

Term Limits, the Standing Committees, and Institutional Response

By Matthew C. Moen

Kenneth T. Palmer



Through citizen initiative in 1993, Maine passed a term limits bill that now prevents legislators with eight years of consecutive service from seeking reelection. Although touted as a means of eliminating careerism in public service and as a means of bringing fresh blood and new policy initiative to Augusta, many now question whether limits on service have hampered legislative efficiency through the loss of experienced leadership and institutional memory. In this article, Moen and Palmer examine the impact of term limits on the legislature's standing committees. While noting adverse impacts such as heavier workloads, they also find an institution hard at work to adapt, with leadership seeking new ways to improve operations and to orient new members to a rapidly changing environment. 🐙

INTRODUCTION

Term limits are gradually reshaping the Maine Legislature, but in ways that may not be readily apparent to the casual observer. This article examines the impact of term limits on our legislature, with a primary emphasis on explaining what is occurring with the committees, but also mentioning how our policymakers are taking constructive steps to adapt to the new environment.

Term limits took root in Maine in 1993, when voters approved a citizen initiative limiting state legislators to a total of four consecutive two-year terms. The initiative won easily with 159,785 (67%) to 76,732 (33%) votes. This overwhelming margin of victory mirrored the national average in the eighteen states where voters passed term limits, but it also came in an off-year election when voter turnout was unusually low (Moen, 2001a).

Table 1:
Voter Support for State Legislative Term Limits

State	Percent Favoring
Wyoming	77.2%
Florida	76.8%
Louisiana	76.0%
Missouri	75.0%
Arizona	74.2%
Colorado	71.0%
Nevada	70.4%
Oregon	69.6%
Ohio	68.4%
MAINE	67.6%
Oklahoma	67.3%
NATIONAL AVERAGE	67.2%
Montana	67.0%
South Dakota	63.5%
Arkansas	59.9%
Idaho	59.4%
Michigan	58.8%
Nebraska	56.0%
California	52.2%
Utah	Legislature Passed

Source: National Conference of State Legislatures.

With an eight-year limit on consecutive service, Maine has the most typical term-limits statute. Six other states share it. Our statute is strict compared to several states that allow consecutive terms up to twelve years, but it is lenient compared to seven states with a lifetime ban on further service. Members of the Maine Legislature can switch chambers or seek reelection after sitting out one term.

Maine was the fourteenth state to pass term limits for state legislators. However, because of the retroactive provision in its citizen initiative, in 1996 Maine became the first state to actually prevent legislators in both chambers from seeking reelection. It is therefore on the cutting edge of an issue currently affecting eighteen states. Lessons learned here might be applicable to other states, especially those with citizen legislatures.

Table 2:
State Legislative Term Limit Provisions

Limitation	Consecutive	Lifetime
6 House/ 8 Senate		Arkansas California Michigan Oregon
8 total	Idaho* Nebraska	
8 House/ 8 Senate	Arizona Colorado Florida MAINE Montana Ohio South Dakota	Missouri
12 total		Oklahoma
12 House/ 12 Senate	Louisiana Utah Wyoming	Nevada

*The Idaho Legislature repealed term limits in 2002.

Source: National Conference of State Legislatures.

TERM LIMITS IN HISTORICAL PERSPECTIVE

Term limits for elected officials are not a new idea. Support for rotation in office can be traced all the way back to ancient times, and it was part of discussions of democratic theory after the Renaissance. The struggle over term limits in American history surfaced as early as the Articles of Confederation, which restricted members of Congress to three years of service in any six-year period (Petracca, 1992). At the

Constitutional Convention of 1787, the Founding Fathers discussed but dismissed term limits, believing that regular elections and an intricate system of checks and balances were sufficient safeguards. Term limits never gained broad appeal, other than for single executives, such as governors or presidents.

Developments in the twentieth century began to alter this equation. In response to the growing complexity of public policy issues and the growth of the federal bureaucracy, the U.S. Congress became much more professionalized. Members started serving longer periods of time, with some turning their congressional service into a lifetime career. The institution gave itself more resources. Incumbents became almost guaranteed winners in elections, particularly in the U.S. House, where average success rates often topped 90% in any given election cycle.

That term limits took root in Maine is mildly surprising, given the state's political culture.

This surge in congressional careerism occurred during several decades of control by the Democratic Party in the aftermath of World War II. In the late-1980s, Republican political consultants began forming tax-exempt organizations to promote term limits as an antidote to both congressional careerism and Democratic control (Rothenberg, 1992). Term limits for members of Congress eventually swept through twenty-three states (including Maine), but they were struck down in a 5-4 decision of the U.S. Supreme Court, in U.S. Term Limits v. Thornton [514 U.S. 779 (1995)].

The spillover effect on state legislatures started in Oklahoma in 1990, when voters passed term limits in response to a series of state problems and scandals (Copeland, 1992). Colorado and California followed suit later that year, and ten more states passed term limits in the 1992 election cycle. With few exceptions, the states passing term limits were west of the Mississippi River and had provisions for direct initiative in their state constitutions. The only northeastern states

to enact term limits were Massachusetts and Maine. When the Massachusetts Supreme Court struck down its law, Maine became the only state in the entire Northeast with term limits.

That term limits took root in Maine is mildly surprising, given the state's political culture. Our state has a moderate and consensus-oriented politics, where citizens are very good about fulfilling their civic obligations (Palmer, Taylor, and LaBrizzi, 1992). Maine has only occasionally defeated incumbent members of Congress, usually providing them such strong levels of support that members are free to carve out national roles. Maine is not "anti-politician" or "anti-government" compared to many states.

The Maine Legislature also has a track record of reflecting citizen opinion on constitutional amendments (Palmer and Moen, 1999). It has some of the least populous districts among the fifty states, so it is unusually close and responsive to voters. It has the attributes of a citizen legislature, such as part-time sessions and modestly compensated members, making it a less attractive target for reform than its more professionalized counterparts.

Finally, the Maine Legislature had few career politicians in the years leading up to the 1993 citizen initiative. Turnover in the legislature typically ranged from 23%-35% in the election cycles of the 1980s; this gave the Maine House the fifth highest turnover of the fifty state legislatures, while the Maine Senate was eighth (Benjamin and Malbin, 1992). To the extent careerism could be said to exist, it was primarily at the leadership level. Some of those serving on the Legislative Council or as committee chairs had long service records.

Why did a citizen initiative pass in 1993? Many factors probably contributed to it. The economic slump of the late-1980s and early 1990s created unrest with government. Miscalculation or misrepresentation of state finances, in combination with strong partisan disagreement over worker's compensation programs and fiscal priorities, led to a virtually unprecedented state government shutdown. Involvement of a Democratic aide in a ballot tampering scandal tarnished leadership in Augusta. Increasing institutional expenditures caught the attention of state newspapers, and

resulted in proposals to shrink the total size of the Maine Legislature to save money. The campaign to place term limits on the ballot was coordinated by professional consultants, who had previously run for political office. An often apolitical Maine philanthropist generously financed it. The groundwork was already in place in other states, so term limits simply had to be adapted to fit Maine. All of those reasons probably contributed in some measure to support for term limits.

In a broader sense, term limits tapped widespread cynicism toward government. A test of various explanations found that cynicism was more important than voter ideology or dissatisfaction with legislative performance in explaining why term limits passed in states where they were considered (Karp, 1995).

PREVIOUS RESEARCH ON THE MAINE LEGISLATURE

Because Maine was the first state where term limits prevented incumbents from both chambers from seeking reelection, it has been discussed as one part of comparative state studies. For instance, one scholar found state legislators in term-limited states are more likely to run for the U.S. House of Representatives (Powell, 2000). Another study focused on leadership noted that the absence of a career ladder makes Maine susceptible to internal leadership struggles (Drage, et.al., 2000). A national survey completed before term limits took effect in any state suggests traditional centers of legislative power—such as committee chairs and party leaders—will be less valuable in a term-limited legislature (Carey, Niemi, and Powell, 2000). Finally, Maine lobbyists said in a survey that term-limited legislators were more likely to introduce bills, and less likely to follow party leaders and standard practices (Thompson and Moncrief, 2000).

Other research has focused exclusively on the Maine Legislature. A comparison of bill sponsorship in the 112th (1985-1986) and 116th (1993-1994) legislatures found that sponsorship increased steadily with seniority, and that institutional workload increased over time (Bumps, 1994). Later interviews with legislators uncovered concern about declining institutional

memory (Boucher, 2000). In our previous work (Moen and Palmer, 2000a; 2000b; forthcoming), we drew a variety of conclusions:

- Term-limited districts usually elect a member from the same political party as the member forced out, with thirty-eight of fifty-two (73%) House districts and nine of twelve (75%) Senate districts following that pattern from 1996-2000. (Of the remaining House seats, six switched from Democrat to Republican, while eight switched from Republican to Democrat; in the Senate, one switched from Democrat to Republican, while two switched from Republican to Democrat). Districts usually remain Democrat, Republican, or competitive.
- Term limits initially may have helped decrease the total number of women in the House and increase the total number in the Senate.
- Cumulative experience among legislative leaders has dropped precipitously, with a series of one-term speakers the most obvious manifestation.
- From 1996-2000, the House lost fifty-three members with 466 years of cumulative legislative experience, eight top leaders, nineteen committee chairs, and seventeen ranking members. The Senate lost twelve members with 142 years of cumulative legislative experience, four top leaders, three committee chairs, and five ranking members.
- Bill introductions rose 43% from 1995 to 1999, while carryovers to the Second Session rose from 101 in 1995 to 315 in 1999.

In addition to those changes, the standing committees have been greatly affected by term limits (Moen and Palmer, 2000a). Since committees are often the heart of the legislative process, we update and amplify some of the key areas of committee change in order to promote better understanding of the changes occurring within the institution.

TERM LIMITS AND COMMITTEES

Historically, the standing committees within state legislatures—as in the Maine Legislature—have played a fairly modest role in the legislative process. Their role has stemmed mostly from the part-time nature of legislative service. Until the 1960s, most state legislatures were in session for only a few months every two years. Members did not have sufficient time to develop enough expertise in a policy area to command respect from the parent chamber. Rather, the party caucuses formulated policy. Members of the same political party in the House and Senate convened at the start of the legislative week to hear leaders discuss the particular bills they (and other state politicians) favored. The caucuses provided a relatively efficient way to disseminate information to members and rally support behind desired legislative programs.

...the term-limits statute approved in 1993 started to weaken the standing committee system. Most notably, the average length of service among chairpersons dropped.

The increasing complexity of state government in recent decades has diminished the role of the party caucus in formulating legislation. More division of labor became a necessity. While party caucuses continue to be centers for coalition building, more of the actual preparation and consideration of legislation has fallen to the committees. At the same time, as more states have moved to annual and lengthier sessions, the length of legislative service records has increased. More experience among state legislators means more expertise in particular areas of public policy. Acknowledging a new and expanded role for commit-

tees, many legislatures have provided them with more professional staff aides.

This change came to the Maine Legislature in 1973, through establishment of the Office of Policy and Legal Analysis. It housed about a dozen professional analysts, who assisted with legislation before the standing committees. An Office of Fiscal and Program Review also was created to assist the Appropriations Committee in its examination of the governor's budget. Subsequently, the Maine Legislature took other steps to expand the role of the standing committees. Beginning in the 1980s, a "fiscal note" estimating the cost of proposed legislation was attached to most bills. In the 1990s, the Appropriations Committee started convening a joint meeting with the relevant policy committee when it examined a specific area of the executive branch budget, such as education or natural resources. This change linked the substantive and fiscal dimensions of policymaking and, at least in theory, improved standing committee autonomy and expertise.

Another important factor increasing the power of committees was a decline in the Maine Legislature's historically high rate of membership turnover, which in some years exceeded 50%. A core of long-serving legislators appeared on the scene, the best known of whom was John Martin. First elected in 1964 from Eagle Lake, near the Canadian border, Martin ascended to the Speakership when the Democratic Party won a majority in the House of Representatives. He greatly strengthened the Maine Legislature relative to the executive branch, partly by assembling a group of committee chairpersons with vast experience and knowledge of state government. The legislature's expertise rivaled—and at times exceeded—the governor and his department commissioners.

By the mid-1990s, however, the term-limits statute approved in 1993 started to weaken the standing committee system. Most notably, the average length of service among chairpersons dropped. In one of the first cycles after term limits passed, the House lost ten chairpersons and seven ranking members (Moen and Palmer, 2000b). The concomitant decline in institutional memory seemed to spur a rise in bill introductions. A less experienced membership was introducing and handling even more legislation.

Table 3:
The Joint Standing Committees of the Maine Legislature

Committee	Selected Areas of Jurisdiction
Agriculture, Conservation and Forestry	agriculture, public lands, animals, forestry
Appropriations and Financial Affairs	General Fund budget, fiscal policy, bond issues, federal fund allocations
Banking and Insurance	banking, financial institutions, insurance, HMOs, worker's compensation
Business and Economic Development	business practices, professional licensing, consumer protection, housing
Criminal Justice	law enforcement, corrections, firearms
Education and Cultural Affairs	elementary through higher education
Health and Human Services	public/mental health, medical, smoking
Inland Fisheries and Wildlife	hunting, fisheries, snowmobiles and boats
Judiciary	civil and property law, child support, legal services, judges, human rights
Labor	wage laws, unemployment, worker safety
Legal and Veterans Affairs	gambling, campaigns, ethics, veterans
Marine Resources	fisheries, aquaculture
Natural Resources	air and water, natural resources, waste disposal, environmental policy
State and Local Government	state government organization, boards, constitutional amendments
Taxation	taxes, property valuation, municipal revenue sharing
Transportation	transportation, construction, vehicles
Utilities and Energy	utilities, telecommunications, nuclear power, energy conservation

Partly out of concern with the situation facing the standing committees, the Maine Legislature took steps to augment their powers. It began requiring executive departments to obtain approval of "major substantive" rules formulated to implement general statutes. It transferred the task of periodically reviewing the operations of the executive departments from a single "sunset" committee to various standing committees with relevant policy expertise. It set in place a long-range planning process, with strategic planning and performance budgeting replacing the mostly incremental methods of the past. These changes do not appear very dramatic because they have not always been stringently enforced, but they do represent attempts at meaningful reform, and they foreshadow other changes for committees in the era of term limits.

MEMBERSHIP

The membership on the joint standing committees frequently rotates because of the high turnover in Maine's citizen legislature. This was true even before term limits, but we might anticipate this pattern has been exacerbated in more recent years. Yet the record is mixed. Most of the decline in experience within the committees has occurred among the chairpersons. In the early 1990s, the average House chairperson served eight years on the committee that he/she headed, while in the 119th Legislature (1999-2000), the average tenure was less than four years (Moen and Palmer, 2000b).

During the 120th Legislature (2001-2002), the two chambers showed differences. In the House, thirteen of seventeen House chairpersons had served previously on the committee they now headed; four of them had previously chaired the committee. In the Senate, only two chairpersons had served previously on the same committee. Part of the reason for this unusual

situation was the split partisan division in the chamber (17-17-1), which caused the Senate to split chairmanships between the two parties. A total of nine of the seventeen Senate chairs in the 120th Legislature were serving their first term in the Senate. Interestingly, eight of them had previous experience in the House, and six had served on the same committee in the 119th Legislature as a House member. Senator John Martin and Senator Kenneth Gagnon headed the Natural Resources and Taxation committees respectively, as House chairs in the 119th Legislature, and then as Senate chairs in the 120th Legislature.

The Maine Legislature's use of joint standing committees enables term-limited members to win election to the other chamber and remain on the same committee, thereby providing some institutional and

policymaking continuity. Yet term limits have also created some peculiar situations, such as the sitting House and Senate chairpersons of the Utilities and Energy Committee being forced out just as Maine was moving toward energy deregulation (“Coming to Terms,” 2000).

Decline in aggregate experience on committees is less evident among the rank-and-file because of a steady turnover in the citizen legislature and the regular migration of members from one committee to another. To the extent change is occurring within committee ranks, it may be affecting the powerful and prestigious committees somewhat disproportionately. This is not surprising, since more senior members can be routinely expected to serve on the most important committees. But the extent to which this has occurred is striking. The Appropriations Committee, for instance, lost six of thirteen members because of term limits in the 118th and 119th legislatures. The Committee on Rules and Business of the House—composed of chamber leaders from both parties—lost a total of five members during the same period. No other standing or select committee lost more than two members to term limits. The loss of experienced people on the key committees suggests they may have struggled more initially, but that other committees are following suit.

WORKLOAD

The workload of the standing committees under term limits increased sharply after term limits went into effect, with the total number of bills referred to committees increasing by 43% from 1995 to 1999

(Moen and Palmer, 2000b). However, in the first session of the 120th Legislature, bill introduction declined. It fell from a high point of 2,258 bills in the first session of the 119th Legislature (1999) to 1,831 bills in 2001, thus returning to the levels it had reached in 1997. More bills are now being introduced than before term limits, but the dramatic increases of the first years of term limits seem to be leveling off. Generally, this increase was explained by “repeater” bills being introduced by new members, who may be unaware of the legislative histories in particular policy areas, and by legislators seeking to establish a record of legislative success in their first term.

The rise in the number of bills under term limits burdens the committees because of joint rules requiring them to report all legislation; still, the burden may not be spread evenly across seventeen standing committees. In order to better understand possible variation across the committees, we examined individual committee data compiled by the Office of Policy and Legal Analysis for the first session of the 117th (1995), 118th (1997), 119th (1999), and 120th (2001) legislatures.

About the only pattern emerging is that most of the committees had a fairly steady increase in bills received from the 117th to the 119th (1995-2000) legislatures, followed by a drop in the 120th Legislature (2001-2002). A striking but also typical example is the Taxation Committee. It received 135 bills in 1995, 181 in 1997, and 251 in 1999, before falling to 157 bills in 2001. Health and Human Services is the only committee where the number of bill introductions rose over four successive legislatures. Earlier examination of the 117th to the 119th legislatures (1995-2000) suggested that some of the more narrowly focused and fiscally oriented committees were experiencing the greatest increases in workload, but that notion is dispelled by the more recent data (Moen and Palmer, 2000b).

Next, we examined the disposition of bills. Under the rules, standing committees may issue any one of three unanimous reports: ought-to-pass (OTP), ought-to-pass as amended (OTP-AM); ought-not-to-pass (ONTP). In recent sessions between 80-85% of all committee reports have been unanimous, and there has been little change under term limits in the types of

Table 4:
Bill Disposition in the First Regular Session, 1995-2001

Legislature	117th (1995)	118th (1997)	119th (1999)	120th (2001)
Bills Referred to Committee	1550	1871	2224	1789
Bills Reported Out of Committee	1449	1701	1909	1667
Bills Carried Over to Second Session	101	170	315	122

Source: Office of Policy and Legal Analysis, Maine Legislature.

unanimous reports sent forward. About 6-7% of all bills in committee received an OTP recommendation, while 27-29% received an OTP-AM recommendation. The percentage of bills receiving an ONTP recommendation edged up from 42% to 48% between 1995 and 1999, but then dropped back to 45% in 2001. Most of this increase in ONTP recommendations came in Banking and Insurance, Education and Cultural Affairs, and Taxation. Overall, the committees are filtering out a marginally higher percentage of legislation.

One interesting change that has occurred involves bills carried over to the second session. Committees may carry over a bill when it is introduced too late in a session to hold a public hearing, when its complexity requires study of the issue between the regular sessions, or when it is so controversial that additional hearings are desirable. The historic and theoretical practice of the Maine Legislature has been to use a shorter second session to process new business, rather than to carry over previous business.

Carryovers rose in real and proportional terms in the aftermath of term limits. In 1995, a total of 101 bills (6.4%) were carried over to the second session; in 1997, that figure rose to 170 (8.9%), and in 1999 it rose again to 315 (14%). Those figures signaled an increasingly overburdened committee system. However, in 2001 the pattern shifted. The number of bills carried over dropped to 122 (6.6%), a figure more in line with the volume of bills the legislature typically carried over before the advent of term limits. Securing such a reduction was a priority of the legislative leadership in the first session as it sought to cope with the

new burdens imposed on the committees. An important mechanism in reducing the volume of carryovers was the legislature's Office of Policy and Legal Analysis, which provided regular and very detailed data to the leadership, such as the number of bills reported out of committees, scheduled for hearings, and referred to committees but not yet scheduled.

**Table 5: Carryover Bills by Standing Committee*—
First Session of the 119th (1999) and 120th (2001) Legislatures**

Committee	119th		120th	
	Referrals	Carryovers	Referrals	Carryovers
Business and Economic Development	107	29 (27%)	89	8 (9%)
Labor	136	32 (24%)	117	9 (8%)
Legal and Veterans Affairs	126	27 (21%)	121	4 (3%)
Judiciary	154	29 (19%)	122	7 (6%)
Health and Human Services	157	27 (17%)	170	16 (9%)
Inland Fisheries and Wildlife	124	21 (17%)	86	6 (7%)
Criminal Justice	150	23 (15%)	122	8 (6%)
Natural Resources	75	11 (15%)	70	3 (4%)
Banking and Insurance	116	12 (10%)	101	6 (6%)
State and Local Government	133	13 (10%)	89	6 (7%)
Agriculture, Conservation and Forestry	96	9 (9%)	73	4 (6%)
Transportation	143	13 (9%)	124	2 (2%)
Education	134	12 (9%)	124	9 (7%)
Marine Resources	70	6 (9%)	56	3 (5%)
Utilities and Energy	80	6 (8%)	56	4 (7%)

*Table excludes the Appropriations, Financial Affairs and the Taxation committees.

Source: Office of Policy and Legal Analysis, Maine Legislature.

Table 5 lists in descending order the standing committees with the highest carry over rates in the first session of the 119th Legislature (1999), and the comparable figures for the first session of the 120th Legislature (2001). The Committee on Business and Economic Development tops that list, carrying over twenty-nine of its 107 (27%) bills in 1999. Several of the proposals left unresolved in that regular session augured significant state policy changes, including bills

...the committees seem to be working harder than ever, but with mixed results. Their role within the institution probably slipped in the early years of term limits, but they seem to be regaining their footing as the leadership focuses on ways to push and assist them.

to reduce unsolicited communication over the internet (L.D. 952), establish enterprise zones in area of high unemployment (L.D. 1895), and enhance economic development in general areas and specific communities of the state, such as Cumberland County and Lewiston/Auburn. The Committee on Labor had the next highest carry over rate in 1999, with 24% of its bills pushed into the second session. Many of its bills were controversial. They included measures to increase the minimum wage in Maine (L.D. 1262), limit mandatory overtime (L.D. 1019), prohibit the hiring of replacement workers during strikes (L.D. 136), and create a commission to study the hearing processes of the Worker's Compensation Board (L.D. 1357).

Few major policy measures were left for consideration at the close of the first session of the 120th Legislature in 2001. Every committee had kept its carryover bills to fewer than 10% of its total workload. The committees with the highest rates of carryover in 1999 showed the greatest improvements in 2001. That committees exhibited a more uniform pattern in 2001 implies the leadership paid close attention to committees facing special

difficulties, pushing them to complete most of their work in the regular session.

Term limits may be driving down the proportion of bills enacted into law. In the first session of the

117th Legislature (1995), 38% of bills introduced were enacted. That figure dropped to 37% and then to 30% in the first sessions of the 118th (1997) and 119th (1999) legislatures, respectively. The figure rose to only 32% in 2001. These statistics tacitly support the argument that rank-and-file members are not having an easy time winning approval of their legislation in a term-limited environment (Kousser, 2000), but one must be cautious interpreting the data only that way.

What can we conclude about workload? Most of the joint standing committees are processing more bills. Most of them are recommending proportionally against more bills than they did before term limits. The committees are proving to be effective filters, but they are not faring quite as well in terms of having their favorable recommendations accepted by the parent chamber. In short, the committees seem to be working harder than ever, but with mixed results. Their role within the institution probably slipped in the early years of term limits, but they seem to be regaining their footing as the leadership focuses on ways to push and assist them.

DIVISION

Another possible effect of term limits is that they are increasing division within the standing committees. As novices stream into the institution, they may be less willing to accept traditional political norms of compromise and conciliation; as the experienced members leave the institution, the norms may not be as easily transmitted (Moen, 2001b). It is plausible that heavily burdened committees are more fractured.

One way to assess division in the committees is to look at the number of divided committee reports. At first glance, the figures are hardly compelling. Between 18-20% of all bills coming out of the standing committees had a divided report in 1995 and 2001. Yet even if the proportion has stayed about the same over time, there has been an overall increase in the number of divided reports, as term limits has swelled the total volume of legislation. For instance, divided reports grew from 282 in 1995 to 348 in 1999, before declining marginally to 344 in 2001. Committees with high numbers of divided reports

include Labor, Judiciary, Legal and Veterans Affairs, and State and Local Government. In those committees, typically one-quarter to one-third of the reported bills is sent to the floor of the chambers with a majority and a minority report.

An interesting development under term limits has been an increase in the number of times where a single member of a committee recommends that a bill “ought-to-pass.” This seemingly trivial matter is highly significant in the Maine Legislature because of its egalitarian and participatory practices. Under legislative rules, almost every bill receives a public hearing. When a bill is introduced and referred to a committee, the House and Senate co-chairs meet with a staff member from the Office of Policy and Legal Analysis (or the Office of Fiscal and Program Review in the case of the Appropriations and Taxation committees) to plan a hearing, usually within a week or two. A fiscal note is prepared. A typical hearing lasts one to two hours, although it may last all day on a major bill. If the committee unanimously rejects the bill, it will be disposed of quickly. However, if even one member favors the bill, additional time will be given to it. Committee members will direct questions to the staff member, who writes a report that summarizes testimony, current law in Maine, and conveys what other states are doing in that policy area. Still more work will be required to put the bill into final form, and to allot it time on the floor. Under the legislature’s egalitarian practices, in other words, even bills favored by only one member of a committee will consume the institution’s scarce resources.

In 1993, the year that the term limits referendum passed, a total of thirteen bills were reported out of committee that were favored by only one committee member. In 1999, a total of fifty-eight such bills were introduced and referred to committee, and then reported out. The Committee on Legal and Veterans Affairs handled some of them, including measures to limit lobbyists to eight hours of lobbying per month (L.D. 295); allowing the sale of liquor before 9:00 a.m. on Sunday mornings (L.D. 865); allowing the purchase

of wine through the mail (L.D. 1211); and directing the Maine Emergency Management Agency to establish a food assistance program in anticipation of the Y2K problem (L.D. 1775). The Committee on State and Local Government reported out one-member OTP bills proposing a repeal of daylight savings time (L.D. 25); perfecting recall provisions for county and municipal offices; and authorizing Sly Brook to secede



More instances are arising where the entire legislature has to consider a bill favored by only one member on a committee. This appears to be a continuing problem.

from the town of Eagle Lake (L.D. 1986). The Committee on Transportation reported out one-member OTP bills prohibiting the use of cellular phones in moving vehicles (L.D. 81); requiring inspection stations to carry forms of liability insurance (L.D. 1138); and allowing motor vehicle inspection stations to set their own fees (L.D. 282). None of the measures were enacted at the time.

We mention some of the specific proposals coming out of the committees with the most one-member committee report recommendations in 1999 to illustrate the difficulties facing the Maine Legislature under term limits. More rookie legislators are introducing more bills. More instances are arising where the entire legislature has to consider a bill favored by only one member on a committee. This appears to be a continuing problem. In 2001, even with fewer bills introduced and reported from the committees, the number of one-member committee reports dropped only slightly, to forty-nine.

Interestingly, one-member committee reports appear to have a partisan twist. Analysis of the 1999 bills showed that House Republicans most frequently cast the single affirmative vote, thereby rescuing bills from legislative oblivion. In the 1999 session, for

instance, House Republicans made thirty-six of the fifty-eight one-member committee reports. In contrast, House Democrats used the procedure only thirteen times. (Senators cast the other one-member committee reports.) This partisan difference implies that committees are less able to achieve unanimity in their ranks, but also that the hold of the majority party leaders is still strong. House Democratic leaders apparently succeeded, at least in 1999, in limiting one-member committee reports.

CONCLUSION

Observers of American legislatures have long recognized the most critical work in a legislative assembly often occurs in its standing committees. That consideration is especially relevant in an era of term limits. Research suggests that a large influx of new members has translated into more bill introductions, and that expert screening of bills by the committees is more necessary than ever if legislatures are to complete their work. If the committees are unable to deal effectively with their responsibilities, the vitality of the institution is diminished, as is its role vis-à-vis the executive branch. In contrast, strong committees might promote some of the touted benefits of term limits, such as providing new perspectives on solutions to state problems, without diminishing the overall strength of the institution.

Our examination of the standing committees of the Maine Legislature in the era of term limits leads to two general conclusions. One is that committees are in a state of flux. They have experienced rapid membership turnover, resulting in less collective expertise on key committees and among the senior ranks of all committees. They face a heavier workload than before term limits, and more challenges in successfully completing their work during regular sessions. They appear less successful in the parent chamber, and by some measures, less able to reach agreement. By the same token, the committees and the leaders are diligently responding to the institutional issues raised by term limits. Changes already outlined in this article partly show how the Maine Legislature is adapting to the new environment.

A second conclusion is that considerable variation exists across the committee structure. The membership of the most important committees, for instance, has been altered by term limits more than the other committees. Bill introductions rose steeply for several sessions in committees such as Taxation, while rising and falling in committees such as Utilities and Energy. Similarly, the overall increase in divided reports has been distributed very unevenly, with committees such as Labor and Judiciary experiencing that increase, while committees such as Natural Resources have not. Likewise, some committees are struggling much more than others with one-member committee reports.

Fully aware of these emerging issues, the leadership of the Maine Legislature has been examining ways to improve operations. In summer 1999, the Legislative Council created a six-member subcommittee to consider changes in joint rules that might enable the standing committees to better cope with the pressures of term limits. In March 2000, the subcommittee issued a report. Among other things, the report called for a cap on the total number of bills that individual members could introduce, and for an increase in the threshold for an “ought-to-pass” recommendation going to the floor.

The Joint Select Committee on Joint Rules—composed of five senators appointed by the Senate President and five representatives appointed by the Speaker—acted upon the report of the subcommittee. This group rejected the subcommittee’s recommendation that bill introductions be limited to twelve per member during the first session. Instead, it supported the idea of raising the threshold for “ought-to-pass” recommendations, calling for two members (rather than one) on a committee to support legislation before it would be sent to the floor. The full membership of the 120th Legislature, however, rejected the proposed change.

In a different vein, the Joint Select Committee on Joint Rules sought to increase control of the leadership and staff offices over the volume of legislation. It recommended that the Revisor of Statutes more stringently enforce existing provisions to deny requests to draft bills unaccompanied by “sufficient instructions, information and data” within a specific time period.

Careful enforcement of that policy may have contributed to the overall decrease in the number of bills introduced in the first session of the 120th Legislature (2001). As we noted earlier, the Office of Policy and Legal Analysis also provided detailed information on the progress of legislation through the committees.

The Maine Legislature's current approach to assisting its committees rests upon improvements in the processing and management of bills, rather than on restricting the opportunities of members to offer and debate legislation. This strategy is consistent with Maine's participatory political culture. Taken together, the various reforms and initiatives show an institution working hard to adapt to the new environment brought about by term limits. 🐟

ACKNOWLEDGMENT

The authors wish to thank Representative Patrick Colwell, Representative Jonathan R. Thomas, Clerk of the House Millicent M. McFarland, Assistant Clerk of the House David Shiah, and Revisor of Statutes Margaret Matheson for providing materials and/or sharing helpful comments.



Matthew C. Moen is Professor and Chairperson of the Department of Political Science at the University of Maine. His area of specialization is legislative studies, and he is currently engaged in a study of the impact of term limits on the Maine Legislature.



Kenneth T. Palmer is Professor of Political Science at the University of Maine. His area of specialization is federalism and state politics, and he has published books and articles on Maine government and politics.

References on next page.

REFERENCES

- Benjamin, Gerald and Michael J. Malbin, eds.
Limiting Legislative Terms. Washington, D.C.: CQ Press, 1992.
- Boucher, Lance. "The Maine Term Limits Law and Its Impact on the Maine State Legislature." Honors Thesis, University of Maine, Orono, Maine, 2000.
- Bumps, Randall. "Maine State Legislative Term Limits: A Cross-Sectional Study of the 112th and 116th Maine State Legislatures." Senior Thesis, Bates College, Lewiston, Maine, 1994.
- Carey, John M., Richard G. Niemi, and Lynda W. Powell. *Term Limits in the State Legislatures*. Ann Arbor: U of Michigan P, 2000.
- "Coming to Terms," *Bangor Daily News*, 26 May 2000.
- Copeland, Gary W. "Term Limitations and Political Careers in Oklahoma," in *Limiting Legislative Terms*. Eds. Gerald Benjamin and Michael J. Malbin. Washington, D.C.: CQ Press, 1992. See chapter seven.
- Drage, Jennifer, Rich Jones, Karl T. Kurtz, Nancy Rhyme, and Brian Weberg. "Leadership Selection in the Era of Term Limits." Paper delivered at the "Coping With Term Limits: Ohio and the Nation" conference, Columbus, OH, 12-13 April 2000.
- Joint Select Committee on Joint Rules. Report to the 119th Maine Legislature. Augusta, ME, November 2000.
- Karp, Jeffrey A. "Explaining Public Support for Legislative Term Limits." *Public Opinion Quarterly* 59 (1995): 373-91.
- Kousser, Thad. "Term Limits and Legislator Performance." Paper delivered at the "Coping With Term Limits: Ohio and the Nation" conference, Columbus, OH, 12-13 April 2000.
- Moen, Matthew C. "Testimony on L.D. 901: An Act to Amend the Laws Governing Term Limits." Delivered to the Committee on Legal and Veterans Affairs, 120th Maine Legislature, April 2001.
- Moen, Matthew C. "Norms in a Term-Limited State Legislature." Paper delivered at the Annual Meeting of the New England Political Science Association, Portsmouth, NH, 4-5 May 2001.
- Moen, Matthew C. and Kenneth T. Palmer. "Term Limits and the Maine Legislature." Paper delivered at the Annual Meeting of the American Political Science Association, Washington, D.C., September 2000.
- Moen, Matthew C. and Kenneth T. Palmer. "Maine: The Cutting Edge of Term Limits." Paper delivered at the "Coping With Term Limits: Ohio and the Nation" conference, Columbus, OH, 12-13 April 2000.
- Moen, Matthew C. and Kenneth T. Palmer. "Maine: The Cutting Edge of Term Limits," in *The Test of Time: Coping With Legislative Term Limits*. Eds. Rick Farmer, John David Rausch, and John C. Green. Lanham, MD: Lexington Books, forthcoming.
- Palmer, Kenneth T., G. Thomas Taylor, and Marcus LaBrizzi. *Maine Politics and Government*. Lincoln: U of Nebraska P, 1992.
- Palmer, Kenneth T. and Matthew C. Moen, "In Defense of the Maine Legislature," *Bangor Daily News*, 24 April 1999.
- Petracca, Mark P. "Rotation in Office: The History of an Idea," in *Limiting Legislative Terms*. Eds. Gerald Benjamin and Michael J. Malbin. Washington, D.C.: CQ Press, 1992. See chapter two.
- Powell, Richard J. "The Impact of Term Limits on the Candidacy Decisions of State Legislators in U.S. House Elections." *Legislative Studies Quarterly* XXV (November 2000): 645-61.
- Rothenberg, Stuart. "Transplanting Term Limits: Political Mobilization and Grass-Roots Politics," in *Limiting Legislative Terms*. Eds. Gerald Benjamin and Michael J. Malbi. Washington, D.C.: CQ Press, 1992. See chapter three.
- Thompson, Joel A. and Gary F. Moncrief. "Lobbying Under Limits: Interest Group Perspectives on the Effects of Term Limits." Paper delivered at the "Coping With Term Limits: Ohio and the Nation" conference, Columbus, OH, 12-13 April 2000.

