate and workable. The inclusion of key legislative leaders is an important feature of Maine’s Legislative Council structure and one that becomes especially meaningful in an era of term limits.

Maine’s Joint Rule 354 authorizes the Joint Select Committee on Joint Rules to review and make recommendations concerning the Legislative Council. “This review shall include, but not be limited to the structure and operations of the Legislative Council and possible creation of a Joint Committee on Legislative Management to replace the functions of the Legislative Council.” NCSL finds no compelling reason to change the current legislative council approach and cautions against any weakening of the Legislative Council without careful thought about how these changes might affect the Legislature as a whole. As suggested many times in this report, the Maine Legislative Council committee plays a critical role in maintaining an efficient and effective Legislature, especially as term limits act to erode members’ sense of the Legislature as an institution.

Powers and Duties

Most joint management committees in the various states share similar institutional roles. These typically include the authority to establish a nonpartisan staff service, allocate and operate capitol space and facilities, establish the legislature’s operating and capital budgets, enter into contracts, subpoena witnesses and, as stated in Indiana’s code, “do all other things necessary and proper to perform the functions of the legislative department of government...” Arizona and Colorado add an important role to their councils—a responsibility for preparing an analysis of ballot measures scheduled for a vote in statewide elections.

The Maine Legislative Council is a powerful management committee. In addition to the traditional roles summarized above, Maine’s council committee has oversight of the OPEGA budget, the power to establish operating policies of the various nonpartisan staff offices,

approve transfers within legislative appropriations, and broad authority over the preservation and development of the State House and grounds.

NCSL acknowledges and respects the important powers and roles of the Maine Legislative Council. No other committee embodies the institution as it does. No other formalized group of legislators is compelled by law and rule to address critical legislative issues or has a similar ability to think strategically about the future of the legislative institution and its constitutional role within state government. The Legislative Council is at the heart of the Legislature. It should be nurtured and its powers fully exercised to serve the best interests of the members and the public.

3. THE MAINE LEGISLATIVE SERVICES AGENCY

The so-called “federation” of offices reporting to the Legislative Council could be more coordinated in their planning and services. They should be more closely bound together in purpose and mission through the creation of a single identity for all nonpartisan employees who currently work beneath the Legislative Council umbrella.

There has been an ad hoc aspect to the development of nonpartisan staff offices at the Maine Legislature. During previous decades, offices have been added and deleted as times changed and as new needs arose. The Maine staff experience is not an uncommon one. During the period of the 1970s through today, most legislatures underwent at least modest and often dramatic change in their staffing investment and approach.

In 1985, the Maine Legislature created a new executive director position designed to serve as principal staff to the Council and to coordinate the activities of the various nonpartisan staffing groups. The executive director was assigned a broad range of new responsibilities and powers not previously held by a single staff person at the Legislature. They included supervisory authority over “the activities of the legislative offices,” including roles in personnel, budgeting, facilities and planning.

The creation of the executive director position was bold and appropriate. However, it suffered in three key ways. First, it came late in the evolutionary process of staff development at the Maine Legislature. By the time the first executive director was hired, the other staff offices in Maine already were well established and set in their ways of doing things. The executive director role was layered on top of this entrenched establishment and, it is probably safe to say, was not a universally welcomed idea.

The second challenge facing the executive director was the somewhat limited personnel power granted to the position. Specifically, the Legislative Council reserved the right, as stated in law, to hire and conduct the reviews of office directors. This provision, still in effect today, acts to marginalize the executive director’s management choices and influence when

facing difficult internal challenges or, perhaps more critically, when attempting to implement strategies that affect the status quo.

Finally, the establishment of the executive director position did not go far enough to bind the various nonpartisan offices into a coordinated whole. Perhaps it would have been too big a step to take 20 years ago. However, in today's term-limited environment, and with critical challenges of change confronting the nonpartisan staff, it is time to take the next step in the process that began in 1985. The Legislature should create a new, single identity for the staff and offices that report to the Legislative Council. This gesture will be more than symbolic. Over time it will help move the old federation toward a more unified sense of purpose, improving the effectiveness and efficiency of the nonpartisan staff.

Recommendation 8. The Maine Legislature should establish a Maine Legislative Services Agency (MLSA) to be directed by the executive director of the Legislative Council, who should serve as the Agency's chief administrative officer. The MLSA should be created through the merger of all nonpartisan staff and offices that currently report to the Council, including the Office of the Revisor, the Office of Policy and Legal Analysis, the Office of Fiscal and Program Review, the Office of Legislative Information Services and the Office of the Executive Director. The MLSA should not include the Office of Program Evaluation and Government Accountability. The Maine State Law and Legislative Reference Library should be placed under the jurisdiction of the Maine State Library.

Recommendation 9. The executive director to the Legislative Council should have final authority regarding the hiring, review and firing of all employees of the Maine Legislative Services Agency. However, the hiring of directors should be subject to the approval of the Legislative Council. The current three-year term of appointment for directors should be repealed.

Recommendation 10. The executive director of the Maine Legislative Services Agency should institute strategies to improve and maintain communication and build trust among MLSA offices and staff and also between the MLSA and the staff of the House and Senate.

Create the Maine Legislative Services Agency (MLSA)

During NCSL's interviews at the Maine Legislature, the current arrangement of the nonpartisan staff offices was sometimes described as a federation. This may be an appropriate term. Here are a few selected definitions of "federation":

- A form of government in which powers and functions are divided between a central government and a number of political subdivisions that have a significant degree of political autonomy.
- An alliance which has gone one step further in recognizing that the commonality of objectives is of a continuing nature, and the shared objective can be furthered by giving a stable and formal character to the alliance. However, the social differences between the participating organizations are such that they do not wish to give up their autonomy....

- A federation (from the Latin *foedus*, “covenant”) is a state comprised of a number of self-governing regions (often themselves referred to as “states”) united by a central (“federal”) government. In a federation, the self-governing status of the component states is constitutionally entrenched and may not be altered by a unilateral decision of the central government.

One can see how the evolution of nonpartisan legislative staff agencies in Maine brought about a “federative” result, especially when, in 1985, the Legislature layered a central authority onto the existing collection of independent staff offices. Institutional momentum being what it is, each office continued along its independent trajectory, expecting to some degree to be able to continue to conduct business as usual. The central office—the executive director—had to determine how to work with the existing structure to achieve inter-office coordination and important overarching goals, sometimes running afoul of processes, procedures, systems and people that were not aligned with the executive director’s initiatives.

It is important to acknowledge that the nonpartisan offices at the Maine Legislature have been very successful. NCSL’s survey of legislators indicates high levels of satisfaction with nonpartisan staff services. The nonpartisan staff are highly qualified professionals who take their roles seriously and are dedicated to excellence and quality. The federation has worked fairly well. However, NCSL believes that a new organizational arrangement can help make the nonpartisan staff even more effective.

Federations may be appropriate for governments, but are not very good for government service organizations. Federation members often duplicate work and systems, have trouble implementing coordinated responses to change, and often support a decision-making matrix where one group can derail a plan that might have merit for the whole organization.

NCSL believes that signs of these weaknesses are beginning to appear in Maine. The most notable example is in the area of technology. The MELD implementation went forward without broad-based planning and participation. It has been, and remains, a costly venture. The nonpartisan staff also have not been able to resolve duplication of management information processes and databases related to the bill status and “tracker” systems. There is no consensus on the value of various reports generated by these systems and whether there are opportunities for their consolidation or cancellation. Staff continue to work on systems that are nearly obsolete. As management guru Michael Hammer says, “Working hard at the wrong thing is no virtue.”

Perhaps the most compelling reason for moving away from the old federation model of staff offices toward a more centrally directed organization is term limits. Term limits are a threat to nonpartisan staff operations. Studies of term-limited states find that nonpartisan staff can be marginalized in a setting where legislators turn over rapidly, and where they possess less and less institutional memory. The irony is that these studies also find that nonpartisan staff become more important to legislators and the institution under term limits. The Maine

Legislature needs a nonpartisan staff that is strong, flexible and efficient, and that is resilient under the pressure of term limits. The old federation is a barrier to achieving these goals.

A Unified Legislative Service Agency

Many state legislatures organize their nonpartisan employees within a single staff agency administered by an executive director. This unified approach to staff organization has some obvious benefits, especially for citizen legislatures. It promotes coordination between staff offices, aiding the execution of important planning and change initiatives. Improved coordination fosters efficiency and better use of time and resources during the pressurized periods of the session and also during the interim. The single agency approach fosters a shared sense of mission among staff and an identity that all hands are on deck in the pursuit of common goals and objectives. In a term-limited legislature, a single agency makes it easier for new members to understand staffing patterns and services and allows the staff agency to “brand” its products and services under a recognizable banner. It also is easier to hold staff accountable for their performance through a unitary staff agency set up. This benefits the Legislative Council in its important oversight role.

One of the more common names used in state legislatures to identify the nonpartisan staff group is “legislative services agency.” NCSL believes that this is an appropriate and useful title to adopt in Maine. Table 3 outlines the various staff organization titles used in some selected states with unified nonpartisan staff offices.

State	Office Name
Arkansas	Bureau of Legislative Research
Idaho	Legislative Services Office
Indiana	Legislative Services Agency
Iowa	Legislative Services Agency
Kentucky	Legislative Research Commission
Maryland	Department of Legislative Services
Nevada	Legislative Counsel Bureau
Ohio	Legislative Service Commission
South Dakota	Legislative Research Council
Wyoming	Legislative Service Office

NCSL believes that the creation of the Maine Legislative Services Agency would, in many ways, complete the initiative begun in 1985 to coordinate the activities of the nonpartisan staff. This step really is the missing piece of the 1985 idea. Other legislatures in recent years have consolidated separate nonpartisan staff offices under a single director. These legislatures also were careful to create a single identity for the new staff entity.

In 1993, the Idaho Legislature created its Legislative Services Office through the consolidation of three formerly separate offices. The Maryland General Assembly completed a similar restructuring in 1997 through the combination of three independent nonpartisan staff agencies. The resulting Maryland Department of Legislative Services has four divisions and employs more than 350 people. Iowa completed its consolidation of nonpartisan staff agencies in 2003 by merging three nonpartisan operations into a single Legislative Services Agency. In each of these states, an executive director acts as chief administrative officer of the legislative staff agency.

NCSL recommends that the new Maine Legislative Services Agency be organized into the following divisions and office:

1. **Office of the Executive Director.** This office houses all administrative functions provided by the MLSA, including human resources and budgeting, payroll and accounting. In addition, this office would house the information technology and public information services currently provided by the Office of Legislative Information Services.
2. **Division of Bill Drafting and Legal Services.** New name for the current Office of the Revisor of Statutes.
3. **Division of Research and Committee Services.** New name for the current Office of Policy and Legal Analysis.
4. **Division of Fiscal Analysis.** New name for the current Office of Fiscal and Program Review.

An organization chart illustrating the proposed MLSA arrangement is provided in appendix B of this report.

As described in another section of this report, the MLSA would not include the current Law and Legislative Reference Library. NCSL believes that the library operation should be moved to the jurisdiction of the Maine State Library.

The organizational scheme proposed by NCSL also suggests new nomenclature for what currently are called “offices,” such as the *Office* of Program and Legal Analysis. It is common to use the term “division” for subunits within a legislative staff agency. NCSL believes this terminology could be useful. A more important change, though, would be to rename the current offices to more accurately reflect the services they provide to members. For example, it makes sense to change the name of the current Office of the Revisor of Statutes to the Division of Bill Drafting and Legal Services. Similarly, renaming the current Office of Policy and Legal Analysis to the Division of Research and Committee Services would more clearly reflect the services provided.

No doubt, any name change will be met with consternation—and, perhaps, probably resistance—by some who, over the years, have become familiar and comfortable with the

current terminology. This may be especially true in the case of the Office of Policy and Legal Analysis; its acronym, pronounced O-PLUH, has become part of the vernacular of the Legislature. However, NCSL believes that these name changes could serve the members well, especially new legislators who need to learn the process quickly and need to know where to go for critical staff services.

The creation of the Maine Legislative Services Agency would be more than a symbolic act. However, NCSL believes that symbolism is important in organizations and that, in this case, it may be the symbolic aspects of the change that argue most potently in its support. The Legislature needs to complete the concept started in 1985 with creation of the executive director position. The nonpartisan employees need to begin to see themselves as part of a single mission. Their identity as employees of a particular office or division should be secondary to their identity as MLSA staff. This shift will take time, but it will bear fruit in terms of efficiency, effectiveness and the ability of nonpartisan staff services to remain relevant in a changing world.

Enhance Personnel Authority of Executive Director

Maine statutes authorize the Legislative Council “to appoint an Executive Director ... and other such office directors as the council deems necessary” and that each is appointed for a three-year term. State law also vests the Council with the responsibility for reviewing the performance of the office directors and for their reappointment pending a favorable review. NCSL believes that the Legislature should formally delegate some aspects of the Council’s personnel authority and responsibility to the executive director. This change would complement creation of a new Legislative Service Agency, adding modestly but usefully to the executive director’s ability to effectively run the organization. It also would relieve the Council of some duties that are better placed with a professional administrator.

The Legislative Council must have effective, ongoing oversight of legislative personnel. Maine law provides the Council with many avenues to exercise this oversight. The Council oversees the Legislature’s budget, including “position control” over the number of legislative employees. The Council establishes salary and benefits schedules for all employees and, with two-thirds of its members approving, can make changes in the organization of legislative staff offices.

Most important to this discussion, however, is the Legislative Council’s authority to hire, review and fire the executive director. Because this relationship exists, NCSL believes it is reasonable and prudent for the Legislature to delegate some of its other personnel authority to the executive director. Strong Council oversight of the executive director ensures that the person in that role always will leaven his or her key personnel decisions with the useful advice and counsel of Legislative Council members.

The executive director should have the authority to hire office directors (titled *division* directors under the recommended MLSA organizational scheme) and the authority for final approval of other new hires recommended by the office directors. Legislative Council approval of the executive director's choice should be required when hiring an office director. The Legislature should be careful to retain—and the Council to enforce—those provisions of Maine law that require all staff appointments to be “based solely on their ability to perform their duties and without regard to political affiliation.”

The executive director should conduct annual performance reviews of the office directors and submit those reviews to the Personnel Committee of the Legislative Council for its review and comment. The executive director's performance should be reviewed annually by the Council (or by the Personnel Committee), at which time the executive director would also present the office director performance evaluation results. This annual review approach would replace the current three-year evaluation conducted by the Council and its Personnel Committee.

The executive director should be authorized to fire any “Council” employee (MLSA employee), showing appropriate cause for the termination and using accepted personnel procedures. Any decision to fire an employee should be reviewed by the Personnel Committee of the Legislative Council in advance of its implementation. However, the Council could not overturn a termination decision made by the executive director.

NCSL believes that expanding the personnel authority of the executive director as described above will help the person in that role to implement organization-wide strategies and enhance the Agency's ability to react to changing needs and new challenges. By holding ultimate authority over the employment prospects of the executive director, the Council can have confidence that decisions coming from that office will remain in line with its thinking and with the expectations and needs of the Legislature.

The arrangement for personnel authority outlined above is available to legislative staff executive directors in some other states, where it is exercised with success and effectiveness. Executive directors in Colorado, Kentucky and Oregon have complete personnel discretion over all nonpartisan employees, holding personnel powers well beyond those recommended here. Nevada's Legislative Counsel Bureau director appoints his division directors with approval of the Legislative Commission and has independent authority to fire any employee. The Legislative Service Bureau director in Michigan works under these rules:

The director of the bureau shall be the chief administrative officer of the bureau. With the approval of the council, the director shall employ such employees as may be necessary and fix their compensation within the appropriation made by the legislature for this purpose. Persons employed by the director shall be non-tenured, at-will employees. The director may discipline, transfer, demote, suspend, or summarily discharge an employee.

In addition to the changes recommended above, the Legislature should repeal the three-year term of employment that currently applies to the executive director and office directors. As at-will employees, their period of employment is indefinite and subject to review and possible termination at any time by the appropriate authority. The three-year appointment seems inconsistent with this condition of employment and implies a contractual agreement that is at odds with the personnel discretion of the executive director. It also is more effective to evaluate employees annually, a practice suggested earlier in this discussion.

Improve Communication

The nonpartisan staff offices that report to the Legislative Council work well together and generally are viewed as accessible, cooperative and responsive by legislators and other staff. However, NCSL has discovered through its interviews and survey work that some deep divides exist between key staff players and offices at the Legislature. Some staff relationships have become confrontational in nature.

To successfully implement the concept of the Maine Legislative Services Agency, these divides must be explored and made less debilitating. Collaboration is critical between staff that hold such immense responsibility for the well-being of the Legislature. Indeed, whether or not the MLSA is created, the Legislative Council should demand that staff in all corners of the Legislature support a productive and cooperative working environment that recognizes their collective purpose to support an effective institution and its elected members.

The following list outlines some communication practices that have practical benefits. Some already are in place in Maine in one form or another.

- Regular MLSA division director staff meetings, especially before and during session.
- Periodic meetings of all MLSA staff.
- Regular “team” meetings between MLSA directors and House and Senate staff principals.

Regular MLSA division director staff meetings

The executive director should convene regular meetings of office (division) directors and other key nonpartisan staff managers to share information on services, operating challenges, workload, personnel news, and upcoming events. These meetings should occur weekly, perhaps on Monday morning, during the weeks leading up to the session and weekly during the session when coordination is critical to effective staff service. During the interim, these meetings may be held less regularly, perhaps once a month. In addition to division directors, the meetings should include the director of information technology, the director of human resources and the supervisor of committee clerks. At the discretion of the executive director, it would also be appropriate to include the director of the law and legislative reference library (who would formally report to the State Librarian).

Periodic meetings of all MLSA staff

At least once a year, the executive director should convene a meeting of all MLSA employees. An all-inclusive meeting of this sort is critical to promoting a shared sense of belonging to the MLSA and to the need to ensure that all MLSA staff receive the same information on key personnel, planning and operational issues.

NCSL believes—and cannot overemphasize—that an office-wide meeting for all MLSA employees will be an important part of the implementation of the MLSA concept. The executive director should encourage an all-staff meeting as soon as possible after announcement of the new MLSA. Legislative leaders should be encouraged to participate in this meeting to explain their perspective and support for the idea. Questions should be encouraged.

Regular “team” meetings between MLSA directors and House and Senate staff principals

Perhaps the greatest communication challenge for senior staff in Maine is between the directors of the nonpartisan staff, the political leadership staff and the directors of the chamber staff. The legislative institution cannot operate efficiently unless these staff leaders talk with each other routinely and in a way that fosters collaboration and trust.

Unfortunately, NCSL’s interviews and survey work indicated that these important staff connections are sometimes tenuous at the Maine Legislature. Relations among these staff directors are adequate to conduct daily business, but probably are inadequate to achieve the necessary cooperation to fully explore or embrace novel institutional ideas that can challenge the status quo. In an environment where each staff director holds a potential veto on change, collaboration and trust building are crucial.

NCSL suggests that the principal staff at the Maine Legislature consider creating a formal roundtable or management team. This group would comprise the following staff:

- Executive Director of the MLSA
- Executive Director of OPEGA
- Clerk of the House
- Secretary of the Senate
- Chief of Staff to the Speaker of the House
- Chief of Staff to the Senate President

This formal staff roundtable also could include staff director of the minority parties.

In Colorado, senior staff directors have formed a Legislative Management Team along the lines suggested above. They have formalized the arrangement through a charter that sets out a process of rotating chairs for the team and its purpose:

[T]o foster communication among the agencies and to improve service to the Legislature by ensuring thorough evaluation of significant policy and operational matters affecting all service agencies. Such matters shall include, but not be limited to, issues regarding physical plant, security, information systems, telecommunications, personnel, and financial activity.

A complete copy of the Colorado charter is available in appendix C.

The Maine staff may not need to be as formal as Colorado, but the goals of that collaboration are worthy and applicable to Maine.

4. MAINE LEGISLATIVE INFORMATION TECHNOLOGY ISSUES

The Legislature needs to strengthen information technology oversight and planning.

Information technology has become an integral and important part of the operation of state legislatures. Technology and the Internet have vastly improved the public's access to the legislative process and the efficiency and functioning of internal legislative operations. Maine's legislative information technology systems provide legislators and legislative staff with most of the functions performed by legislative systems in other states. Maine's Web site provides good public access to legislative information.

However, the Legislature has no viable means of ensuring accountability and obtaining user input to the development of information technology systems. The apparent inability to move bill drafting and other critical legislative systems off the obsolete Wang system places the Legislature at risk. The NCSL study team was not engaged to evaluate the technical aspects of the new MELD bill drafting system, but the difficulties in its implementation are a symptom of broader problems of information technology deployment within the Legislature.

The NCSL study team has identified strategic actions that should be taken to ensure that information technology improves efficiency within the Legislature, reduces redundant work processes, and meets the needs of legislators and staff. The Legislature should take the following approaches to institute oversight and accountability measures, increase user input, improve long-term strategic planning, and ensure coordination of information system decisions so that the overall effectiveness of the Senate, the House of Representatives and legislative agencies may be improved.

Recommendation 11. The Legislative Council should authorize a temporary study group or committee of legislators, staff and other appropriate participants to examine the status and viability of the MELD bill drafting system; to develop strategic goals, objectives and deliverables for finalizing the bill drafting system; and to set the stage for future deployment and application of information technology within the Legislature.

Authorize a Temporary Study Group

Legislative Information Systems (LIS) is in the process of implementing a new bill drafting system, MELD, that has been in development for more than five years. The new system holds promise for moving the Legislature from an obsolete and unsupported system to a standard format (XML) that can streamline content creation, management and publishing throughout various legislative processes. At least 15 states and Congress have recently completed or are currently developing new bill drafting systems, and all are moving to systems using XML and software components similar to that of the new MELD system.

Unfortunately, the MELD system contractor has been unable to meet the Legislature's contract specifications, and negotiations have been drawn out and problematic. Legislative Council meeting minutes for the past five years make it clear that this is a longstanding and serious problem. In meeting minutes from August 2001, there are repeated references to completing final user acceptance tests and subsequent failure of those tests.

Despite the optimistic tone of the July 2005 minutes, it is the study team's understanding that new problems have since been identified with the system that may be serious and could cause additional delays of unknown duration.

It may be little consolation that similar delays and failures are not unusual in state and federal government projects and in the corporate world. Developing and implementing a complex IT project carries considerable risk. Studies indicate that as few as one-quarter of all large-scale systems development projects are completed on time and within budget, and almost 30 percent are abandoned because they do not meet requirements.

Many state legislatures use contractors for special projects, but the trend in the past decade has been to move away from relying extensively on outside contractors for applications development and maintenance. Several state legislatures, after experiencing major IT project failures, have strengthened in-house staffing levels and expertise and have instituted a culture of project management methodologies and performance measures to improve applications development and IT services.

Legislative Information Services and the Legislature face the difficult prospect of evaluating whether the MELD vendor can meet contract requirements and deliver a working system.

Given the significant investment the Legislature has already made in the project and the critical risks posed by continued delays, the Legislative Council should authorize a temporary

study group or committee consisting of the LIS director, the director of the Office of the Revisor of Statutes, the executive director, legislators, legal advisors, and other appropriate participants. This group should examine the status and viability of the MELD bill drafting system to develop strategic goals, objectives and deliverables for finalizing the bill drafting system and to set the stage for future deployment and application of information technology within the Legislature.

This group should review the MELD contract and warranty provisions to determine options available to the Legislature should the vendor be unable to meet contract requirements. Based on this analysis and legal review, the group should develop specific guidelines that will be used to determine whether the MELD system is viable or if other options should be pursued. The LIS director also should demonstrate that a contingency plan is in place to ensure continued operation of legislative systems if Wang equipment fails or if key individuals who support Wang no longer are available to do so.

Recommendation 12. Legislative Information Services (LIS) should be housed within the Executive Director's office. The LIS legislative indexer position should be moved from LIS to the Office of the Revisor. The Office of Legislative Information should be removed from LIS. Its committee clerk function and staff should be moved to the Office of Policy and Legal Analysis. The public information staff should be placed within the Executive Director's office as a separate and distinct function.

Reorganize LIS Functions

LIS sees itself as a service entity, not a production entity like the Revisor of Statutes and other legislative agencies. However, the current placement of the office, as a division parallel to the other legislative agencies, undermines this service role. The work of LIS tends to be reactive rather than proactive—LIS tries to implement IT improvements by developing programs for the individual nonpartisan offices, hoping that other staff offices will see the benefits of these systems after development, rather than involving all groups in initial development. The importance of integrating systems so that they can work together also is undermined by this structure, since each office develops systems and processes to support its own operations without an enterprise-wide view of how technology could be deployed to support individual offices' operations and control over information and thus reduce redundant work processes.

No Legislature-wide strategic planning process is in place to allow LIS to develop and implement technology decisions that could increase the efficiency of the legislature and to hold LIS accountable if it is not successful. The Legislative Council previously had a technology subcommittee, and currently reviews LIS projects. However, the Council does not have the time nor the day-to-day, in-depth knowledge and involvement with legislative systems and procedures to be able to identify detailed IT goals and objectives and to evaluate whether those needs are being met by LIS. In addition, term limits and turnover within the

Legislative Council mean that some members may not have a retrospective view to evaluate longer term IT projects nor the long-term outlook necessary to develop a vision of future legislative IT development.

LIS should be placed within the Executive Director's office, the Legislative Indexer position should be moved to the Office of the Revisor of Statutes, and the Legislative Information Office should be moved out of LIS and reorganized as recommended below and in Chapter 9 of this report. LIS should continue to serve as a central office providing coordinated information technology services to the entire legislature.

The Legislative Information Office and indexer positions are not tied in any significant way to LIS functions and operations, and the skill sets of these positions would be a better match in other legislative agencies. LIS does not have the capability to back up these positions if they were to become vacant, and these additional positions can only serve as a distraction from the more critical need for LIS to focus on information technology.

It makes more sense to place the legislative indexer position within the Office of the Revisor of Statutes, where other staff also have indexing functions and could serve as backup if needed, and where the indexer could also contribute to the functioning of that office.

The Legislative Information Office should be discontinued and its two main functions reorganized as follows:

- The session-only committee clerks should be transferred to the Office of Policy and Legal Analysis. Committee clerks should be hired by OPLA.
- The Legislative Information Manager, the three FTE Legislative Information Assistants and the part-time Legislative Information Associate should be transferred to the Office of the Executive Director. Efforts should be made to enhance the public information activities of these staff and to eliminate duplication with other offices in the areas of bill status and tracking, data entry, and reporting.

Recommendation 13. The Legislature should create a permanent Information Systems Review Team, comprising the secretary of the Senate, the clerk of the House of Representatives or their designees, the director of each of the legislative staff offices or their designees, and a staff member appointed by the majority and minority party of each chamber. The goal of this group is to identify needs, set priorities, monitor progress on IT projects, and develop a long-term strategic plan for information technology for review and approval by the Legislative Council.

Create a Permanent Information Systems Review Team

In our interviews with legislative staff and legislators, the NCSL study team heard general satisfaction with the computer support and technology services provided by LIS. However, staff and legislators do not seem to view LIS as a source for ideas about, and support for, new applications that could improve operations. LIS staff do not appear to have the influence and are not empowered to make and be accountable for critical IT decisions. Problems with the

MELD system also have engendered skepticism about LIS's ability to implement successful systems.

Decisions about the use of technology within the Legislature should be made from an enterprise-wide view, but the Legislature has no formal mechanism to make decisions about and prioritize IT support and development of information systems.

As a result, staff in some offices within the Legislature make their own IT decisions and develop their own applications. This makes sense from the perspective that each office knows its own needs and operations best and rightfully feels that it should have ownership and control of information that comes from its office. For example, the House and Senate have separate International Roll Call (IRC) front desk systems that are not formally supported by LIS (although they are called upon to assist when problems arise). LIS is in the position of occasionally supporting systems that it did not develop and that are not necessarily compatible with other legislative systems.

Duplicate data entry also is occurring and redundant data bases are supported throughout the Legislature. Some bill status information produced by the House and Senate IRC systems also is being entered by staff of the Legislative Information Office. Separate databases for workflow tracking and bill status information are maintained by different offices, resulting in conflicting data that must be reconciled. Several offices are entering and using duplicate address lists. In addition, offices are using different methods and systems for maintaining personnel timekeeping, vacation and overtime records.

The Legislature should form an Information Systems Review Team to ensure coordination of information system decisions so that the overall effectiveness of the Senate, the House of Representatives, and the legislative offices is improved. Decisions about information technology priorities should be made through the involvement and agreement of all offices within the Legislature.

The role of the Information Systems Review Team is to analyze the effect of technology on all offices and interoffice relations, refine IT plans and policies, and make recommendations to the Legislative Council, when final approval on budget and policy adoption is needed. The team should meet regularly (and more frequently during the interim) to help LIS identify, coordinate and prioritize the necessary IT projects within the Legislature and ensure that the priority projects for each legislative office are completed on a timely basis. In addition, the team should consider ways of consolidating information and reducing duplication of effort through short-term and long-term plans.

In the short term, the Information Systems Review Team should address duplication of work processes and explore options for merging and integrating systems to improve efficiency and to move data off the obsolete Wang system. For example, the Information Systems Review Team should examine the information generated by the bill status, committee status, "tracker," fiscal tracking and International Roll Call bill status systems and explore options to

integrate the information. The team should determine what information is needed in the system and which offices will have responsibility for entering and controlling the flow, release of and access to various types of data. This type of review is not easy and requires real commitment from management and staff in the offices involved to identify workflow processes and requirements of a system.

The team's endorsement of discrete or incremental steps to be taken toward such an integrated system, to be completed by LIS (or others, such as International Roll Call, with the involvement of LIS), if completed within a short period and with deliverables that can be measured for success, could have a positive effect on the success of future IT projects for the Legislature.

Another example of a shorter-term project that could directly affect efficiency and perceptions of equity within the Legislature is the personnel time and accounting system currently being developed by LIS. The system, however, needs to be developed with input from the Information Systems Review Team and should be endorsed by the Legislative Council for legislative-wide use.

Information Systems Review Team members also should regularly discuss and coordinate plans for upcoming changes, such as network upgrades, system changes, significant Web site updates, and other technology-related projects throughout the Legislature. The meetings provide the means for two-way communication between legislative staff users and LIS. Although the team should provide direction and determine priorities, LIS should be given the authority to choose the technical tools and methods that will enable them achieve the desired results.

These recommendations for increasing user input in the design and operation of information systems will help to identify enhancements that will meet the needs of users. The meetings of the Information Systems Review Team will set priorities for the system, and regular communication with the Legislative Council should provide a means for legislators to recognize and support long-term systems goals and monitor progress in reaching them.

Studies have identified several organizational and governance factors likely to contribute to successful IT programs:

- Leaders who are champions of IT and emphasize its value for achieving state missions.
- Involvement of stakeholders, those individuals or offices that will use the IT systems and services, who set the agenda by proposing initiatives, justifying the financing, and being continuously involved in the planning and testing of IT projects.
- An incremental approach to the development and implementation of IT initiatives, starting with prototypes and producing periodic deliverables whose success can be assessed.

- A collaborative management style that emphasizes positive rather than negative motivations and that shows a commitment to employees during periods of change.

The success of a new IT governance structure and the success of IT projects within the Maine Legislature will depend on the active involvement, cooperation and commitment of all stakeholders.

Other States' IT Management and Decision-Making Structures

Successful IT departments in other states formalize stakeholder involvement in various ways. In Colorado, the Legislative Management Team is comprised of the six legislative agency directors who make decisions about operational matters that affect the legislature. Agency directors serve as chair and vice chair of the team for a one-year term, with the chair and vice chair positions rotating among all agency directors. The team aims for consensus decisions, but any member may call for a vote on an issue where consensus cannot be achieved.

In Kansas, meetings of an Information Systems Team allows the IT staff to announce any plans they may have for conversions, upgrades or system downtime. This keeps the staff informed and also allows them to have input into any issues or scheduling problems these changes might cause. The meetings also allow the staff to bring up other issues of concern and to negotiate priorities for the IT staff. A Systems Review Team is responsible for the IT budget, planning and policy issues. The Systems Review Team analyzes the effects on department and interdepartmental relations, refines the plans and policies, and makes recommendations. An Information Systems Steering Committee composed of legislative leadership makes final budget approval and adopts policies.

In addition, other states have mechanisms to ensure user involvement and collaboration in IT decision-making. Wisconsin has periodic focus groups that guide future development and use of technology. Main topics of discussion include current and planned projects as well as existing technology and its capabilities and limitations.

Nevada assigns an IT liaison to legislative offices. The liaison meets regularly with staff in each office, serving a help desk role and becoming familiar with the office's operations and needs. The IT liaison can improve communication by serving as an interpreter and advocate for the needs of the users and the capabilities of the IT office.

Recommendation 14. The LIS director and the Information Systems Review Team should develop a long-term plan for the system, including a mission statement, list of goals, activities to reach the goals, and performance measures to gauge whether the goals have been met.

Develop a Long-Term Plan

The LIS director shared with the NCSL study team a draft of an information technology management plan for 2005. The plan serves as a good starting point in developing a long-term plan. However, the plan reflects an ad hoc process and a reactive, rather than a proactive, strategic and collaborative process for the design and operation of information technology within the legislature.

The LIS director should share his information technology management plan with the Information Systems Review Team to solicit feedback and recommendations on the short- and long-term goals for information technology. After input from the team has been considered and consensus or decisions reached, the team should finalize the plan for the Legislative Council's review. This document should describe the agreed-upon short- and long-term goals for the use of technology, activities to reach those goals, a timeline, estimated costs for completing the activities, and outcome and performance measures. This document would form the baseline for the Legislative Council to use in directing and overseeing the future development of the system. The Legislative Council also could use it to develop the Legislature's annual budget. The document should be updated annually.

5. MAINE STATE LAW AND LEGISLATIVE REFERENCE LIBRARY

In the 50 states, the Maine State Law and Legislative Reference Library (LLR) is unique, representing the only case where a “state law library” is supported separately within the legislative branch of government. Its unique status in the state and its broad charge to serve the public, the legal community, the Legislature and state government could be better served by moving it from the jurisdiction of the Legislative Council and the Legislature.

The Maine State Law and Legislative Reference Library is located on the second floor of the House wing of the Capitol. The LLR serves as the “state law library” in Maine and provides legislative reference services to legislators, legislative staff, members of the public, state government and the legal community. The LLR also is viewed as the law library of “last resort” by other law libraries in Maine. It is a well-respected library that provides effective service to its clients. Legislators and staff who use the library generally praise its operation.

The library maintains an informative Web site and offers walk-in, call-in and e-mail accessible reference services. It is a “partial” depository for federal documents and holds court reporters, legal journals, books, periodicals, videos, newspaper clippings and Maine’s only 50-state collection of state statutes. One of its central roles is keeper of the legislative history in Maine, and many of its services to the Legislature relate to this purpose.

The LLR has recorded about 6,500 reference requests per year during the past seven years. About 12 percent per year come from the legislature. By far the largest client group is the general public, accounting for almost one-half of the reference desk workload. Total non-legislative requests average about 88 percent of total annual demand for service. Interestingly, the judicial branch is a very light user of the state law library, averaging around 1 percent per year. A significant user of the library services is the private legal community, which averages just over 11 percent of LLR requests per year. However, this component of the LLR reference workload has declined as technology has made legal resources more available over the Internet.

These data represent raw request numbers, not the time spent on requests for each type of client. For example, one could argue that requests from legislators might be more complex than those from the general public and, therefore, that legislative requests actually take up more than 12 percent of the library's real reference workload. However, even if this were true (which is extremely difficult to determine), it remains a fact that the bulk of the LLR reference workload is conducted for non-legislative clients. Data on LLR reference workload is presented in appendix D.

Only Arizona and Maine organize their state law libraries within the legislative branch of government. In Arizona, this occurs because the entire state library system, which includes its law and research library division, is housed within the Legislature. The Arizona State Library, Archives and Public Records is supervised by a board comprising four state legislators, including the presiding officers of the House and Senate. This board is separate from the Arizona Legislative Council and other joint legislative committees. The board appoints the director of the state library.

In 39 states, the state law library is organized within the judicial branch and usually as a part of the state supreme court. The remaining states place the state law library within the executive branch. In most cases, therefore, state law libraries are physically located in judicial buildings. At least seven state law libraries, including Maine's, are located at the State House building.

Recommendation 15. The Maine State Law and Legislative Reference Library should be removed from the jurisdiction of the Legislature and placed within the organizational structure of the Maine State Library. Its operations should remain located at the State House, and the Legislature should stipulate that the Law and Legislative Reference Library continue to provide specific services, including those related to legislative history, to the Legislature.

Recommendation 16. The State Law Librarian (also called the director of the Maine State Law and Legislative Reference Library) should report to the State Librarian. All personnel oversight functions related to the State Law Librarian should be invested in the State Librarian. Current law stipulating that the State Law Librarian is appointed by the Legislative Council should be repealed.

Recommendation 17. The Maine State Law and Legislative Reference Library should significantly amend or discontinue its current newspaper clipping service, at the same time being careful to preserve the contents of its existing newspaper clipping subject files through its conversion into an electronic database. This conversion should be performed by a private contractor.

Merge Libraries

NCSL believes that moving the LLR into the Maine State Library (MSL) system makes sense and can be done without diminishing services provided by the LLR to the Legislature. This

change would reconstitute a system that existed before 1971, when the LLR was physically and organizationally split from the MSL and shifted to the legislative branch.

The reconstitution of these two entities into one consolidated state library operation offers several benefits to the Legislature and to the Maine library community. First, the Maine Legislative Council, ill-suited to oversee a state law library (especially in the term limits era), can release this duty to the director of the Maine State Library and the oversight offered by the Library Commission, a 17-member board appointed by the governor. The Legislative Council then will have more time to focus on key strategic issues of legislative management and development. Second, by merging the two libraries, LLR operations are more likely to be integrated effectively into the statewide library system of purchasing, planning and outreach, and legal research resources, resulting in efficiencies and potentially better services for library clients. Third, the Maine State Library is the logical choice for the organizational placement of the LLR. Although most state law libraries are located in the judicial branch, the judicial option is not favorable in Maine. Finally, this all can be done without diminishing LLR services to the Legislature. Several state legislatures depend on judicial or executive branch versions of the LLR, with completely satisfactory results.

Improved Oversight at the Maine State Library

The Legislative Council plays a crucial institutional role within the Legislature. As reinforced throughout this report, NCSL believes that the Council should assert its powers and responsibilities, focusing on key institutional planning and development issues such as information technology. Under these circumstances, and within a framework influenced by term limits, it seems logical that the Council should relinquish certain responsibilities where doing so makes sense. NCSL believes that oversight of the State Law and Legislative Reference Library is tangential, at best, to the central concerns and business of the Council.

The Maine State Library (MSL) is the guiding force for library development in the state. Its mission is to “to provide, broaden, and improve access to information and library services to all Maine residents.” On its Web site, the MSL makes the follow statements about its role and goals:

[The] Maine State Library is unique in having a physical presence and for its combination of services for the public and for librarians, all within the same organization. The State Library, serving all citizens and visitors, provides access to its information, services, and policies in order to meet educational, informational, recreational and cultural needs.

The State Library is addressing changes in its traditional role under an older economy by focusing on new roles demanded by the present changing economy. No longer is the role of librarians to just gather and select information but instead to facilitate, organize, and access information.

Change is a substantial and daily challenge for organizations engaged in the business of assembling and providing information. Technology advances and the shifting expectations of information consumers mean that providers need to be institutionally agile and prepared for

new opportunities. NCSL believes that the LLR will be better situated to meet the challenge of change under the direction of the MSL, its director and the Maine Library Commission.

Better Integration of Library Services

The overall scheme for providing state library services to the public and other key clients in Maine could be made more efficient by blending the missions and operations of the Maine State Library and the Law and Legislative Reference Library. This alignment of resources is not uncommon, with examples located as close to Maine as Connecticut and as far away as Arizona. NCSL believes that the LLR should be a division of the Maine State Library. It would have a distinct identity, operate in the same State House location that it does today, but also work with the MSL to identify duplication and find savings in areas such as collections, purchasing, circulation and reference services. Unique aspects of LLR services would be maintained according to the desires of the Legislature and according to how those services fit into the overall MSL plan and operations.

Although NCSL did not conduct a salary study of legislative positions (a large task, and outside the scope of this project), it seems likely, based on initial evidence, that some significant differences may exist in compensation paid to comparable positions in the MSL and the LLR. By combining the two libraries, it will be easier to determine and set appropriate compensation levels and pay equity within the state library system and to maintain an appropriate compensation plan over the long term.

Placement in Judicial Branch an Unfavorable Option

The vast majority of states locate their state law library within the judicial branch, where it serves the state Supreme Court and, often, other clients, including, in some cases, the legislature. Maine is quite different in this respect. Compared to most states, the law library system in Maine is quite limited, and legal research resources provided for the judicial branch are poorly funded. As stated previously, the LLR houses the only publicly available hard copy set of the 50 states' statutes.

Maine provides citizen access to legal resources through a system of 17 "public court libraries" located in counties throughout the state. These sites represent Maine's dedication to maintaining an informed and civically engaged citizenry. Resources at most of these libraries are limited, however, to Lexis on-line searching and small collections of Maine-related legal documents.

Only the Cumberland County Law Library (also known as the Cleaves Law Library) in Portland is staffed (with one librarian). All other county law libraries are self-service. The Cleaves library is the main source of legal reference for the Maine Supreme Judicial Court and also serves Superior Court and District Court justices and clerks located in Portland. Cleaves is supported largely by an endowment and fundraising. Financial support from the judicial branch accounts for about 12 percent of Cleaves' total operations budget. All 17 public court libraries receive oversight from the State Court Library Committee, appointed

by the chief justice of the Maine Judicial Supreme Court. The director the Maine State Law and Legislative Reference Library serves as an ex officio member of the committee. Daily direction and management of the system is provided by the State Court Library Supervisor, who is located in Bangor.

The Donald L. Garbrecht Law Library is located at the University of Maine School of Law in Portland. Besides the LLR and the state court library system, including Cleaves, the Garbrecht library is the only other comprehensive legal reference resource in Maine. The library has 14 employees and a collection of more than 335,000 volumes. Its collection is open to the public, but the mission and activities of the library focus on service to students, faculty and staff of the law school.

NCSL believes that the judicial branch is unable to absorb and successfully manage the LLR. Its future in a traditionally underfunded environment would be threatened, and little synergy or collaborative benefit would result from the merger. The LLR is much better placed at the Maine State Library, where it can thrive and more effectively serve all branches of state government.

Change Can Occur Without Effect on Service to Legislature

Many state legislatures derive important reference service, legislative document management and collection access from libraries that are not part of the legislative branch. In Iowa, for example, the state law library is part of the State Library of Iowa, which operates within the Iowa Department of Education. Here is the library's statement of purpose, found on its Web site:

Located in the Capitol building, the law library provides Iowa lawmakers, government employees, the Iowa legal community and the general public with a highly specialized legal collection of treatises and both state and federal statutory, regulatory and case law. The collection also contains the abstracts and arguments of the Iowa Supreme Court and Court of Appeals, legal periodicals, and materials produced by the Iowa legislature. Research assistance is available.

The Iowa General Assembly uses its state law library in much the same fashion as the Maine Legislature uses its State Law and Legislative Reference Library. These services are augmented by a small legislative library operated by Iowa's Legislative Services Agency, which is staffed by a single librarian. The legislative library holds a small collection of state reports, periodicals, bill books and other "publications of significance to the legislative process." Because of its small size and limited staff, the legislative library provides limited reference and research services.

Kansas offers a good example of a state library that provides research and reference services to lawmakers, based on a clear mandate from the Legislature. Kansas law stipulates the following:

Chapter 46.—LEGISLATURE

Article 12.—LEGISLATIVE COORDINATING COUNCIL

Library services for legislative branch of government; state librarian to acquire and maintain books and materials determined essential by legislative coordinating council at approved location; loan of materials by state law librarian; exchange of materials with other states and territories; state librarian to confer with legislative coordinating council.

One of the functions of the state library shall be to provide library services to the legislative branch of state government.

Under the direction and supervision of the legislative coordinating council, and with due regard for avoiding unnecessary duplication of materials in the supreme court law library, the state librarian shall acquire and maintain for use in the state library such books, pamphlets, documents and periodicals as are determined by the legislative coordinating council to be essential and of singular importance in providing legislative research and legal and bill drafting services to the legislative research department, the office of the revisor of statutes, other offices of the legislative branch of government and to members of the legislature. Books, pamphlets, documents and periodicals determined by the legislative coordinating council to be essential to the legislative branch of government shall be maintained at a location approved by the legislative coordinating council...

The state librarian shall from time to time confer with the legislative coordinating council concerning services provided to the legislative branch of government.

In response to this clear charge from the Legislature, the Kansas State Library has established a legislative reference service, located in the State House and available to legislators, staff and the public. Through its Web site, the reference service offers potential clients this greeting, which clearly outlines its purpose:

We welcome your legislative information questions. Our staff of legislative reference librarians are knowledgeable about legislative issues and skilled in legislative research.

We can help you find:

- *bills amendments, status, authors*
- *legislative news clippings*
- *legislative history information*
- *session law assistance*
- *statutes*
- *statute changes*
- *journal entries*
- *and much more....*

NCSL believes that the Maine State Law and Legislature Reference Library, under the auspices of the Maine State Library, can continue to provide essential legislative services guided by a specific mandate from the Legislature, similar to the Kansas model. In fact, it is likely that services to the Legislature could improve under this new organizational scheme. By combining the two libraries, the entire body of resources available from both collections and staffs might more readily be applied to the needs of the Legislature. In addition,

organizational efficiencies identified through collaboration of the state librarian and director of LLR should help to streamline and focus reference practices and services and allow for forward-looking planning that addresses the changing needs of the Legislature.

Amend Newspaper Clipping Service

The LLR wears many hats. It functions as Maine's state law library, serves a broad public clientele, and also provides key reference and collection work to the Legislature. NCSL believes that its staffing level of 13 FTEs is probably appropriate, given its current range of responsibilities and activities. Merging with the Maine State Library should reveal some opportunities for modest staff reduction. However, as it currently exists, the LLR has an opportunity to streamline its work in one key area—the newspaper clipping service.

The LLR clipping service and collection is valued by the Legislature, and especially by caucus staff. However, it also is an anachronism in the digital age. Too much staff time is spent on the enterprise. Three factors support the need for change in this LLR activity. First, the Legislature has been slow to digitize the existing collection. Second, the LLR tries to do too much with the clipped materials. Third, there is a rapidly developing on-line alternative to the LLR clipping file.

The existing newspaper clipping collection is located in original hard copy in subject files and in special subject binders that are shelved near the subject files. These materials cannot be checked out by patrons but are available to the public for review and photocopying.

It is important that the subject files be digitized and stored electronically to preserve these documents and to make them more readily available to a broader range of users. The Legislature should contract out for this service. The LLR secured a bid to do this work several years ago at a cost of almost \$1 million. This amount seems incredibly high.

NCSL spoke to one document digitizing firm about this project. Based on very general information provided to them about the collection and database development goals, that company's estimate was below \$20,000. Even if this estimate is off by a factor of 10, it would still be less than one-quarter the amount proposed to the LLR when it previously explored the option. NCSL encourages the Legislature and the LLR to re-bid this project. Currently, LLR staff are painstakingly scanning in old news clips as time allows. The Legislature should have this important task performed by a professional service and allow LLR staff to focus on more important duties.

The LLR should discontinue the practice of creating special collections of the news clippings. Although this attempt at adding value to the collection is commendable, it is not necessary and serves a very limited clientele. Once the collection is fully digitized and indexed, the LLR will be able to construct "virtual" binders within the clippings database, if it pleases. Better

yet, on-line users should be able to do this on their own, given appropriate access and search tools.

There is some reason to question whether the news clipping activities at the LLR should go forward at all. Many Maine newspapers are available on-line, although few currently provide an on-line archive. The Connecticut Law and Legislative Reference Unit of the Connecticut State Library discontinued its clipping service when the *Hartford Courant* began offering an on-line searchable archive of past editions.

The current collection of news clippings has important historical value because they are unique and exist nowhere else. Future clippings will increasingly duplicate records available on-line. In fact, the Maine Legislature currently supports an impressive effort to provide on-line newspaper access to Maine citizens through MARVEL! (“Maine’s Virtual Library”) and its “Maine’s Newsstand” feature. NCSL staff were able to use MARVEL! and Maine’s Newsstand to research subjects for this study.

NCSL believes that potential savings of up to one FTE is possible at the LLR by adopting the ideas outlined above.

Legislative Libraries in Other States

Most state legislatures have their own legislative library. These resources typically are fairly small operations, designed to collect and make available a very specialized catalog of books, periodicals and government documents. Most legislative libraries offer limited reference services, with a few notable exceptions. As stated earlier, Arizona and Maine are the only legislatures that combine their legislative reference library with the state law library, making them unique among their state legislative peers.

Table 4 shows the number of staff employed in legislative libraries in this study’s comparative states. The illustration also includes examples of two state legislatures (Maryland and Texas) that house a large legislative library with collections and staff rivaling and sometimes surpassing those of the LLR.

Table 4. Legislative Libraries in Selected States: Total Employees Staff	
State	Staff
<i>Arizona</i>	31
<i>Arkansas</i>	1
<i>Colorado</i>	2
<i>Connecticut</i>	4
<i>Indiana</i>	0
<i>Iowa</i>	1.5
Maine	13
Maryland	24
<i>Nevada</i>	3.5
<i>New Hampshire</i>	0
<i>Oregon</i>	1
<i>Rhode Island</i>	0
<i>South Dakota</i>	1
Texas	20
<i>Utah</i>	2
<i>Vermont</i>	0
Note: Study comparison states in <i>italics</i> .	
Source: NCSL, 2005.	

The average staff size of legislative libraries in our comparative states (excluding Arizona because of its unique status as part of the state library) is just over one FTE. This staffing level reflects the limited role that most legislative libraries play in providing comprehensive collections, lending services, and research and reference work.

Legislative libraries in Maryland and Texas might compare better to Maine's LLR than libraries in our comparison states. Legislative libraries in these states hold relatively large collections, paralleling in many ways the materials made available by the LLR. For example, here is the collection statement found on the Web site of the Legislative Reference Library of Texas, which employs 20 staff:

The Library maintains a specialized collection of materials designed to support legislators in their work. Library holdings include:

- *Legislative bill files*
- *Books and reports on issues of interest to the Legislature*
- *Texas state documents — Documents published by Texas state agencies and universities include: budgets, annual reports, legislative appropriations requests, and strategic plans. The collection also includes legislative interim reports and minutes from state agency meetings.*
- *State and Federal legal collection—Texas reference books include: Gammel's Laws, Texas Statutes, General and Special Laws of Texas, House and Senate Journals, West's Texas Digest, Texas cases from the Southwestern Reporter, Texas Register, and the Texas Administrative Code. Federal holdings include: statutes from all 50 states, United States Code Annotated, Federal Register, and Code of Federal Regulation.*

The Texas legislative library also provides a clipping service similar to the one supported by the LLR. Oversight is provided to the library by a six-member Legislative Reference Library Board with a membership of legislators, including the presiding officers from each chamber.

The Maryland Office of Library and Information Services is housed within the nonpartisan Department of Legislative Services. It employs 24 staff, and its collection of 95,000 volumes is smaller than the LLR's 111,000. It provides many of the same services as the LLR, but also includes several other functions that help explain its larger staff. First, it services a public information function for the legislature, offering education briefings, staffing information desks, materials preparation and guided tours of the legislative building. Its reference staff provides extensive research backup to the General Assembly and also prepares various documents and notices, including end-of-session summaries.

Connecticut offers a final and interesting point of comparison to the LLR. The functions of the Law and Legislative Reference Unit of the Connecticut State Library are, in many ways, parallel to the LLR. Here is the unit's statement of purpose and services from its Web page:

The Law and Legislative Reference Unit maintains and provides access to comprehensive collections of legal, legislative, and public policy resources in support of the Connecticut State Library's mission to "...provide high quality library and information services to state government and the citizens of Connecticut."

We encourage you to visit the Law and Legislative Reference Unit in order to make the most effective use of our resources. The staff will help you devise and refine search strategies; use catalogs, indexes, and research guides to identify and locate pertinent library and archival resources; use the collections and electronic reference resources; and operate photocopiers and microform equipment.

The Law and Legislative Reference Unit staff responds to telephone, letter, e-mail, and fax inquiries regarding the unit's collections and services, and to brief, factual, reference questions that pertain to legal or legislative issues.

The Connecticut LLR Unit employs 11 staff. In addition to the duties and services outlined above, the unit also operates a bill room, and two of its staff are dedicated to indexing legislative bills, House and Senate proceedings and public hearings. It also maintains the archives of the Connecticut General Assembly.

The Connecticut LLR Unit is located at the State Library building across the street from the State House. In addition to services provided by the LLR Unit, the General Assembly has created a small specialized legislative library dedicated to legislative clients, with limited assistance available to the public. With only 3.5 FTEs, the Connecticut Legislative Library is organized within the nonpartisan Office of Legislative Research and is housed in the Legislative Office Building, where most members and legislative staff have offices. Its small, noncirculating collection of about 8,500 titles focuses on legislative reports, Connecticut law, selected periodicals and five newspapers.

6. REVISOR OF STATUTES

The Office of the Revisor of Statutes should streamline its bill drafting procedure and take advantage of technological improvements.

All state legislative bill drafting agencies must balance the goals of quality and speed in setting up a drafting procedure. The bills must be clear, concise, well-organized and legally sound, so that, upon passage, they can become laws of the state. However, the political nature of legislative work demands that drafting agencies produce bills swiftly after the legislator makes a bill request. Drafting agencies must work hard to meet the twin demands of quality and speed. To that end, drafting agencies need to employ highly qualified personnel, use effective and efficient drafting practices, and take advantage of technological advances.

Recommendation 18. The Office of the Revisor of Statutes should:

- **Commit its drafters to electronic drafting.**
- **Direct drafters to create “polished” first drafts.**
- **Separate editing and proofreading steps in the drafting procedure.**
- **Allow position reduction to occur naturally in the transition to electronic drafting.**

Discussion of Recommendation and Background on Maine Drafting Practices

Several legislators, in their interviews, raised the issue of examining the Revisor’s Office drafting procedures. Some of those legislators became curious when they saw some of the office proofreaders sitting around a table in groups of three reading to each other. The legislators felt that the office was using an outdated procedure for a fairly mundane task and wondered if there might be ways to streamline the office’s processes and take better advantage of technology to speed up their work.

Current Practices

The Revisor's office uses a drafting procedure that begins when a legislator makes a bill request and the drafter creates a bill draft and sends it to the technician. The technician takes the copy (usually written, sometimes electronic) provided by the drafter and puts it into proper bill form. A team of proofreaders (usually three) reviews the documents (drafter's version, technician version, drafting instructions and other materials) to look for errors. A single proofreader then reviews the work again, looking for errors. If time permits, a second single proofreader review is done.

In considering recommendations for possible changes to this procedure, there are certain key findings to keep in mind.

- The Revisor has very few drafters compared to other states, especially given their higher workload in the first year of the biennium when bill requests are much higher than in the second year (see table 5). Four attorneys, two paralegal assistants and one session-only employee draft, fewer than might be expected given their workload. Drafters are encouraged to draft well but quickly, relying on an intensive proofreader review to follow. Drafters may "cut and paste," type out a draft or otherwise use any method to create the first version of the draft. Drafters are told to move things out, not agonize over reviewing the drafts, especially at deadline times.
- At certain times of the year, as many as 25 percent of the drafts will be drafted by other legislative agencies, primarily the Office of Policy and Legal Analysis (OPLA). The drafts usually go directly to the Revisor's technicians without work or review by the Revisor's drafters. The proofreader review is even more crucial on these outside agency drafts because they are prepared by people who are not full-time drafters.
- The office proofreaders perform a range of functions, including a fairly sophisticated editing of the bill drafts. We independently examined numerous bill drafting files in the Revisor's Office. That examination indicates that the proofreaders systematically spot problems such as a failure to completely follow through on the requester's intent, proper placement of new law in the statutes, logical inconsistencies and improper use of terms. The proofreaders make key substantive corrections that clearly and positively affect quality, and the bill drafters rely on the fact that the substantive review will be made.
- The combination of the previous three factors causes the Maine Revisor of Statutes to rely more on "back end" review to achieve bill draft quality than is found in other states' drafting agencies. The other states tend to have more drafters on staff, encourage those drafters to turn in a fairly polished product, and provide editing by a single editor or reviewer.
- The new MELD (computer) system is not designed to be "drafter friendly." Even the most computer savvy of the Revisor's drafters will not be using the new MELD system in late 2005 for electronic drafting (also referred to as "online drafting" or "drafting on the computer").

- Legislators think the office does a very good job on both quality and timeliness. Legislators gave the office a 4.4 satisfaction rating on a scale of 1 to 5, which is a tie for the top-rated agency. In general, legislators think that the office does very good work.

Given these points, our recommendations focus on modifying some of the drafting procedures to take advantage of technology and some drafting practices from other states, but not undermine the good work that the office currently produces.

Commit Drafters to Electronic Drafting

Most of the comparison states (see following section for details) described themselves as using electronic drafting 94 percent to 100 percent of the time. Electronic drafting means that the initial drafters are creating their drafts electronically, either in the same system as used for the final work product or some other system such as Microsoft Word. They save their drafts and forward the draft by computer to the next person involved in the drafting process. Maine drafters gave various estimates about how much electronic drafting is done by the office drafters, but it currently is probably no more than one-third of the drafts. The other states' drafting directors are clear that committing to electronic drafting was a critically important step for them:

- "Online drafting has tremendously improved our productivity."
- "We are probably producing twice the volume of text with the same number of drafters."
- "We work less overtime in the peak periods."
- "We've reduced our secretarial positions significantly."
- "There are no drawbacks."
- "It makes it easy to make a change in a draft."
- "We can track our work better."
- "It has helped us greatly with drafting amendments."

Although the drafters in the comparison states strongly support electronic drafting now that they have it, the transition can be painful. For older, more experienced drafters, the change can be wrenching. Some states have allowed the older drafters to use their old drafting methods (such as copy, cut and paste) if they choose, but insist that new drafters draft electronically. As the older drafters retire or decide to learn the new system, the states have moved to the 94 percent to 100 percent range mentioned.

The application of these insights from other states' experiences to Maine suggests that it would be counterproductive to immediately require all drafts to be prepared electronically. The new MELD system has not been developed to foster electronic drafting. A new session is fast approaching, and there are enough worries just to get the new MELD system to work for the technicians. Rather, after the next session, the Revisor's Office should start a long-time commitment to electronic drafting that allows plenty of time for experimentation and adjustment of the MELD system. For those long-time drafters who are convinced that they don't want to draft online, they could continue their current practices, using a "mixed use"

system that other states have followed in their transition periods. This recommendation for electronic drafting is applicable only to the Revisor's office, as drafters in other legislative agencies (such as OPLA) routinely draft electronically.

Initial Drafter Should Create a Polished Draft

Drafting attorneys in the comparison states made many comments about how important it is that the initial drafter does a thorough job on a draft and attempts to harmonize all the key pieces of existing law with the changes contained in the draft. The better the quality the drafter creates in the initial bill draft, the better the final product will be. The drafter is the one person in the process who gives the most comprehensive thought to how the new bill will work when applied in the real world and how the legal issues must be solved. All the states place a high value on subsequent review and editing, but that review process is no substitute for putting the bill in as good a shape as possible in the initial drafting phase. Maine's current approach of having the drafter put out a less than "polished" draft makes sense, given the number of drafters and their present workload. However, the elimination of the office responsibility for drafting sentiments (see chapter 7) should allow drafters more time to spend on each bill drafting request, thereby complying with this recommendation for more polished initial drafting.

Separate Editing and Proofreading Steps

The comparison states generally do not combine their editing and proofreading reviews at the same step, as Maine does. The typical approach is to have one editor review the draft for issues such as grammar, style, organization, logic, consistency, clarity and numerical cross-references. Having these issues checked early in the process allows mistakes to be corrected before word processing and proofreading occur. The drafting directors and senior drafters in comparison states also told us that an editing review for these issues is complicated enough without adding proofreading in the same step. Although the Maine Revisor's staff feels that a group of three proofreading reviewers adds quality to the review, the comparison states typically use one editor for the editing process (with one or two reviews, depending on the state and certain variables) and then later use two proofreaders for a separate proofreading process.

We recommend that Maine separate the editing and proofreading processes. Our examination of the Revisor's bill files indicates that the current proofreaders have tremendous talent in finding the problems in bill drafts relating to grammar, style, organization, logic, consistency, clarity and numerical cross-references. The more experienced proofreaders could fill the editor roles without further training. The states vary on whether they use a single or double editing process, and we suggest that the Maine Revisor's Office experiment with different editing procedures until it finds an acceptable process. Simple drafts, drafts by experienced drafters and rush drafts might more logically use a single review, while complicated drafts, drafts by inexperienced drafters and "non-rush"

drafts might use a review by two editors. The two-editor review would be consecutive reviews by each editor working alone.

Allow Position Reduction to Occur Naturally in the Transition to Electronic Drafting

We do not recommend any position reductions in the Revisor's Office as a result of this study. Other states indicate that they have been able to decrease the number of word processing or technician positions after implementing electronic drafting procedures, but those changes did not occur overnight. Over time, by revising the drafting process, increasing the commitment to electronic drafting, and taking time to test and improve the MELD system, the office will likely be able to reduce some of its positions. All these changes should be guided by keeping the very high-quality drafting standards that the office traditionally has followed. The experience in the comparison states shows that a commitment to electronic drafting ultimately will improve quality, efficiency and productivity.

Interviews from Comparison States

We conducted interviews with drafting directors and senior drafters from the comparison states of Arizona, Arkansas, Colorado, Iowa, Indiana, Maine, Nevada, New Hampshire, Ohio and Oregon. The drafting statistics they shared are noted in table 5. The interviews indicated some similarities and differences in creating bill drafting procedures.

Table 5. Drafting Workload and Electronic Drafting Comparisons

State	Annual Bill Drafts	Number of Drafters	Average Drafter Bill Workload	Percentage of Electronic Drafting
Arizona	1,870	9	207.7	98%
Arkansas	1,680	11	152.7	33%
Colorado	1,078	25	43.1	100%
Iowa	2,525	16	157.8	94%
Indiana	1,683	22.5	74.8	100%
Maine	1,036 (777)	7	111	"Relatively few" (no % estimate)
Nevada	1,581	31	51	100%
New Hampshire	1,000	6	166.7	"Much of it" (no % estimate)
Ohio	2,118	38	55.7	0%
Oregon	2,000	13	153.8	100%

Notes:

Arkansas figures exclude fiscal bills and fiscal drafters.

Indiana annual bill draft figures are approximate, and an average yearly figure is based on the most recent two-year biennium.

Maine annual bill draft figures are an average yearly figure based on the most recent two-year biennium. The parentheses indicate the approximate number drafted by drafters (attorneys, contract attorney and paralegals) in the Revisor's Office, and the average workload includes only drafters in the Revisor's Office. The average bill drafting workload is much higher in the first year of the biennium and much lower in the second year of the biennium, when bill drafts are restricted.

New Hampshire figures are approximate and include resolutions.

Oregon annual bill draft figures are approximate, and the yearly figure is an average based on the most recent two-year biennium.

States vary on the type of tasks drafters may handle in addition to bill drafting, such as code revision and committee staffing.

Source: NCSL, 2005.

Electronic Drafting

Almost all the comparison states have committed to electronic drafting by their drafters. Ohio does not use this approach, and Arkansas is just starting its conversion to electronic drafting, but all the others are in the 94 percent to 100 percent range. As indicated in the earlier recommendation discussion, the drafting directors are positive about the benefits of this method. From their perspective, there is no going back. There is a definite adjustment period, but once this is finished the quality and productivity are better than they were before. The South Dakota director indicated that he was initially skeptical of making the change, as he thought it would be a waste of time to have drafters doing so much “keystroking.” Now that they are experienced, drafters are very quick in using their computers for drafting. Newly hired drafters come to the profession expecting full use of technology.

Editing

The states vary widely in exactly how they edit bill drafts, but they all use some form of review by someone other than the person who drafted the bill. Some states, such as Iowa and South Dakota, use a senior drafter to review the office’s drafts. Others, such as Indiana and Oregon, use editors who have experience looking for the kinds of problems that typically can occur in the drafting process. Some states vary the number of editing steps using a more thorough review for new drafters and complicated drafts and a faster review for experienced drafters and simple drafts.

Both systems (review by a senior drafter or editor) can work well, and some states use a combination of the two approaches. The key factor, according to the directors, is that the reviewers should be well-trained and should have drafting manuals and other memoranda or guidelines to help them make editing decisions. Further, drafting directors think it is crucial for them to stress to all staff the importance of the editing process and to urge drafters and reviewers to work in a collegial fashion.

Workload

The annual drafting statistics show a huge variance in the annual average bill-drafting workload that individual drafters carry in the various states. The average workloads range from 43 in Colorado to 207 in Arizona. The variables that affected workload included length of session, use of bill request limits and deadlines, length and complexity of bills, the types of other duties that drafters perform, legislator expectations and availability of funding. The drafting directors had no strong insights about workload, although they believe that, when the workload is on the high end of the range, quality can definitely suffer.

7. SENTIMENTS

The Maine Legislature spends too much time and too many resources on legislative sentiments.

State legislatures express congratulations, commendation or sympathy through a variety of documents. These ceremonial instruments—called “sentiments” or “in memoriam resolutions” in Maine—cover everything from anniversaries to condolences to sports victories.

Although the individuals or organizations may deserve recognition, legislatures are finding the cost—in time and dollars—of processing congratulatory instruments to be prohibitive. As a result, many legislative chambers have implemented ways to save valuable time, minimize the interruption of floor sessions and reduce production costs.

Although the Maine Legislature has taken some strides to streamline its procedures for sentiments and memoriam resolutions, it should go further. NCSL believes it should change its procedures for expressing congratulations or sympathy to:

- Maintain the meaning and importance of such expressions of legislative sentiment,
- Improve legislative efficiency, and
- Save money.

Maine Procedures for Courtesy Resolutions

Maine Joint Rule 213 currently states:

All expressions of legislative sentiment must conform to guidelines issued by the President of the Senate and the Speaker of the House and must be presented in a manner standardized by the Revisor of Statutes.

Each expression of legislative sentiment must contain the residency of the recipient and must, at a minimum, be cosponsored by the Senator and

Representative who represent the recipient unless the Senator or Representative affirmatively declines.

The expressions of legislative sentiment may not be part of the permanent journal or the legislative record but must appear on the Advance Calendar and Journal of each body. The Secretary of the Senate and the Clerk of the House shall print the expressions in an appendix to the legislative record. When the Legislature is not in session, the President of the Senate and the Speaker of the House may authorize expressions of legislative sentiment at the request of legislative members.

The current guidelines established pursuant to Joint Rule 213 are attached (see appendix E). The guidelines specify the subjects for which sentiments may—and may not—be used.

These guidelines are meant to control the processing and printing costs of sentiments or memorial resolutions; however, the number of sentiments is increasing. During our interviews, individuals reported that “as many as 1,800 sentiments or memorial resolutions are processed during a legislative session.” (The actual yearly average is 1,483; see table 6).

Chamber	2000	2001	2002	2003	2004	2005	Average
Senate		577	456	451	311	846	528
House	750	803	809	1,000	837	1,531	955
Total	750	1,340	1,265	1,451	1,148	2,377	1,483

Recommendation 19. The Maine Legislature should use a legislative citation or certificate—which does not require drafting, introduction, committee hearing, floor debate or vote—as the main instrument for expressing commendation, condolences, appreciation or congratulations.

Although individuals or organizations may deserve recognition, the Maine Legislature may find it more efficient and cost effective to change the document format used to honor them.

Sentiments currently are drafted by the Revisor’s Office, may be referred to committee, and may be considered on the floor. Significant savings may be found by switching to a format—such as a citation or certificate—that reduces the number of ceremonial resolutions that receive such formal treatment. For example, if drafters spend an average of 30 minutes on each sentiment and 1,000 sentiments are processed each year, the Revisor’s Office staff spends 500 hours per year writing sentiments. A change to a simpler, “non-drafted” format for sentiments would free this drafting time for work on substantive policy bills and amendments. It also would save editing and word processing time in the Revisor’s Office and time in committee and on the floor.

The Maine Legislature (or the Senate and House separately) should design a legislative certificate. The document should be a single page and suitable for framing. The style could be similar to the examples from the Louisiana House and Virginia Senate shown as appendices F–I.

By using a certificate with a simple, uniform design, document processing becomes much easier. No elaborate statements are drafted; only the necessary names and events must be entered. The data entry and printing may be done either by staff in the offices of the Senate secretary or House clerk or by caucus staff. Typically, if the processing is done by the offices of the Senate secretary or House clerk, it is slightly more formal—the certificates are numbered, recorded into a log and thus can be “tracked.” If done by caucus staff, no records of the certificates issued often are kept, so no historical documentation is created.

The Legislature already has seen a loss of institutional memory due to term limits. Therefore, we suggest that the Maine Legislature use the slightly more formal process, which centralizes sentiment processing within the offices of the Senate secretary and House clerk, creates a log of sentiments issued, allows tracking and maintains historical records.

Recommendation 20. The Maine Legislature should strengthen chamber rules to restrict the use of formally drafted ceremonial resolutions.

The current guidelines for sentiments allow sentiments to be issued for:

- The death of a prominent local or state figure
- Wedding anniversaries of 50 or more years
- Top 10 lists for high school honors and honor rolls
- Birthdays of 75 years or more at five-year intervals
- Birthdays over age 100 at yearly intervals
- Sports honors and awards
- Eagle Scout
- Gold and Silver Girl Scout
- Chamber of Commerce awards
- Civic appreciations, congratulations and acknowledgements
- First and second place pageant and athletic awards
-

The guidelines also were established “to ensure that sentiments are not trivialized so that their meaning and importance is lost.” Unfortunately, the guidelines do not seem to be fulfilling their mission. In our interviews and surveys, several individuals noted that sentiments are being used so often that they have lost their significance and purpose—serious recognition.

Circumstances undoubtedly exist under which the Legislature may wish to present a formal (drafted) ceremonial resolution. We recommend, however, that the Maine Legislature adopt rules that restrict the use of such resolutions—either by limiting for whom, what, or how many may be requested.

The Legislature could more narrowly define for whom or for what such formal resolutions may be used. For example, use formal ceremonial resolutions to honor only those individuals listed below. For any other person or purpose, a legislative certificate would be used.

- Former or current members of the Maine Legislature
- Former or current members of the State Supreme Judicial Court
- Former or current federal or statewide elected officials
- A person or group from Maine for an international or national meritorious achievement
-

As an alternative, if the Legislature does not wish to change the individuals or events for which a drafted sentiment may be used, it could simply limit the number that each legislator may request—as is done in several legislatures. For example, in the Colorado General Assembly (which has 35 senators and 65 representatives), no member of the Senate may introduce more than three sentiments during any regular or special session, nor may any member of the House introduce more than two. In the Nebraska Unicameral Legislature (which has 49 legislators), each member is limited to eight per session. Since the Maine Legislature is relatively large in size (186 total legislators), however, the limit per member must be relatively small in order to make a significant reduction in the total number of ceremonial resolutions. If the Maine Legislature instituted restrictions the same as Colorado's, the maximum number of drafted ceremonial resolutions would be 407—that is, 105 by senators (3 x 35) and 302 by representatives (2 x 151).

Of course, the Legislature could choose to do both—that is, restrict the events for which a formal ceremonial resolution may be used **and** limit the number that each legislator may request.

Courtesy Resolutions in Other State Legislatures

The American Society of Legislative Clerks and Secretaries (ASLCS) surveyed its members about personal, congratulatory or courtesy resolutions in 1988 and 2002. We also reviewed current legislative rules to gather more information on the topic. The ASLCS surveys and our investigations show a national trend to change the processing of these legislative documents in order to improve legislative efficiency and save money. Provided below are examples of how this is being done.

Using Citations, Tributes or Certificates

Many legislatures have switched the format through which they offer recognition or sympathy. Simple citations, tributes or certificates are being used more frequently.

For example, the Kentucky Senate and House Rules establish a “Legislative Citation” as the mechanism to extend commendation, condolences or congratulations. The rules also specify

that citations may not be used for “procedural matters, matters of a controversial or partisan political nature, nor in place of resolutions memorializing the U.S. Congress.” They specify that each citation is “prepared in a single copy on an artistically designed form, suitable for framing, shall bear the signature of the sponsor and the name of the person or event cited ...”

New Mexico Joint Rule 6-1 states, “The legislative instrument for official expression of condolence by either house in case of death or sickness and for congratulatory messages and acknowledgements of achievement shall be a certificate of a design which is both appropriate and aesthetically sensitive to the expression being extended and to the dignity of the legislature, which certificate for each category of expression shall be uniform in design and expression except for necessary names, addresses and dates.”

Utah Senate and House Rules specify, “Legislators shall use the legislative citation form exclusively” to express the commendation or condolence of the Legislature, Senate or House.

The Virginia Senate and House also use certificates.

Restricting the Drafting or Use of Ceremonial Resolutions

To maintain the “value” of ceremonial resolutions, many legislative chambers have adopted rules that restrict (or attempt to limit) their use.

For example, although Illinois House Rule 16 permits any member to file a congratulatory resolution for consideration by the House, there is a caveat. The principal sponsor must pay a reasonable fee—determined by the House clerk with the approval of the speaker—to offset the actual cost of producing the congratulatory resolution. The provision that requires the sponsor to pay the fee may not be suspended.

The Illinois House is not alone in charging for production. In the Louisiana House, members who want a resolution in an official presentation form can have it printed on parchment paper and placed in a nice binder at a cost of \$2.25 per copy. In the Missouri House, a member must pay for any extra copies of congratulatory resolutions from his or her office expense account.

The Michigan Senate limits the drafting of ceremonial resolutions to those for statewide elected officers and former members. Tributes—which do not come before the body—are used as the main format for the recognition of other individuals or groups.

New Mexico Joint Rule 6-1 specifies, “No bill, resolution or memorial shall be used for official expressions of condolence, congratulations or acknowledgements of achievement.” As previously noted, the rule also establishes a certificate as the legislative instrument for these purposes.

The North Carolina House excludes from introduction and consideration “all memorializing, celebration, commendation and commemoration resolutions, except those honoring the memory of deceased persons.”

In the North Dakota Senate and House, a commendatory resolution is allowed only if it honors a person or group for an achievement that has brought national attention or recognition. The Pennsylvania House has a similar restriction—the person or group must have won first place in a state or national contest.

The Rhode Island Senate restricts to one day of the week the time that resolutions of congratulations, sympathy or condolences may be considered, except if the resolution is for “former or present members of the General Assembly, general officers, members of the judiciary, and elected state or federal officials.”

The Delaware and West Virginia houses have rules that define the types or classes of resolutions. Delaware House Rule 17 describes simple resolutions (that deal with the internal affairs of the House only); concurrent resolutions (that “achieve the same purpose in relation to the General Assembly that the simple resolution achieves for either the House or Senate singly”); and joint resolutions (the most formal type of resolution, which address matters outside the internal affairs of the General Assembly or either chamber and may have the force of law for limited purposes). The rule also sets forth the process by which members may issue tributes and memoriams.

West Virginia Rule 108 defines its three classes of resolutions—joint, concurrent and House—and the general purposes for each. In addition, House Rule 108a sets forth a stricter policy for concurrent and House resolutions; it states:

It is hereby declared to be the policy of the House of Delegates that concurrent and house resolutions be limited to the general purposes set forth in subdivisions (2) and (3) of Rule 108 and shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Such resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: Provided, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

Before any concurrent or house resolution is filed with the Clerk for introduction, it shall be submitted to the Committee on Rules for determination of compliance with this rule and no such resolution shall be introduced without the approval of said committee.

8. THE CONSTITUENT SERVICES UNIT

Legislator demand for constituent service assistance from staff is on the rise. The Maine Legislature currently uses a caucus-based system of staff support on constituent problems. NCSL believes that an alternative approach could improve the effectiveness of Maine's constituent services and also reduce the overall cost of providing that service.

Constituent services is a growth area for state legislatures across the nation. There is no single, identifiable reason for this trend. The traditionally strong constituent service roles of U.S. House members probably has rubbed off on state legislators. There also may be a reelection motive at the heart of constituent case work as state legislative seats become more desirable and as campaigns for these seats become more competitive. The Internet, e-mail and other newer forms of communication also enhance the ability of citizens to reach their legislative representatives about problems they have with government programs and services.

Whatever the cause, it is clear that legislative staff are spending more time helping legislators with their constituents' concerns. It also seems clear that, once a legislature commits staff resources to constituent service, there is little turning back. Legislators and citizens come to depend upon the service and to expect it. Legislators find its benefits irresistible, both in terms of those derived for citizens and in terms of the good will that an effective constituent service operation can produce.

Citizens in Maine are close to their government and to their legislators. They should expect help from the Legislature with problems that they cannot solve through normal channels of state government. In response, Maine legislators have turned to their partisan caucus staff for help. This is logical and consistent with the way many state legislatures structure their constituent service process. Caucus staff tend to be closest to the members, who have confidence that their partisan aides will follow through on constituent problems carefully and expeditiously.

Maine legislators indicate a high level of satisfaction with the performance of their partisan staff and are satisfied with their work on constituent problems. Unfortunately, this approach

to staffing constituent services also is costly and somewhat inefficient. The partisan staff offices are doing a good job on constituent casework. NCSL believes there is an even better way to get this work done.

As currently practiced in Maine, constituent service work is performed by all four caucus offices and, to some extent, by the leadership staff offices. A part-time staff person for the Green party also provides constituent support. This arrangement has three key weaknesses. First, it allows for some unavoidable level of duplication. One office may not know that another is working on the same issue or even the same constituent problem. The decentralized approach makes it difficult to share that knowledge. Second, staff who currently work on constituent relations have limited ability to develop expertise in critical subject areas. Turnover among caucus staff is higher than in most other staff offices, and the expertise that does develop can be lost at the next election. Finally, the current approach provides little opportunity to learn from past experiences or to develop strategies for getting better at performing constituent service tasks.

NCSL believes that the Maine Legislature could restructure its approach to staffing constituent services to cut costs and make the service more effective. A few state legislatures have created central, nonpartisan professional constituent service offices that are very successful. Maine could adopt this more centralized approach and provide a more responsive service to its legislators and citizens.

Recommendation 21. The Maine Legislature should create a nonpartisan Constituent Services Unit (CSU), organized within the current Office of Policy and Legal Analysis. The CSU should be staffed with six full-time analysts, one of whom would serve as manager of the unit. The partisan staff offices should be reduced by a total of 10 FTEs, contributing six to the new CSU, with the remaining four FTEs eliminated and contributed to savings in the legislative budget.

NCSL's interviews and survey work make it clear that constituent service is the most prominent activity of "legislative aides" who work for the caucus offices. These staff also provide a range of other services to their members, including media relations, speechwriting, legislation tracking, policy research, constituent outreach and general clerical support.

NCSL believes that the bulk of the constituent service workload of all the caucuses could be transferred to a new nonpartisan, professional and full-time staff of six constituent service experts. This new Constituent Services Unit, to be organized within the current Office of Policy and Legal Analysis, would develop subject expertise, form critical and long-term relationships with key public service providers, maintain records of their workload, and establish a base of institutional memory on the best ways to handle constituent problems. Legislators would receive better service on constituent problems, and citizens would receive better service from the Legislature on these matters. All this could be achieved without sacrificing the important link between a member and his or her constituent and at a savings in total staffing for the Legislature.

It is interesting to note that the Maine Legislature might have been a pioneer in this area had it followed through on an idea that it placed in law in 1973 (P.L. 1973, Ch. 590, Sec. 12). That year, the Legislature created a “Constituent Services Officer” whose duties would include the development of a nonpartisan constituent service function for the Legislature. The law included this provision:

The constituent services officer shall perform the following functions and duties.

Constituent service. Receive, from any member of the Legislature or from any legislative committee, any inquiry or complaint concerning services which may or may not be provided by any governmental unit within the State of Maine. Such inquiry or complaint shall be investigated, processed and answered in accordance with procedures which may be established by the Legislative Council.

As far as NCSL can determine, the constituent services position never was filled. However, the 1973 initiative was a visionary idea. NCSL believes that the time is right for its implementation.

The Maine Constituent Services Unit

The Maine Constituent Services Unit will be part of the new Maine Legislative Services Agency (see chapter 3) and organized within MLSA’s division of research and committee services (currently the Office of Policy and Legal Analysis). The CSU will have six full-time employees. One of the six will serve as manager of the unit and one of the six will provide clerical support in addition to other duties. This model is based on similar nonpartisan constituent service offices that have operated successfully for many years at legislatures in Arkansas, Kentucky and Nevada (see discussion below for more detail on these operations).

The Constituent Services Unit will have the following advantages over the current, caucus-based approach to constituent service support:

- The productivity of a full-time, professional staff dedicated to constituent service activities.
- Reduced turnover of staff who conduct constituent service, meaning better retention of institutional memory—a critical advantage in a term-limited legislature.
- A full-time constituent services manager responsible for balancing staff workloads, ferreting out duplication of effort, identifying trends, and developing strategies that help legislators deal more effectively with constituent service demands.
- The ability to develop an automated recordkeeping system of constituent requests to help CSU staff learn from past activities, generate periodic reports for members on requests from their districts, and identify trends and “hot spots” in state government services.
- Accountability to members and to the Legislature for performance and for designing strategies for continuous improvement of services.

- Better and quicker service for citizens, reflecting favorably on legislators and the Legislature.
- Better service from partisan staff who are freed from constituent casework and able to concentrate on other critical legislator needs.
- Lower overall cost to the Legislature.

Full-Time Constituent Services Staff

The Maine Legislature has the opportunity to develop a professional core of constituent relations specialists dedicated only to the resolution of constituent requests for help with government services. These professionals will develop critical expertise on common citizen problems and on the best courses of action for solving those problems. By maintaining this core of experts, the Legislature will build stronger relations over time with important service providers at all levels of government. Ultimately, good constituent case work relies upon knowing whom to call and being able to get a favorable response when the call is made. This requires relationship building and the development and maintenance of institutional memory. A dedicated, nonpartisan, professional staff can do this better than one that has other, competing responsibilities and higher turnover.

Full-Time Constituent Service Manager

The Maine Legislature's current decentralized approach to conducting constituent services lacks leadership and a vision for making those services better. A manager of constituent services will fill that void and provide a more streamlined and efficient service for members and citizens. The CSU manager will perform constituent casework duties, and also will have these important leadership responsibilities and expectations:

- Train CSU staff in skills critical to effective constituent casework;
- Develop office policies and describe the mission of the CSU and its commitment to professionalism, confidentiality and quality;
- Manage office workload to ensure efficient use of resources;
- Develop systems for recording and tracking requests and for the creation of customized reports for members;
- Perform outreach to caucus offices and members, describing CSU services and how to use them effectively; and
- Conceptualize and implement new, proactive strategies and tools that help legislators solve constituents' problems.

The manager of constituent services will play a key role in helping legislators of all political parties and caucus staff understand the new nonpartisan service and to trust it to conduct constituent casework effectively, confidentially and in manner that honors the relationship of legislators and the citizens in their districts.

Recordkeeping and Reporting

Most organizations that field client requests for assistance record those requests in some sort of database that allows staff to measure and track their workload, retrieve information useful for subsequent requests, and generate reports that help identify trends or strategic opportunities. For example, the Maine State Law and Legislative Reference Library keeps detailed annual data on library patrons that helps them match their services and collection to client demands. NCSL enters information request data into a system that allows request tracking, retrieval, and production of workload reports and data on how states are using the organization's services.

Currently, the Maine Legislature is not learning from its constituent services workload. NCSL was unable to determine that any data was being retained on constituent problems in a manner that made that data useful for analysis or planning. The new CSU, working with the Legislature's information technology staff, will be able to develop a database for these purposes. This database has particular application for legislators who will be able to ask the CSU for regular or periodic reports about the volume, source and nature of constituent requests in their districts. Over time, legislators will be able to monitor trends and identify recurring problems that require legislative attention.

Accountability and Better Constituent Service

The Constituent Service Unit will have one job—to deliver world-class constituent service on behalf of Maine legislators. This focused mission also implies accountability. By setting clear goals for the unit and establishing a regular process for reporting, evaluation and feedback, the Legislature and Legislative Council will be able to measure how well the CSU is meeting its promise. Legislators who use the new service will have an immediate sense of CSU performance. The Legislative Council, through its oversight of nonpartisan staff offices, will find it easier to assess the performance of a constituent service function that is conveniently located in one place rather than in four or five.

One primary challenge posed by this change from partisan to nonpartisan constituent service support is the ability to obtain support and confidence in the idea from members of all political parties. Each legislator will ask whether this office can respond effectively to the issue nuances and special circumstances of constituents in his or her district.

Can the CSU staff represent all legislators and respond to citizens in all districts with equal sensitivity, care and effectiveness? Based on experiences of similar offices in other state legislatures, the answer is an unequivocal yes. The keys to success are:

- Recruitment of high-quality CSU employees who possess critical communication skills, common sense and mature judgment;
- Development of policies and procedures that protect confidentiality and promote quality and equal service for all requests;

- Routine training on those policies and on the key skills required for the job;
- An effective CSU manager who communicates and exemplifies important office values and skills; and
- Strong oversight by the Legislative Council to ensure that the CSU operation is meeting its objectives.

These keys to success are not outside the reach of the Maine Legislature. Each is achievable. The Maine Legislature enjoys a long and successful tradition of nonpartisan staff support. NCSL sees no reason that an effective constituent relations operation cannot become part of that impressive tradition.

More Focused Partisan Staff

NCSL believes that relieving the partisan staff offices of their constituent casework also will make those offices more effective. Although the majority and minority caucus offices will give up one or more position to accommodate the creation of the CSU, they also will be able to focus their remaining complement of staff on other, more “partisan” services. Matters such as media relations, speechwriting, talking points, bill tracking, constituent outreach (letters, mailers, newsletters, Websites, etc.) can move to the forefront in partisan offices.

When a partisan office receives a constituent request, it will be able to forward it to the CSU knowing that the request will be handled professionally, confidentially, expeditiously and on behalf of the appropriate legislator. This last point is important. The CSU will essentially be invisible to citizens. Its work will be on behalf of legislators and their partisan staff offices. All work at the CSU will be credited to the appropriate legislator. There will be no CSU letterhead. Citizens who receive help from the CSU only will know that they got great service from their state legislator.

Lower Cost to the Legislature

NCSL proposes that the new Constituent Service Unit (CSU) be funded through a transfer of FTEs from the partisan offices to the new CSU. However, because the CSU will specialize in constituent service matters, it will be more efficient than the current caucus-based approach. Therefore, NCSL believes that it is feasible for the caucuses to contribute 10 FTEs to the proposal, but that only six positions need to be funded at the CSU. The efficiency gains realized through creation of the CSU should allow the Legislature to cut its overall staffing by four FTEs, while improving overall service.

It is important to add that this transfer of resources from the partisan offices to the new CSU concerns FTEs, not current employees. That is, NCSL is *not* recommending that current partisan staff employees be transferred to work at the CSU. In fact, this would be a serious mistake. The new CSU must be staffed with employees who are clear of any partisan label so that they can work alternatively for one party or another, and also with equal trust from

members of both chambers. It is critical to the success of the CSU that it enjoy strong recognition from legislators as a nonpartisan office.

According to figures requested from the Council's personnel office, the average cost (salary and benefits) of a caucus legislative aide is \$70,000. The shift in resources and workload described above can save the Legislature approximately \$280,000 per year.

The proposal for transfer of FTEs presented in table 7 seeks to evenly distribute staff reductions at the various partisan offices. NCSL believes that these caucus staff reductions will not harm the level or quality of staff services available to legislators.

Office	Current Full-Time Staff Allocation*	FTE Staff Reductions	Post-Reduction Full-Time Staff Allocation
Office of the Speaker	7	1	6
House Majority Office	11	3	8
House Minority Office	9	2	7
Office of the President	6	1	5
Senate Majority Office	7	2	5
Senate Minority Office	5	1	4
Totals	45	10	35

Source: Data provided by Maine Legislative Council Human Resources Office, November 2005.

In summary, NCSL recommends the following strategy for creating the new Constituent Services Unit:

- Reduce staff allocations to the partisan staff offices by a total of ten 10 FTEs (see table 7);
- Allocate six of the FTEs derived from the partisan offices to the new Constituent Services Unit (but not actual employees from those offices);
- Eliminate four of the FTEs (as savings to the Legislative budget);
- Hire people to fill the six new nonpartisan CSU positions who possess appropriate job qualifications.

What the CSU Does Not Do

Constituent service offices in other states have found that it is important to actively market their services to legislators. These offices find it equally important to clearly articulate what services they **do not** provide. The performance of a constituent service operation can be seriously diminished when it is asked to provide help in areas outside its central mission.

The Maine Constituent Services Unit will help citizens resolve problems they are having with government programs and services. The CSU and its staff will not:

- Investigate or evaluate other government offices or their services;
- Write speeches, conduct research, prepare newsletters, answer general correspondence, provide clerical assistance, or perform for legislators other office duties that are not related to the resolution of a constituent problem;
- Draft legislation or prepare congratulatory citations;
- Appear in official capacity at political functions;
- Represent a legislator at a meeting or other public event;
- Track the progress of bills or otherwise monitor the legislative process; or
- Prepare or distribute reports, pamphlets, newsletters or other documents that are not consistent with the mission of the office.

Nonpartisan Constituent Services Offices in Other State Legislatures

Nonpartisan staff, especially committee and research staff, have always provided some small level of constituent help to legislators. It is an unavoidable and usually appropriate part of the job. However, as constituent casework has increased in state legislatures, it typically has become the responsibility of partisan staff.

A few state legislatures, recognizing the constituent services trend, have taken a more novel approach to the challenge, creating nonpartisan offices similar to the one NCSL recommends for Maine. The following descriptions profile nonpartisan constituent services offices in three states.

Arkansas Senate

The Arkansas Senate Constituency Services Office (CSO) was created in 1995. It is staffed by a director, two “constituent advisors,” an administrative assistant and an attorney who also has other duties in the Senate. The staff are organized around topic areas, and the director assigns casework to them. Request data is managed in an ACCESS database designed by the director. Here is the mission statement for the office:

To provide nonpartisan assistance to all Members of the Arkansas Senate in helping their constituents resolve problems and concerns through the provision of professional and comprehensive casework, limited legal services, and administrative support.

The Arkansas CSO handles about 1,200 constituent cases each year. It has become a trusted source of staff support by members of both parties. The staff is careful to credit its work to

the appropriate senator and, according to the director “everything goes out over a senator’s signature ... we identify our call [to a constituent] on behalf of the senator.”

In the beginning stages of its operation, the Arkansas CSO realized that senators would naturally ask them to provide service outside its mission. The office therefore developed a policies and procedures statement that includes a section on “services not provided.”

Services not provided:

1. Any request of a personal, political, or partisan nature.
2. Research, legal or otherwise, for any private business or law or other practice.
3. Contacting a presiding judge or administrative hearing officer for the purpose influencing her/his decision on a pending case.
4. Drafting bills and amendments.
5. Investigation of or research on an individual.
6. Research on a matter that is the subject of or otherwise related to current or pending litigation to which the person requesting the information is a party.

The director of the Arkansas office reports to the Senate chief of staff and the Senate Efficiency Committee. A similar office operates in the House, but it performs many other duties in addition to constituent services.

Kentucky

The Kentucky Office of Constituent Services is a seven-person, central, nonpartisan operation organized within the Legislature’s Legislative Research Commission (LRC) staff structure. It has been in operation since 1983, making it the oldest nonpartisan legislative constituent service office in the nation. The office works for all legislators and handles about 3,500 requests per year. All work is referred to the office by legislators. The staff does not take calls directly from the public. All constituent contact is made on behalf of the appropriate legislator, and written responses to citizens go out on a member’s letterhead.

Recordkeeping is managed on a software system designed by the legislature’s information technology staff. The software assigns sequential numbers to requests as they are received; provides for input of the name of the requestor, constituent contact information, description of the action taken in response to the request; and allows tracking of workload volume and pending (open) cases.

The office reports directly to the director of the LRC staff.

Nevada

The Nevada Constituent Services Unit, created in 1999, is organized within the research division of the nonpartisan Legislative Counsel Bureau staff. The unit employs eight staff, including a director. The Nevada CSU enjoys a strong relationship with Nevada legislators. The unit keeps a file of member stationary for its use on requests, and some legislators allow the office to use their electronic signature on correspondence. According to the unit's director, most legislators allow the office to respond to citizens using the member's e-mail address. Some legislators route all their constituent e-mail directly to the unit.

The Nevada CSU uses a standard form to take initial requests, and it takes requests directly from the public. The organization of the office within the research division of the nonpartisan staff benefits the work of the unit, according to its director, providing additional resources to support its work.

The Nevada Legislature meets on a biennial session calendar—one session year in every two-year cycle. The CSU handles approximately 5,400 requests per biennium, with the bulk received in the session year.

9. THE LEGISLATIVE INFORMATION OFFICE

The functions and staff of the Legislative Information Office could be redeployed to improve service to legislators and the public.

The Legislative Information Office (LIO) is organized within the Office of Legislative Information Services (LIS)—the Legislature’s information technology department. The LIO includes two staff groups: 1) the 15 session-only committee clerks to the joint committees; and 2) the staff (3.5 FTEs) who work on “public information” activities, including bill status and tracking and staffing two information desks. The LIO staff are supervised by a manager.

LIO work has some connection to the roles of the Legislature’s IT staff, but the organizational placement of LIO functions within LIS is less than optimal. NCSL believes that a realignment of LIO staff could benefit the Legislature and support the success of the new Maine Legislative Service Agency described earlier in this report.

Recommendation 22. The Legislative Information Office should be discontinued and its two main functions reorganized as follows:

- **The session-only committee clerks should be transferred to the Office of Policy and Legal Analysis. Committee clerks should be hired by OPLA.**
- **The Legislative Information Manager, the three FTE Legislative Information Assistants and the part-time Legislative Information Associate should be transferred to the Office of the Executive Director. Efforts should be made to enhance the public information activities of these staff and to eliminate duplication with other offices in the areas of bill status and tracking, data entry, and reporting.**

Recommendation 23. The Maine Legislature should reexamine its policy that pays year-round benefits to session-only employees.

Committee Clerks

The organizational placement of the committee clerks within the Office of Legislative Information Systems is not logical. In addition, current hiring practices for these staff can introduce partisanship, or at least the perception of it, into what should be a nonpartisan function.

Committee work is the heartbeat of state legislatures. This famous remark about Congress by President Woodrow Wilson has equal relevance to state legislatures:

... Congress in its committee rooms is Congress at work.

Maine's joint committees provide an important communication bridge between House and Senate members and offer the state's citizens their best opportunity to participate in the legislative process. The joint committees do the hard work of the Legislature, and service on them is a key feature of a legislator's lawmaking experience.

State legislatures, recognizing the fundamental importance of good committee work, almost universally support their committee activities with staff resources—both professional and administrative. In Maine, the nonpartisan Office of Policy and Legal Analysis and the Office of Fiscal and Program Review are the main sources of professional committee staff expertise for the Legislature. This staffing approach is common in legislatures similar to Maine's.

Professional committee staff “experts” typically are the high-profile members of a committee staffing corps, and often too little credit and recognition are afforded to the administrative “clerks” who make sure the committees operate efficiently and in concert with the needs of the committee chair, members and public. Committee clerks who do their job well make a contribution to the legislative process equal to that of any legislative staff.

NCSL believes that Maine's system for providing clerks to the committees is a good one. However, a few significant changes have the potential to make the system better and more reliable.

Move the Committee Clerks to OPLA

The current organizational location of the committee clerks does not make sense. NCSL knows of no state legislature that houses its committee clerks within its information technology office. A more productive placement would be at the Office of Policy and Legal Analysis. OPLA provides professional staff support to most joint committees. By placing the committee clerks within the same organization, the OPLA director can maximize coordination of staff services to the Legislature's committees. The combination also should foster a stronger sense of teamwork and interdependence between the committee staff professionals and the committee clerks.

The committee clerk operation will continue to require a manager to oversee hiring, training, scheduling and performance review. This supervisor role could be filled by the deputy

director at OPLA. The current LIO manager FTE should be combined with the remaining 3.5 FTE public information staff to form a new office of public information within the executive director's office (see further discussion below).

The transfer of committee clerks to OPLA also has benefits for the Office of Legislative Information Services. The Legislature's IT function and services need to focus on key strategic issues. The LIS director should be freed from concerns about committee operations to concentrate his or her energy on IT implementation and strategy.

Change Hiring Process for Committee Clerks

Committee clerks currently are hired by the presiding offices (based on the recommendation of the committee chairs), and supervision is shared between the chairs and the LIO manager. This mild form of patronage hiring seems to work fairly well. NCSL interviews indicate that, in general, committee clerks are qualified and good at their work. However, a more merit-based and nonpartisan hiring approach would produce a more consistent corps of clerk talent. It also would protect the nonpartisan staff offices from any suggestion of partisan influence.

The current hiring process for committee clerks should be changed. The OPLA deputy director (as manager of the committee clerks), in consultation with the OPLA director, should hire all committee clerks based on clearly articulated job qualifications and the criteria set out in Maine law "To appoint...qualified persons to legislative staff positions based solely on their ability to perform their duties and without regard to party affiliation." NCSL believes it is important that the hiring of committee clerks be subject to the same requirements as all other nonpartisan employees.

Many state legislatures maintain a strictly nonpartisan approach to both committee professionals and clerks. In most of these states, this requires a careful balancing of nonpartisan objectives with the needs and preferences of committee chairs. Managers of committee staff must be knowledgeable about each chair's interests and style and do the best possible job of creating an effective match between staff and the committees. The key is to establish a record of effective committee staffing that earns the trust and confidence of legislators. This kind of record is built by hiring, training and retaining the best possible employees. Maine's nonpartisan legislative staff have earned this trust for its professional committee work. NCSL believes the same model can work for the committee clerks.

Public Information

The Maine Legislature employs 3.5 FTEs in what it calls a public information office. The manager of the Legislative Information Office supervises these staff, in addition to the committee clerks. Compared to public information operations in other states, the Maine approach is an odd mix of clerical and public outreach activities. NCSL believes that public information offices play an important role in helping legislatures communicate with and

engage citizens. The Maine office should be redesigned to more actively pursue traditional public information office goals.

Most legislative public information offices are engaged in the following types of activities:

- Development of Web sites for citizen access to legislative information;
- Development and publication of materials (pamphlets, videos, directories, rosters, interactive Web pages) that describe the legislature and legislative process;
- Staffing of information desks at key state house locations during session and other periods of heavy legislative activity;
- Coordination and conduct of state house tours and briefings on the legislature for citizens and groups; and
- Publication of summaries of legislative activity and public notice of legislative meetings and floor session calendars.

The Minnesota Legislature has a long history of strong investment in its public information offices. Here is the mission statement for the Minnesota House Public Information Service Department:

The mission of the Minnesota House of Representatives Public Information Services Department is to provide credible and timely nonpartisan services that inform the general public of legislative actions, educate the public about the legislative process, and encourage public participation in the Minnesota Legislature.

The Minnesota office provides most of the services listed above and also produces television coverage of house floor and committee activities, in cooperation with its partner office in the Senate. It also publishes the *Session Weekly*, a summary of each week's legislative activity. The office's Web site provides access to its publications and quick access to a full range of legislative information.

NCSL is not suggesting that Maine emulate the Minnesota example. In fact, the current Maine public information office provides many excellent products and services. Its Web site offers a useful selection of materials, legislative data and helpful links. It staffs information desks at the State House and at the Cross Building. The office also publishes a *History and Final Disposition of Bills* at the end of each session. This is an impressive range of work for a small staff. NCSL believes the office could, and should, however, do more work in the areas of public outreach on behalf of the Legislature. To move in this direction, the office will need to cast off or streamline its responsibilities related to bill status data entry.

NCSL recommends that the 3.5 FTEs and manager position currently dedicated to public information activities be reorganized into the Office of the Executive Director. This organizational location is consistent with the development of a new Maine Legislative Services Agency and should promote a more integrated approach to conducting public information activities at the State House.

The new public information office will require strong direction and leadership. NCSL recommends that the current LIO manager position be redesigned as a full-time director of public information at the Legislature. The full potential of the office will require a focused, visionary, and dedicated leader who pulls together resources and ideas from all corners of the Legislature and who can develop creative new strategies for getting the Legislature's story and information to Maine citizens.

The organizational relocation of the public information function within the executive director's office also will benefit the strategic rethinking of certain information technology systems recommended in chapter 4 of this report. As suggested in that discussion, the Legislature should take steps to reduce duplication and streamline its computer systems. The public information staff need to be consulted in that process. This is best accomplished if they have a more defined public information mission and an organizational location that allows them to explore new opportunities.

Benefits for Session-only Employees

The NCSL study team was encouraged throughout its work to look for cost-saving opportunities or for areas that seemed out of line with generally accepted practices in most other state legislatures. For that reason, it is appropriate to discuss the current benefits policy for session-only staff.

According to personnel documents provided to NCSL, the Maine Legislature employs more than 40 session-only staff. The committee clerks make up 15 of these employees. As the Maine Joint Rules state, "... The employment of the committee clerks terminates no later than the end of the session."

In general, this means that session-only employees, including the committee clerks, are under the employ of the Legislature for about 10 months in each biennium. However, the Maine Legislature pays full benefits to most of these employees for all 24 months. This is a generous benefits policy, compared to most other state legislatures.

Most state legislatures hire session-only staff. It is the most efficient way to increase staff services for the session without carrying these staff on the payroll during the slower interim period. Compensation plans for session staff vary considerably from state to state, and there is no clear pattern or common practice regarding the payment of benefits to these employees.

An NCSL survey of session-only benefits policy in several legislatures reveals a wide range of practices. Some legislatures, including Indiana, New Hampshire and South Dakota, do not pay any benefits to session-only employees. Other legislatures pay benefits only during periods when the staff receive salary. Several states in the NCSL sample pay benefits during the session and then use a variety of approaches to help these staff retain benefits during the interim. Here are a few examples:

Arizona House: Session-only staff receive full benefits during session. Employees can contribute accrued vacation time during the interim to cover cost of continuing benefits. If vacation is depleted, employee can pay for benefits out of pocket.

Colorado House: Session-only staff receive full benefits during session. When session is over, they can elect to pay both the state share and employee share to continue benefits coverage.

Oregon: Session-only staff receive full benefits during session. The state contribution ends at the end of session. Employees can continue to receive benefits through COBRA. This policy is reassessed for each biennium.

According to the Maine Legislature's document, "Personnel Policies and Guidelines for Legislative Committee Clerks," session-only staff in Maine receive a full range of employee benefits, including health, dental, life insurance, child care and temporary disability. The Legislature also pays 60 percent of the health and dental premiums for eligible dependents. Session employees also accrue vacation and sick leave.

The Maine Legislature clearly is at the more generous end of the range of benefits paid to session-only staff in state legislatures. However, NCSL is unable to make any recommendations on this issue without a full review of session-staff pay and how benefits fit into the total compensation plan. Such a review is outside the scope of this project. Rather, in keeping with the Legislature's interest in efficiency, NCSL is compelled to call attention to this issue and suggest further examination by the Legislative Council and its Personnel Committee.

NCSL asked staff at the Legislative Council to estimate the cost to the Legislature of providing health and dental benefits to session-only employees during the interim when they technically are not employed by the Legislature. Based on a total of 14 interim months per biennium, the total out of session biennial benefit cost is approximately \$375,000. In other words, the Legislature could save about \$187,500 per year by limiting benefits for session-only employees to periods when they are working. This calculation illustrates the potential for cost savings. As stated above, NCSL is not making a recommendation on this topic. The Legislature should explore the full range of options for session-only employee benefits including:

- Maintaining the current benefits policy;
- Modifying payment of benefits during the interim to include additional employee contribution;
- Discontinuing payment of benefits during the interim; and
- Discontinuing payment of benefits during session and interim.

10. LEGISLATOR TRAINING

Maine legislators need more training on institutional and policy topics and skills due to the effects of term limits and the increasing complexity of state issues.

Legislating is complex work, and there is little time for new members to adjust to their new responsibilities. Being a state legislator means having to make tough decisions on spending and policy and dealing with constituent problems. Although a person's business or professional life and previous political experience provide a helpful start, state legislatures use new member orientation and other training to help legislators prepare for their difficult new duties.

This is especially true in states with legislator term limits. In interviews with numerous members and staff, the NCSL review group heard that more time and effort need to be spent on legislator training, particularly in the areas of new member training and committee chair training. NCSL has conducted recent surveys and workshop sessions on legislator training and has identified certain trends that would help Maine to make training improvements.

Across the country, new member orientation is getting a makeover. Although it has been fairly common practice to orient new legislators to their duties, state legislatures are taking it more seriously and are modifying training based on feedback and surveys, understanding of adult learning styles, and the new needs in today's legislature. States are beginning their planning earlier each time, trying to make the training "hands on" and practical, recognizing the key role technology has to play in the legislative process, and covering topics such as ethics and sexual harassment that may not have been included 10 years ago. New legislators will not have the opportunity to ease into their duties—they will need to be effective right from the start, and new member orientation can help them meet those expectations.

Recommendation 24. Maine legislator training should be revised to:

- Make the training more interactive and practically focused.
- Increase planning time and develop a working group of leaders, new legislators and senior staff.

- Increase the outreach effort about the importance of training.
- Revise committee chair and lead training to emphasize best practices in building consensus; strategic planning, time management; and working with leaders, colleagues, staff and the media.
- Provide a participant-centered focus to the legislative policy forums so that attendees can apply what they have learned to help them vote, craft policy alternatives and work with their constituents on the issue.

Maine Training Practices

Maine legislative staff and legislators are doing excellent work on legislator training. They have formal training that involves four major pieces: a new member orientation, pre-legislative conference, committee chair and lead (ranking minority members) orientation, and legislative policy forum. The formal training, spread out in short periods over several months, covers critically important information. Senior staff work together to prepare and conduct the training. The legislative leaders send out letters noting the importance of training and urging members to participate. All this is in addition to the great effort senior staff make toward informal training. For example, the Clerk of the House provides brown bag lunch teaching sessions about the rules, does extensive scripting for new members, and makes repeated offers of one-on-one instruction to anyone who asks for help. Additional training is provided by the caucuses for their members. The formal and informal training in Maine includes many of the best practices described in the following section on legislator training in other state legislatures.

Despite the dedication and strong effort currently invested in legislator training, our interviews with legislators and staff indicated a consistent desire for better legislator training and better focus for that training. With a few changes to the training plan, we believe Maine's legislator training can be more effective.

Interactive and Practically Focused Training

The Maine pre-legislative conference simply tries to convey too much information in too short a time period. Adult learning experts advise trainers to give participants a chance to reflect on and apply the information they are learning. If adults hear presentation after presentation, without the chance to participate in some personal way, they will simply stop listening. The current conference format relies heavily on individual or group presentations with question and answer sessions following. The conference needs some small group breakout sessions using case studies, discussion questions or some other training tool to help break up the day and give participants a chance to talk through the practical aspects of what they have learned. This also gives trainers a chance to see if the participants understand the key points. The need for more interactive training also applies to the committee chairs and leads orientation and legislative policy forum. In each case, it will require reducing the amount of information and topics covered to allow more time for participants to work in small groups.

Planning and Outreach Efforts

The legislative leaders need an earlier and stronger commitment to the training process. Although they sent out a letter in February 2005 prior to the March legislative policy forum asking committees not to meet during forum times, some committees still met at those times. The outreach has to be more assertive. Information from other states indicates that leaders or their legislator designees have to make a personal connection, by phone or in person, to get their colleagues to training. The planning has to start six months or more in advance of the actual training and should involve leaders, new legislators and senior staff, including the Secretary of the Senate, Clerk of the House, Executive Director of the Legislative Council, and others the leaders deem appropriate. The message about the training dates and the importance of training needs to go out early and often.

Committee Chair and Leads Training

The committee chair and leads orientation needs to focus more on the “people” skills involved. Experienced committee chairs need to share the best practices involved in building consensus; strategic planning; time management’ and working with leaders, colleagues, staff and the media. The comments we heard indicated that the participants really do not learn enough about how the chair has to lead the committee and make sure the group reaches the correct outcome. As described earlier, this orientation also needs interactive exercises where the new chairs and leads can test their ideas on how to deal with typical problems, then get feedback from the faculty of experienced legislator chairs and leads.

Participant-Centered Focus to Legislative Policy Forums

The legislative policy forum is a great idea, although the most recent forum had very low attendance due to scheduling conflicts. The forum before that drew a large audience. NCSL does not recommend any specific topic, because Maine legislators are in the best position to make a selection. The best approach is to ask the question: “What policy issues are so important that every legislator needs a good understanding to be effective?” Other states have targeted taxes, education, health and welfare, and the judiciary, but that is a state-by-state choice. The important factor in creating the legislative policy training is to give the forum a practical focus so that legislator attendees can apply what they have learned to help them vote, craft policy alternatives and work with their constituents on the issue.

The consistent theme in all the training recommendations is to plan the training with the participants in mind. The trainers have to continually focus on what the participants need to know and how they will then apply that knowledge in their legislative work.

Legislator Training in Other State Legislatures

New Member Orientation

In 2001 and 2002, NCSL surveyed state legislatures to learn more about these important new member orientation and legislator training programs. Seventy-four of the 99 state legislative bodies and the Puerto Rico House of Representatives responded with detailed information about the topics, method, duration and faculty used in their programs. They also provided tips and guidelines for their colleagues.

Planning

Planning for new member orientation is often a joint venture that involves the House or Senate chief clerk or secretary, one or more legislative agencies, and legislative leadership. States tend to find that planning needs to start early, that a variety of viewpoints are needed in the planning process, and that the backing of leadership for training is critical. In addition to these three traditional sources of planning, states such as Alabama, North Carolina and Texas receive help from their higher educational institutions.

Duration

Most state legislatures provide a new member orientation that is in the one day to 2.5 days range, finding that is the right balance between imparting key information and respecting legislators' busy schedules. California, Colorado and the Florida House have greatly increased the time spent on the orientation, finding it a valuable experience. They also are breaking the training into phases of two or three days so that legislators have time to think and reflect on what they've learned in a previous phase. This approach provides training in manageable "chunks" rather than overwhelming the participants with too much information at once. Missouri includes a two-week road trip to visit state facilities and programs in addition to a five-day orientation.

Reimbursements

State legislatures most commonly provide a mileage reimbursement for new legislators who attend orientation. More than half the respondents reported that participating legislators are paid salary or a per diem. Some states provide for expenses under a voucher system, with only a handful of states using unvouchered expense reimbursements.

Training Tools

One of the most significant changes in new member orientation concerns how the training is provided. Traditional methods of presentations and panels still are highly popular, but states use mock floor sessions and committee sessions to give new legislators some "hands on" training. Presentations often are made with PowerPoint to enhance participant's understanding. States also supplement the training with handbooks, audiotapes and

videotapes to help legislators educate themselves at their own pace and convenience. A few states include case studies and mock media sessions in their training.

Faculty

States tend to rely on current legislators and legislative staff to provide the training for new member orientation. In addition, many states include lobbyists, state agency officials and staff, and former legislators as part of their faculty. A few states also include university faculty, NCSL staff and other outside consultants, trainers and facilitators.

Substantive Issues

States vary greatly on the types of substantive issues they include in new member orientation. Some bodies, such as the Florida House, place a great emphasis on learning about substantive issues, while states at the other end of the spectrum believe legislators will learn these issues largely through the committee process and “on the job” training. Most of the states provide some training around ethics and conflict of interest laws and policies. Many states provide overviews of their taxes and tax policy, education system, health and welfare programs, environmental policy and judiciary. An increasing number of states also cover their sexual harassment policies.

Procedural Topics

Understanding the legislative process has been the cornerstone of new member orientations, and it continues to be a critical topic. The orientation almost always covers the bill enactment process, legislative rules (parliamentary procedure), the role of staff, the committee system, and administrative details such as expense reimbursement. States often include the budget process, media relations, constituent service, state government organization and the role of party caucuses. Legislative staff directors who explain their agency responsibilities need to focus their presentations to tell legislators how to effectively use the agency and not be concerned about the details of all the work the agency does.

Technology Issues

As legislatures become increasingly reliant upon technology, more states are making technology training a part of new member orientation. Legislators typically learn how to use their laptops or other computers, the rules regarding legislative technology, the particulars about the legislature’s Web site and how to use the legislative e-mail system. A handful of states provide assistance in creating a legislator’s personal Web site. Many states indicated that their technology issues are really handled by some group orientation and training, followed by individually focused assistance and training.

Continuing Education

Some states are developing continuing education sessions as a follow-up to new member orientation. Although less than half of the respondents use continuing education programs, it

is on the rise. Typical topics are computer training, budget process, parliamentary procedure, sexual harassment policies and emerging policy issues.

Advice

The staff and members who plan new member orientation have strong opinions about what leads to a successful program. They emphasize:

- Plan well ahead.
- Get ownership by leadership.
- Don't overwhelm the participants.
- Focus on the essentials.
- Make it "hands on."
- Give the participants time to get to know each other.
- Be flexible and make necessary on-the-spot adjustments.
- Provide training in segments that allow time for reflection.
- Customize your computer training for a wide ability range.
- Give participants materials that allow them to continue learning.
- Get feedback and adjust future programs based on the feedback.

Committee Chair Training

Under term limits, additional pressure is placed on committee chairs who often have little experience before they must lead their committees. State legislatures have been spending more training time in this area as well. The goal is to provide the new chairs with basic information about leading the committee and to allow some time to strategize about how they will plan the committee workload; run effective committee meetings; work with leadership, committee colleagues, staff, the public and the media; and handle the inevitable problems that will come their way. The committee chair training often includes a panel of experienced committee chairs who share their advice on these aspects of committee chair responsibilities and some practical application case studies or role plays where the new committee chairs can practice and think through common committee chair challenges. NCSL has provided this kind of committee chair training in Colorado, Hawaii, Idaho, Kentucky, Missouri, Oregon and Vermont in recent years. The training usually involves one or more experienced committee chairs from other states and places emphasis on interactive participation.

Appendix A. Legislative Budget Processes in Selected States

Arizona

The House, Senate, Legislative Council, Joint Legislative Budget Committee (JLBC), Auditor General and Library and Archives each have separate budgets in the general appropriations act. They are separately developed, managed and controlled by the head of each agency (Speaker of the House, President of the Senate, JLBC director, etc.). Each entity manages its own administrative operations (e.g., printing, payroll, invoices), although information technology is a centralized legislative function.

Total spending is controlled by the general appropriations act. Within that lump sum, the head of each agency is authorized to spend its allocation (legislative agencies are just like any other state agency in this regard). Transfers across legislative entities are allowed, but rare.

Except for the House and Senate, full-time equivalents (FTEs) are authorized in the General Appropriations Act. FTEs do not appear in the House and Senate bills, so the Speaker and Senate President are able to increase FTEs so long as they have available funding in their respective budgets. Although all other legislative entities have an FTE ceiling, the directors are free to hire staff as long as they remain under their spending limits.

Once the Legislature's budgets are submitted to the executive, they are subject to the regular appropriations process. Technically, the governor does not make recommendations on the legislative budgets. As a practical matter, the governor includes the previous year's appropriations for the legislative entities in the budget as placeholders.

Arkansas

The operating budgets for the Legislature are developed, managed and controlled by various entities in separate appropriation acts. The appropriations for House and Senate staff are developed and managed by each respective body. The appropriations for the staffs of the Bureau of Legislative Research and the Division of Legislative Audit are developed and managed by the directors of each, with guidance from the Legislative Council and Joint Legislative Auditing Committee, respectively.

Only the budgets for the Bureau of Legislative Research and the Division of Legislative Audit are transmitted directly to the executive, which compiles all budget requests for presentation to the legislature. No recommendation is made on either of them. The House and Senate staff bills are introduced during the session, as recommended by the governing bodies of each.

Budget administration (e.g., printing, payroll, invoices) is decentralized in the four entities. Transfers across budgets are not allowed.

Salary requests for House and Senate members are sent to and paid by the state auditor. Requests for per diem and mileage for members are paid by the House, Senate, Legislative Council or the Joint Legislative Audit Committee, depending on which committees and meetings are attended. Authorized expenditures include “Regular Salary” sections that authorize the titles, salary levels and numbers of positions.

Colorado

The budget is developed annually by each legislative agency (State Auditor, Director of Legislative Council, Director of Legislative Services, Chief Clerk of the House, Secretary of the Senate, and Director of the Joint Budget Committee). The overall guidelines are established by the Executive Committee and provided to the staff directors. Each director then presents the budget request to the committee responsible for oversight of that group of staff. For instance, the Joint Budget Committee (JBC) budget is developed by the staff director of the JBC and presented to the full JBC, the staff director of Legislative Council develops and presents that budget to the Legislative Council, the Chief Clerk of the House develops and presents the House budget to the Speaker, and so on.

Once the individual budgets are approved by the appropriate oversight committees, the budgets are combined into one request and presented by all directors to the Executive Committee for final approval. Although the Director of the Legislative Council staff is responsible for assembling the components and taking the lead in the presenting it to the Executive Committee, each agency director speaks to the component of the budget that affects his or her agency. The final budget is drafted into bill form and is cosponsored by the majority leaders of both houses. The bill works its way through the system as any other piece of legislation would. Once the bill becomes law, each director is responsible for managing his or her individual portion of the budget.

The directors of each agency must highlight, explain and defend requests above and beyond the general guidelines provided by the Executive Committee (especially new positions) to both their respective oversight committees and the Executive Committee. If requests are approved by both the oversight committee and the Executive Committee, they then are added to the final budget. Legislative Council staff prepare the annual public report on the budget request and track the bill’s progress through the legislative process, updating the budget request information as necessary as the bill progresses.

Colorado has a Legislative Management Team (LMT) that consists of the six agency directors. The LMT meets as a group to discuss individual requests and how they affect the budget request as a whole. However, each individual still is responsible for his or her portion of the budget. The LMT, as a group, is responsible for the Legislative Information Services (LIS) division because it provides support to all agencies. The LMT votes on the level of funding for LIS. The LIS request is then added to the General Assembly portion of the overall budget.

Connecticut

The Joint Committee on Legislative Management (JCLM) is the administrative arm of the General Assembly. All appropriations for the legislative branch are under the jurisdiction of the JCLM and are administered by its nonpartisan staff in the Office of Legislative Management (OLM). The JCLM comprises the top legislative leaders of both parties and chambers. During budget formulation, OLM staff consult the legislative leaders, who may set policy priorities.

A single budget for the operations of the General Assembly includes funding for the caucuses and staffs, professional nonpartisan staffs, the capitol police, the administrative staff and building operations. OLM is responsible for submitting the requested budget and for all budget implementation. Each of the four caucuses determines how best to use its own funds and directs OLM on how to process the payments. There are separate budgets for each of the five legislative commissions, although they rely on OLM for administrative support. The Auditors of Public Accounts have their own budget and operate autonomously.

Newly authorized positions are negotiated between the General Assembly and the governor. The outcome is reflected in Office of Fiscal Analysis' budget book publication, which is referenced by special act.

Pursuant to statute, the governor must recommend whatever the legislative agencies request. During the budget adoption and finalization process, changes may occur. Once the budget is enacted, the governor's budget office is responsible for allotting the funds. Some funds are "held back" by the executive to effectuate built-in lapse savings. In addition, in times of fiscal exigencies, the governor has used his or her statutory rescission authority on legislative agencies, except for the Auditors of Public Accounts.

The General Assembly is treated like other state agencies for budgetary purposes. At the agency's discretion, transfers below \$50,000 or 10 percent of a line item can be made between line items within an agency. Statute requires that transfers of more than \$50,000 or 10 percent of affected line items require approval of the Finance Advisory Committee. The committee comprises legislative members and executive branch constitutional officers, including the governor, who controls the agenda. Generally, transfers between agencies are not permitted.

Hawaii

The Legislature operates under a unified budget (Act I). There are lump sums for the House, the Senate and each of the three nonpartisan staff agencies: the Legislative Auditor's Office, the Legislative Reference Bureau and the Office of the Legislative Ombudsman.

No formal budget guidelines govern the process. The three directors of the nonpartisan agencies work with the chief clerks on overall parameters. The nonpartisan directors also coordinate with each other in developing their requests.

Each entity develops its budget request and submits it to the Legislature's money committees (House Finance and Senate Ways and Means) for review and deliberation. The staff for these committees screen the requests and ask questions about them. Staff directors submit written testimony and are available to answer questions during deliberation on their respective budgets. Although there is no FTE cap, any proposals to increase the number of staff or the size of the entities' budgets are questioned. Staff directors tend to work under self-imposed limits.

Once budget amounts are appropriated, the clerks and staff directors have budget flexibility and discretion, and each is held accountable for effectively managing his or her budget. There is no need to coordinate with others on budget execution. Moreover, budget transparency is enhanced because the budgets are public documents, they contain workload indicators, and they are subject to annual financial audits.

Indiana

The General Assembly has separate budgets for the House, Senate and Legislative Services Agency (LSA). There are separate line items for each chamber to pay for legislator salaries. The actual day-to-day management of each budget is assigned to the Clerk of the House, the Secretary of the Senate and the director of the LSA for that agency's budget.

By law, the legislature makes appropriations, then the state Budget Agency makes "allotments" throughout the year. For the executive branch, the allotment process often results in forced reductions to the amounts appropriated. However, there is no known instance where the Budget Agency has not allotted 100 percent of the appropriations made to the House, Senate or LSA. Each of the appropriations is "open ended," with language in the budget bill that says, "if such amounts are insufficient to (take care of House/Senate/LSA) responsibilities, then there is additionally appropriated such amounts as are necessary to take care of the House/Senate/LSA responsibilities."

Each entity (House, Senate, LSA) develops its own budget. Each submits a separate electronic document to the State Budget Agency, which by law gathers all the executive, legislative and judicial budget requests into one document. The legislature is to follow certain formatting rules set forth in the budget instructions. These instructions concern matters that eventually are expressed as line items in the governor's "As Submitted" budget bill. (It is rare for the Budget Agency to change the numbers submitted by the House, Senate or LSA. The Budget Agency does change most of the numbers submitted by executive branch agencies.)

The Office of the Speaker of the House in recent years has developed the House budget. The Speaker (via the Chief of Staff) needs certain types of information from the Clerk regarding insurance costs and other spending matters. The Speaker may or may not confer with the House Minority Leader as a part of this process. In the end, majority and minority staffs, and most other operational costs, are funded from a single line item.

The Senate bookkeeper produces the initial set of numbers for the Secretary of the Senate. Ultimately, the President Pro Tem sets the policies that determine how much funding is actually requested.

The LSA Executive Director develops the budget request for this agency. The director does not receive specific instructions from the four legislative leaders (Speaker, President Pro Tem of the Senate, and the two minority leaders) to whom he or she reports. However, the director has been given policies from the leaders to implement in forming a budget. In addition, the final budget request is always taken to the four legislative leaders for their final review and approval. The four leaders must approve any new additions to the LSA position table.

The LSA executive director has assistance from the bookkeeper, the IT person (for major software and hardware requests), and from members of the fiscal staff. At the beginning of a fiscal year, they down and establish a spending plan. Each month, the bookkeeper updates this document with the actual expenditures made. This gives the executive director a monthly picture that allows spending adjustments along the way.

The House and Senate each have bookkeepers (who report to the Secretary of the Senate and the Clerk of the House, respectively) to manage day-to-day spending. They watch expenditures and notify their supervisors about how closely their spending is following the planned spending. Major adjustments to the spending plan come from the leadership of each chamber.

Iowa

The legislature operates with three separately developed budgets: one for the House, one for the Senate and one for the Legislative Services Agency (LSA), which houses the legislature's central, nonpartisan staff. Budget requests for each entity are approved separately by three different bodies, transmitted separately and administered separately. When the LSA prepares its financial tracking document during the appropriations process, the three budgets are combined as a single legislative budget document. The Legislature operates with a standing, unlimited appropriation.

The respective chambers' Rules and Administration committees provide oversight for their budgets, establish salary levels, and set personnel policy for chamber and caucus staff. The two clerks play an important role in managing their respective chamber's budget.

The LSA manages and is responsible for its own budgeting and accounting through a centralized system. The Legislative Council oversees the LSA budget, with the management assistance of the executive director. The Council also sets policy and benefit levels for LSA staff. Any new, large expenditures or projects are discussed between the LSA director and leadership.

The House and Senate tend to operate under the same policies (with some exceptions). The LSA follows suit.

Maine

The Legislature's consolidated budget is assembled by the Legislative Finance Director in the Office of the Executive Director of the Legislative Council with direct input from the Clerk of the House, Secretary of the Senate and all nonpartisan office directors. The vast majority of the Legislature's budget is contained in a single account (a consolidated budget), with smaller, separate accounts for specific purposes (e.g., the Commission on Uniform State Laws, Miscellaneous Studies, the State House and Capitol Park Commission, the Law and Legislative Reference Library). The Legislature's budget in fiscal year 2005 was \$24.7 million.

The Finance Director provides an overview of the instructions provided to all state departments and historical information to the Clerk and Secretary regarding "all other" costs and all other offices. The "personnel services" request is prepared by the Finance Director in consultation with each office, based upon the number of positions authorized for the House, Senate and each nonpartisan office and on the benefit rates provided by the state's Budget Office. The unified budget also contains the budget requests for the Office of the Executive Director, as well as the requests from the five nonpartisan staff agencies.

Any significant increases or deviations from the previous budget in positions (or head count) first must be justified before the Legislative Council's Budget Subcommittee, followed by the full Legislative Council. The Legislative Council ultimately sets the overall budget and the head count and oversees execution of the budget.

Legislative staff are tracked under two head count categories: the legislative count, which includes full- and part-time permanent staff; and 2) full-time equivalents (FTEs), which counts session-only staff. The head count is authorized by the Legislature in accordance with statute (Title V). The Legislature has available a limited number of "spare" positions. These positions are authorized but not funded.

The current legislative budget is viewed as being flexible because amounts can be transferred across agency lines to keep the overall legislative budget balanced.

Maryland

Maryland operates under three separate legislative budgets: one for the House of Delegates (Code B75A0102), one for the Senate (Code B75A0101) and one for the overall General Assembly (Code B75A01). The budget for the overall General Assembly includes funding for the central, nonpartisan Department of Legislative Services (DLS). Each of the three budgets includes the budget allocation and number of authorized staff. Generally, the budgets do not vary much from year to year.

The presiding officers and their chiefs of staff convene to discuss their respective chamber's budget. This discussion enables each leader to see the other's budget submission and establish overall direction and guidelines for the two chamber and DLS budgets. Although there are no formal caps on the number of FTEs, the General Assembly operates under self-imposed limits.

The DLS executive director meets with the presiding officers and their staff to discuss the DLS budget and identify funding or staffing issues that need to be addressed. The executive director then meets with the Management Subcommittee of the Legislative Policy Committee (LPC) before meeting with the full LPC. Both the subcommittee and the LPC vote on the department's budget proposal. The entire budget for the legislative branch is submitted to the Executive Department of Management and Budget for inclusion in the budget bill with no further deliberation or discussion.

Nevada

In the summer of even-numbered years, the Legislative Counsel Bureau (LCB) and the Interim Nevada Legislature (the three people per chamber who work in the Clerk's and Secretary's offices during the interim) develop their budget proposals for the biennium that begins the following July. That budget covers the Assembly, Senate and five LCB divisions. The cost of session, including the 250 people hired during session, is paid directly from the Legislative Fund. The Chief Accountant develops that budget (about \$18 million per biennial session). It is spent to meet session expenses and needs (if additional equipment or construction is needed, for instance, it is added to the appropriation).

The executive director of the LCB generally is in charge of assembling the budget request. Because appropriations are made to the five different divisions, each division chief has control over his or her appropriation. Language in the General Appropriations Act allows the LCB executive director to request approval of the Legislative Commission to move money from one division to another (in case one division overspends). As for actual expenditures, each division approves expenditure of the money appropriated to it.

The proposals are reviewed by a budget subcommittee of the Legislative Commission, then submitted to the full Commission. The subcommittee usually makes some changes and, on occasion, has made substantial reductions. The Commission merely approves sending it to

the executive branch for inclusion in the governor's budget. Approving the budget at this point does not commit the members to supporting anything in it, so the Commission's review is generally pro forma.

The governor includes the Legislature's request in his or her budget, usually without change (the executive is not supposed to change it, but sometimes will pay a continuing expense out of one-time money or something similar). When the executive budget is delivered before the start of session, the legislative budget is one of the hundreds of budgets that require review. The budget is presented to the Senate Finance and Assembly Ways and Means committees for review and deliberation.

New positions are part of the budget request. Such additions must be approved by the budget committees of both houses. The budget cannot be finalized unless both committees approve the same number of positions.

The General Appropriations Act contains a provision allowing the Legislative Commission to approve, upon the recommendation of the Counsel Bureau director, transfers from one division to another. Executive approval is not needed for such transfers because the governor already has approved the General Appropriations Act, which includes language authorizing transfers.

New Hampshire

The governor's office assembles the state budget, which is due to the General Court by February 15 of each year. For the legislature's budget, the governor uses the previous year's budget as a placeholder in determining the coming year's budget amount.

The General Court operates under a unified budget that contains several different groups: House and Senate administration offices; the Office of the Legislative Budget Assistant; and the Joint Committee on Legislative Facilities (which includes the Office of Legislative Services, General Court Information Systems, Legislative Accounting, State House Operations, Health, Protective Services and the Visitor's Center). Although these offices are subject to the personnel policies and salary ranges established by the Joint Committee on Legislative Facilities, they may operate under their own internal office policies.

Each office submits its budget request for inclusion in the unified budget. The Fiscal Committee reviews the budget submitted by the Office of the Legislative Budget Assistant. With the exception of the House and Senate administrative offices, the remaining budgets are reviewed by the Joint Committee on Legislative Facilities, a 10-member committee that oversees legislative operations. The Senate president and Speaker share management authority over the budget, although the agency directors have authority for the budgets under which they operate.

The House and Senate each operate with their own subcommittees for legislative management. All transfers within the House or Senate appropriations and all salaries require the approval of the respective subcommittee.

FTEs are authorized through the normal appropriations process. The number of positions is stable and predictable.

The current system does not allow overspending. Money must be transferred to stay within the appropriated amount. Transfers across legislative budgets are infrequent and do not require executive approval.

Ohio

The legislature operates with three separate budgets: one for the House; one for the Senate; and one for the Legislative Services Commission (LSC). There also are separate line items within the LSC budget for several independent commissions such as the Correctional Institution Inspection Committee. There are informal meetings during the fiscal year among House, Senate and LSC staff to discuss legislative operations, including budgets and legislative expenditures.

The Executive Director of the LSC submits a two-year budget request and briefs the Speaker and Senate President on the key items in the request. Any plans to add staff are discussed with the Chair and Vice Chair of the LSC or the full 14-member Commission. There are no firm FTE caps—if additional staff are needed, authorization to hire them generally is given. The LSC director also is given considerable discretion in how to modify staffing patterns to best meet the needs of the legislature. The director also may move funds between personnel and maintenance allotments during the course of the fiscal year.

The House and Senate budgets are developed by the Executive Secretary of the House and Senate Clerk and Chief of Staff, respectively. The House and Senate make staffing level changes as necessary.

The LSC drafts the governor's budget proposal at the request of a member of the legislature (usually the chair of the House Finance Committee), who agrees to introduce the budget bill for the governor. Although the legislature's budget is subject to the same appropriations process as executive agencies, the legislature's request rarely is changed. The legislature normally agrees to accept the same percentage reductions as executive agencies when the budget has been cut. The legislature cannot spend more than is approved in the appropriations bill, and any unspent appropriation lapses to the General Revenue Fund.

All invoices for the LSC are reviewed by that agency and the LSC chairman, usually either the House Speaker or Senate President. The House and the Senate have their own staff who review invoices for expenses for their respective operations. The legislative committees that operate independently of the LSC staff provide oversight of their legislative expenses by

requiring the chair to sign invoices before they can be vouchered. In addition, the chair of the LSC reviews all these invoices. This two-step review provides considerable oversight and accountability for legislative expenditures. Approved invoices are submitted to the state agency where checks are drafted. The checks then are returned to the House, Senate or LSC for mailing to vendors.

Oregon

The legislature operates with six independent offices: the Legislative Administration Committee (LAC), the Legislative Fiscal Office, the Legislative Revenue Office, the Legislative Counsel Committee, the Commission on Indian Services and the Legislative Assembly (which has two budgets—one for session and one for the interim). Directors of the six agencies develop their budgets and submit them to their appointing authority for approval. Although the legislature's budget is passed as one bill, funds are appropriated directly to each agency, and spending is separately managed by each individual director.

The legislature's budgets are submitted to the governor, who produces the initial overall state budget. Although the governor does not take action on the individual budgets, he or she can reduce the requested total if executive agencies are subject to a reduction in the governor's recommended budget. The bill then is subject to the regular appropriations process.

FTEs are authorized as part of the regular appropriations process. Any funding enhancements, including funds for new positions, are requested in policy packages that are submitted by the agency directors, either in the original budget bill or directly to the Joint Committee on Ways and Means during budget deliberations. Policy packages are included in the legislature's budget bill and therefore are subject to the regular appropriations process.

Because funding is appropriated directly to each office, there is no ability to transfer funds across the six legislative agencies. Separately, funds are appropriated to the Emergency Board—a legislative committee that operates during the interim—to address unforeseen issues that arise when the legislature is not in session. The Emergency Board can allocate additional funds to any of the six legislative agencies, but cannot reduce funding.

Rhode Island

The unified budget is a single line item of approximately \$27.9 million in the state's overall budget. The General Assembly's budget has several separate lines within it for the General Assembly (members and pages); the House Fiscal Office; the Legislative Council (legal staff); the Joint Committee on Legislative Services (JCLS), which includes the Senate Fiscal Office; the Auditor General; and Special Legislative Commissions.

The executive director of the JCLS assembles the various budgets and submits them to the JCLS. The full Legislative Council—comprising three House members (speaker, majority

leader, minority leader) and two Senate members (Senate president and minority leader)—has approval authority. The Council also is responsible for management and control of the budget.

The General Assembly budget is restricted by an FTE cap, which can be increased through the budget process. When the General Assembly's budget is submitted to the governor for inclusion in the full budget, the governor cannot change the legislature's monetary request, although he or she can fail to include FTE increases. When this happened recently, the positions were restored through the legislative budget process.

South Dakota

The unified legislative budget covers two agencies: the Legislative Research Council (LRC) and the Department of Legislative Audit. The Auditor General formulates a budget request, which is rolled into the LRC budget. The two budgets are separately managed, although the Executive Board approves and oversees both budgets.

The accounting system breaks the budget into two categories: personnel services and all other operating expenses. The LRC budget covers salaries and travel for members and staff. The Auditor General's budget covers funding for the financial auditors and audit staff. The number of FTEs is budgeted for both agencies. The number can be increased only through legislation, the general appropriations bill or an amendment to the general appropriations bill. The House and the Senate receive the same amount of funding and number of FTEs.

Vermont

Legislative Council staff provide general administrative and management support to the legislature. This includes preparing and administering the legislature's budget, which provides funds for the salary and operating expenses of the legislature and its members. The Council also processes members' payroll and expense vouchers.

The legislature's budget also includes the budgets for the House clerk's office and the Senate secretary's office. The Council prepares and administers its own budget, which is mostly for cost of personnel it employs. The chief legislative counsel is in charge of his or her department's budget and oversees the legislative appropriation. Expenditures beyond those anticipated often are cleared with leadership. The two other legislative staff agencies—the Joint Fiscal Offices and the Sergeant-at-Arms—each administer and manage their own budgets.

The unified legislative budget is submitted to the eight-member Legislative Council for approval. There are four separate line items, with leaders or others providing oversight: the legislature (which includes the House and Senate budgets); the Legislative Counsel; the Joint Fiscal Office (Joint Fiscal Committee oversight); and the Sergeant at Arms (the Joint Fiscal

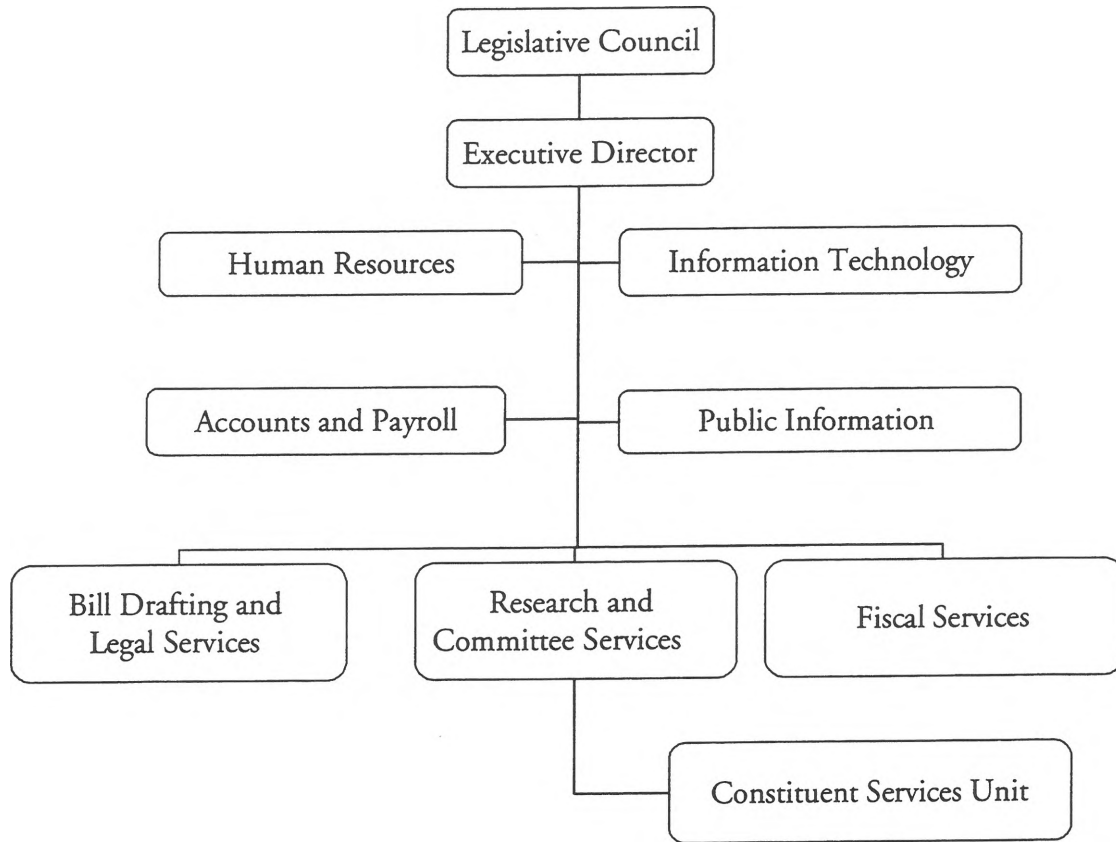
Office works with them to get their budget proposal in line). Legislative IT also is becoming a separate appropriation, and oversight for IT is in flux.

Expenditures are authorized by the Legislative Council for legislative positions and by the Joint Fiscal Committee for fiscal positions. Expenditures also may be authorized through the appropriations process by the appropriations committees as part of budget deliberations.

The legislative budget is submitted to the administration, which either uses it or does not in making its recommendation. It then goes through the appropriations process with the rest of the budget.

Appendix B. Maine Legislative Service Agency (MLSA)

Organizational Chart



Source: National Conference of State Legislatures, 2005.

Appendix C. Colorado General Assembly Legislative Management Team Charter

Original Adoption: January, 2003

Updated for Signatories: December, 2004

Amended: August, 2005

We the undersigned do hereby establish the Legislative Management Team of the Colorado General Assembly. The Team shall be comprised of the six legislative service agency directors. The purpose of the Team shall be to foster communication, to serve as a collective resource to the Executive Committee, and to improve service to the Legislature by cooperating on operational matters affecting service agencies. Such matters shall include, but not be limited to, issues regarding physical plant, security, information systems, telecommunications, personnel, and financial activity. The Team may periodically establish subcommittees for the purpose of carrying out its mission. Any member may call for a vote on an issue where consensus cannot be achieved. A majority of the Team must vote in the affirmative for a motion to be carried. The Team shall meet on a regular basis. Meetings shall be open to staff except that any member may ask that a meeting be closed.

Agency directors shall serve as Chair and Vice Chair of the Team for a term of one year. The Vice Chair shall assume the duties of the Chair at the end of the Chair's term. The Chair and Vice Chair shall rotate in the following order:

Director, Joint Budget Committee, Fiscal Year 2006
Clerk of the House, Fiscal Year 2007
Secretary of the Senate, Fiscal Year 2008
State Auditor, Fiscal Year 2009
Director, Legislative Legal Services, Fiscal Year 2010
Director, Legislative Council, Fiscal Year 2011
Repeat Rotation

The deputy director or acting director of the agency whose executive director is currently serving as Chair or Vice Chair shall fill any vacancy until such time as an actual executive director is named. Successors to the current executive director shall indicate their approval of the Charter by adding their signature below.

Duties of the Chair related to the Team shall include selecting the date, time, and place of meetings and leading discussions. In addition the Chair shall be responsible for overseeing Legislative Information Services (LIS), including evaluating the LIS Director. The Chair, in consultation with Team members, shall establish the performance plan, prepare the evaluation, and set the salary of the LIS Director. The Chair shall work with the LIS Director to prepare the LIS budget request. In the event of a vacancy in the position of LIS Director, the Chair shall initiate the search for a new Director. The Chair shall provide resumes to the Legislative Management Team who shall interview and select a Director.

Duties of the Vice Chair shall include establishing the team meeting agenda and maintaining a record of actions taken. The Vice Chair shall preside at any meeting and over any action required by the absence of the Chair.

Kirk Mlinek, Director, Legislative Council	Date
John Ziegler, Director, Joint Budget Committee	Date
Karen Goldman, Secretary of the Senate	Date
Marilyn Eddins, Chief Clerk of the House	Date
Joanne Hill, State Auditor	Date
Charles W. Pike, Director, Legislative Legal Services	Date

Members of the Executive Committee of the Colorado General Assembly:

As you know, the Executive Committee has expressed an interest in fostering communication among the General Assembly’s service agencies. To date, interaction among agencies has, for the most part, been limited to matters affecting information systems.

In the interests of promoting interagency cooperation, the directors of the six service agencies (Senate, House, Legislative Council, Legislative Legal Services, Joint Budget Committee, and State Auditor’s Office) have established a new Legislative Management Team. The Management Team will replace the former LIS Steering Committee. The Chair and Vice Chair will rotate annually among the service agency directors.

The purpose of the Team is to foster communication among the agencies and to improve service to the Legislature by ensuring thorough evaluation of significant policy and operational matters affecting all service agencies. We expect that such matters will include, among others, issues regarding physical plant, security, information systems, telecommunications, personnel, and financial activity.

We welcome your input and would be happy to address any areas of concern. Please do not hesitate to contact me or Doug Brown should you have any questions or ideas.

Sincerely,

Joanne Hill, CPA
 State Auditor
 Chair, Legislative Management Team

Doug Brown, Esq.
 Director, Legislative Legal Services
 Vice Chair, Legislative Management Team

Appendix D. Maine Library Usage Statistics

Maine State Law and Legislative Reference Library—User Statistics														
Year (July–June)	Legislative Requests				Total Legislative Requests	Non-Legislative Requests							Total Non- Legislative Requests	Total Requests
	Offices		Represen- tatives	Senators		Attorney	Correc- tions	Judiciary	Other State Government	Out-of- State	Public*	All Other Requests		
	Non- partisan	Partisan												
2004-05	87	222	385	67	761	539	185	71	454	526	3,558	359	5,692	6,453
<i>% total</i>	<i>1.3</i>	<i>3.4</i>	<i>6.0</i>	<i>1.0</i>	<i>11.8</i>	<i>8.4</i>	<i>2.9</i>	<i>1.1</i>	<i>7.0</i>	<i>8.2</i>	<i>55.1</i>	<i>5.6</i>	<i>88.2</i>	
2003-04	73	182	259	43	557	613	174	53	474	518	3,819	136	5,787	6,344
<i>% total</i>	<i>1.2</i>	<i>2.9</i>	<i>4.1</i>	<i>0.7</i>	<i>8.8</i>	<i>9.7</i>	<i>2.7</i>	<i>0.8</i>	<i>7.5</i>	<i>8.2</i>	<i>60.2</i>	<i>2.1</i>	<i>91.2</i>	
2002-03	125	222	375	110	832	567	193	42	403	487	3,686	342	5,720	6,552
<i>% total</i>	<i>1.9</i>	<i>3.4</i>	<i>5.7</i>	<i>1.7</i>	<i>12.7</i>	<i>8.7</i>	<i>2.9</i>	<i>0.7</i>	<i>6.2</i>	<i>7.4</i>	<i>56.3</i>	<i>5.2</i>	<i>87.3</i>	
2001-02	75	193	251	78	597	661	150	69	468	648	3,079	345	5,420	6,017
<i>% total</i>	<i>1.2</i>	<i>3.2</i>	<i>4.2</i>	<i>1.3</i>	<i>9.9</i>	<i>11.0</i>	<i>2.5</i>	<i>1.1</i>	<i>7.8</i>	<i>10.8</i>	<i>51.2</i>	<i>5.7</i>	<i>90.1</i>	
2000-01	106	179	466	91	842	613	152	93	542	517	3,127	405	5,449	6,291
<i>% total</i>	<i>1.7</i>	<i>2.8</i>	<i>7.4</i>	<i>1.4</i>	<i>13.4</i>	<i>9.7</i>	<i>2.4</i>	<i>1.5</i>	<i>8.6</i>	<i>8.2</i>	<i>49.7</i>	<i>6.4</i>	<i>86.6</i>	
1999-00	144	139	378	80	741	803	264	69	503	525	3,162	480	5,806	6,547
<i>% total</i>	<i>2.2</i>	<i>2.1</i>	<i>5.8</i>	<i>1.2</i>	<i>11.3</i>	<i>12.3</i>	<i>4.0</i>	<i>1.1</i>	<i>7.7</i>	<i>8.0</i>	<i>48.3</i>	<i>7.3</i>	<i>88.7</i>	
1998-99	144	136	555	100	935	888	298	79	708	530	2,723	542	5,768	6,703
<i>% total</i>	<i>2.1</i>	<i>2.0</i>	<i>8.3</i>	<i>1.5</i>	<i>13.9</i>	<i>13.2</i>	<i>4.4</i>	<i>1.2</i>	<i>10.6</i>	<i>7.9</i>	<i>40.6</i>	<i>8.1</i>	<i>86.1</i>	
1997-98	131	111	350	71	663	932	204	69	720	470	2,552	542	5,489	6,152
<i>% total</i>	<i>2.1</i>	<i>1.8</i>	<i>5.7</i>	<i>1.2</i>	<i>10.8</i>	<i>15.1</i>	<i>3.3</i>	<i>1.1</i>	<i>11.7</i>	<i>7.6</i>	<i>41.5</i>	<i>8.8</i>	<i>89.2</i>	
Average Total	111	173	377	80	741	702	203	68	534	528	3213	394	5641	6,382
<i>Average Percent</i>	<i>1.7</i>	<i>2.7</i>	<i>5.9</i>	<i>1.3</i>	<i>11.6</i>	<i>11.0</i>	<i>3.2</i>	<i>1.1</i>	<i>8.4</i>	<i>8.3</i>	<i>50.4</i>	<i>6.2</i>	<i>88.4</i>	

* 2003-04 "Public" includes citizens, business, municipalities, libraries and students.

Source: NCSL, 2005.

Appendix E. 122nd [Maine] Legislature Guidelines for Legislative Sentiments and in Memoriam Resolutions

Joint Rule 213 provides that the President of the Senate and the Speaker of the House establish guidelines for legislative sentiments, which are significant expressions of the sense of the Legislature. These guidelines, which also apply to in memoriam resolutions, are important to control processing and printing costs of sentiments; to ensure efficient processing, consistency and fair priority determinations; and to ensure that sentiments are not trivialized so that their meaning and importance are lost. The Revisor's Office is charged with processing sentiments for significant individual, civic or organizational accomplishments or other important events.

I. Subject Matter Guidelines:

IN MEMORIAM resolutions are to express sympathy regarding the death of a prominent local or state figure.

SENTIMENTS are for:

1. Wedding anniversaries 50 or more years.
2. Top 10 lists for high school honors and honor parts (e.g. Valedictorian, Salutatorian, Honor Essayist). A Top Ten list is prepared as one sentiment with all names listed. Single honors are prepared as individual sentiments.
3. Birthdays 75 years or more old at 5-year intervals (75, 80, 85, etc.).
4. Birthdays over 100 years old may be recognized yearly.
5. Sports honors and awards. Team honors and awards are prepared as one sentiment with names listed, if desired. Individual sports honors and awards are prepared as individual sentiments.
6. Eagle Scout.
7. Gold and Silver Girl Scout.
8. Chamber of Commerce awards.
9. Civic appreciations, congratulations and acknowledgements.
10. First and second place pageants and athletic awards.

SENTIMENTS may not be for:

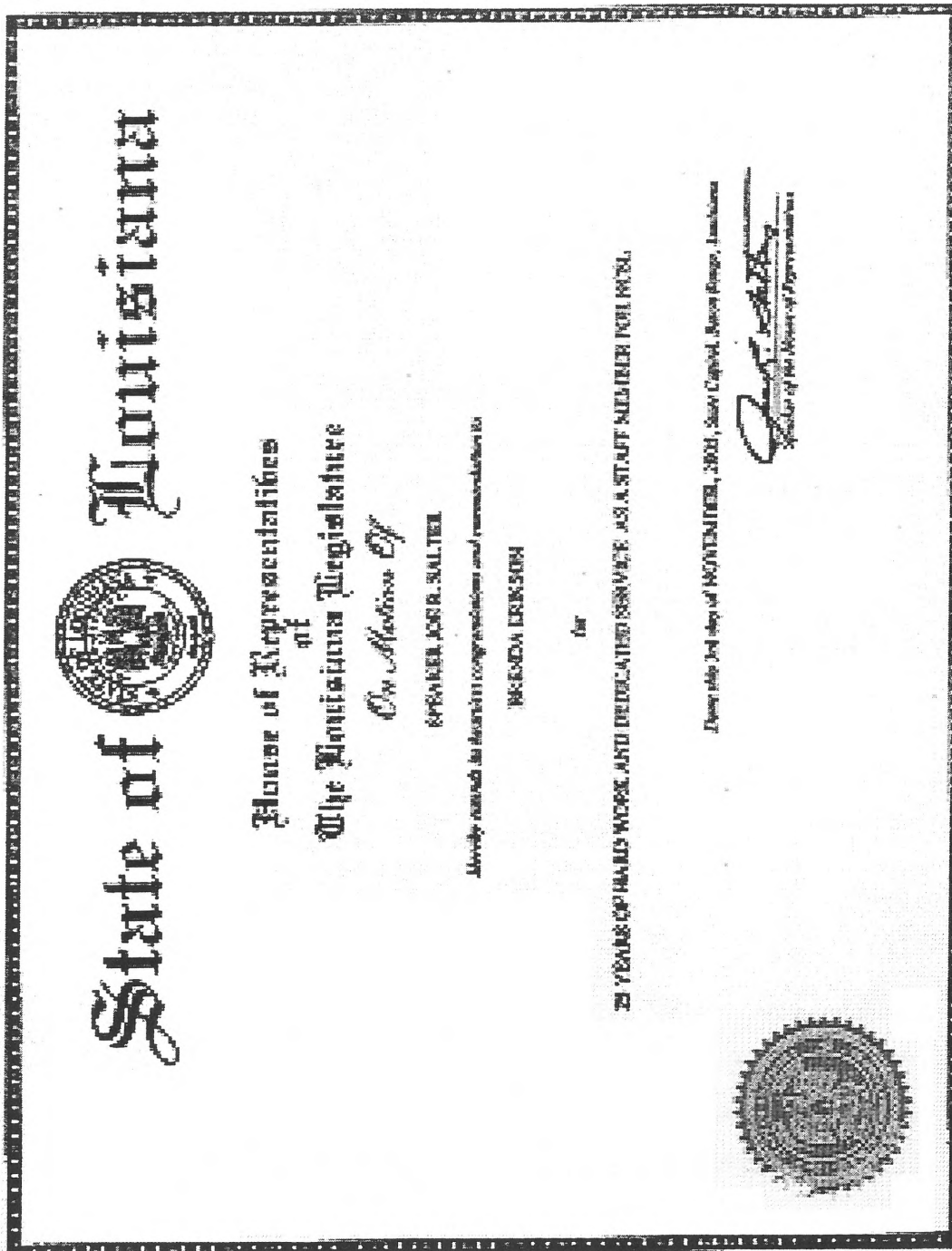
1. Births, engagements or weddings.
2. Memberships in honor societies or honor rolls.
3. High school, college or graduate program graduations.
4. Acceptance into scholastic or professional programs.
5. Business or trade awards, except for business anniversaries of 25 years or more, at quarter-century intervals.
6. Wedding anniversaries less than 50 years.
7. Animals and inanimate objects.

II. Processing Guidelines:

1. Each expression of legislative sentiment must contain the **residency** of the recipient and must, at a minimum, be **cosponsored** by the Senator and Representative who represent the recipient unless the Senator or Representative affirmatively declines. The Revisor's Office will include the name of any such mandatory cosponsor, and the sponsor may not direct the Revisor's Office to do otherwise.

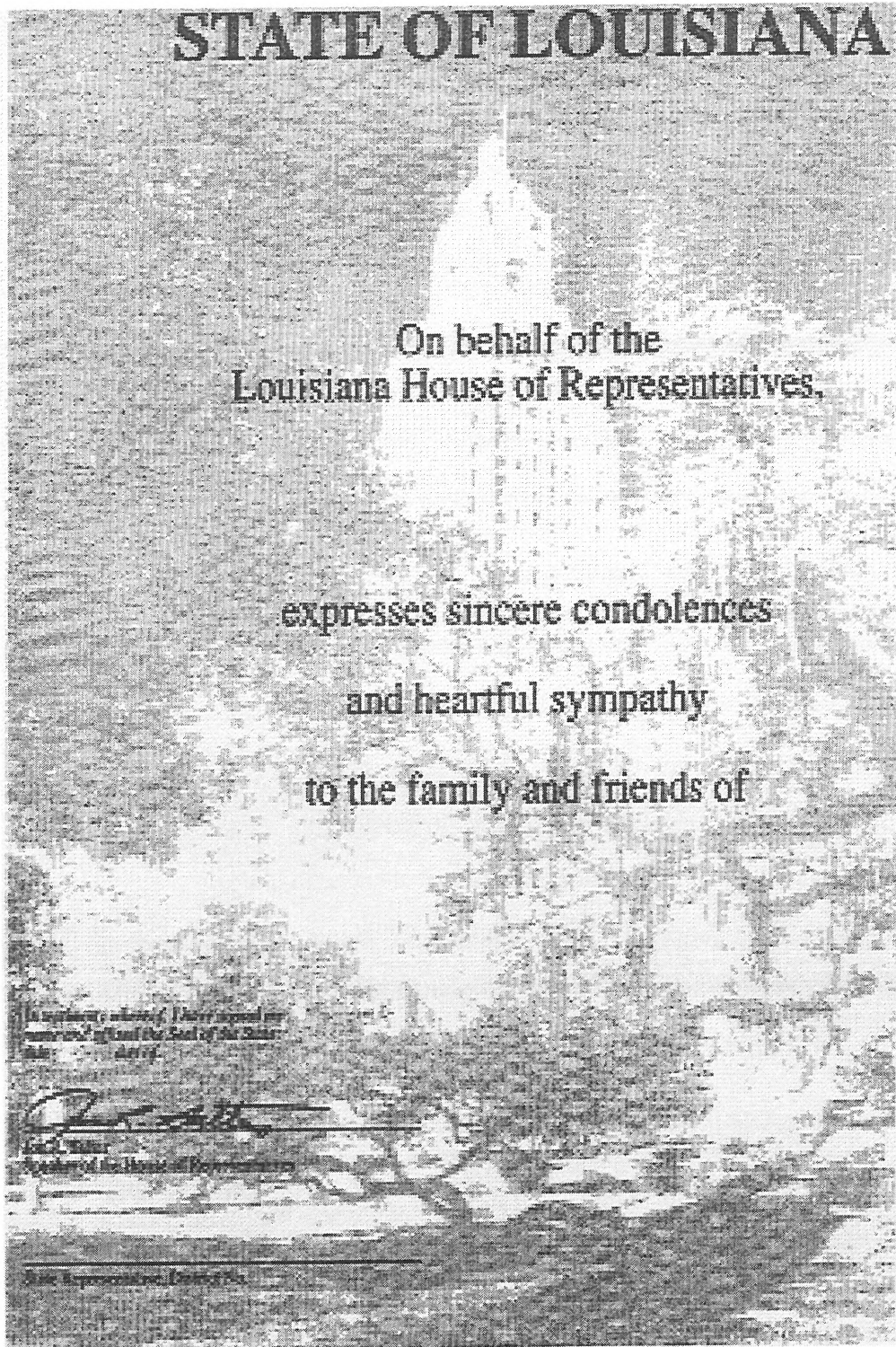
2. A request is considered complete when all information necessary to draft it is filed in the Revisor's Office. Complete requests are processed on first-in, first-out basis.
3. Subsequent requesters are referred to original sponsors concerning cosponsorship.
4. Requests may have up to 3 cosponsors, and at least 1 cosponsor must be from the opposite chamber. A sentiment having more than 3 cosponsors requires prior approval by the President of the Senate and the Speaker of the House, except when an entire municipal or county delegation or the entire membership of a joint standing committee of the Legislature is requested or required.
5. Requests must be filed with the ROS at least 3 working days before needed, so that processing does not disrupt other more pressing legislative business.
6. Requests are to be submitted Monday through Friday, between 8 a.m. and 5 p.m., or when the Legislature is in session and may be made by mail, e-mail, fax or phone or in person.
7. Requests may not be pre-filed or reserved.
8. The presiding officers may jointly declare a moratorium on the processing of sentiments when other legislative business requires.
9. Any exception to these guidelines requires prior approval from the Speaker of the House and the President of the Senate.
10. The Secretary of Senate may act in the absence of the President of the Senate on matters relating to these guidelines and the Clerk of the House may act in the absence of the Speaker of the House on matters relating to these guidelines.

Appendix F. Example A of Louisiana House Certificates



[Size adjusted for reproduction; original is printed on 11" x 14" parchment paper.]

Appendix G. Example B of Louisiana House Certificates



[Size adjusted for reproduction; original is printed on 8.5" x 11" parchment paper.]

Appendix H. Example of Virginia Senate Commendation

[SENATE SEAL]

Commendation

*The Senate of the Commonwealth of Virginia
hereby offers sincerest congratulations to*

JOHN DOE

*in recognition of his
100th Birthday*

*Offered by Senator James F. Johnson
on January 1, 1994*

Clerk of the Senate

[Size adjusted for reproduction; original is printed on commendation paper.]

Appendix I. Example of Virginia Joint Commendation

[STATE SEAL]

The General Assembly of Virginia
Commendation

*The Senate and House of Delegates
of the
Commonwealth of Virginia*

hereby commend and congratulate

JOHN H. JONES

in recognition of his
81st BIRTHDAY

~ January 1, 2005 ~

*Offered by Senator John Doe and
Delegate Jane Doe*

Clerk of the Senate

Clerk of the House of Delegates

[Size adjusted for reproduction; original is printed on commendation paper.]





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