

First in the Nation: Term Limits and the Maine Legislature

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1. Introduction and Context

Term Limits Provisions

Maine voters adopted term limits in a referendum held during the November 1993 special off-year election. In an election that attracted one-third of the electorate, almost 68 percent of those voting supported the term limits. The term limits law limits members of the Maine House and Senate to four consecutive two-year terms. It also limits the terms of the Secretary of State, Treasurer, Attorney General and State Auditor—all of whom are either elected or, in the auditor's case, selected by the Legislature. Notably, it included a unique provision that counted the years already served when the term limits provision took effect for the 1996 elections. As a result, in 1996, 30 Maine legislators (26 Representatives and 4 Senators) were among the first in the nation to be forced from office by term limits.

Despite their initial retroactivity, Maine's term limits provisions are relatively weak compared to the other states because the law applies only to consecutive terms. Termed legislators can thus run for the same chamber after sitting out just one term and can immediately seek election to the other chamber. Similarly, the length of Maine's term limits, eight years for representatives and senators, falls in the middle of the range allowed for House members and is equal to most of those allowed for Senators in other states with term limits. In addition, Maine's term limits law is a statutory provision—rather than a constitutional amendment as found in many states—making it easier for the Legislature to amend or repeal it. However, there is very little political support in the legislature for changing the term limits law because of its popularity among Maine's citizens and the fact that it was enacted by voter referendum. Thus, there

appears to be little likelihood that Maine will soon follow the path of Idaho and Utah, which repealed term limits laws in 2002 and 2003 respectively.

Background on the Maine Legislature

Among state legislatures Maine is unique in several regards. First, Maine ranks near the bottom of all states in traditional measures of legislative professionalization. For example, Maine's legislature is a part-time, citizen legislature in which most members maintain active careers outside the legislature. Lawmakers are paid just \$11,384 a year for the first regular session and \$7,725 a year for the second regular session, plus a housing allowance of \$38 per day and \$32 per day in reimbursement for meals. Moreover, Maine's legislators have neither personal staff nor personal office space. It meets in short sessions, typically lasting six months in odd numbered years and four months in even numbered years.

Second, Maine's legislature is very large relative to the size of the state. While Maine has only 1.2 million citizens, its legislature is one of the largest in the nation with 151 members of the House of Representatives and 35 members of the Senate. The fact that Maine legislators represent relatively few constituents is in keeping with a strong Yankee tradition of active citizen participation and a moderate consensus-seeking political tradition.

The Political Context of Term Limits in Maine

The term limits movement was gaining support nationwide in the early 1990s with adoption of provisions in California, Colorado and Oklahoma. In 1992, two Maine political consultants circulated petitions to place legislative term limits on the ballot as a citizen petition. Once the required number of signatures was collected the petition was sent to the Legislature for its

consideration. When the Legislature failed to approve it, it automatically became a ballot referendum as required by law.

The three years preceding the vote on term limits were tumultuous in Maine politics. In 1990, a particularly acrimonious election ensued in which Republican Governor John McKernan was reelected by a slim margin. Immediately following the election, Democrats accused McKernan of hiding a budget deficit. A protracted budget fight between the Governor and Legislature in early 1991 caused the state government to shut down for 17 days. This was exacerbated by a heated battle over the state's worker's compensation law. As a moderate state with a history of consensus-oriented politics, citizens were highly dissatisfied with the bitter partisan battles being fought in Augusta.

Citizen dissatisfaction with state government continued to run high into 1992. A ballot-tampering scandal involving an aide to then-House Speaker John Martin (D-Fort Kent) following the 1992 elections added to the negative view of the legislature and the House Speaker. Martin, who had been serving as speaker for nearly two decades, had long been a controversial figure in Maine politics. Many observers of Maine politics believe that a desire to remove Martin from office was a primary motivation of those supporting term limits. Citizen support for term limits was not the result of a single factor, but during the campaign over the term limits referendum, Martin became the "poster child" for the term limits movement in Maine.

2. Composition and Elections

Narrative Summary

Maine's citizen legislature has always had relatively high turnover. As shown in Figure 2a, turnover in the House of Representatives was typically in the range of about 25 percent. In the Senate, turnover was a bit lower at about 20 percent. Of course, one of the central goals of term limits advocates was to increase turnover by removing long-term members and bringing new faces into state legislatures. The adoption of term limits in Maine clearly accomplished this goal.

In looking at changes in the rate of legislative turnover over time, we see that the effects of term limits actually became apparent before they even took effect. In anticipation of being term from office, turnover rose dramatically for the legislature elected two years before term limits was to begin removing legislators from office. In 1995, turnover jumped to 47 percent in the House and 31 percent in the Senate. This was caused by a number of long-term members leaving office to pursue other opportunities, including campaigns for Congress. Such moves became less risky since they were facing removal from office within two years anyway.

Under term limits, turnover has remained at levels higher than before, ranging from 30-46 percent in the House and 8-43 percent in the Senate. The relatively low turnout in 1999 illustrates the cyclical nature of turnover term limits. Since large classes of new members entered the Legislature in 1995 and 1997 we would expect turnout to be lower in 1999 since those legislators had not yet reached their four-term maximum. And, in fact, turnout increased again in 2001 and 2003 as more legislators reached their maximum tenure in office.

Turnover is only one measure of the impact of term limits on the level of political experience in a legislature. In fact, since Maine had always had relatively high turnover, coupled

with the existence of a small class of long-serving members, the turnover data actually mask some of the effects of term limits. As shown in Table 2a, the average years of experience among legislators has also decreased substantially under term limits. (It is important to note that Table 2a counts only service in that chamber. The increase in cumulative experience in the Senate relative to the House is discussed in more detail below). In Table 2b, which measures cumulative experience in both chambers, we see that the effects of term limits have been particularly apparent in the House. The number of legislators in the House with six or more years experienced has dropped from 59 in 1993 to just 26 in 2003. On the other hand, the number of Senators with at least ten years of experience has actually increased since term limits. Overall, this has had the effect of restructuring the bicameral relationship between the House and the Senate such that the Senate is becoming much more influential. This is a theme that we discuss in more detail in several of the sections below.

Term limits advocates and political observers also anticipated that term limits would lead to a change in the types of people elected to state legislatures. Notably, it was expected that term limits would increase the number of women legislators, because a number of long-time male legislators would be removed from office. Although underrepresented, prior to term limits women were represented in the Maine Legislature in much higher percentages than in most other states. As shown in Table 2c, women typically held about 30-35 percent of the seats in the House and about 10-12 percent of Senate seats. Under term limits, the gender composition of the Maine Legislature has changed but not necessarily as expected. Overall, the total number of women serving in the Legislature has remained virtually fairly stable in the range of 60 or so members. However, the representation of women in the House has actually dropped to about 23-25 percent. In the Senate, on the other hand, women have increased their representation. In large

part, this has been accounted for by a migration of experienced female members from the House to the Senate. Similarly, the average age of Maine legislators has increased every year since term limits took effect, increasing a total of almost four years over the past decade. This trend was echoed in several of the interviews we conducted, in which observers pointed out that the legislature was “graying” under term limits. The reasons for this are unclear, but we can speculate that term limits reduce the attractiveness of legislative service for young, ambitious politicians looking to use service in the legislature as a stepping-stone for other elected positions.

As shown in Tables 2d and 2e, term limits have not been associated with much change in the partisan composition of the Maine Legislature. In many places, Republicans were supportive of term limits because they expected them to remove many entrenched Democratic incumbents. In Maine, Republicans did see an initial increase in their representation in the legislature in the mid-1990s when term limits began to take effect. However, the initial surge was largely an effect of the national tide toward Republicans that swept the nation in 1994. Since the mid-1990s, the partisan composition of the Maine Legislature has gradually drifted back to pre-term limits levels.

Prior to their implementation, advocates suggested that competition would increase with term limits because challengers would be more likely to challenge less-entrenched incumbents. However, the data shown in Tables 2f, 2g, 2h, and 2j demonstrate that just the opposite has occurred. Under term limits, challengers have tended to wait for open seats to develop, knowing that such openings will occur at least once every eight years. Thus, the average number of uncontested seats has remained about the same, if not increasing just a bit. Similarly, the number of primaries has decreased substantially under term limits. House elections have also become less competitive in that a great number of races are being won by greater than ten points has

increased. In the Senate, however, the number of close races has increased, perhaps due to the increased competitiveness generated when experienced House members run against one another in Senate races. This is another area where we see differential impacts of term limits on the House and Senate.

Overall, the Maine Legislature has experienced a significant increase in turnover under term limits. However, the gender composition of the Legislature has changed very little. The remainder of our discussion focuses on the impact of increased turnover resulting from term limits on the Legislature and its place in Maine politics.¹

Interview Notes

Candidate recruitment is more inclusive under term limits because of the need to fill more open seats each election. There is more external focus in recruitment than in the past. One of the new senators was recruited as a result of a community forum hosted by the Senate Democrats.

Under term limits the Maine legislature has older retired men and younger people. There is no one in the middle. (Even though the Speaker would clearly be someone in the middle as would John Martin.)

With fewer people around for a long time, there are fewer legislators to answer questions from the past.

Candidate recruitment is more inclusive under term limits because of the need to fill more open seats each election. There is more external focus in recruitment than in the past. One of the new senators was recruited as a result of a community forum hosted by the Senate Democrats.

Recruitment of candidates is going on outside of traditional politics. More members are coming to the legislature with particular agendas.

The House majority leader ran for the Senate and won. She probably would have stayed in the House if there were no term limits.

The Senate Majority leader wants to run for governor in 2002 but is termed out of the Senate in 2000. She must decide what to do for the intervening two years before the gubernatorial election.

There are a record number of women in the Maine Senate. 1990 marked the high point for the total number of women in the legislature. Several women moved from the House to the Senate. There are several women leaders in the legislature with the majority and minority leaders in the Senate being women.

Term limits had a huge effect in 1994 as legislators left in anticipation of them taking effect in 1996.

Some of the burned out and cynical legislators left the legislature.

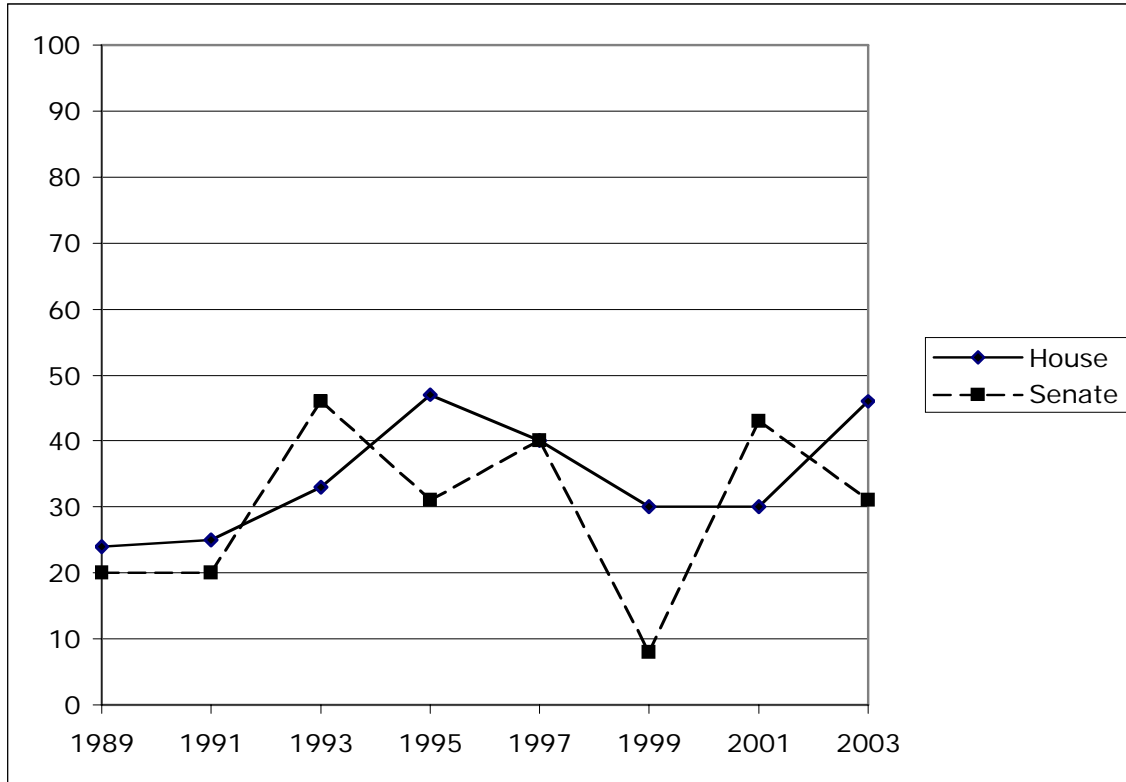
There is a strong pressure to move from the House to the Senate but not the other way around. This works to the disadvantage of the House because the Senate is more experienced.

Good, serious legislators are leaving early because of the “raw” politics of the place. The legislature has become more ideological with fewer moderates.

Term limits stirred the pot and brought in new people with new ideas.

Tables and Figures

Figure 2a
Membership Turnover in the Maine Legislature (%), 1989-2003



Source: *House and Senate Register*

Table 2a
Legislative Experience of Maine Legislators (mean)

Chamber	1991	1993	1995	1997	1999	2001
House	7	6.5	5.5	4.3	5.1	5.7
Senate	7	5.2	4.1	4	5.6	4.8

Source: *House and Senate Register*

Table 2b: Numbers of Experienced Legislators

Year	House (6 years or more)	Senate (10 years or more combined House/Senate experience)
1993-1994	59	12
1995-1996	36	11
1997-1998	18	12
1999-2000	23	16
2001-2002	36	16
2003-2004	26	15

*At start of session

Source: *House and Senate Register*

Table 2c: Demographic Composition of the Maine Legislature

Year	% Democratic	% Women	Ave. Age
1993-1994	59.68%	31.70%	49.8
1995-1996	48.92%	27.30%	50.6
1997-1998	53.76%	25.80%	50.5
1999-2000	53.23%	27.40%	50.6
2001-2002	56.99%	30.10%	53.0
2003-2004	57.53%	26.88%	53.6

Source: *House and Senate Register*

Table 2d: Partisan Composition of the Maine House of Representatives

Year	Republicans	Democrats	Independents
1993-1994	58	91	2
1995-1996	75	75	1
1997-1998	69	81	1
1999-2000	71	79	1
2001-2002	61	89	1
2003-2004	66	82	1

*At start of session

Source: *House and Senate Register*

Table 2e: Partisan Composition of the Maine Senate

Year	Republicans	Democrats	Independents
1993-1994	15	20	-
1995-1996	18	16	1
1997-1998	15	19	1
1999-2000	14	20	1
2001-2002	17	17	1
2003-2004	17	18	-

*At start of session

Source: *House and Senate Register*

Table 2f: Uncontested Seats

Election Year	House	Senate
1992	33	4
1994	40	1
1996	13	3
1998	38	7
2000	45	1
2002	26	4

Source: *Official State of Maine Election Returns*

Table 2g: Open Seats, Number

Election Year	House	Senate
1994	55	
1996	45	
1998	29	
2000	37	
2002	68	

Source: *Official State of Maine Election Returns*

Table 2h: Number of Primaries

Election Year	House	Se nate
1992	47	13
1994	49	12
1996	34	6
1998	15	3
2000	18	5
2002	22	9

Source: *Official State of Maine Election Returns*

Table 2i: Women in General Elections

Election Year	House		Senate	
	Number	Winners	Number	Winners
1992	69	48	17	11
1994	76	39	19	11
1996	74	35	19	13
1998	67	35	29	16
2000	72	41	26	15
2002	77	37	24	13

Sources: *Official State of Maine Election Returns*

Table 2j: House and Senate Competition, Number of Races

	1994		1996		1998		2000		2002	
	HR	SEN	HR	SEN	HR	SEN	HR	SEN	HR	SEN
Winner gets <55%	56	9	53	7	26	6	35	12	52	14

Sources: *Official State of Maine Election Returns*

3. Representation

Narrative Summary

Term limits do not appear to affect the extent to which legislators communicate with their constituents, respond to district concerns and do case work in Maine. These issues were rarely, if ever mentioned in our interviews with legislators and legislative observers unless prompted by our questions. Because term limits did not appear to significantly affect this behavior we did not pursue questions in this area very deeply.

Maine is a citizen based, part time legislature with relatively small districts in terms of population. Most legislators know many of their constituents on a first name basis and visa versa. The tradition of the New England town hall meeting is alive and well in Maine and the citizens readily take their concerns about government to their elected officials.

Based on our analysis, in Maine, term limits have had little to no effect on how legislators represent their districts. The level of constituent case work is reported to have remained about the same following the imposition of term limits. Several interviewees pointed out that partisan staff is doing case work for the legislators. Most agree that term limits have had little effect on the amount of "pork" projects in the budget with many noting that this is not the way Maine budgets.

Interviewees indicated that the caucuses are sending more information to the public explaining their agenda and trying to gain support for it. Term limits could have an indirect effect on this activity by increasing the level of partisanship within the legislature as a whole as some have asserted. This increase in partisanship along with the close division between the parties in the Senate, some of which could be attributed to term limits removing tenured incumbents who could hold the seat for their party, could increase the need for public outreach.

The survey of knowledgeable observers found that today's legislators are doing constituent casework, talking with constituents, seeking funds for district projects and sending newsletters

and other mailings to constituents at about the same level as those in office a decade ago, before term limits.

Interview Notes

There has been more outreach to the public to explain the caucus agenda and to get public support for it. Organizing citizen forums, tours of schools in the state, mailing fact sheets and press releases and using computer bulletin boards to communicate the caucus agenda.

Term limits have not contributed to citizen control over government.

Legislators are less accountable to the public because they don't have to run for reelection.

There has been a slow erosion in people's confidence in legislators. The legislature is fractured, slower, and more reactive.

Because the legislature is the "people's branch," the reduction in power of the legislature is a reduction in power of the people.

Leadership gets more pork in the budget because no one reads the budget bill to see what they want.

Term limits effect on pork probably has not changed. Legislators do not know they do some of this.

Staff are doing constituent work.

Pork is a matter of perspective. Dam fund in Millinocket is important. Less pork now. Tight budget is driving it. In the past you could say no to projects, you can't now. You need a 2/3 vote to pass the budget and need projects to get support for the budget.

People running on "anti government" campaigns. Helpful, they shake things up.

More legislators are running as outsiders more willing to challenge the status quo.

Many people have self imposed term limits. Turnover is about the same as before term limits, eight years is about an average term.

Leaders are more responsive to members concerns under term limits. In past people were afraid to challenge Speaker John Martin. "If you challenge the king you better kill him."

Influence has moved to the partisan staff. They are used to do constituent services work.

No difference in pork. Maine does not budget that way.

The affect of term limits on leadership has resulted in fewer women in leadership particularly in the House. Members decide to run for Speaker in their first term and takes all energy. Women are not going to do that.

How to do other (outside) jobs is an issue for the members. Legislature is seasonal, it is full time half the year. People leave the legislature because they can't sustain their lives.

Partisan staff is serving as a buffer. New members turn to partisan staff.

Tables and Figures

Table A. Comparison of Legislators' Behavior Representing their Districts Before and After Term Limits.

<i>Legislators in their districts compared to a decade ago:</i>	Rating (1="a great deal less; 3="about the same"; 5="quite a bit more")
Spend time talking to their constituents	2.9
Spend time solving constituents' problems	3.1
Seek state funds for projects in their districts	3.1
Send newsletters or other mailings to their constituents.	3.2
Total	3.1

4. Legislative Leaders

Narrative Summary

Without a doubt, one of the most significant effects of term limits on the Maine Legislature has been on the role played by party leaders. This was an almost universal sentiment expressed by those we interviewed. Because term limits removed long-tenured members from the Legislature, leaders now come to their positions with limited experience in the legislature and even less experience as legislative leaders. As shown in Tables 4a and 4b, term limits have had a dramatic impact on the level of experience possessed by leaders, but not always in expected ways. Notably, term limits have had a different impact on the House and Senate. Under term limits, the House has seen heavy turnover in its leadership every session. Turnover in the Senate has also been high, but not at the same levels as in the House.

The differential experience of the leadership in the House and Senate is even more apparent when we look at the average total years of legislative experience held by leaders, a measure that includes prior service in either chamber. In 1993, House leaders had served an average of 14 years in the Legislature and Senate leaders served 9.7 years. By 2001, the average experience of leaders in the House dropped to just 4 years, but increased to 13.3 years in the Senate. This shift is accounted for by the fact that a significant number of termed House members have migrated to the Senate, while almost no Senators have moved to the House. Thus, Senate leaders have become much more experienced than their counterparts in the House. As discussed below, this has contributed to a general feeling among those connected to the Legislature that the Senate has become more powerful relative to the House since the advent of term limits. This might also contribute to legislators' notions that the House is more chaotic than

the Senate and has more splinter caucuses and mavericks that can challenge a leader. The Senate has tended to have more cohesive caucuses.

Particularly in the House, the lack of experience and the fact that leaders will be termed out of their leadership position at a specific date have combined to alter the power of leaders and the roles they perform. Under term limits, legislators now have a much better chance to serve in their party's leadership since legislative leaders are generally limited to one term in a leadership position, thus creating much greater turnover. In the House, a clear leadership ladder has emerged in which legislators move from whip, to floor leader to Speaker of the House, generally over three successive terms. Therefore, the three most recent House Speakers had all served just three terms in the House upon taking power. As noted above, Senate leaders have had somewhat more legislative experience with most of them having served in the House previously.

In some ways, this marked a return to the traditional path followed by Maine's legislative leaders prior to the 1970s. For most of Maine's history, there had been frequent turnover among presiding officers, although in many cases they had more than six years of legislative experience prior to their selection for leadership. In the 1970s and 1980s, as the Maine Legislature took on a more professionalized, careerist look, leaders such as John Martin in the House and Charlie Pray in the Senate began to serve numerous terms in office, accumulating a great deal of power in the process.

The inability of current leaders to succeed themselves limits their ability to impose sanctions on and influence the members, thus reducing their power as legislative leaders. Speakers and Senate Presidents are lame ducks the instant they are sworn in. Members know they can outwait the leaders and many do. As a result, members are reported to be more critical of the leaders and more willing to challenge them than in the past. Members also tend to show less allegiance to

the leaders and are less reliant on them. Since the leaders readily acknowledge their lack of power to sanction members and impose penalties for not supporting their positions, they must now gain and maintain power through persuasion and coalition building rather than by using institutional power. As one leader explained, “Going to the members and saying ‘I need your vote’ doesn’t work anymore. Now there is a need for massaging and educating the members, showing them how policy intersects with politics.”

Additionally, term limits have evened the playing field by ensuring that all leaders (and rank and file legislators for that matter) have roughly the same amount of legislative experience. Several interviewees asserted that John Martin was powerful, in part, because of his mastery of the legislative process gained from many years of experience. Under term limits most leaders have roughly the same level of experience.

Leaders’ roles have changed somewhat under term limits. They are required to educate the members about basic procedures, processes and policies to a greater extent than they did in the past. They must also explain the role of the legislature and pass on the norms of behavior in their chambers. This becomes more difficult as the legislative leaders, particularly those in the House, take their leadership positions with limited legislative experience themselves.

Leaders continue to play an important role in elections. Specifically, they are expected to recruit candidates, help raise campaign funds and get their party’s candidates elected. Although leaders were expected to play an electoral role prior to term limits, this role has become more important because the increased legislative turnover caused by term limits has increased the need to recruit candidates and organize campaigns.

Another complicating factor for leaders has been Maine’s adoption of a “clean elections” law that took effect with the 2002 campaign. In the 2002 election a sizeable number of legislators

accepted public funding under this law. In fact, as one leader told us, accepting money from the leaders' campaign fund is considered by many candidates to be politically disadvantageous because it causes the appearance of being beholden to leadership. As a result, members now have less need for campaign contributions from the leaders and the leaders have one less source of leverage over the members. However, active campaigning for legislative candidates is still an expected role for legislative leaders. In fact, observers cited the willingness of one legislator to travel the state in support of legislative candidates as a significant factor in his election as whip, floor leader and, eventually Speaker of the House. This was often cited by interviewees as the approach legislators are likely to take in under term limits to move into leadership positions.

Under term limits, House Speakers and Senate President's now have a single term to make their mark and leave a legacy. Thus, they come to office with a sense of urgency in accomplishing their policy goals. This is reflected in the fact that major policy initiatives are more likely than in the past to originate with party leaders rather than committee chairs. As a result some leaders have been less concerned about institutional issues and processes. They want to act quickly and are less concerned about the long-term institutional rules, procedures, and norms that typically govern the legislative process. This short tenure has the effect of leaders being less interested in the management of the legislative institution. Increasingly, under term limits this role is being assumed by legislative staff particularly those on the Legislative Council staff and in the offices of the House Clerk and Senate Secretary.

Under term limits the path to leadership has changed, with potentially significant effects on the legislative process. Traditionally, leaders were chosen from the ranks of committee chairs. However, the two most recent House Speakers, Michael Saxl (D-Portland) and Patrick Colwell (D-Gardiner), and the person likely to be the next House Speaker have followed the

same career path from whip to floor leader to Speaker of the House. Recent Senate leaders have followed similar paths. As a result, observers note that leaders now have a limited understanding of how committees develop consensus on legislation and the time needed to do so. They point out that, in some cases, leaders have imposed unrealistically short deadlines for action and emphasized moving legislation over building consensus and agreement. Bills have been pulled out of committees before committee members have had an opportunity to work through the issues and gain consensus. This tends to disrupt the work of the committees and affects the ability to get legislation passed on the floor. Likewise, leaders have less ability to train new committee chairs on how to run their committees because they have not had the experience of doing so.

Although there was near-unanimous agreement from our interviewees that leaders are weaker under term limits, it is also apparent that term limits have weakened House leaders much more than their counterparts in the Senate. As shown in Table 4a and Figure 4a, the experience level of leaders in the Senate has actually increased under term limits, while dropping significantly in the House. This is accounted for by the fact that most recent Senate leaders served previously in the House, but none of the House leaders had prior Senate experience. This unidirectional flow from the House to the Senate is not found in all states with term limits. For example, in Ohio a number of Senators have run for the House after being termed from office. Only one recent Senator in Maine made the immediate jump to the House. As noted in many places throughout this report, this trend has had wide-ranging effects on the bicameral relationship in the Maine Legislature. The fact that Senate leaders are so much more experienced than their House counterparts has contributed to migration of power from the House to the Senate.

Interview Notes

Term Limits have shifted power to the executive. The rotation of presiding officers weakens leadership because of the steep learning curve. There are a number of members who are posturing for leadership positions in the next legislature. It is hard for the leader to sanction members.

It is a mistake to keep people in leadership positions too long. But we had a term limit on leadership positions after John Martin stepped down.

Under term limits we do not have time to grow as leaders. Women are negatively affected because it has taken a long time for us to move into leadership. In the past, went to John Martin and bargained for positions by giving our support to him.

The senate is stronger because of the experience of the members who are moving over from the house.

The members generally and the members of the Legislative Council in particular do not understand that they are responsible for managing the legislative institution. There is little thought given to managing the staff and little thought given to long term planning.

Leaders cannot control the members. Committee chairs disregard the deadlines set by the leaders and the members disregard the directives from the committee chairs. This has resulted in more chaos.

One-term speakers creates problem of lack of experience.

Members have no allegiance to leaders. They will openly defy and ridicule them.

Lots of turnover in leadership. There is a gradual shift to the Clerk and Secretary for continuity for the session and chamber functions. From an "IT" perspective you can't run on a two-year plan. Need to get leaders on board for changes but it is hard to get new leaders on board.

The Legislative Council has become more divisive and a less important body. There is more emphasis on making decisions in the House and Senate.

The new members do not know how to reach consensus and compromise. The leaders, committee chairs, and members do not know the "nuts and bolts" of the legislative process. It is hard to set time lines for committee work.

On the positive side members can come through the ranks and become leaders. It has opened the process up to new people.

In the past, legislators would leave because it took so long to move into leadership. Now this can happen much faster.

Under term limits the legislative leaders are doing more things. More pressure to move up the career ladder. First year Senate president introduced 11 bills this year he is running for higher office and introduced 60 bills. The leaders come in with an agenda of what they want to accomplish in two years.

Leaders are selected in November and it takes about a month to hire the staff and to put together a team. Currently there is no easy transition between speakers. The speaker must pick chairs, make assignments et al in a short period of time while trying to staff up and get organized.

Leadership turnover affects agendas and projects. New leaders bring different styles and different areas of emphasis. As a result there can be significant changes in direction and emphasis on projects.

New leaders are overwhelmed with the amount of administrative detail it takes to run the legislature through the council.

In the past the presiding officer was everything in the caucus: fund-raiser, agenda setter, caucus director. With the turnover in leaders we need to spread the jobs around to more people. It has also made the leadership process more inclusive. In the past Charlie Pray would set the agenda and dictate what the rest of the caucus members would do.

Under term limits the rank and file members have more power. Leaders are only there a short period of time and need the support of the rank and file members. Also these members have a shot at moving up into leadership.

Leaders are less experienced, so big items come from the governor.

I have been here 3 years and I am working for my third Republican leader. You need to learn to adapt, change and be flexible. New leaders come with new ideas.

Several members ran for leadership positions after their first term and members of the caucus are positioning themselves now (after the first year of their first term) to run for leadership positions in the next biennium.

It is hard for leaders to sanction the members when they are going to be termed out. Members are more independent this year than last year. Speaker Mitchell was more forceful with members and Speaker Rowe is more willing to compromise. The Republican leader was the same last session and is able to keep his members in line.

Majority leader made contact with the new members by driving to their districts to help with their elections. He took the time, put 40,000 miles on his car and defeated two other candidates who did spend the time working with and for the new legislators. The majority leaders got the votes from these new members. This is how leadership races will likely be run in the future.

Currently there is no easy transition between speakers. Leaders are selected in November and it takes about a month to hire the staff and to put together a team. The speaker must pick chairs, make assignments, et al in a short period of time while trying to staff up and get organized.

New leaders are overwhelmed with the amount of administrative detail it takes to run the legislature through the council.

The second year of a Speakership is an almost ineffectual, lameduck year.

Leaders are now much less authoritarian than in the past. Must build coalitions on an ad hoc basis and educate members. Blind acceptance of leaders is waning.

Most dramatic effects are on the leadership. Many leaders have never been committee chairs. Committees are crucial, but leaders don't have experience in how they are run.

Because of rapid turnover, leaders no longer invest their time in building the institution.

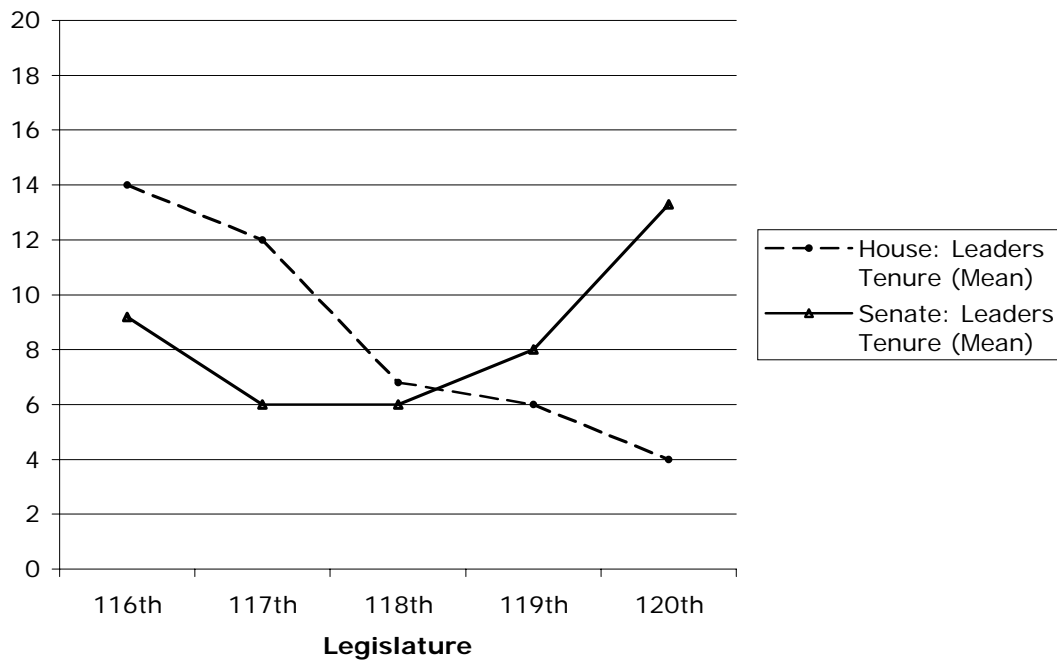
Tables and Figures

Table 4a: Leadership Turnover

Year	House	Senate
1993-1994	2 of 5	3 of 5
1995-1996	3 of 5	4 of 5
1997-1998	4 of 5	2 of 5
1999-2000	3 of 5	1 of 5
2001-2002	4 of 5	5 of 6
2003-2004	3 of 5	2 of 5

Figure 4a

Leadership Experience in the Maine Legislature by Legislative Chamber, 116th-120th Legislatures



5. Committees

Narrative Summary

The Maine Legislature uses Joint Committees with Senate and House co-chairs. There are three senators and eleven representatives on each committee and a total of seventeen Joint Committees. There has been no substantive change in the number of committees or the committee jurisdictions since the passage of term limits. However, committees were restructured in the mid 1990s when Republicans controlled the Senate. These changes were intended to reduce the number of committees and to streamline the committee system.

Most interviewees assert that the committees are weaker under term limits. According to a number of observers, committee reports are more likely to be challenged on the floor now than in the past. This includes committee reports adopted unanimously or with large majorities. As one observer commented, “In the past these reports were not debated on the floor they were just voted upon.” Because experienced members have been termed out, the amount of substantive expertise on the part of committee chairs and members is reduced. As shown in Table 5a, in 1993 House committee chairs had an average of 8.8 years of legislative experience and Senate chairs had an average of 8.3 years. By 2001, the experience of committee chairs declined to 4.7 years in the House and 7.4 years in the Senate. In recent sessions nearly all freshman members of the Senate served as a co-chair of a committee. As a result, numerous interviewees told us that members give less deference to the work of committees than they did before the imposition of term limits. One legislator told us about a unanimous committee report that was overturned on the floor because a group of legislators knew more about the particular issue than the committee members. Another former member put it more bluntly, stating, “Committee reports do not mean anything any more.”

The passage of the appropriations bill in 2001 departed significantly from the traditional process for adopting this legislation and provides a vivid example of some of the changes that have occurred under term limits. The Appropriations Committee developed a bill that included a number of compromises that were not satisfactory to a number of members. However, it was passed out of the committee unanimously. Several attempts to amend it on the floor of the House were defeated with the support and involvement of leadership. The Senate leaders, however, worked to rewrite the bill and amend it on the floor. The amended bill was sent to the House for concurrence with limited warning to the House leaders. In the past, the bill would have been sent back to the Appropriations Committee for the issues to be resolved rather than amending it on the floor. A number of observers pointed out that the more experienced Senate leaders took advantage of the more inexperienced House leaders. They also led the newly elected senators to believe that this is the way things were done traditionally. As shown in Table 5b, the experience level of members of the Appropriations Committee has decreased substantially under term limits. This certainly contributed to this and other similar episodes. This process created hard feelings between the chambers and, in particular, among the House leaders and Senate leaders. This example illustrates both the decreased influence of the committees in the legislative process and the increased power of the Senate relative to the House under term limits.

The decrease in experience among committee chairs and members has meant that committee staff now plays a more active role in scheduling committee meetings and organizing the bills that will be heard during the meetings. One aspect of the scheduling function is that legislative leaders turn to staff more often now to ensure that committees are meeting their deadlines for considering legislation. In the past the chairs performed these functions and directed more of the

committees' actions. Staff has also been increasingly called upon to provide historical information on how the Legislature dealt with the issues in the past and to explain basic principles about issues to bring new people up to speed. As one former legislator observed, "The nonpartisan staff know more than the committee members."

Because there are more members with limited experience, observers report that a particular problem has been an increase in the number of issues that are raised that have been dealt with before. New legislators are not sure who to talk to about proposed legislation and are not aware of what was tried before. Moreover, these less experienced members are said to be more likely to propose overly simple solutions for complex problems. Because legislators are now limited to four terms in the Legislature, they feel the need to move very quickly upon taking office to file their bills. These trends have combined to lead to a dramatic increase in the number of bills that have been introduced since term limits took effect. In 1995, the legislative session prior to term limits taking effect, 1586 bills were introduced (see Table 5c). By 1999, this rose to 2276. Bill introductions settled back to 1852 in 2001 after leaders made a concerted effort to reduce workload (see a more detailed discussion of this in the final section).

Related to this sharp increase in bill introductions is a decrease in the percentage of bills reported out of committee. Historically, the Maine Legislature had followed the practice of reporting out nearly all of its bills. In 1995, 92 percent of bills were reported out, but this fell to 90 percent in 1997 and just 85 percent in 1999 before rebounding to 92 percent in 2001. Similarly, the percentage of bills that are enacted dropped by about 6-8 percent under term limits and more and more bills are receiving unfavorable committee recommendations. Ultimately, the Maine Legislature's experience in dealing with bill introductions shows both the strains caused by term limits and the commitment of the legislature to adapt to those changes.

In addition, because term limited members have a shorter time horizon, several observers pointed out that it is more difficult for committees to deal with complex, long-term issues. Most of the members and chairs are relatively inexperienced and have not had prior experience in dealing with some of the issues. It also takes time to lay the ground work to pass major legislation and most members are focused on the near term because they will be termed out after eight years. As one observer said, many members hold the view that, “My job is not to solve the budget problem long term, it is to focus on the next two years.”

In the 2002 session some committees operated effectively while others foundered. According to interviewees there is variability in the skill and experience of committee chairs. Some new committee chairs adapt to their roles very quickly, perhaps drawing upon prior experience in government or in related non-governmental positions. However, many new chairs have had a difficult time running the committee meetings and effectively dealing with the issues before them. There is a generally acknowledged need for more training for committee chairs.

Interview Notes

Leaders cannot control the members. Committee chairs disregard the deadlines set by the leaders and the members disregard the directives from the committee chairs. This has resulted in more chaos.

The members are debating unanimous committee reports on the floor. They used to go “under the hammer” without debate.

More bills are being introduced because they do not know what others did in the past or understand what the legislature will pass.

Bill filings are way up. First termers do not have a legislative agenda and no one is telling them what to expect.

Committee agendas are now driven by the executive branch. In the past experienced chairs could resist the executive. Now they can't.

Most dramatic effects are on the leadership. Many leaders have never been committee chairs. Committees are crucial, but leaders don't have experience in how they are run.

Since leaders turnover so rapidly, leaders can no longer “bottle up” issues for an extended period of time.

Leaders who have not chaired committees don't understand the complexity and time needed to work through the committee process. It has become more difficult to get a good bill will get support on the floor. Current leaders don't appreciate the committee process.

On the positive side the members approach the job with excitement and enthusiasm. They're like “Wild-eyed fifth graders. They're pumped!” They are not aware that the bills they introduced died the last four sessions and are not going anywhere this session.

The members complain that committees are not working on important bills. They feel incredibly rushed and are not taking sufficient care with the bills. This is due in part to a planned reduction time in meeting time this session. The leaders lopped three weeks off the schedule (one of which has been added back on).

The new members do not know how to reach consensus and compromise. The leaders, committee chairs, and members do not know the “nuts and bolts” of the legislative process. It is hard to set time lines for committee work.

The new members do not know their colleagues so there may be two bills on the same topic instead of one.

On the positive side the budgetary process is more open. In the past there was more of the “smoke filled” rooms and now it is more open. Policy committees have more say in the budget process. This is both related to term limits and is a natural progression of where the process was

heading. In the past staff analysis went only to members of the appropriations committee. Now it goes to all the members and throughout the building.

Most observers cite the inexperience of the new members and how this inexperience has hampered the internal operations of the legislature. These observers point to an increase in the number of bills, the full House debating bills that were reported from committee with an unanimous recommendation to pass, protracted and ineffectual committee deliberations and a heavy reliance on staff to script members in making the proper motions as evidence that the legislature is not functioning as effectively as in the past.

Committee reports are much less influential. This is a big deal because of time constraints. On the floor they don't follow unanimous or near-unanimous committee recommendations.

There is much less deference given to committees because others don't think they are any better specialists than they are. Why should I trust some other member with no more experience in an area than me?

In the past committee chairs were strong and used to be able to gather consensus. Now they are less-skilled at building consensus. This leads to divided reports.

In the past committee members allowed issues to be settled in committees. Now more minority reports are more common to allow debate on the floor. One vote can keep something off the consent calendar. There is more challenge to unanimous reports.

Tables and Figures

Table 5a
Experience of Committee Chairs in the Maine Legislature

Chamber	1993	1995	1997	1999	2001
House	8.8	7.9	4.1	6.4	4.7
Senate	8.3	4.0	7.5	10.1	7.4

*At start of session

Source: *House and Senate Register*

Table 5b
Experience of Committee Members on the Appropriations Committee

Chamber	1993	1995	1997	1999	2001
House	12.2	7.9	5.8	6	7.7
Senate	7.5	6.9	4.8	6	7.7

*At start of session

Source: *House and Senate Register*

Table 5c: Bill Disposition in the Maine Legislature

	1995-96	1997-98	1999-00	2001-02
Bills Referred to Committee	1586	1905	2276	1852
Bills Reported out of Committee (%)	92	90	85	92
Bills Enacted (%)	38	37	30	32
Bills with Unfavorable Reports (%)	42	45	48	45

Source: Office of the Director of the Legislative Council

6. Legislative Staff

Narrative Summary

Staff can be divided into two main categories—partisan and non-partisan. The partisan staff work for the party leaders and caucuses and in the offices of the Clerk of the House and Secretary of the Senate. The offices of the House Clerk and Senate Secretary also perform a number of non-partisan parliamentary and bill processing services to their respective chambers. While the offices of the House Clerk and Senate Secretary are not regarded as solely partisan, they are appointed by the majority party and are perceived by members as playing semi-partisan roles.

The purely partisan staff are found in the offices of the party leadership. These staff provide policy analysis, media relations and constituent services help to the members of their caucus. There has been a slight increase in the number of partisan, caucus staff during the past 10 years. According to data collected by the National Conference of State Legislatures, the Maine Legislature had 190 total staff members in 2003, with 156 of them serving in full-time positions. Maine ranked 41st among all states in number of legislative staff. Of the staff working for the Maine Legislature, 24.7 percent of them can be classified as political staff.²

Non-partisan staff are generally found within a central staffing agency called the Legislative Council. They provide bill drafting, committee staffing, general research and fiscal analysis services to all members of the Legislature. The number of non-partisan staff has remained fairly constant since the imposition of term limits. The staff structure has also remained essentially the same.

Legislative staff perform more of an educational role with respect to the legislators since the imposition of term limits. Most staff have years of experience in their jobs. The less

experienced legislators elected under term limits increasingly turn to them for background information on issues, help in understanding legislative rules and processes and historical information on actions taken by past legislatures. While legislators always used staff for this type of help, staff report an increase in demand for these services since the imposition of term limits. For example, staff in offices of the House Clerk and Senate Secretary report an increase in the number of members who request help in scripting the phrases used to make motions and move legislative actions. The fiscal staff provides more briefing materials on the budget and fiscal issues under term limits. Some movement in this direction occurred before term limits as the budget process was changed to include more legislators, however, the demand for these materials increased under term limits. As described previously, committee staff provide more historical information on issues and more frequently help the chairs schedule bills under term limits. Legislators also turn to their partisan staff more frequently for political and policy advice than they did before term limits. For example, members appear to be going to the Clerk of the House and the Secretary of the Senate for procedural as well as political advice. The nonpartisan staff feel they have lost power because the members have less of an institutional focus and favor those staff that can help them politically.

In the initial debate over the enactment of term limits, critics asserted that term limits would shift power in state legislatures from the lawmakers to the legislative staff. Although some observers assert that the legislative “bureaucracy” has gained power under term limits, many others see no shift in power among legislators and staff. In fact, many of the nonpartisan staff asserted that their roles have been diminished under term limits as more members have taken on short term political orientations, showing less interest in issues related to the legislative institution. Many observers say that legislators now turn more frequently to the partisan staff for

assistance because they are more likely to know them through their election campaigns and are initially less aware of the services available from the nonpartisan offices. To compensate for this, nonpartisan staff are spending more time reaching out to the new legislators at the beginning of their terms to help explain the role and services provided by the nonpartisan staff.

Although our interviewees expressed some disagreement over the extent to which staff may have become more influential under term limits, there was a near unanimous recognition that staff now represent the key repository of institutional memory in the Legislature. Since there are fewer and fewer members with lengthy careers in the Legislature, members must now rely on the staff for historical perspective and institutional continuity. Relatively few legislators are able to speak with authority on what was done in previous legislatures.

Interview Notes

Nonpartisan analysts have gained in power. Members look to the analysts for guidance because they do not know the issues.

Term limits increases the role of staff but not their influence over policy outcomes.

The library staff has done more outreach to new members and brought small groups to show them what the services are and how the library can be used.

We [non-partisan staff] now have to do more organizational, non-substantive work. Committee chairs used to do more of this, but now they often don't know how to. We must spend more time explaining basic principles.

Since most leaders now do not have experience as committee chairs, they have much less respect for the work of committees. Leaders set unrealistic timelines because they don't understand the amount of time it takes to work through a bill.

Committees are now getting a lot more bills that are half-baked, stupid ideas. New legislators get an idea but don't consider all the implications before submitting a bill. They are more likely to offer simple solutions to complex problems.

The relationship between the nonpartisan offices and legislators has changed. The members are not aware we work for each and every legislator. There is less of an appreciation and understanding of the role of nonpartisan staff. The new members have no historical perspective and no working relationship with the nonpartisan staff. It is easier for them to understand and they have more exposure to the partisan staff.

Members are much more dependent on staff—partisan and nonpartisan. The staff has become the institutional memory.

Nonpartisan staff is not filling the void left by the retiring members. Maybe the lobby is.

There is a lot of scripting that the staff must do and the members are becoming reliant on it. It wears the staff out.

Power has moved to the Clerk and Secretary's office. Party allegiance has increased their power. There has not been a shift in power to committee analysts and other nonpartisan staff.

Administrative duties of running the legislature are put on the shoulders of the Secretary and Clerk and directors.

Nonpartisan staff have become very influential because there is a bond between committee staff and committee members. On the whole, they are honest, straight-forward, and accessible.

The power of the nonpartisan staff has been diminished because of an increase in the role of the partisan staff. The role of the nonpartisan staff should be increased.

We have tried to simplify our message coming from the analysis. We also have done more training and briefing for the members. We also educate the members regarding the fiscal process such as “you need to meet face to face with the governor.” The members did this in the past because they had been through the process and knew to do it.

Staff are spending a lot of energy and time explaining the legislative process to the new members.

The relationship between the nonpartisan offices and the legislators has changed. The members are not aware we work for each and every legislator. There is less of an appreciation and understanding of the role of nonpartisan staff. The new members have no historical perspective and no working relationship with the nonpartisan staff. It is easier for them to understand and they have more exposure to the partisan staff.

The partisan staff is spending a lot of time reaching out to the new members and helping them understand and work the process. The members now expect this same level of staff support throughout their careers. Staff are taking on a bigger role in the process as a result.

The staff report increased workloads with more stress and burnout. Some of this is related to the extra demands placed on staff by the inexperienced members.

Members go to the people in and around the legislature with institutional memory to ask how to do things and what to do. The Clerk and his staff are spending more time educating members about the process and where to go to get services such as sentiments drafted. They are also doing more scripting to get the members through the process correctly.

Power has shifted to the staff, the executive and the lobby. The lobby has gained less power than was thought originally. The executive branch can wait out the legislators.

There has been a big explosion of influence for nonpartisan staff, OPLA, and executive departments. The bureaucracy is much better at “foot-dragging” and ignoring implementation. Legislative followup is difficult under term limits.

Legislators do not understand even simple rules. Many are suspicious of the clerk and introduced bills to impose term limits on the clerk. A freshman republican went to John Martin to ask if an amendment he wanted to offer was germane. John told him no and he withdrew it. The clerk reviewed the amendment and thought it was germane.

Partisan staff who are involved in campaigns have gained in stature.

Influence has moved to staff in general. Gives staff a lot of power in influencing how legislators will proceed. New legislators haven’t been able to learn the ropes yet and there is a great opportunity for staff to influence their direction.

7. Norms and Internal Relationships

Narrative Summary

Norms and internal relationships have been altered significantly by term limits. The members elected under term limits do not know each other very well and have not had the time to develop personal relationships with their colleagues. As one interviewee told us, many legislators ask the staff “Who is that?” when the legislature meets. Others indicate that the lawmakers rarely spend time with each other outside of the legislature. This is particularly true for members from opposite parties. Legislators also have limited time to develop relationships with members of the executive branch, lobbyists and others that come before the legislature. The lack of relationships makes the work of the legislature more confrontational and partisan than before term limits.

The new members approach their legislative careers with a sense of urgency and impatience to get things done. As one observer pointed out, the new members act as though they are always on the clock. Another states, “The new members are impatient with budget problems, impatient with stalling tactics and impatient with the Secretary of the Senate telling them that the bill is out to be printed.”

Because members feel as though they have to make their mark quickly and they have a predetermined limit to their legislative career few are willing to serve apprenticeships within the legislature. Those members who want to be leaders must begin the quest as freshmen. Many observers point out that jockeying for leadership begins in the first term with members taking action intended to demonstrate their leadership credentials. One leader told us that before term limits new legislators were told to work hard in committee, learn about the issues, develop their expertise and wait to speak on the floor until the fifth month or so. Now new members talk on

the floor immediately about everything. Debates are long with numerous attempts to “move the question” to close debate.

Other legislators and observers indicate there is a decline in civility and that a number of the new legislators exhibit bad manners when dealing with their colleagues. The knowledgeable observers survey found that legislators elected under term limits were slightly less likely to be collegial and courteous to other members than those of a decade ago. They rated this question 2.7 on a scale where 3.0 means “about the same.”

Interviewees state that the legislators elected under term limits are more partisan and ideological than in the past. The survey of knowledgeable observers confirmed this impression. They reported that the legislature as a whole is slightly more partisan than it was a decade ago giving the question a 3.5 rating on a scale where 3.0 is “about the same” and 5.0 is “quite a bit more.” Because of the need to recruit candidates to replace those termed out of office, the parties are turning to the true believers for candidates. Many of the legislators are elected from the far right and far left wings of the two parties. One observer states, “There are more extremists in the legislature, fewer moderates and less problem solving. More ideologues are running for the legislature under term limits.” There are more splinter groups and caucuses in the legislature after term limits and it is harder for the legislative leaders to pull the members together.

Legislators also come to the legislature with a greater focus on policy and politics and have less interest in institutional issues. Members do not know the rules nor appreciate the value of the rules in governing legislative operations. However, few are interested in changing current procedures even if the changes may help the legislature adjust to the effects of term limits for fear the changes could disrupt the legislative process for most of their careers.

Legislators also appear to be more likely to challenge the legislative leaders. Observers report that lawmakers behave more aggressively with respect to the leaders and often ridicule them. Because most of the members can outwait those leaders serving their last terms, the leaders lack much institutional leverage to discipline them. In the past, the prospect of getting on the wrong side of long tenured leaders with long memories kept lawmakers from challenging the leaders.

There has been an increased conflict between the House and Senate following term limits. Although most legislatures experience some degree of conflict between the chambers, the people we spoke with indicate this conflict has increased with term limits. As pointed out elsewhere, the Senate tends to have more experienced legislators as those members termed out of the House move to the Senate. Partly as a result of this experience gap, a number of observers assert that the Senators do not respect their House colleagues. Apparently the feeling is mutual. A number of observers state there is a general lack of trust among Senators and Representatives. The manner in which the Senate amended and passed the budget bill in 2001 caused a major rift between the chambers and contributed to this lack of trust. It caused hard feelings, particularly on the part of the House leaders. The fall out was so great that one member of the House refused to run for a Senate seat even after being recruited by the Senate leaders. The Democrats held an off site retreat to discuss the issues surrounding the budget process and develop a level of trust among the members.

Interview Notes

There is more experience in the Senate than in the House.

There has been a balkanization of smaller special caucuses as leadership has weakened.

The legislature felt more family-like in the past than it does now.

People continue to present ideas that have failed repeatedly in the past because they don't know about them.

The new members do not know their colleagues so there may be two bills on the same topic instead of one.

Legislators try to make their mark very early on. They have much less patience now.

There has been an increase in the number of extremists. More extreme right and left. More "all or nothing" attitude. It is a real challenge to bring people to the middle.

There is less in the way of interpersonal relations especially across party lines. This leads to increase in people being "ill-mannered." Debate has become less civil.

With one third of the house being new members there is a gigantic education process.

A dramatic shift in expertise from House to the Senate. An increased elitism in Senate. They know they are more experienced. This puts the House at a disadvantage. Senators are dismissive of House members.

It's not that the intellectual capacity of the legislature has changed, it's that people have less time to learn "statesmanship." They don't learn how to compromise and work the legislative process.

No major changes in partisanship under term limits.

There is much less caucus discipline.

It is more difficult to make friends because everyone is so competitive early on. Must act quickly if one wants to move into leadership. A more competitive dynamic among new legislators.

Legislators increasingly lack an understanding of basic norms and common practices.

Committee reports are much less influential. This is a big deal because of time constraints. On the floor they don't follow unanimous or near-unanimous committee recommendations.

Institutional memory is overrated because it has always been selectively used by long-term members for their own personal benefit.

Relations between legislators are still very cordial although members are much more aggressive with leaders.

Fewer legislators understand why rules are in place. They don't understand that rules are there to protect the minority.

Legislators spend less time together socially than before. They don't spend the time to get to know one another.

In the past, first term members didn't speak. This is no longer the case. They feel they need to show their talents early on to demonstrate their potential for other opportunities in the future.

More strident members are elected. It is hard to recruit candidates and easier to get people from the far right and the far left to run.

The legislature has gotten more partisan in the last six years. Term limits has exacerbated the trend toward partisanship. Members do not talk to each other. Leadership has played a role in promoting partisanship.

There is a need to educate the members on the budget and budget process.

Members elected under term limits do not have knowledge of rules and responsibility of office. Legislators do not have institutional relationship with the executive for example.

Members have no allegiance to the leaders. They openly defy and ridicule the leaders which has an effect on how the institution is managed.

The legislature/committees routinely miss deadlines and staff must police the deadlines.

The members have no institutional memory. They rely on staff for institutional memory.

Senators are dismissive of representatives. Senators take the lead in committees.

House Senate conflict is an issue. Lots of hard feelings based on Senate not respecting the House.

The legislators learn what they see and they see more inexperienced members.

Legislators are more impatient under term limits. They don't want to deal with stalling tactics. They are impatient with budget problems. Impatient with secretary of the Senate telling them that the "bill is out to be printed."

Members are chairing committees for the first time. Need to understand the roles and rules.

Legislators do not know each other very well. They have limited relationships with each other outside the legislature.

Members are interested in the rules, how the process works and what are the mechanics of the process.

The members are more aggressive with the leaders than they used to be.

There is more strife between the House and Senate than partisanship. This is caused by the budget issues.

Leaders have to work harder to keep members on board. The leaders role in educating the members is important.

There fewer members who understand the rules, not interested in the rules and don't care about the rules until they want to do something.

Members do not have the same level of trust among each other. Ugly session in 2001. Workers compensation issue and negotiations behind their backs.

Members do not know each other – “Who is that? When they see each other.” Members do not spend time socially.

Used to be that first time members did not speak on the floor. Members now need to show talent early, they are more aggressive.

There is less accountability. Some members go along with things because they are not coming back. Vote for a budget based on considerations for future office.

There is less caucus discipline.

After the House Senate fight over the budget in 2001 there was a lot of distrust among the members. The Democrats held an off site caucus the discuss the issue and try to build trust. The House chair of the Appropriations committee feels wounded and would not run for the Senate even when recruited by Senate leadership.

The House members do not respect the Senate.

Under term limits the legislature is demanding more from first time members. They are closest to other careers and bring fresh perspectives on issues.

Legislators are not willing to change processes to adjust to term limits because of short term time horizon. They do not want to screw things up for two years because they don't have much time.

More lobbyists are filing bills on behalf of the members than in the past.

Legislators and leaders have more focus on policy and political issues and less focus and concern for institutional issues. Many members want things done and don't care about the rules and processes that might slow this down.

There is a greater number of carryover bills. It used to be shocking when 10-15 bills were carried over to the next session. It was considered criticism that the committee can't complete its work.

The House is different than the Senate. The Senate has a more cohesive caucus. The House is more independent with more mavericks. Spinter groups challenge the Republican leader.

In the past members were told not to speak and develop your expertise. Now some members speak early and talk more. Freshman will always be chairs in the Senate.

Decorum in the House has changed. Some shake things up, some talk all the time. There is a lack of caucus discipline to enforce more discipline.

The legislature is more reactionary rather than proactive.

Legislature is more fractured and the leaders can not bring it back together.

It is harder for the leaders to get the legislature to focus. Because of turnover in leaders, leaders tend to lack focus and leaders have less power to keep the members in line.

There are more extremists in the legislature. Less moderates and problem solving.

8. Lobbyists

Narrative Summary

Without a doubt, one of the central concerns of term limits opponents was that lobbyists would be greatly strengthened by term limits. The fear was that an experienced corps of lobbyists would find it easy to influence inexperienced legislators. Our interviews suggest that the role of lobbyists has changed under term term limits, but there is disagreement about whether lobbyists are more or less powerful.

Much like legislative staff, lobbyists perform more of an educational role under term limits than they did previously. Traditionally, lobbyists have helped legislators understand how proposed legislation would affect their clients and why their clients want certain policies adopted. However, under term limits lobbyists are increasingly asked to provide information on how past legislatures dealt with issues. Observers report that lawmakers also turn to lobbyists for help in understanding legislative rules and procedures.

On the other hand, term limits have created some difficulties for lobbyists as well. The influence of lobbyists is largely a function of their ability to form relationships. However, the turnover caused by term limits means there are more new legislators that lobbyists must meet and get to know. In addition, many of the legislators that lobbyists know and have relationships with are termed out of the legislature. Both factors combine to make it more difficult for lobbyists to do their jobs. In addition, the adoption of the “clean elections” law (after the imposition of term limits) has reduced legislators’ reliance on campaign contributions from groups represented by lobbyists. In fact, lobbyists reported an increase in the number of new legislators who go to great lengths to avoid talking to them, seemingly holding the view that lobbyists are an inherently corrupting group.

Interview Notes

Bureaucrats stay while members shuffle in and out. The lobby is also stronger because they know the issues. We live in two-year cycles.

Nonpartisan staff is not filling the void left by the retiring members. Maybe the lobby is.

Power has shifted to the staff, the executive and the lobby. The lobby has gained less power than was thought originally. The executive branch can wait out the legislators.

Lobbyists have not gained much power. They need to spend more time cultivating relationships. The real power shifts are to the executive branch and the Clerk and Secretary's offices.

Lobbyists have not gained in power because it is harder for them to keep up with and get to know members.

It is now even easier for lobbyists to obstruct things, but it is harder for them to get things done.

Term limits have not increased power of lobbyists. They now have to reconnect with legislators every two years. This makes their job more difficult which is a good thing.

Lobbying has become much more difficult. New legislators become dependent on the bureaucracy and are afraid to even talk with lobbyists because they view them as corrupt. It takes a while for them to realize that lobbyists can play an important educational role. With the weakened leadership, a lobbyist can no longer go straight to a friendly leader but must work with numerous individual legislators instead. The same is true for weakened committee chairs who no longer command deference on the floor. Lobbyists depend on relationships and it is much harder to maintain those.

9. Policy and Budget-Making

Narrative Summary

The ability of the Maine Legislature to address policy and budget issues and oversee the work of the executive branch is affected by the loss of experienced members under term limits. The legislators elected under term limits are clearly capable of handling the work, it is just that they have less in-depth knowledge of many of the issues and are not as familiar with the actions taken in the past to address them. As they gain experience they are better able to perform these roles. However, the term limits law removes about one quarter of the experienced legislators each biennium replacing them, for the most part, with inexperienced rookies.

Policy Making Process

A key function of the legislature is to craft laws and appropriate funds to address the needs of the citizens on a variety of issues. In Maine, as in most legislatures, the bulk of this work occurs in the committees. As we discussed in section five, most observers indicate that the committees have been weakened by term limits. The members and, in particular, the chairs come to their jobs with less experience and knowledge of the issues. The work of the committees receives less deference and support by the other legislators. Many interviewees suggested that an increased number of committee reports adopted with wide majorities have been challenged on the floor, something that would rarely occur before term limits.

Observers assert that the members elected under term limits tend to focus on the short term and exhibit a sense of urgency in getting their ideas enacted into law. According to many of the people whom we interviewed, this makes it harder for the legislature to address the more complex, long term problems. In most cases it takes time to define the parameters of these

problems, identify possible solutions and gain support among the public and a majority of legislators to enact legislation addressing them. Under term limits many legislators do not want to invest the time on these issues because they will be out of the legislature before the fruits of their work can be realized.

According to several interviewees, the difficulty in addressing complex issues caused the executive branch on several occasions to refrain from bringing some issues to the legislature. As one executive branch official put it, “They could not handle tax reform. The intellectual capital has not changed, the legislature is more ideological and lacks focus.” Part of the difficulty could be attributed to the fact that Maine had an Independent Governor in 2002. It is possible that a partisan governor, particularly one with a majority of members in the legislature, could impose the discipline needed to deal with complex and politically difficult issues. This occurred in 2002 with the election of a Democratic governor and Democratic majorities in both chambers. As we discuss below, this may have facilitated the legislature's relatively quick passage of the budget in 2003 even when faced with a fiscal crisis.

Inexperience among the members also leads to a number of ideas being raised over and over. There are benefits in taking a fresh look at issues and although the legislature may have defeated a bill in the past it is possible that circumstances have changed and the proposed legislation is now ripe for passage. However, many of those we interviewed stated that the legislature under term limits tends to waste time on issues that have been raised numerous times in the past where there is no consensus on how to act. “With term limits the committees are not as efficient,” said one observer, “In the past the committee knew the issues and had dealt with them before. They had an easier time prioritizing issues.”

Another change that observers note with term limits is the role the legislative leaders play in proposing major policy initiatives. Before term limits major policy initiatives tended to be offered by committee chairs; now they are offered by the Speakers. Interviewees stated that this change can be attributed to the leaders desire to leave a legacy or to build a record to run on for future office. On the other hand term limits has reduced the ability of legislative leaders to block policy initiatives. In the past, according to observers, long serving leaders could and did block policy initiatives they opposed. Term limits removes the leaders from the legislature along with their opposition to certain policy initiatives.

A number of observers assert that the legislators elected under term limits are more ideological. When combined with their inexperience observers indicate that this makes it for them to compromise. The need to recruit candidates for the increased number of seats vacated under term limits has caused the respective political parties to rely on “true believers” to a greater extent than in the past. Several observers point to the number of splinter caucuses on both the right and the left as evidence of the growing ideological divide. As one leader said, “People are less willing to give up a position to achieve a legislative success. As people are here longer they realize they can’t win all the time.” Another observer stated, “There are more extremists in the legislature under term limits, fewer moderates and less problem solving. Members are more interested in confrontation than solving problems.”

However, given all of the changes under term limits and their effect on the capacity of the legislature to make policy, a number of observers assert that the final legislative product is about the same as before term limits. “The legislature is doing a good job on policy given the constraints due to the loss of experienced members and the burden placed on staff to maintain institutional knowledge,” according to one lawmaker.

Budget Process

The Joint Standing Committee on Appropriations and Financial Affairs composed of 10 representatives and 3 senators reviews the governor's proposed budget and considers all appropriations bills. It is co-chaired by a senator and representative. During 2001 and 2002 an Independent served as the Senate chair as part of a power sharing agreement adopted by the equally divided Senate. During the same period, Maine had an Independent Governor. In 2003 and 2004 the committee was chaired by Democrats and a Democrat was elected governor in 2002. Nonpartisan staff from the Legislative Fiscal Office provides the primary staff support for the committee and conducts analysis of the governor's budget proposals, collects data, publishes fiscal research reports and prepares fiscal notes.

A major fiscal crisis in 1991 resulting in the shutdown of state government operations sowed the seeds of significant changes in the budget process. These changes had the effect of opening up the budget process to more legislators and involving the policy committees when considering state agency budget requests. The legislature also moved to a consensus revenue estimating process involving the executive branch which reduced disputes over revenue estimates. The push to open up the budget process has continued after the adoption of term limits.

Fiscal staff indicate that under term limits, they are producing more background reports and explanatory materials and helping to train the members on the budget process. They have also been directed to distribute information on fiscal issues to members and staff throughout the legislature.

In the 1980s and early 1990s the appropriations committee had complete control over the budget with the leaders playing a strong role. This changed somewhat following the 1991

shutdown as the legislature took steps to involve more members in the budget process. Since the imposition of term limits, the legislature followed several different processes to adopt the budget.

As we describe in section five, in 2001 the more experienced Senate leaders used their knowledge of the budget process to significantly amend and pass a budget bill that passed out of committee unanimously. A number of legislators were not happy with the bill passed by the Appropriations Committee. Leaders in the House exerted their influence to defeat attempts to amend it in their chamber. However, the Senate leaders worked to rewrite the bill and amend it on the floor. It was sent to the House for concurrence with limited warning to the House leaders. This was a break from the traditional practice of sending the bill back to committee to work out the issues rather than amending it on the floor.

In 2003 the legislature faced a budget with a deficit of about the same magnitude as that faced in 1991. Rather than resulting in a protracted budget stalemate as occurred in 1991, the legislature quickly passed a budget and moved on to other issues. However, the politics were very different in 2003 than 1991. In 2003, a newly elected Democratic governor took office after eight years of an Independent with Democratic majorities in both chambers. In contrast, Democratic majorities in both chambers in 1991 faced a second term Republican governor who was reelected following a bitterly fought election featuring charges he misled them about a pending budget deficit.

Observers indicate that in 2003 Democratic lawmakers wanted to support and protect the governor. In the words of one observer, “There was partisan compatibility and a feeling of Governor Baldacci being ‘our governor’ among the Democrats. Democratic lawmakers and the governor had an interest in moving on to other issues and quickly resolved their differences with respect to the budget.”

Observers report that the leaders have taken a more active role in the budget process under term limits. Although leaders such as Speaker John Martin and Senate President Charlie Pray were heavily involved in the budget process in the early 1990s, under term limits leaders have played a less active role. To some extent this could be attributed to the efforts to open up the budget process following the budget stalemate in 1991. Observers indicate that in 2003 leaders spent time laying the ground work for the budget with the caucus and members of the Appropriations Committee. “Leaders descend on the committee and bring issues and decisions back to the party caucuses,” according to one person. In addition, it is reported that the Appropriation Committee chairs are reluctant to make decisions without consulting leadership.

There is also a slight shift in the role of staff in the budget process under term limits. Staff in the Legislative Fiscal Office have not been as involved in behind-the-scenes negotiations on the budget in recent years as they were in the past. The fiscal staff were very involved in the negotiations during the 1991 budget stalemate for example. In addition, leadership staff are more involved in the budget process now than in the past. Observers report that legislators turn to leadership staff for advice and help on budget issues and that leadership staff sit in on all meetings, including the behind scenes negotiations.

Almost all observers indicate that term limits have had little or no effect on the amount of “pork” in the budget. Most say that Maine does not budget that way and that there never was much pork in the budget before term limits. However, others point out that you need projects to get support for the budget which if passed within ninety days of the start of the fiscal year requires a two thirds vote to pass. It was reported to us that in 2003 the Appropriations Committee left decisions open longer and did not adopt as strict a role in laying out spending limits. The party caucuses played a bigger role in determining appropriations for projects than in

the past. Our sense is that term limits have had at most, a minimal effect on pork-barrel spending in Maine.

Legislative Oversight

The Maine Legislature has most of the standard institutional tools legislatures use to oversee the executive branch. They have a fiscal staff that conducts a detailed review of the governor's budget request and agency operations. Maine also uses a performance based budget process as a means of monitoring the executive agencies. There is a rules review process that has been in place for ten years in which committees review proposed rules and regulations to ensure they are consistent with legislative authority. Before term limits, the legislature repealed its sunset law and disbanded its audit committee replacing it with the Government Evaluation Act under which each standing committee is directed to conduct periodic reviews of the agencies within their jurisdictions. In 2001, the legislature created the Office of Program Evaluation and Government Accountability (OPEGA) to conduct in-depth evaluations of government programs and agencies. Modeled after a similar office in the Florida Legislature, its proponents assert that it is a powerful tool that will help the term limited legislature maintain the balance power with the executive branch. However, due to partisan differences the office was not funded initially and is not yet operating.

Many observers state that the legislature does not conduct oversight effectively. However, oversight is a function that many legislatures, those with and without term limits, have a difficult time performing effectively. Some report that the rules review process is working fairly well and the legislature is getting better at it with experience. Others report that the amount of oversight conducted varies by committee and many said the legislature should spend more time on oversight. The short term time horizon of the members elected under term limits

and their inexperience contribute to make the oversight function less effective. “People do not come to the legislature with an interest in oversight,” according one observer, “But we can change expectations and oversight could be a tool to promote policy positions. Most members do not understand the value of oversight.”

Interview Notes

On the positive side the budgetary process is more open. In the past there was more of the “smoke filled” rooms and now it is more open. Policy committees have more say in the budget process. This is both related to term limits and is a natural progression of where the process was heading. In the past staff analysis went only to members of the appropriations committee. Now it goes to all the members and throughout the building.

The executive branch is clearly driving the budget process. It was like this before, but much more so now because of lack of legislative experience.

A lot of deference is now given to the governor, especially on budget matters.

There has always been pork in the budget. But, there might actually be less under term limits because members may not fully realize what they can do in this area.

Legislation is being put together “too fast” because legislators feel rushed.

There has been no major change in pork politics which has traditionally been rarer in Maine than other states.

Legislators don’t want to act on budget problems, especially if they are long-term problems.

The loss of experienced legislators is both a substantive and procedural loss. Legislators are more accepting of what’s coming through the door. They don’t have the expertise to deal with the issues.

It has become much more difficult to deal with “big” issues that might take more than one term because there is such a rushed feeling created by term limits.

The legislature does not do major forward thinking on policy issues.

In the past 99% of the members did not understand the budget process. Term limits has made it worse.

Leaders get more in the budget because no one reads the document to see what they want.

Pork is a matter of perspective. A dam fund for Millinocket is important. There is less pork now because the tight budget is driving it. In the past you could say no to projects. You can’t now because you need 2/3 votes to enact the budget. You need projects to get support for the budget.

We are in a big budget squeeze. The need for indepth knowledge has expanded and the resources have contracted. Legislators lack the expertise to challenge the executive branch. They can delay and we can’t ask the right questions.

Agencies come before the committees with jurisdiction for program and fiscal review. Not sure the OPEGA office will make oversight better. It puts more power in the hands of legislative staff.

The governor (King) is driving the budget process more now than in the past. Hesitancy on the part of legislators to challenge the budget, they are fine tuning around the edges.

There has probably been no effect on pork because legislators do not know they can do some of this (add pork).

The expectations among legislators is that they are here for a short time and they want to make an immediate impact –do it and do it now. Less willing to hold bills and wait for the legislation to be refined. Let's do a bold program and do it now. Prescription drug law passed quickly. They are on the clock all the time.

There is performance budgeting, rules review, OPEGA. A conscious effort to oversee the executive branch.. What is lacking with term limits is oversight.

We have more bills under term limits because members forgot that bills failed in the past.

Term limits did not affect the legislature's ability to deal with policy. Presiding officers can not block policy over time. In the past, strong leaders blocked consideration of certain policies.

Not much difference from the past in the number of unanimous committee reports challenged on the floor. (She does not have data on challenged committee reports)

Term limits stirred the pot by brining in new people to the legislature.

OPEGA is an opportunity to rebalance the power and conduct oversight. People do not come to the legislature with an interest in oversight. But we can change expectations and oversight could be a tool to promote policy positions. Most members do not understand the value of oversight.

New people are coming to the legislature with different visions. Committee chairs are more independent now and are not in the pocket of executive branch commissioners.

There is more policy and political focus on the part of members and less institutional focus. I want this done and I don't care about the rules or legislative processes.

I am not sure about the effect on the legislature's ability to handle policy issues.

Under term limits there are not as many major bills. There is more tinkering.

Oversight is not done well. The amount of oversight undertaken varies by committee.

There is a rules review process that has been effect for 8 years and it is working pretty well. The committees conduct a good level of scrutiny similar to a review of legislation. The legislature is

getting better at it with experience. They reviewed 250 rules, three not approved and 30-50 rules were changed.

The appropriations process was opened up to allow more input from committees. More legislators can participate in the appropriations process. There is a question about the extent to which the appropriations committee listens to the standing committees.

New faces with new ideas take a fresh look at things which is valuable.

Major policy initiatives used to be offered by committee chairs, now they are offered by the Speakers. The speakers try and carve out areas so they can take credit for policies. For example saying, "I set up the Mitchell Scholarship."

More legislative change in policy because the independent governor not always going along. With a partisan governor one party will push legislation to support the governor.

Hard to make policy changes under term limits. There is partisan blockage on issues (2003 Rs controlled the Senate under a power sharing agreement and the D's controlled the House. If you break the partisan logjam the legislature could handle policy effectively.

Committees used to do more oversight and would meet once a month. Committees should direct the activities of government and spend more time on oversight. They are not doing enough now.

There are more extremists in the legislature under term limits. Fewer moderates and less problem solving. Members are more interested in confrontation than solving problems. Important policy can not be advanced because a lack of consensus. Any issue that deals with emotional issues devolves into rancor and not objective debate.

The executive did not take some policy issues to the legislature because the legislature did not have the capacity to deal with them. For example, they could not handle tax reform. The intellectual capital has not changed it is ideology and lack of focus.

Maybe a partisan governor could impose discipline on the legislature. Independent had to be bipartisan. We've had to be right as opposed to using political muscle.

There is no difference in pork under term limits. Maine does not budget that way.

The executive put together a budget to deal with a downturn. We tried to avoid the political hot buttons but not able to deal with it this year because the legislature is too focused on elections – the Senate is consumed with elections (2002). No one in the legislature is saying we have to deal with this budget problem.

It is easier to stop things now but harder to get things done.

There are more ideologues elected under term limits. Splinter caucuses on the extreme left and right. People are less willing to give up a position to achieve a legislative success. As people are here longer they realize they can't win all the time.

Health care and tax reform take several sessions to work on. Under term limits there is a rush to get things done and it is difficult to move the ball on these issues. Policy suffers because there is not enough time to work on it. Pass something with warts. Can't let things jell into a nice stew.

Bureaucrats become empowered on issues because of a loss of institutional knowledge.

Term limits allows the legislature to revisit important issues frequently. It is good to reexamine things.

Legislature is doing a good job on policy given the constraints due to loss of experienced members and the burden placed on staff to maintain institutional knowledge.

Legislators are bringing up old ideas and to some extent wasting time on them and not getting to more important issues.

Oversight is weak. Not doing this well and members are not convinced of the value of doing oversight. There is more use of the interim to do oversight. Standing committees meet once per month.

Policy does not play a role in the legislature. Policy is a North American myth.

In the Judiciary Committee, for example, medical malpractice without a core of experienced members issues get raised again.

Legislators do not trust the information from Child Protective Services an agency they love to hate.

There are a lot of half-baked ideas in bills. Members are not aware of the issues and what has been done before.

There is less of a knowledge base on complex issues. More simple solutions to complex issues. No screening or sorting process in committee.

Several years ago the committee approved \$90 million expenditure but did not know what they had done.

Not much change in their willingness to challenge executive branch officials.

The Senate took a unanimous appropriations bills rewrote it without telling the House and passed. It hurt civility, eroded respect for the institution and is a long term problem. In past the bill would have been sent back to committee.

The legislators are more accepting of commissioners' views and arguments. There is less sensitivity to the executive branch and blurring of the lines separating the two branches.

There has been a change in how the budget committee handles the appropriations table. Last session they left things open longer and not as strict role in laying out a spending map. The appropriations table was divided up in the caucus process.

Committee asked staff to prepare more narrative summary of the budget comparing what the governor requested and what the legislature decided to appropriate.

Staff is doing more orientation and preparing more summary documents and posting information to the web. They are distributing this information beyond the committee to leaders, leadership staff.

During the 120th legislature there was an independent chair. Negotiations worked well as long as the leaders stayed out of it. Now leaders are very involved in the appropriations process. Speaker Martin and Senator Pray were very involved in the process in the 1990s.

In recent years the fiscal office staff has not been as involved as much in behind doors negotiations. Legislators rely on leadership staff and now leadership staff sit in on all meetings.

Legislative fiscal office has access to lots of information more now than in the past. It can be independent.

This year legislators did not want to hear the fiscal office's analysis because it pointed out budget problems. With Democrats in control of both houses and the governor there was partisan compatibility and a feeling of "our governor" among the democrats.

Legislature passed the budget quickly in 2003 because they wanted to get on to other issues as did the governor.

Leaders are laying the ground work with the caucus and the appropriations committee. Leaders descend on the committee and going back up to the caucus. Chairs are reluctant to make moves with consulting leadership.

Getting the standing committees involved when holding hearings on agencies stemmed from the early 1990s. Policy committee reviews are not helpful to the appropriations committee.

Committees are deferential to the executive branch. More new people are accepting of the bureaucracy. There is not enough healthy skepticism. In the past committee chairs were more aggressive with the executive.

The legislative product is about the same. There is more wheat to be separated from the chaff. Freshman are putting in the same bills over and over.

The issues are complex and there is too much emphasis on simple solutions.

With term limits the committees are not as efficient. In the past the committee knew the issue and had dealt with it before. They had an easier time prioritizing issues. They could also hold the bureaucracy accountable because they remembered what happened in the past. It is hard for the legislature to do this now.

It takes time to pass legislation on complex issues. Now they start from square one a lot of the time.

Many legislators feel that, "My job is not to solve the budget problem long term, just focus on the next two years."

Hard to focus on controversial and long term issues that require laying the ground work. The legislature has difficulty focusing on major issues, too much time debating minor items. A minority report of one gets a long term debate in the House wasting time.

Pre 1993 the appropriations committee had entire control over the budget with a strong leadership role. Reforms from the 1990s budget crisis opened up the process. Policy committees meet with the appropriations committee.

Revenue forecasting process has changed over time to a consensus model. This occurred following the 1990s shutdown.

There is a desire for members and leaders to make their mark. "I am the domestic violence speaker and they introduce bills and programs.

10. Balance of Power

Narrative Summary

Interestingly, most of the people we interviewed felt that other actors and institutions in the process have gained power and they have either lost power or their power has remained constant. In other words, there is widespread agreement that term limits have altered the internal and external power relationships for the Maine legislature, but less consensus on the specific nature of these shifts. One member of the executive branch argued that power has not shifted, it has simply disappeared. According to this perspective, the legislature and state government overall are weaker as a result of term limits.

While there was some disagreement about the specific nature of power shifts, the most frequent position, particularly among legislators, was that the governor and/or the executive branch in general have gained power. This is thought to be true mostly because the governor and the executive branch have greater expertise on issues, they maintain institutional knowledge of issues, and they can wait out the legislature as needed. Repeatedly, our interviewees suggested that legislators lack the institutional memory on issues and the knowledge of issue areas to effectively counter the power of the executive branch.

When pressed, however, legislators were uncertain whether this perceived shift of power toward the governor was solely the result of term limits. During its first six years under term limits, Maine had a very popular Independent governor, Angus King. Numerous interviewees cited the political savvy and policy knowledge possessed by Governor King and his ability to utilize his independence to gain influence over state policy. Those observers we interviewed before 2003 were generally less certain about how term limits would influence the balance of power during periods of partisan control. However, in 2003 the governorship returned to partisan

control with the Democratic administration of John Baldacci. The interviewees we talked with in 2003 and 2004 continued to express the view that the executive branch was being strengthened at the expense of the Legislature because of term limits.

Our interviews indicate that the increased influence of the executive branch extends to departmental heads and agency staff as well. Many observers told us that legislators lack the policy-specific experience to effectively question executive branch officials. In particular, legislators are increasingly deferential to departmental heads during committee hearings. One senator explained that term limits exposed the Legislature's weakness in exercising oversight of the executive branch, leading to the creation of a new oversight agency within the Legislature itself, the Office of Program Evaluation and Governmental Accountability (OPEGA). The creation of OPEGA is just one of several adaptations the Legislature has undertaken in an effort to adjust to the realities of term limits.

Interview Notes

Term Limits have shifted power to the executive. The rotation of presiding officers weakens leadership because of the steep learning curve. There are a number of members who are posturing for leadership positions in the next legislature. It is hard for the leader to sanction members.

Bureaucrats stay while members shuffle in and out. The lobby is also stronger because they know the issues. We live in two-year cycles.

Power has shifted to the governor.

Oversight and follow-up on legislation is missing under term limits. In the past legislators had a better sense of what the agencies were doing.

Power has shifted to the staff, the executive and the lobby. The lobby has gained less power than was thought originally. The executive branch can wait out the legislators.

The executive has emerged as the lead policy maker.

Term limits totally weaken the legislature in relation to lobbyists, staff, and executive.

Committee agendas are now driven by the executive branch. In the past experienced chairs could resist the executive. Now they can't.

Term limits are not good if you are looking to have a strong legislative branch.

Governor King had a sophisticated package of influence. Legislators didn't understand the significance of some of his proposals. Legislature depends upon "word of mouth" and now there is less of it.

The governor has not necessarily benefited from term limits, but the bureaucracy has assumed a great role. Rule review and oversight is harmed by term limits.

Because Maine has an Independent governor several legislators said that they did not feel the full effects of the increased power in the executive branch. If the governor's party had a majority of members in the legislature he or she could dictate policy to the legislature more forcefully than in the past because there would be no members with sufficient knowledge or power to stop it.

The executive branch is clearly driving the budget process. It was like this before, but much more so now because of lack of legislative experience.\

Term limits were a positive for the internal workings of the legislature because it revealed its weaknesses in oversight. This forced us to do more in this area.

There is more power for the bureaucracy because they are viewed as experts and legislators do not have enough experience to question them.

Executive power has been increasing at the expense of the legislature for 30-40 years. It is not related to term limits. The best way to serve as a counterweight to the executive is by being decentralized and inclusive.

Term limits has had devastating effects on the legislature. The legislature no longer “pushes back” against the executive. It is no more likely to react to executive initiatives rather than being proactive.

There has been a big explosion of influence for nonpartisan staff, OPLA, and executive departments. The bureaucracy is much better at “foot-dragging” and ignoring implementation. Legislative followup is difficult under term limits.

Also makes things difficult for the executive branch. Governor does not send many important things to the legislature because he feels they don't have the capacity to deal with them.

11. Adaptations & Institutional Maintenance

Narrative Summary

Maine legislators and legislative staff recognize that term limits have significantly altered the legislative process and the norms of legislative behavior by removing longer tenured members and leaving a legislature with less collective experience. Although our interviewees identified a mix of positive and negative effects, there was widespread consensus about most of the effects of term limits on the Legislature and its place in the broader environment of Maine politics. Often times, different members had different interpretations of the same phenomena. For example, the positive effect most often mentioned to us was that term limits have created opportunities for more members to serve as legislative leaders and committee chairs. This is a corollary to the most frequently cited observation that term limits have had the greatest impact on legislative leaders. The current leaders point out that they owe their position in part to the fact that term limits forced out their predecessors. On the other hand, it is the relative inexperience of leaders that is most frustrating to many members.

The second most frequently cited positive aspect of term limits is that they bring new people into the legislature. Although Maine has always experienced fairly high turnover among lawmakers, term limits guarantees that each seat will turnover after eight years, if not before. New people bring new ideas, visions and priorities to the legislature. According to several observers this turnover helps to promote evolution within the Legislature as the new members question assumptions and revisit important issues. The downside of this trend is that it has led to a substantial increase in workload in which legislators are constantly seeking to “reinvent the wheel” because they are increasingly unfamiliar with the actions of previous legislatures.

Observers also pointed out that the Maine term limits law is relatively weak, allowing lawmakers to return after sitting out a term or moving from one chamber to the other. Not all new legislators are policy neophytes. Many of them have served in other government posts or held policy-relevant positions in the private sector. For example, in 2003, a former state budget director was elected to the Legislature and immediately became active on the Appropriations Committee. Similarly, some termed legislators returned to the Legislature, including John Martin who served multiple terms in the Senate after having served as House Speaker for over two decades. Other positive aspects identified by interviewees include: more qualified members are attracted to the legislature because term limits set a defined length of service; they turn out long tenured members which ensures that the Legislature remains a citizen based, part time body consistent with Maine's political traditions; individual legislators are empowered by term limits, which results in more internal competition among the members for power; and, committee chairs elected under term limits are not as beholden to the executive branch commissioners. That being said, far more observers felt that term limits had a net negative impact on the Legislature.

It is not our mission to render a verdict on the ultimate success or failure of term limits. Instead, in this section, we seek to explain the ways in which the Maine Legislature had adapted to the new political realities created, in part, by term limits.

Training Initiatives

With an increase in the number of new legislators entering the Legislature under term limits, there emerged a clear need for enhanced training programs to educate legislators about legislative procedures and the policy issues they would face. As a result, the Legislature conducts an orientation program for new legislators, which has been expanded since the

imposition of term limits. The House of Representatives conducts training that includes a mock session and training on legislative rules. In 2001 and 2003, the Legislature and the Margaret Chase Smith Center for Public Policy at the University of Maine co-sponsored a forum for all legislators on policy issues to provide background information from several perspectives. Similarly, the Legislature has continued to develop a statewide bus tour for legislators at the start of each new session so that members can become familiar with the issues facing the various regions of the state.

Sensing a need for increased training, during the fall of 2002 the Legislative Council created a curriculum committee to develop training programs for the Legislature. The committee included both legislative leaders and rank and file members. The committee laid out ideas for training programs and recommended institutionalizing them.

In addition to training, the leaders assigned veteran members as mentors for the new legislators. The goal of the mentoring program is to provide continuous on the job training by helping new members understand legislative procedures, conveying norms of legislative behavior and passing on historical information about past legislative actions.

Most interviewees stressed the need for additional training, both on policy issues and how to more effectively perform their roles as legislators, committee chairs and leaders. Many emphasized the importance of increasing the training of committee chairs.

Legislative Rules and Processes

In 1999 the Legislative Council created a Special Committee on Legislative Rules. The committee considered a number of changes in the way the legislature operates in response to the effects of term limits. The ideas considered included limits on bill introductions, changing the

number of votes to move bills out of committee and changing the session schedule. The Legislative Council considered the ideas but made no major rules changes. One interviewee stressed the need for the legislature to rethink how it conducts its business in response to term limits. In this legislator's view, the Legislature should change committee processes to increase public input, improve scheduling and emphasize more important issues during committee deliberations by reducing the amount of time spent on minor bills.

Although the Special Committee's suggestions for changes to the rules were not followed, the attention they brought to the institutional challenges brought about by term limits led to some informal changes. For example, while no formal limits were placed on the number of bill introductions, legislative leaders went to great lengths to convince members to be more selective in the bills they introduced. This led to a decrease in the number of bill introductions in 2001 and 2003, although not to pre-term limits levels. These efforts have alleviated some of the strain on the Legislature's resources.

Role of Legislative Staff

As we discussed previously, under term limits, legislative staff provide more summary and background information to help legislators better understand policy issues confronting the Legislature. For example, the fiscal staff report conducting an orientation program for Appropriations Committee members and producing more summary documents. Some documents address basic budgeting functions while others contain more in-depth information on policy issues. Increasingly, the staff is posting these documents on the web and using electronic means to communicate with the more technology savvy members.

The records maintained by committee staff could be particularly useful in helping to train new committee chairs. Staff maintain records on the bills considered by each committee, the

testimony they receive and amendments offered during the committee meetings. This information is maintained in committee files for several sessions before they are transferred to the state archives. The legislative library also maintains similar files on issues. These files could be used to provide “institutional knowledge” on legislative actions to future lawmakers.

Enhancing Oversight

Perhaps the most ambitious attempt to counteract the effects of term limits came in the form of the creation of a new oversight agency housed within the Legislature itself. In response to the increased difficulty of a term-limited legislature in exercising its executive oversight functions, legislators sought an institutional solution to the problem. The Republicans provided the primary impetus for this change with the stated intention of eliminating government “waste” and increasing governmental accountability. The proposal was also supported by some Democrats who were concerned about the loss of the Legislature’s influence vis-vis the executive branch under term limits.

Ultimately, the Legislature created the Office of Program Evaluation and Governmental Accountability (OPEGA), which was modeled after similar agencies in other states, especially Florida. This office was to be staffed by professional, non-partisan staff and would be charged with assisting the Legislature in its oversight functions. As of now, OPEGA is still in somewhat of a limbo. Although it was created by statute, subsequent funding has been slow to develop. Further, it became part of a larger political controversy in 2003 and 2004 when the Democratic Senate President delayed making the appointments necessary to breathe life into the new agency. Nevertheless, this new agency represents an attempt by the Legislature to adapt to the realities of term limits.

Interview Notes

With one third of the house being new members there is a gigantic education process. The legislature has made changes to its new member orientation. We are discovering that we need to do things differently. We can't throw everything at new people.

Training is weak, but the legislature realizes they need to more here. There has been a lot of talk about training and policy forums on the Legislative Council.

The Senate is much less involved in training because its members are more experienced.

There were some proposed rules changes to deal with the increase in workload, but they were never adopted.

OPEGA is a conscious response to term limits on oversight. They recognized that there were not enough ways to exercise oversight of the executive. Term limits makes oversight much more difficult.

Legislators feel there needs to be a lot more education from the outset. They have very little knowledge of how to run meetings, etc. They have a lack of knowledge of norms and common practices.

The fiscal staff has tried to simplify our message coming from the analysis we conduct. We also have done more training and briefing for the members. We also educate the members regarding the fiscal process such as "you need to meet face to face with the governor." The members did this in the past because they had been through the process and knew to do it. The library staff has done more outreach to new members and brought small groups to show them what the services are and how the library can be used.

Staff are spending a lot of energy and time explaining the legislative process to the new members. The partisan staff is spending a lot of time reaching out to the new members and helping them understand and work the process. The members now expect this same level of staff support throughout their careers. Staff are taking on a bigger role in the process as a result.

Members go to the people in and around the legislature with institutional memory to ask how to do things and what to do. The Clerk and his staff are spending more time educating members about the process and where to go to get services such as "Sentiments" drafted. They are also doing more scripting to get the members through the process correctly.

Term limits are a good thing overall. The challenge is to reorganize to mitigate the difficulties they create. We should do things like limit bill introductions and have later cloture dates.

The challenge to find ways to create institutional memory that is reliable and doesn't rely on the memory of select individuals. Institutional memory needs to be "institutionalized."

¹ According to the 2000, U.S. Census, Maine is the “whitest” state in the nation with only 3 percent of its population classified as non-white. As a result, the Maine Legislature has also had very few non-white members either before or after term limits. Due to the limited number of non-white legislators, it is not possible to reliably assess the impact of term limits on the racial composition of the Legislature.

² We thank Brian Weberg of the National Conference of State Legislatures for providing us with these data on staff in the Maine Legislature.