

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals  
(text not searchable)

STATE OF MAINE  
SPECIAL COMMISSION ON GOVERNMENTAL RESTRUCTURING

September 17, 1991

To: Interested Parties

From: Martha Freeman, Director *MF*  
Legislative Office of Policy and Legal Analysis

Re: Commission's Interim Report

On behalf of the Special Commission on Governmental Restructuring and its staff from the State Planning Office and the Office of Policy and Legal Analysis, I've enclosed a copy of the Commission's interim report for your information.

The law establishing the Commission requires this interim report to be presented to the Legislature's Joint Standing Committees on State and Local Government and on Appropriations and Financial Affairs. The interim report has been sent to all members of those committees, and to the Governor, the Senate President, and the Speaker of the House.

The Commission members and staff hope you find the enclosed report of interest and useful to you in following the Commission's work.

MF/jlj/9131opla

STATE OF MAINE  
SPECIAL COMMISSION ON GOVERNMENTAL RESTRUCTURING

September 16, 1991

To: Joint Standing Committee on Appropriations and  
Financial Affairs  
Joint Standing Committee on State and Local Government

From: Martha Freeman, Director *WCF*  
Legislative Office of Policy and Legal Analysis

Re: Commission's Interim Report

On behalf of the Special Commission on Governmental Restructuring, I've enclosed for you a copy of the Commission's interim report.

The law establishing the Commission requires this interim report to be presented to both the State and Local Government Committee and the Appropriations and Financial Affairs Committee. The interim report has been sent to all members of those committees, and to the Governor, the Senate President, and the Speaker of the House.

The Commission members hope you find the enclosed report copy of interest. Please feel free to contact the Commission chairs, Merton Henry and Donald Nicoll, or the Commission's staff directors, Rich Silkman at the State Planning Office and me, with any questions.

MF/jlj/9131opla

STATE OF MAINE  
SPECIAL COMMISSION ON GOVERNMENTAL RESTRUCTURING

September 16, 1991

To: Commission members and staff  
From: Martha Freeman, Director *MF*  
Office of Policy and Legal Analysis  
Re: Commission's Interim Report

Enclosed is a copy of the Commission's interim report.

As the law establishing the Commission requires, this report has been given to the members of the Legislature's Joint Standing Committees on State and Local Government and on Appropriations and Financial Affairs. The report has also been delivered to the Governor, the Senate President, and the Speaker of the House, and sent to those on the Commission's "interested parties" mailing list. Enclosed for your information are copies of the cover memos that accompanied the joint standing committees' and interested parties' report copies.

I look forward to seeing you all at the Commission's September 20 meeting.

MF/jlj/9131opla

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
JON CLARK  
N.M. DYTTER  
J. FLATEBO  
DEBRAH C. FREDMAN  
MICHAEL D. HIGGINS



STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

KAREN L. HRUBY  
JILL IPPOLITI  
JOHN B. KNOX  
PATRICK NORTON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
HAVEN WHITESIDE  
MILA M. DWELLEY, RES. ASST.  
ROY W. LENARDSON, RES. ASST.  
BRET A. PRESTON, RES. ASST.

September 16, 1991

TO: Members, Special Commission on Governmental Restructuring  
FROM: Tim Glidden, Principal Analyst  
RE: Notice of 9/20 meeting; Interim report; Additional materials

Enclosed you will find the materials for the Commission's next meeting on **September 20 (9 AM in room 334 of the State House)** as appropriate for your committee. In addition, I have enclosed a copy of the interim report submitted by the Commission chairs complete with the six committee status reports. This package of material is being mailed separately to those persons on the Commission's mailing list.

Also enclosed are minutes of the last committee meetings and additional materials related to quality management that may be of interest to you. A copy of the one-page summary of the Commission's purpose and membership is also enclosed for your use with people who express interest in the Commission.

Please call if you have any questions.

cc: staff, interested parties (memo only)  
attachments

2446nrg

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
CLARK  
M. DYTTER  
G. ATEBO  
DE. AH C. FRIEDMAN  
MICHAEL D. HIGGINS  
JANE ORBETON



STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

KAREN L. HRUBY  
JILL IPPOLITI  
JOHN B. KNOX  
PATRICK NORTON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
HAVEN WHITESIDE  
MILA M. DWELLEY, RES. ASST.  
ROY W. LENARDSON, RES. ASST.  
BRET A. PRESTON, RES. ASST.

TO: Members, Special Commission on Governmental  
Restructuring

FROM: Tim Glidden, Principal Analyst

RE: Notice of upcoming meetings

September 16, 1991

Attached, please find copies of the most recent minutes from committee meetings held between August 30 and September 6. The Economic and Physical Infrastructure minutes will be distributed at a later date.

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
JON CLARK  
M. DYTTER  
G. LATEBO  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS



STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

KAREN L. HRUBY  
JILL IPPOLITO  
JOHN B. KNOX  
PATRICK NORTON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
HAVEN WHITESIDE  
MILA M. DWELLEY, RES. ASST  
ROY W. LENARDSON, RES. ASST  
BRET A. PRESTON, RES. ASST

September 9, 1991

TO: Members, Staff, Committee on Government Relations and Process

FROM: Jon Clark, Analyst

RE: Summary of September 6, 1991 Meeting

The committee met for a work session on Friday, September 6, 1991. Linwood Higgins was unable to attend.

The committee first reviewed a draft of the committee's interim report and after slight revision, approved it. The committee agreed that the committee's working outline, as formed at the end of the day's session, should be attached to the report with indication of the status of each issue.

Staff handed out a memo on and briefly discussed Legislative program evaluation.

The committee then discussed the working outline prepared by staff. The following is a summary of the issues as organized by the committee and the committee's decisions with regard to them:

A. Audit and Program Review.

*The committee determined that this issue was a very high priority and would receive further attention.*

1. Is there a need for more effective review of current programs and of tax exemptions by the Legislature?

## B. The budget process

*Unless otherwise indicated, the committee determined that it would like to undertake further examination of the issues listed under this heading.*

1. Matching of expenditures to revenues. Should growth in expenditures be smoothed out and reserves created to avoid revenue short falls in down economies?

The committee determined that it would deal with this issue on a conceptual basis.

2. Consensus forecasting. Should a version of consensus forecasting be adopted?

The committee determined that it would deal with this issue on a conceptual basis.

### 3. The budget document/process

- a. Is the form of the budget document conducive to efficient and effective Legislative review?

- b. When is it appropriate to insert statutory changes in the budget document?

- c. Should tax policies (especially business tax credits) be integrated more effectively into the budget process? What is the best method of handling program changes in relation to the budget process?

- d. Should the budget, or parts thereof, be received and passed earlier by the legislature?

*The committee agreed that not a great deal of time should be devoted to this issue.*

- e. Do staffing resources need to be reorganized to cause more efficient analysis of budget proposals?

4. Long-range cost estimates and revenue estimates. Should a process be instituted whereby projections of costs of current programs together with projections of revenues are developed for the future biennium?

The committee determined it would deal with this issue on a conceptual basis.

- a. Fiscal notes. Should fiscal notes include estimates of the long-term costs of the legislation?



5. Legislative access to information. Does the OFPR need better access to information on future cost expectations for programs? Does the Executive Branch need improved capabilities of providing that sort of information (i.e. is the information available within the Executive departments)? Is there a need for greater integration of computer systems and for better information flow between OFPR and the Budget Office and the Executive departments?

6. Contracts and obligations. Do executive departments enter into binding obligations before appropriations have been made for the programs? If so, is it appropriate for there to be a limitation on this practice? *The committee's primary concern at this point is whether in fact this is occurring.*

7. Capital expenses. Should cost/benefit analyses be conducted to determine the appropriateness of capital investments? Does there need to be more capital investments in certain technologies? How should capital expenses be financed?

a. Renting vs. buying. Should the State put a greater emphasis on purchasing lands and buildings rather than renting?

8. Review of federally-funded programs. Is there a need for more careful review of federally funded programs?

9. Revenue forecasting. Is there a need for closer integration of resources between the Budget Office and the Tax Bureau. *The committee decided that this issue did not warrant mention as a separate area for investigation. It was determined that in considering the budget process, the committee would naturally address this issue if it in fact appeared to require addressing.*

#### C. Legislative Process

1. Legislative terms. Should legislative terms be extended? *The committee decided that this issue should receive some further attention.*

2. Legislative size. Should the size of the legislature be reduced? *The committee decided that this issue should receive some further attention.*

3. Partisan staffing. Is there a need for partisan legislative staff and if so, how large does that staff need to be? *The committee decided that this issue should be reviewed by the whole committee before a decision was made on whether further examination should occur.*

4. Public access to committee work. Is there a need for greater public input into the Legislative Committee process? *The committee determined that this issue did not warrant further examination.*

#### D. Executive Department

*The committee determined that this issue should receive some further consideration.*

1. The structure of the department. Is the organizational make-up of the Executive Department appropriate?

#### E. Executive Branch

1. The merger of the Departments of Finance and Administration. Should the departments of Finance and Administration be merged and if so how should it be done? *The committee determined that it would at the least review the information and proposals submitted on this issue by Finance Commissioner Sawin Millet and acting Administration Commissioner Dale Doughty*

#### F. Judicial Branch

*The committee reaffirmed its decision that it would not deal further with issues related to the Judicial Branch, since that Branch is being carefully studied elsewhere, particularly by the Commission on the Future of Maine's Courts.*

#### G. Constitutional officers

*The committee determined that it would consider for further examination only the offices of the Treasurer and Secretary of State. It eliminated from further consideration the Attorney General and the Auditor. The committee discussed the fact that the Committee on Protection of Public Safety and Health was examining the Attorney General's office in the context of certain restructuring proposals. It was suggested that if any recommendation was made to merge the AG into the Executive Branch, the committee should examine that proposal in terms of the issue of the balance of powers.*

1. Functions which may be dealt with by the Executive Branch. Are there functions which are performed by the Treasurer and the Secretary of State which could be as effectively and more efficiently dealt with by appropriate executive departments while preserving adequate public accountability?

2. Return on investments. Does the state get the best return on its investments? Should professional money managers be used in setting investment practices?

#### H. Administration of personnel systems, lands, buildings, information systems and purchasing.

1. Use of regional offices. Is it appropriate for there to be a rearrangement of regional offices and perhaps an elimination or merger of some offices? *The committee determined that this is an issue it would like to consider further.*

2. Utilization of capital resources. Is there a more effective way for the State to utilize its existing capital resources? *The committee determined that while there may well be a problem in this area, it was not a high priority item and also was not a problem which would be possible for the committee to reasonably consider in the time available.*

3. Data processing. Is there a need for increased uniformity and co-ordination of data processing systems? *The committee determined that while there may well be a problem in this area, it was not a high priority item and also was not a problem about which the committee could reasonably make meaningful recommendations in the time available.*

4. Co-ordination of actions, responsibilities, functions between departments. Is there a need for greater co-ordination between the functions and activities of the various executive departments? *The committee determined that while there may well be a problem in this area, it was not a high priority item and also was not a problem about which the committee could reasonably make meaningful recommendations in the time available.*

#### I. Independent boards and commissions

*The committee reaffirmed that its approach to this issue would be to attempt to develop criteria for evaluating the continued justification for individual entities and then to use these criteria to evaluate several individual boards and commissions.*

## J. Relationship between State and local government

*The committee determined that this issue was simply too broad for it to consider as a separate topic. The committee determined that it would, however, keep this issue in mind in formulating recommendations in other areas.*

## K. State and federal regulatory overlap.

*The committee determined that this was not an issue which it would examine further.*

After establishing this list, the committee adjourned for a working lunch during which a presentation was given on total quality management. After lunch Wes Bonney and Bonnie Post met and briefly discussed the presentation. They determined that total quality management, while a useful management tool, was not a topic which could be very effectively dealt with by the committee. The approach, it was agreed, was not something which could be readily imposed through formal restructuring but rather would be implemented most effectively on an internal and individual basis by the various governmental agencies.

They also discussed possible approaches to the issues identified on the outline. They determined that the Legislative process issues did not require very much more information gathering before recommendations could be discussed. They agreed that the budget issues and the issues identified with regard to the Executive department, Executive branch and constitutional officers appeared to require further detailed examination.

The committee then adjourned.

### Staff assignments:

1. Obtain clarification on the issue of whether contract obligations are created by departments before appropriations are made.
2. Obtain Dept. of Admin. report on regional offices
3. Obtain information on the Rainy Day Fund: are there limits on its use?
4. Obtain information on the Virginia Program Review process
5. Obtain information on whether and how other states integrate substantive and appropriations committees into the program review process.
6. Obtain information on federally funded programs: how much does state put in? How much does federal government put in?

# SPECIAL COMMISSION ON GOVERNMENTAL RESTRUCTURING

## EDUCATION SUBCOMMITTEE MINUTES

SEPTEMBER 6, 1991

Present: Jane Amero, Roy Hibyan, James Storer, Michael Higgins (staff), Dick Sherwood (staff)

Absent: None

Guests: Eve Bither, Ken Curtis, John Fitzsimmons, Robert Woodbury

The subcommittee heard presentations from Commissioner Bither, Chancellor Woodbury, Governor Curtis and President Fitzsimmons. Following is a summary of key points raised by each.

### Commissioner Bither

Commissioner Bither provided an overview of the Department's progress in several of its areas of obligation and reviewed the subcommittee's areas of interest document. Following is a summary of the Commissioner's observations and recommendations.

- The department is increasingly focusing on student outcomes. This is reflected in the department mission statement, in the Common Core of Learning (which has gained wide acceptance by schools) and in growing interest and participation in restructuring.
- Education mandates have been waived for selected schools (such as those participating in the Southern Maine Partnership) in return for local adoption of student outcome measures. Although restructuring is an exciting and important development, widespread adoption of restructuring will be somewhat slowed by the labor intensive nature of the enterprise.
- The department views its three primary functions as providing leadership, technical assistance and regulation in that order.
- Changes in the department's role have created a need for flexibility and changes in responsibilities of department staff. Some changes have occurred, but staff structures are partially fixed by statute, inhibiting greater flexibility.
- In an effort to enhance preschool education in Maine, the Commissioner advocates establishment of Head Start within the department.

- Incentives for consolidating school districts should again be provided. The Commissioner advocates further development of school administrative districts (SADs) and discussed some of the structural problems inherent in school unions and consolidated school districts.
- Expanded use of computer links should be used to connect the department with school districts, thereby decreasing the need for burdensome forms and other paperwork. The Commissioner also would like funds to develop a computerized certification system.
- Regional department offices should be expanded to provide service throughout the state, rather than focusing all the department's staff and facilities in Augusta.
- The Commissioner should be "required" rather than "permitted" to address the Legislature annually concerning the status of K-12 education. An annual address to the Legislature would promote accountability and visibility.

#### Chancellor Woodbury

Chancellor Woodbury discussed the following 4 points with the subcommittee.

- The subcommittee should place additional emphasis on the crucial importance of investment in human capital. The Chancellor argues that we must think of state functions as both an investment (in human resources) responsibility and a current services responsibility.
- If point 1 is true, then we must ask what in the structure and process of state government supports or impedes investment in human capital. The Chancellor cited the following characteristics of state government as noteworthy.
  1. The organization and governance of higher education in Maine is as good as anywhere in the country.
  2. Approximately 70% of state budgets go to health, human services, corrections and K-12 education. It is nearly impossible to diminish that level of funding to those areas. That leaves approximately 30% of state budgets for discretionary funding, and higher education receives approximately 10% of that. Until some change occurs in our thinking about the 70%, higher education funding will continue to be squeezed.
  3. The current structure of the state budget into a part 1 and part 2 is flawed because it makes the assumption that everything you're doing (part 1) is fine and everything new (part 2) is questionable.

4. There is no capital budget. Capital budgeting is done via referendum, which is an inefficient and politicized process.

5. There is no state mechanism other than the biennial budget for planning spending for higher education. The Chancellor cited work done in other states that would impose a 5 year spending cycle in the budget as a preferable model.

6. Maine ranks 50th in state investment in research.

- Restructuring in higher education should not focus on ideas like closing the university campuses at Fort Kent or Machias (proposals that have been discredited because of the enormous negative effect on the region's economic, social, and cultural life), but on the development of interactive television, the library system (URSUS) and the changing nature of staffing needs. The Chancellor mentioned the increased need for highly trained, flexible professionals and the decreased need for clerical workers. He also mentioned the need to further expand the use of the ITV system beyond the university, perhaps through the incorporation of a separate consortium to establish ITV policy.
- The portrait of collaboration between educational institutions is changing. Connections between the university and K-12 system, and the university and technical college system are increasing rapidly. He cited fiscal incentives and the increased pressure for accountability from the state as two reasons for the increase in collaboration.

#### Governor Curtis

The Governor began by observing that any recommendations the subcommittee might make cannot be made strictly in the context of delivering education services. We have to look beyond education to the state's historically low wages, under employment, low aspirations and related family problems and make a commitment to addressing the social issues as part of the whole education structure.

The Governor made four other major points:

- The state's tax policy is a major problem. The question that needs to be asked is "what's the most efficient use of tax money for everybody". The Governor cited the current effort by the Muskie Institute at USM to educate the public and the legislature about the kinds of revenue sources that are most efficient as an example of the direction we should take, rather than looking to simply increase taxes.

- The higher goal of education is education for its own sake. The lesser goal for post secondary education is to make education as relative as possible to present and future needs. In keeping with that goal, there needs to be greater integration in Maine between what we need now and in the future and how we spend money on post secondary education. The Governor suspects that that might result in increased spending on vocational and technical education.
- State government needs to do more planning than it currently does. Planning needs to be stressed so that we can know what kind of workforce is needed and offer educational programs designed to adequately train them.
- Educational institutions need to do a better job of marketing what they're currently doing - to students, to the private sector and to the legislature. By doing so, institutions establish a relevancy that attracts students.

#### President Fitzsimmons

President Fitzsimmons began with an overview of the technical college system, noting that the system is only 5 years old. Following are several of the key issues he thinks deserve consideration by the commission.

- Funding for the technical college system is woefully inadequate. The President noted that a recently completed Commission report identifies the need for 60,000 college trained technicians in Maine by the end of the decade, but the technical colleges can only produce 13,000 through this decade at their current graduation rate. To increase the number of graduates to meet those needs, expansion of programs (and greater funding) is necessary.
- Training of the state's workforce is inadequate. The President observed that while Maine takes great pride in the work ethic of its workforce, we do not invest nearly enough in training them. He believes the technical colleges can play a crucial role in increasing the level of worker training.
- The technical colleges are increasingly becoming an entry point for students who go on to the university system and the Maine Maritime Academy. As a result, he sees the technical college system is an integral part of a "seamless approach" to education in the state.
- Coordination of resources between the technical college system and other higher education institutions in the state is impressive and increasing.
- The ITV system doesn't match up as well with the technical



college system for several reasons. One is the hands-on nature of much of what is taught in the system and the obvious inability of ITV to provide that. Another is the fee structure of the present system that directs 60% of tuition back to UMA.

- Better preparation of post secondary school students is crucial (a point echoed by Governor Curtis and Chancellor Woodbury). All three systems spend significant amounts of money on improving math and writing skills, skills that are basic prerequisites to any post secondary education.
- A philosophical decision needs to be made in the state concerning how we view education. Many states are beginning to understand that education is an economic development tool. As a result, they charge lower tuition, recognizing the long term value of educating citizens. The President is worried that Maine's rising tuition costs will prohibit students from attending institutions of higher education and at the same time will weaken the state's economic development efforts.

The subcommittee asked its guests to comment on the concept of an education appropriation committee or some other alternative to the present structure. Although there was some discussion of possible ways to give the education committee of the legislature a more formal role in the process, there was no interest in specific structural changes. Questioning by the subcommittee revealed that the Department of Education spent significant amounts of time before the education and appropriations committees, often reviewing identical material. There was some agreement that the current system causes some inefficiencies and duplication. (Staff has already been asked to provide information of possible alternative structures used in other states.)

SPECIAL COMMISSION ON GOVERNMENTAL RESTRUCTURING

EDUCATION SUBCOMMITTEE MINUTES

AUGUST 30, 1991

Present: Jane Amero, Roy Hibyan, James Storer, Michael Higgins (staff), Dick Sherwood (staff)

Absent: None

Guests: Henry Bourgeois; Paul Hazelton, Dorothy Moore, Don Nicoll (Restructuring Commission Co-chair)

The subcommittee heard half hour presentations from Mr. Bourgeois, Prof. Hazelton and Dean Moore. Following is a summary of key points raised by each.

Prof. Hazelton

Prof. Hazelton began by making brief comments concerning the subcommittee's goals. He pointed out that education funding (Goal 2) must not only be adequate and equitable, it must be consistent as well. He also discussed one of the problems of providing adequate training of a skilled and adaptable work force (Goal 4), observing that vocational training is often the victim of a local tyranny that attempts to shape training to fit only the current local need. What's needed instead is vocational education that teaches adaptability, that prepares workers for employment inside and outside the state and that is sensitively tuned to post secondary vocational educational.

Commenting upon the subcommittee's interest in coordination of resources between the state's educational delivery systems (Area 1), Prof. Hazelton believes there are academic cultural barriers that make coordination difficult. Those barriers include the actual physical location of particular schools and programs and the placement of programs within institutions.

Prof. Hazelton warned the subcommittee to resist any temptation to permit the expanded use of technology (Area 3) to dominate its deliberations. While aware of its importance, he believes other groups are working hard at expanding and promoting technology, and that there are other fundamental matters with which the subcommittee should concern itself.

Concerning Area 4 (life-long learning), Prof. Hazelton believes the concept should include services to pre-school children (ages 0-5). He argues for a single system of education in Maine, not run by a single board, but coordinated in such a way as to constitute a system that students can move in and out of

without major disruption and disorientation. The need for such a system is evident in light of the number of students who drop out of high school then return to complete their degree, the growing need for training and retraining programs, and the great interest in learning for pleasure and self-enrichment. Such a system would, in his view, be sensible and efficient because it recognizes that current patterns of participation in education no longer fit the old stereotypes of high school, college then a lifetime of work.

Dean Moore

Dean Moore began by stating that the subcommittee's preamble rightly emphasizes the need for educators to "work together", noting that good things are happening where educators, parents, business people and others are collaborating. She cited the Southern Maine Partnership as an example of the benefits of collaboration.

Like Prof. Hazelton, Dean Moore believes education funding (Goal 2) is a critical issue. She argues, however, that additional funding sources are necessary beyond state and local sources. She mentioned financial contributions from business as one possible source, but feels that business can also make significant contributions through their expertise and experience.

Concerning the 4th goal (development of an adaptable workforce) Dean Moore stressed the need not just to teach discrete skills, but to prepare students to think independently and to think about what their unique talents are. She noted the importance at the K-12 level of the role of guidance counselors in helping students discover their particular talents and interests.

Dean Moore emphasized the need to deal directly with the inequities that exist between schools with substantial resources and those without. She offered as an example the delivery of a graduate program in education by USM professors at UMFK, pointing out that there are substitutes for establishing new departments or building new structures to deliver academic programs.

Dean Moore noted that development of technology is crucial in Maine if the state is to adequately prepare its students for the 21st century. She argues that the current generation of children are fascinated by computing - its their medium - and we ought to capitalize on that interest by stretching their understanding of its uses.

Life-long learning was of particular importance to Dean Moore. She pointed out that we often learn differently, at different rates and learn best at different times. Our goal, she

believes, should not be to graduate 90% of our high school students "on time", but to create a system that permits people to return for education when they're ready to learn. The traditional education system doesn't work for everyone, according to Dean Moore, and alternatives to the traditional model should be available not just to students who drop out, but to high school and college students for whom the traditional tracks have lost meaning.

Dean Moore discussed the changing nature of teaching in the state, observing that until recently teaching was a lonely profession. She sees a new vitality and interest in teaching and in education and believes that needs to be nurtured and promoted. One way to do that is to encourage participation by parents, communities and business.

#### Mr. Bourgeois

Mr. Bourgeois began by asserting that the most important thing state government does is educate elementary and secondary students. If that assertion is correct, then the question of the nature of the state's role in promoting education must be examined. Mr. Bourgeois argues that the role of state government is to enable, encourage and support fundamental change in education at the local level. To accomplish fundamental reform, communities may need financing, technical support, speakers, outside advice, and leadership. Much of this can come from the state, but the driving force behind education must be identification of the learning outcomes communities identify for their children and a local commitment to achieving the goals which will produce those outcomes.

The Coalition for Excellence in Education, of which Mr. Bourgeois is a member, is currently engaged in carrying out this program in selected sites in Maine. It emphasizes collaboration, local responsibility and authority for establishing education policy. It also encourages communities to move boldly toward meeting their needs, and discourages tinkering at the margins of the education system, arguing instead that communities should "go for the jugular" in achieving change. The Coalition believes that if communities are provided support and guidance, they'll make choices for educating their students that are appropriate for them. It supports the new national education goals established by the President and the Congress, with the proviso that communities adopt the goals "in their own way."

A general discussion among guests and subcommittee members followed the three presentations. Among the points raised were the following.

**School Choice** Choice was discussed in the context of choice between schools and choice within a school. There was some

sentiment that a choice between schools would create competition, which would in turn force schools to improve in much the same way that a market system forces businesses to improve or perish. Some challenged that theory, observing that less effective schools would likely continue to teach students whose parents fail to make good choices or cannot take advantage of other choices. There was some concern that the promise of school choice is something of a mirage, and that we need not give up on the current system so easily.

State Dept. of Education Prof. Hazelton reviewed some of the changes that have occurred in the locus of educational policy making authority in the last decade, asserting that the executive and legislative branches of Maine government have gained considerable power over education policy during that period. He believes that the role of the department is confused and that the state board of education has been by-passed on key issues. He made several recommendations for change, including the following:

- Teacher certification should be outlined in broad terms permitting schools greater freedom in selecting teachers.
- Curriculum development should occur at the local level.
- Local school boards should be responsible for determining how students' academic progress is assessed rather than depending on standard measurement techniques like SATs and the MEA.

There was some agreement that the state board of education needs more authority, and some concern that the commissioner of education shouldn't be a political appointee. The group discussed some of the structural differences in governance between the University System, Technical College System, Maine Maritime Academy and K-12, noting that the relationship and therefore the evolution of policy between the boards and chief executive officers of the first three is relatively consanguine, while the relationship between the Commissioner of Education and the state board is not nearly so close. The subcommittee requested that staff provide additional information on the role of the various education boards.

Education Appropriation Committee The subcommittee asked guests to comment on the concept of an education appropriation committee that would assume in some form the present duties of the appropriations committee concerning the expenditure of state funds for education. The concept was originally suggested to the subcommittee by an earlier guest as an alternative to the current system that requires the appropriations committee to decide on funding a host of complex programs without adequate time for study. There was no support for the proposal among the guests, but there was recognition that the current appropriation process has been criticized by many inside and outside the legislature. The committee asked staff to begin a preliminary review of alternative structures employed by other state legislatures that might better tie policy analysis and decision making to the budget process.

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
CLARK  
DYTTMER  
GRATEBO  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS



KAREN L. HRUBY  
JILL IPPOLITI  
JOHN B. KNOX  
PATRICK NORTON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
HAVEN WHITESIDE  
MILA M. DWELLEY, RES. ASST.  
ROY W. LENARDSON, RES. ASST.  
BRET A. PRESTON, RES. ASST.

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

Minutes of the 9/6/91 Meeting  
of the Physical Resources Committee

The Physical Resources Committee of the Special Commission on Governmental Restructuring met on Friday, September 6, 1991 at 9:15 a.m. in room 438 of the State House in Augusta. Members of the Committee present were the Honorable Patrick McGowan, Mr. Robert Cope and Mr. Richard Anderson. No Committee members were absent. The meeting was staffed by Patrick Norton, from the Office of Policy and Legal Analysis, and Mark Dawson, from the State Planning Office.

From 9:15 to 9:45 the Committee discussed materials prepared and distributed by staff. These included: preliminary data on average employee counts and expenditures by the natural resource agencies from 1974-1990; a summary of activities of other states regarding restructuring of natural resource agencies received from the Council of State Governments; the March, 1989 "Peat Marwick" management study of the Department of Conservation; and a data base of state agency roles related to natural resource management prepared by the State Planning Office.

From 9:45 to noon, the Committee held a panel discussion with Commissioner Marriott (DEP), Commissioner Meadows (DOC), Commissioner Brennan (DMR), Commissioner Vail (IF&W), Deputy Commissioner Flora (DAFRR) and Dr. Lani Graham, Director, Bureau of Health, Department of Human Services. As the House chair of the Joint Standing Committee on Energy and natural Resources, Representative Paul Jacques was invited by the chairs to join the Committee during this discussion.

Speaking first, Commissioner Marriott stated that he was not convinced that anything was "broken" with the environmental regulatory process in the state and offered several examples of recent improvements: more than 2500 permits had been issued

through the "permit by rule" process over the past year, each with an average turn-around time of less than 30 days; overall time required to process permits by the Department has decreased by more than 40% over the past 2 years; the Department's focus on providing technical assistance to applicants has increased, and staff assignments to field offices has doubled. In addition, he noted that the Legislature recently enacted law allowing the Department to "privatize" pieces of the application review process and that the Department has recently published its design standards and will guarantee a 45 day turn-around time to any applicant who assures the Department, in writing, that the project conforms to those published standards. He also noted that the Department will continue, in the future, to focus its limited resources on the biggest risk areas, to continue efforts to computerize the process at the Department, to reduce paperwork, to provide more technical assistance to applicants and to increase field work. He noted that, despite limited resources, increasing public concern about the environment is placing increased demand on the regulatory system.

Commissioner Marriott was asked why the Department was organized along program or "media" lines (ie: air, water, land, etc.) rather than along functional lines (ie: licensing, enforcement, etc.). The Commissioner responded that the issue has been discussed often but that the Department has not seriously studied the pros and cons of the two organizational methods. He stated that the principal reason for the current "media" organizational pattern is due to the manner in which the federal government distributes environmental protection funds to the states. He also stated a significant organizational change, such as moving to functional organization, would be seriously disruptive over the short term, and that the efficiency improvements achieved would have to be substantial to justify that change.

Commissioner Marriott was asked to discuss his view regarding a full-time Board of Environmental Protection. Again, he responded that that issue has been discussed in the past, but that the prevailing preference is for continuance of a citizen board. He noted that a full-time board would cost more than the present citizen board, and stated his belief that a full time board risks becoming too specialized and losing some of the "common sense" flavor of a citizen board. He said he believed that most applicants who come before the board feel they are treated fairly, and that that sense of fair treatment comes largely from the nature and broad geographical representation of a part-time citizen board.

Commissioner Meadows spoke next, noting that the Department of Conservation's budget has declined from about 1.3% of the total State budget in 1988 to less than 1% today. He stated his belief that the opportunities for significant additional savings in spending in his Department were limited, given its relative size. Commissioner Meadows noted that his Department has been consolidating staff and has closed more than 2 dozen facilities since 1986. He noted that his Department also actively seeks opportunities for inter-agency cooperation and cited several examples: the sharing of facilities in Presque Isle with the DEP and DHS; sharing in implementation and use of the Geographical Information System; and cooperation with the National Guard in the use of a Huey helicopter for fire suppression efforts.

Commissioner Meadows suggested several areas that may offer opportunities for consolidation and long-term cost savings. These included investigating methods for stabilizing the funding of the natural resource agencies to allow for better long range planning; making changes in the way the State government acquires goods and services; and reducing mandates imposed on the departments. Mr. Cope inquired as to the extent to which constraints imposed upon managers are limiting initiatives. Commissioner Marriott responded, among general agreement from the other members of the panel, that removing management constraints and letting "the managers manage" would significantly improve the bureaucracy's ability to respond to changes and to seek opportunities for increasing efficiency on its own.

Commissioner Vail spoke next and described the operations of the Department of Inland Fisheries and Wildlife to the Committee. Since time was running short, the Committee asked Commissioner Vail for suggestions regarding restructuring of his Department. Commissioner Vail responded that the days of IF&W being responsible for regulation and enforcement of recreational vehicles (ATV's, watercraft, etc) are over. He suggested that the Committee look at that issue. In response to further questioning on that point, Commissioner Vail suggested that a separate Bureau of Recreational Vehicle Enforcement may be an option. When asked about re-dedicating the Department's budget or combining the IF&W and DMR warden services as restructuring proposals, the Commissioner responded that he did not believe the Department's budget should be re-dedicated and that combining the warden functions of IF&W and DMR would be a mistake. After some discussion on the issue of the warden service, the Committee decided to discuss that issue in more detail at a future meeting.



The Committee broke for lunch at noon, agreeing to reconvene at 1:30 to speak with Sherry Huber about the Maine Waste Management Agency and to hear from the Departments of Agriculture, Marine Resources and Human Services beginning at 2:00.

At 1:30 the Committee reconvened to hear from the Maine Waste Management Agency. Sherry Huber reviewed the operations of the Agency for the Committee. She noted that the Agency will meet its 25% recycling goal by the end of this year and, although it will be difficult, hopes to meet the 50% recycling goal. Despite meeting these goals, she noted that the State will still have significant amounts of waste to manage and stated that the siting and construction of the special waste landfills is the Agencies most pressing issue. She stated that funds for recycling grants to communities do not presently exist, but that more funds will be available for that purpose if the November referendum on that issue receives the support of the voters. When asked about the differences between her agency and the DEP with regard to waste management duties, she noted that the DEP's role is primarily that of licensing and enforcement. The MWMA has little regulatory authority in that area and has sole authority for recycling programs.

Carl Flora, Deputy Commissioner of Agriculture, spoke next and reviewed the operations of the Department for the Committee. He was asked specifically about the role of the Pesticides Control Board within the Department and suggested that it is properly located in the Department of Agriculture. When asked for specific proposals for restructuring, he suggested that the Committee look at a recent changes to the Administrative Procedures Act that prohibit agencies from engaging in rule making activities that they do not specifically list in the proposed rule making agenda at the beginning of each fiscal year. He stated that, due to the inability of the Department to anticipate many of the issues that may arise in the agriculture sector that require rule making, that change could significantly hamper the Department's resource protection duties. When asked about the future of farming in Maine, Mr. Flora said that he does not expect the number of full-time farmers to increase but that commodity production levels are not expected to decline due to the continued "consolidation" of farms. He noted that the state is losing approximately 69 acres of farmland each day to forests.

Commissioner Brennan spoke next, reviewing the operations of the Department of Marine Resources for the Committee. After reviewing the operations of the Department, the Commissioner stated that he concurred with Mr. Flora's recommendation that the Committee review the recent APA changes, stating that those

changes will significantly affect the Department's ability to regulate the resource and may, in fact, be detrimental to the resource itself. The Committee then engaged Commissioner Brennan in a discussion about the warden service. The Commissioner stated strongly that combining the IF&W and DMR wardens would be a mistake. The Committee again stated that that issue would be discussed in more detail at another time. When asked about the possibility of a recreational salt-water fishing license, the Commissioner noted that the issue has been discussed often in the past. He expressed reservations about imposing a license fee solely for the purpose of raising revenue, but noted that the imposition of such a license in the State may allow the Department to leverage additional federal funds if sales of the license demonstrated the amount of recreational salt-water fishing to be greater than is currently estimated.

The last person to speak with the Committee was Dr. Lani Graham, Director of the Bureau of Health in the Department of Human Services. Dr. Graham reviewed the operations of the Bureau with the Committee and, in response to questions, indicated that the functions of the Bureau were properly located in the Department of Human Services. She reviewed for the Committee the effects of the recent budget cuts on the Bureau and indicated that the Bureau absorbed an approximate 25-30% reduction in state funded positions in the last budget. In responding to questions, Dr. Graham noted that a productivity improvement of roughly 25% had been noticed in the Bureau as a result of computerization. The Committee requested that Dr. Graham be accompanied by Don Hoxie, Director of the Division of Public Health at the next meeting of the Committee to further discuss the issue of computerization and productivity improvement.

The Committee ended its session for the day at approximately 3:30, agreeing to reconvene at 1:00 pm on Wednesday, September 11, 1991 in room 438 of the State House for the purpose of continuing these discussions with the Commissioners. The Committee requested that staff invite the Executive Director of the Maine State Employees Union to that meeting as well.

2390NRG

# Public Hearing Notice

Sub-Committee on Physical Resources  
a unit of the  
Special Commission on Governmental Restructuring

The Sub-Committee on Physical Resources, one of six working Sub-Committees of the Special Commission on Governmental Restructuring, will hold public hearings at the following locations:

Thursday, October 10, 1991  
7-9 p.m.

University of Southern Maine  
Room 113, Masterton Hall  
Portland, ME

Wednesday, October 16, 1991  
7-9 p.m.

Eastern Maine Vocational Technical Institute  
Mathieu Auditorium, Schoodic Hall  
Bangor, ME

The purpose of these sub-committee hearings is to receive comments from any interested persons on the consolidation, restructuring and realignment of State government in any area of natural resource management, regulation or program administration. The Commission on Governmental Restructuring is required by law (PL 1991, c.139) to develop and present to the Governor and the Legislature by December 15, 1991 a final plan to maximize citizen participation in public policy making, to use resources more effectively and to consolidate and restructure State government in such a way that efficiency is assured and cost savings result.

For additional information, please contact:

Commission of Governmental Restructuring  
Sub-Committee on Physical Resources  
Office of Policy and Legal Analysis  
Station 13  
Augusta, ME 04333  
(207)289-1670

PLEASE NOTE: You must provide the Committee with five (5) copies of any written material you wish to submit as testimony.

2403 NRG

MINUTES OF THE 9/6/91 MEETING

SPECIAL COMMISSION ON GOVERNMENTAL RESTRUCTURING

COMMITTEE ON HEALTH, SOCIAL SERVICES AND ECONOMIC SECURITY

Present: Ms. Bernstein, Ms. Levenson and Mr. Rosser, Members; Paul Saucier and Joyce Benson, Staff.

Also attending were Jamie Morrill, Deputy Associate Commissioner, Department of Human Services; Ron Welch, Associate Commissioner, Department of Mental Health and Mental Retardation; Richard Davies, Maine Association of Community Action Program Directors; Christopher St. John, Pine Tree Legal Assistance; and Bruce Thomas, Maine Health Policy Advisory Commission.

The Committee made further revisions to the draft interim report and asked staff to make the final changes and submit it to the Commission chairs.

The Committee looked at more regional maps and concluded that no 2 State agencies use the same regional boundaries. This presents obvious barriers to sharing resources at the regional level and makes access to services that much more confusing for consumers. The Committee decided to invite the Commissioners to discuss the issue of regional boundaries on September 13. The meeting will be moved from Portland to Augusta to accomodate the Commissioners. The committee will also review the service matrix at that meeting.

LHS3002

MINUTES OF THE 9/3/91 MEETING

SPECIAL COMMISSION ON GOVERNMENTAL RESTRUCTURING

COMMITTEE ON HEALTH, SOCIAL SERVICES AND ECONOMIC SECURITY

Present: Ms. Bernstein, Ms. Levenson and Mr. Rosser, Members; Paul Saucier and Joyce Benson, Staff.

Also attending were Sheila Commerford, Maine Committee on Aging, and Jamie Morrill, Deputy Associate Commissioner, Department of Human Services.

The Committee reviewed a draft interim report. Members distributed notes they had compiled from the presentations at the previous meeting and asked staff to incorporate major themes into the interim report. Ms. Bernstein reminded the Committee that the task of the group is to recommend broad restructuring, and that specific program changes probably fall outside of that charge.

The Committee discussed how it might obtain further information from people outside State agencies. It was decided that the September 20 meeting would be set aside to hear from consumer groups, provider groups and chairs of committees, commissioners and task forces. Staff were asked to compile mailing lists for each group and extend invitations along with copies of the interim report.

It was further decided that the Committee's September 13 meeting would be devoted to reviewing a matrix of services that staff are preparing from the materials distributed at the last meeting.

At the Commission's next meeting (September 6), the Committee will review a second draft of the interim report and review regional maps.

Special Commission on Governmental Restructuring  
Committee on Public Safety and Health

*Minutes of the September 6, 1991 Meeting*

Present at the meeting were Committee members Kinnelly, Willey and Hare; staff members Friedman and Montagna; invited speaker Derek Langhauser, Legal Counsel to Governor McKernan; and Attorney General Michael Carpenter, Corrections Commissioner Donald Allen, Associate Corrections Commissioner A.L. Carlisle, Paul Plaisted, Department of Public Safety, and Donald Perkins of the Institute for Inmates at Work.

The meeting began with a review of the committee's draft interim report, prepared by staff for comment by the committee. Staff was directed to add a description of today's meeting, to reword the areas of inquiry as questions to be answered rather than hypotheses to be tested, and to change the description of the committee's interest in the judicial branch.

The committee asked Derek Langhauser to explain the governor's proposal to merge the Departments of Public Safety and Corrections, the National Guard and the Office of the Attorney General into a Department of Justice. Mr. Langhauser began his remarks by explaining that the proposal has changed since it was announced earlier this spring, to exclude the Department of Corrections. He explained that the motivation for developing the plan was a need for cost savings because of the state's budget constraints, and the desire to improve the efficiency of state government. The U.S. Department of Justice provided the model for the Maine Department. The U.S. Attorney General is head of the U.S. Department of Justice (DOJ); within that Department are the Bureau of Prisons, the FBI, and the Drug Enforcement Administration. In transferring that model to Maine, the governor's office found that the Attorney General is the top law enforcement officer in the state, and should serve as the head of a consolidated law enforcement department. Savings in the consolidation are expected to come from the merger of administrative offices of the various departments.

In addition to possible cost savings as a rationale for the merger, policy making would be performed in a more comprehensive, coordinated way. Criminal law is a systemwide issue, from the investigation and arrest of offenders, to prosecution and punishment. Providing a single policymaker on those issues seemed like a good idea to the governor.

In addition to the merger of departments, a key element in the proposal is to change the method of selecting the Attorney General from selection by the Legislature to selection by the governor with confirmation by the Legislature. The Attorney General makes many policy decisions of equal importance to those made by other gubernatorial cabinet members, according to Langhauser, and should have a closer working relationship with the governor than under the current system. In addition, the broader range of policy making opportunity makes it appropriate for the governor to be in contact with the Attorney General. This change would require a change in the Maine Constitution, which requires a 2/3 vote of the Legislature and a statewide referendum vote.

In analyzing the various components of the Department, Mr. Langhauser said the governor's office met with Corrections Commissioner Allen, and, as a result of issues raised at the meeting, the governor's office has decided that Corrections should remain a separate department, rather than being merged into the Department of Justice. The issues were the need for a direct line to the governor in the event of a crisis, the size of the corrections department and its budget, and the need to maintain the visibility of the Department because of the critical issues requiring attention in the near future.

In reviewing the move of agencies relating to defense and veterans' affairs into the DOJ, there was some discussion about the appropriateness of having the National Guard in the Department. Regardless of the appropriateness of that move, Mr. Langhauser expressed a belief that it was at least appropriate to move the Maine Emergency Management Agency from the Department of Defense and Veterans' Affairs to the new Department. The proposal would move MEMA into the Department of Public Safety because of the coordination necessary between the State Police and the agency in the event of an emergency. Asked why there was not a concern about lack of direct access to the governor for MEMA, while there was for Corrections emergencies, Mr. Langhauser responded that the governor's office has notice of weather-related emergencies and is able to track those, and that there are already strong lines of communications between the offices that will not be interrupted by the merger.

The committee asked Mr. Langhauser to discuss the potential for cost-savings in this proposal. He responded that they did not have the figures readily available. It was necessary to examine the effects of the most recent budget cuts before they could give precise cost savings. He promised to provide those figures to the committee as soon as they are available. He agrees that consolidation alone would not save significant costs, but that the head of the department and the various bureaus would also have to work to find ways to restructure.

Asked whether he had thought about how to coordinate functions such as mental health and education with corrections, Mr. Langhauser agreed that the focus should be on "the big picture" in policy making, if not in structure of government. There is coordination of those issues now through the Interdepartmental Council, in which the Departments of Mental Health, Corrections and Education participate. This proposal for restructuring of the bureaucracy is not primarily designed to solve specific problems in the corrections system or any other policy area, but hopefully the bureaucratic restructuring will lead to greater policy coordination, and thus greater ability to solve the problems.

The committee asked Attorney General Carpenter, who was present in the audience, to give the committee his thoughts on the Department of Justice proposal. Mr. Carpenter responded that this was the first time his office has been involved in any discussion of restructuring. He has not had much contact with the governor in the 9 months he has been in office, but he has a good working relationship with the office and has defended the office in every case in which he has been asked to do so. He does not approve of a plan to make the Attorney General part of the Cabinet, since that would destroy the independence of the office.

He cited questions and concerns about John Mitchell and Ed Meese as examples of problems that occurred in the U.S. Department of Justice because of the Attorney General's appointment by the chief executive. An Attorney General who is appointed after working on the governor's campaign committee may, for example, be reluctant to tell the governor that he does not have authority to take certain actions. Also, he said, the system does not seem to be broken, so it doesn't need fixing. It may not be a bad idea to place the Department of Public Safety under the Attorney General, to increase coordination and policymaking on law enforcement issues, but it is not a good idea to have the AG a member of the governor's Cabinet. Public Safety and the Attorney General's Office could be merged without a Constitutional change, but it is not clear what savings would result from such a merger.

Mr. Langhauser responded that the Attorney General's office is viewed as independent now because the Attorney General and the governor are of different political parties, and that independence may not be there if the two were of the same party.

Commissioner Allen commented that some coordination of policy and issues discussion will take place through the Criminal Justice Advisory Commission, which will have representatives of the Judicial Department, prosecutors, police, the Legislature and corrections. He also commented that the independence of the Attorney General's office is important to him and his department; for example, they ask the Attorney General's office to investigate internal department matters, and treat that as an independent outside investigation. The public may not have confidence in the results of an investigation where one member of the Cabinet is investigating another.

The meeting closed with a brief discussion among Committee members of their interest in following up on the Department of Justice proposal. Ms. Kinnelly commented that she has not yet seen information to encourage her to follow up on the proposal. Mr. Willey explained that he needs to see the cost-benefit analysis of the proposal before he would encourage the proposal.

2968.19 LHS



**Special Commission on Governmental Restructuring  
Committee on Public Safety and Health**

*Minutes of the September 9, 1991 Meeting*

Present at the meeting were Committee members Kinnelly and Hare; staff Friedman and Montagna; invited speaker Public Safety Commissioner John Atwood, Jr.; and Paul Plaisted, Department of Public Safety.

The committee first asked Commissioner Atwood for his comments on the governor's Department of Justice proposal. He responded that he understands that the Department of Corrections is no longer to be included in the merger. He also expressed his opinion that it makes sense to move the Maine Emergency Management Agency (MEMA) into the Department of Public Safety or the Department of Justice, if that is formed. Responding to emergency public needs, and the use of radio communications are common to MEMA and DPS. He cited New Jersey as an example of a state with a Department of Justice, under the Attorney General. In Maine, at least a merger of the Attorney General and the Department of Public Safety would have benefits, such as a better perspective on enforcement of all state laws, not just those enforced by the police. Also, there would be a central planning capability. The Attorney General, as chief legal officer of the state, has broad powers that would be more useful if he had authority to coordinate law enforcement. There are arguments for keeping the Department of Corrections in the Department of Justice. Corrections is a major piece of criminal justice planning, and probably should be included in a merged law enforcement department. Also, corrections may have as much opportunity for publicity and public attention within the DOJ as it has as a separate department, and they may have a better chance for favorable budget decisions as part of a larger department.

When asked by Ms. Kinnelly whether the rationale for a Department of Justice was the possibility of cost savings or improved policy implementation, Commissioner Atwood responded that he could not think of what cost savings there would be since the administration of all departments involved is fairly thin. Cost savings would not come from elimination of positions. He felt the advantage was in better policy making and greater support for corrections.

Turning to the issue of privatization of state services, Mr. Willey asked the commissioner whether law enforcement would be one of the least likely state services to privatize. The Commissioner responded that that may be so. Law enforcement officers are the representatives of the sovereign on the street. In the area of privatization of corrections, there are issues such as accountability and perhaps liability for civil rights suits to be concerned about. We need to look long and hard at privatization and to proceed slowly. Probation and Parole is an area that should not be privatized, says the commissioner.

Turning to the issue of law enforcement, Commissioner Atwood said that the dispute over the three levels of law enforcement has more to do with how the services are paid for than over the services themselves. The focus of discussion is on the sheriff's office. The sheriff's departments are funded by the property tax, under which people pay locally for services that are performed outside their community. That causes some resentment.

There is competition in the field between State Police and sheriffs over who responds to calls, but that is not necessarily bad. Competition puts pressure on the sheriff's department to be creative and innovative. Responding to the 1974 police services report recommending regionalization of police services, Commissioner Atwood said that regionalization provides a monopoly, with little accountability. Regionalization was urged in the 1970's out of a belief that small departments were not able to provide full service. That's not necessarily true today, given the assistance communities get from each other and from the state. Pooling corrections at the state level is also not a good idea. It would prevent the innovation we've seen at county jails, and given the public's negative response to state prison bond issues compared to the positive response to county bond issues, we may have a more critical space problem if the state were in charge of all prisons.

Commissioner Atwood described the difference in training between State Police and county and municipal law enforcement officers. All are trained at the Criminal Justice Academy in Waterville, but the State Police training program is separate from, and longer than, the county and local program. State Police have some unique responsibilities, including paramilitary services (responding to riots, strikes, etc.), and commercial vehicle enforcement. The State Police also have physical fitness standards that not all the county and local departments have. Finally, the State Police trainees are on probation for the first year of employment and may be discharged at any time.

Mr. Willey then asked the Commissioner whether he sees a need for greater communications among the levels of law enforcement. Commissioner Atwood responded that he did see such a need. Communication now is on an ad hoc basis. There is no formal planning process. The Legislature created an organization for coordination, but that organization was not funded, has no staff, and is too big to be effective. The governor could create an organization by executive order.

The purpose of any organization formed should be to share innovations in law enforcement, and to assist local organizations, not to impose standards. Local communities must be free to innovate, and then encouraged to share their innovations.

Ms. Kinnelly asked the Commissioner to discuss the role of the State Fire Marshal and the relationship of the Fire Marshal to local communities. Commissioner Atwood responded that the Fire Marshal approves construction plans for nursing homes, schools, etc. for compliance with the life safety codes, inspects dance halls and mechanical rides, and licenses fireworks. Some municipalities inspect nursing homes and schools on their own, but the Commissioner does not believe that local communities should be required to inspect premises. The committee discussed whether towns should share fire departments more than they currently do, and concluded that consolidation and sharing would occur slowly and should not be forced. The local fire department often serves as a community center and a source of local pride, and communities would not readily give up their departments. The 911 emergency system, once implemented, may result in more regionalization of fire departments, since the communications center will serve a unit larger than a municipality, perhaps a county or even several counties.

As a final comment on the issue of restructuring, Commissioner Atwood urged the committee to be cognizant of the fact that his department and many of the others have very little support staff, and would have difficulty taking on new tasks. Support staff is limited because Public Safety and Corrections must provide direct service staff to deal with life threatening situations first; there are few resources left for bureaucracy.

In a brief discussion among committee members following Commissioner Atwood's departure, Ms. Kinnelly expressed the thought that there may not be a lot of restructuring to be done in the Public Safety and Corrections areas. Both departments are lean on bureaucracy and emphasize line services. As an example of the need for greater coordination, though, she cited the example of the Bureau of Rehabilitation, Department of Human Services, which turned back a \$1 million grant from the federal government, because they did not have a use for the funds. Those funds probably could have funded rehabilitation in the prisons, if there were a mechanism for coordinating needs among the departments.

Other members expressed an interest in perhaps recommending a law enforcement coordination organization like the Law Enforcement Assistance Agency (LEAA), that ceased existence when federal funds ran out in the early 1980's. There are many organizations that coordinate aspects of criminal justice, such as the Justice Advisory Council, the Interdepartmental Council and the Juvenile Justice Advisory Group. What's needed is one organization committed to working together to comprehensively address the issues.

In discussing plans for future meetings, committee members directed staff to send copies of the committee minutes and the proposed corrections recommendations to the commissioners and other agency representatives who will appear on the 20th. Staff were also directed to send notice to other Commission members of the meetings on the 20th, as the discussion will include education and social service issues. Finally, staff were asked to send notice of the meeting to the members of the Legislature's Select Committee on Corrections.

Staff reported that the Commission on the Future of Maine's Courts will be studying structure and efficiency issues. The committee would like to have Judge Henry explain to the committee the areas of inquiry the Commission will pursue. The committee would also like to hear from Chief Justice McKusick, Chief Justice Delahanty, and Chief Judge Calkins on their thoughts on judicial department structure and efficiency, the relationship between the judicial department and corrections and communication between the judicial department and the law enforcement community.

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
CLARK  
DYAN M. DYTTER  
GRO FLATEBO  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
JANE ORBETON



STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

KAREN L. HRUBY  
JILL IPPOLITI  
JOHN B. KNOX  
PATRICK NORTON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
HAVEN WHITESIDE  
MILA M. DWELLEY, RES. ASST.  
ROY W. LENARDSON, RES. ASST.  
BRET A. PRESTON, RES. ASST.

September 3, 1991

TO: Members, Special Commission on Governmental  
Restructuring

FROM: Tim Glidden, Principal Analyst

RE: Materials for 9/6 meeting

The full commission will meet on Friday, **September 6 at 9 AM** in room 334, (the Legislative Council Chamber) of the State House in Augusta. The principal purpose of the meeting will be to allow the committees to continue their discussions.

Attached to this memo are the minutes of the most recent committee meetings and other committee materials, including a schedule of Commission and committee meetings. At Don Nicoll's request, the following are being distributed: a list of resource people at the University of Maine at Farmington and a proposal for an Office of Advocacy provided by the Senate President's Office.

Please call if you have any questions.

attachments

cc: interested parties  
staff

9122opla

D & H NICOLL ASSOCIATES

Program and Policy Planning Consultant Services  
148 Middle Street, Portland, Maine

P.O. Box 10548, Portland, Maine 04104

Donald E. Nicoll, Consultant  
Hilda F. Nicoll, Manager

207/772-1289

August 22, 1991

Michael Orenduff, President  
University of Maine at Farmington  
86 Main Street  
Farmington, Maine 04938-1990

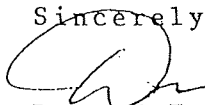
Dear Mike:

Thanks for your letter of August 13 with the names of UMF faculty members who will be useful resources for us. The letter came to me, so I am taking the liberty of expressing thanks for Mert and me.

The staff to the commission will be following-up with the faculty members, using your office as liaison. We also expect to seek your advice as we proceed with our deliberations.

Best wishes,

Sincerely,



Donald E. Nicoll

cc: Mr. Henry  
MSCGR staff

DEN:hn



# UNIVERSITY OF MAINE AT FARMINGTON

Office of the President

86 Main Street  
Farmington, Maine 04938-1990  
207-778-3501

August 13, 1991

Merton G. Henry and Donald E. Nicoll, Co-Chairs  
Special Commission on Governmental Restructuring  
State House Station #13  
Augusta, Maine 04333

Dear Mert and Don,

Thanks for your letter of July 18. After consulting with people here on campus, I have several names of people who may be helpful resources for you. They are:

VII. For the Committee on Health, Social Services,  
and Economic Security

1. Doug Dunlap - Former social service agency worker in Aroostok County and now Professor of Rehabilitation here at UMF.
2. Peter Doran - Professor of Health Education and involved in many public health activities in Maine.
3. Susan Anzivino - Professor of Psychology who has been heavily involved in legislative issues regarding licensing of counselors.

VIII. Committee on Education and Cultural Resources

We have many resources here but some that come to mind are:

1. Betsy Squibb - Dean of Education and state-wide authority on early childhood and child care programs.
2. Paula Morris - Director of our Professional Development Center.
3. Bob Pullo - oversees our supported employment program and teacher rehabilitation.

If you are interested, my office can serve as go-between. Also, if you have a specific request just give me a call; we will try to come up with what you need.

Best wishes on a daunting task.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike".

Michael Orenduff  
President

MO/dw

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
JON CLARK  
DYAN M. DYTTER  
GRO FLATEBO  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS



STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

KAREN L. HRUBY  
JILL IPPOLITI  
JOHN B. KNOX  
PATRICK NORTON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
HAVEN WHITESIDE  
MILA M. DWELLEY, RES. ASST.  
ROY W. LENARDSON, RES. ASST.  
BRET A. PRESTON, RES. ASST.

August 19, 1991

TO: Members, Special Commission on Governmental Restructuring  
FROM: Tim Glidden, Principal Analyst *TG*  
RE: Materials for 8/23 meeting and notice of upcoming meetings

The full commission will meet on Friday, August 23 at 9 AM in room 334, (the Legislative Council Chamber) of the State House in Augusta. The principal purpose of the meeting will be to allow the committees to continue their discussions.

Attached to this memo are the minutes of the most recent committee meetings and an update of the inventory of materials received by committees. Inventory material is available to all commission members upon request and is available to all interested parties in Legislative Law Library in Augusta.

As a reminder, the Commission has scheduled meetings on the dates noted below. Follow-up notices will be sent for each meeting to provide times and meeting places. Individual committees may schedule additional meetings for which separate notice will be mailed to all commission members and interested parties.

September 6 & 20 - October 4 & 18 - November 1 & 15

Please call if you have any questions.

attachments

cc: interested parties  
staff



MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
JON CLARK  
DYAN M. DYTTER  
GRO FLATEBO  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
JANE ORBETON



STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

KAREN L. HRUBY  
JILL IPPOLITI  
JOHN B. KNOX  
PATRICK NORTON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
HAVEN WHITESIDE  
MILA M. DWELLEY, RES. ASST.  
ROY W. LENARDSON, RES. ASST.  
BRET A. PRESTON, RES. ASST.

August 1, 1991

TO: Members, Special Commission on Governmental Restructuring  
FROM: Tim Glidden, Principal Analyst  
RE: Notice of upcoming meetings

The full commission and all of its committees will meet on Friday, August 9 at 9 AM in room 228, (the Appropriations Committee room). The principal purpose of the meeting will be to allow the committees to continue their discussions.

The Committee on Physical Resources will meet on Monday, August 5 at 4 PM at Champion International Paper Company's office on 286 Water Street, Augusta.

The Committee on Governmental Relations and Process will meet on Wednesday, August 7 at 11 AM in the conference room of the State Planning Office on State Street, Augusta.

At its last meeting, the full Commission also established dates for its meetings through August, September, October and November. Followup notices will be sent for each meeting to provide times and meeting places. The following dates are provided below for your convenience. All meetings will be held on a Friday.

August 23

September 6 & 20

October 4 & 18

November 1 & 15

Please call if you have any questions.

cc: interested parties  
staff

9107opla

**State of Maine**  
**SPECIAL COMMISSION ON GOVERNMENTAL RESTRUCTURING**

July 23, 1991

To: Commission Members  
From: Merton Henry & Don Nicoll <sup>MH DN</sup>  
Subject: Committee Structure and meeting materials for July 29

As you have been notified by staff, the next meeting of the Commission will be held on Monday, July 29 at the State House in room 334 beginning at 9 AM. We expect the meeting to last until about 3:30 PM. A working lunch will be provided. This memo provides you with an agenda, an updated proposal of committee structure, our committee assignments and a revised set of working materials for each of the committees. This memo incorporates and replaces the material in Tim Glidden's memo to you dated July 2, entitled "Study Objectives and Charge for Subcommittees, a draft for discussion".

We have used the discussion at our June 21 meeting, the deliberations of our ad hoc subcommittee on committee structure, staff recommendations and David Flanagan's suggestions to prepare the following committee structure. We shall use that structure for the purpose of organizing our meeting today and, if it works well, for our continuing work in substantive areas. We have also made some committee assignments, including co-chairs, for our session today. These assignments are incorporated in this memorandum. We are sorry we didn't have time to consult with you in advance of the meeting. We are open to changes following today's session.

### **Introduction**

The Special Commission on Governmental Restructuring has been directed to conduct a comprehensive reexamination of the role and structure of state government. Such a global charge requires careful consideration of the guiding principals for the effort. Is there a problem? What is the problem? What are its symptoms, characteristics and causes? How can the Commission address the problem? These and several other questions must be answered explicitly by the Commission before it starts the detailed work of examining specific areas and agencies of government. This section offers some "first principles" and a possible method for the Commission's investigation.

Moving from the general to the specific, we propose that the Commission deliberate first on the nature of its general objectives. The enabling legislation provides a good starting point. The Commission has already reflected on what it sees as the general role of state government. Some additional, more specific discussion of this topic is needed to frame more precisely the charge to each of the Commission's committees. To assist in this, we offer a set of general postulates, or "function statements", for your discussion. These, as revised by the Commission, should serve as the touchstone for each of the committees'

deliberations. Finally, as a way of framing the discussion of the specific areas of potential concern and examination, the staff has developed a set of hypotheses for each committee area. Our recommendation is that the Commission use these hypotheses (or any other revised set the Commission may develop) as a way of focussing the committees' efforts on those areas that, by broad agreement, are the subjects of highest priority. As you read them, please remember that they are hypotheses, not conclusions or opinions.

Before presenting the specifics, we must emphasize that it is of the utmost importance that the Commission develop a focus for its subsequent investigations. Limited resources, most particularly time, impose strict limits on the number of topics the Commission can usefully address. It is not possible for the Commission to conduct a detailed, analytical study of every aspect of state government. Thus, when your committee reviews the list of specific topics associated with each committee (listed later in this memo), do not take that list as a directive to analyze everything on it. Rather, use it as a starting point for your committee discussions on what are the most important topics to address.

The enabling legislation provides a starting point for both the Commission's general objectives and those areas deemed to be of highest priority.

## **Objectives**

The enabling legislation (P.L. 1991, c.139) provides three explicit objectives:

"The commission shall develop and present to the Governor and the Legislature by December 15, 1991 a final plan to maximize citizen participation in public policy making, to use public resources more effectively and to consolidate and restructure State Government in such a way that efficiency is assured and cost savings result."

Three words summarize the statement above: accessible, effective and efficient. As the commission develops its plan to "restructure" state government following these objectives, it is further directed to seek cost-savings. As Charles Colgan noted to us in his opening remarks, it is important to remember that these objectives do compete. Public accessibility, in particular, does impose certain costs that can be characterized by some as "inefficient". The Commission will have to continually reexamine the balance between these objectives as it develops its recommendations.

Based on our preliminary review of the recent history of state government and of several surveys of governmental reorganization efforts, three points provide a useful perspective.

1. Major consolidation of Maine state government occurred during the period 1970-73 in the "Curtis" reorganization when the number of state agencies was reduced from 200 to 12 plus three elected constitutional officers (Conant, J.K. 1988). The number of agencies has grown since 1973 to 17 along with a relatively small number of quasi-independent agencies and commissions.
2. Maine's governor has a high degree of control over the executive branch relative to the other 49 states. A 1982 comparison of the states ranked Maine with five other states in the highest of five levels of gubernatorial power over the organization of the state government (Beyle, T.L. 1982)

3. Surveys of governmental reorganization in Maine and other states indicate that purported cost savings must be viewed cautiously and are frequently defined by the perspective of the viewer (Conant, J.K. 1986).

## **Roles and Function of State Government**

Each of the headings below correspond to the proposed areas of investigation for six committees. These "function statements" appear again later in this memorandum each a list of possible areas of inquiry and several illustrative hypotheses to be reviewed and revised by the Commission at the July 29 meeting.

### **I. Committee on Health, Social Services and Economic Security**

*It is the responsibility of state government to support the citizenry of the state, its human resources, through investment in a comprehensive system of health and social services and by assuring care and assistance for those who cannot adequately provide for their basic health, housing and economic needs.*

Ms. Bernstein and Mr. McGowan, co-chairs  
Ms. Levenson  
Mr. Rosser

### **II. Committee on Education and Cultural Services**

*It is the responsibility of state government to support the citizenry of the state, its human resources, through investment in a comprehensive system of education and cultural opportunities.*

Ms. Amero and Mr. Storer, co-chairs  
Mr. Hibyan

### **III. Committee on Protection of Public Safety and Health**

*It is the responsibility of state government to provide public safety, protect the health of Maine citizens, protect basic human rights and insure fair practices in the market place.*

Ms. Kinnelly and Mr. Willey, co-chairs  
Mr. Hare

### **IV. Committee on Economic and Physical Infrastructure**

*It is the responsibility of state government to support and promote the economic interests of the citizenry through the preservation of a sound business climate. This includes maintenance of a rational tax structure, investment in transportation and other elements of the infrastructure, counter-cyclical investment, well-focused promotional and assistance policies and equitable labor policies.*

Mr. Flanagan and Ms. Mattimore, co-chairs  
Mr. Brace

**V. Committee on Physical Resources**

*It is the responsibility of state government to protect the quality of its natural resources. State government must also, as a steward, ensure and promote the management and utilization of those resources for the long term interests of the citizenry.*

Mr. Caron and Mr. Cope, co-chairs  
(Mr. Laverty's replacement)

**VI. Committee on Governmental Relations and Process**

*In order that it fulfill its responsibilities, state government must organize itself efficiently along functional lines and employ sound management practices. At the same time, the process of government must be structured to promote public participation and full accountability of its officials. Furthermore, it is essential that the three branches of state government maintain their distinct and separate roles and that state government as a whole establish and maintain an effective and responsible relationship with regional and local government.*

Mr. Bonney and Ms. Post, co-chairs  
Mr. Higgins  
(Mr. Howaniec's replacement)

**Proposed Committee Procedure**

We suggest that the charge of each committee be to develop, examine and test the hypotheses within its sphere (see attached) and, where the hypotheses fail, to develop an effective response that meets the basic responsibilities of state government in that area. In order that each committee examine the same basic set of criteria, the following is proposed, drawing on the Commission's prior discussions:

1. Public participation and access;
2. Public accountability;
3. Effectiveness;
4. Economic impact;
5. Social effect; and
6. Cost efficiency.

Each committee may add to the basic criteria as appropriate to the specific topics under its consideration.

In addition, it is clear from prior Commission discussions that there is broad interest in having each committee examine the applicability of a basic set of responses in addition to any others that may be appropriate. These are:

1. Privatization;
2. Application of technology and modern information management;
3. Regionalization;
4. Application of quality control and quality assurance programs; and
5. Integration and coordination of functionally similar programs.

Clearly, not all of these categories of possible response will be appropriate for any given problem.

## Committee Process Outline

- I. Examine and revise function statement. Each committee should develop a function statement which along with the hypotheses, will form it's charge. The function statement should be sufficiently inclusive to cover all the issues of concern to the Commission. The statement should reflect the philosophical objectives of the Commission, not spell out specific recommendations.

- II. Examine, develop and revise hypotheses. Each committee should develop a set of hypotheses that frame the key issues judged to be most important to the Commission.

Note: Each hypothesis should be posed as a rebuttable presumption that "government works". The purpose of these hypotheses is to ensure a degree of intellectual and analytical rigor. In testing the hypothesis that "government works", each subcommittee will have to carefully analyze the facts and offer concrete evidence to demonstrate that the hypothesis is false in whole or in part. The success of and justification for any recommendations made by the Commission will rest entirely on the thoroughness of this analysis.

- III. Rank the hypotheses. Each committee must select those hypotheses that it feels require immediate attention by the Commission. It may be useful to group the proposed hypotheses in two sets: the first must receive attention - the second should receive attention if time permits.

- IV. Report to full Commission. Each committee should prepare its recommended committee charge, complete with a guiding philosophical statement and hypotheses, as a report to the full Commission.

**Health, Social Services and Economic Security**  
*working draft*

*It is the responsibility of state government to support the citizenry of the state, its human resources, through investment in a comprehensive system of health and social services and by assuring care and assistance for those who cannot adequately provides for their basic health, housing and economic needs.*

***Possible areas of investigation***

- A. mental retardation
- B. mental illness
- C. mental health
- D. disabilities
- E. chronic care needs
- F. basic health services/prevention
- G. children without supporting parents
- H. abused and neglected individuals
- I. substance abuse
- J. unemployed and under-employed (income maintenance)
- K. affordable housing

***Illustrative hypotheses***

The state has established a reasonable level of control over health care costs while maintaining and acceptable level of care for Maine citizens.

Adequate basic health care, including illness prevention and long-term chronic care, is available to those in need.

. . .

The basic needs of Maine's children and families are adequately met by a variety of state programs including those in health services, income support, job training, and education.

Current programs provide adequate care for abused and neglected children and children without supportive parents.

. . .

The state has reduced administrative overhead in its human services programs to an acceptable level.

. . .

Maine's substance abuse and mental health system provides an adequate level of services with an appropriate mix of community-based and institutional services.

## **Education and Cultural Services**

*It is the responsibility of state government to support the citizenry of the state, its human resources, through investment in a comprehensive system of education and cultural opportunities.*

### ***Possible areas of investigation***

- A. pre-school, primary and secondary education
- B. post-secondary education (degree and credit)
- C. adult education
- D. worker training and retraining
- E. recreation/cultural amenities

### ***Illustrative hypotheses***

State investment in human capital is adequate and educational services (broadly defined) at all levels are rational and well-coordinated.

Education programs in the state are funded from sources that are adequate and equitable.

The state has succeeded in establishing appropriate minimum levels of educational opportunity and performance.

Maine workers are adequately trained to meet the state's present and future needs for a skilled and adaptable work force.



**Protection of Public Safety and Health**  
*working draft*

*It is the responsibility of state government to provide public safety, protect the health of Maine citizens, protect basic human rights and insure fair practices in the market place.*

***Possible areas of investigation***

- A. police
- B. courts
- C. corrections programs
- D. occupational health and safety (including workers compensation)
- E. public health
- F. environmental health and safety
- G. anti-discrimination
- H. anti-competitive business practices
- I. oversight of business and trade practices

***Illustrative hypotheses***

Fundamental human rights of Maine citizens are fully protected.

. . .

Occupational health and environmental regulation in the state provides an acceptable level of protection to the health of Maine citizens.

. . .

Current enforcement efforts adequately deter unacceptable levels of anti-competitive business practices.

**Economic and Physical Infrastructure**  
*working draft*

*It is the responsibility of state government to support and promote the economic interests of the citizenry through the preservation of a sound business climate. This includes maintenance of a rational tax structure, investment in transportation and other elements of the infrastructure, counter-cyclical investment, well-focused promotional and assistance policies and equitable labor policies.*

***Possible areas of investigation***

- A. physical infrastructure generally
- B. transportation
- C. tax policies and administration
- D. counter-cyclical investment
- E. business promotion (tourism, international trade, business assistance)
- F. labor relations

***Illustrative hypotheses***

The state's physical infrastructure in transportation, water supply, sewage treatment and waste disposal is adequate and in good repair.

. . .

Maine's tax system is fair and sufficient to support the reasonable needs of state and local government.

. . .

Maine's economic development programs are appropriately matched to the state's strengths and are coordinated effectively with the private sector.

. . .

The body of Maine law and public programs dealing with labor-management relations, unemployment insurance and related matters strikes a reasonable balance between competing interests.

. . .

The current level of market regulation is warranted by the level of competition or lack thereof in those regulated areas (utilities, solid waste, health care, etc).

**Physical Resources**  
*working draft*

*It is the responsibility of state government to protect the quality of its natural resources. State government must also, as steward, ensure and promote the management and utilization of those resources for the long term interests of the citizenry.*

***Possible areas of investigation***

- A. healthy natural environment (environmental protection)
- B. air and water use and access
- C. land use and access (growth, parks, forests, agriculture, shoreland)
- D. waste management
- E. marine and inland fisheries and wildlife

***Illustrative hypotheses***

The state's system of environmental protection ensures the proper functioning of the natural resource systems (ecosystems) of the state.

The state provides reasonable opportunities for the economic utilization of its natural resources.

. . .

The state holds enough land to provide adequate recreational opportunities.

. . .

The state adequately implements the citizenry's strong sense of stewardship in the natural resources of the Maine.

**Governmental Relations & Process.**  
*working draft*

*In order that it fulfill its responsibilities, state government must organize itself efficiently along functional lines and employ sound management practices. At the same time, the process of government must be structured to promote public participation and full accountability of its officials. Furthermore, it is essential that the three branches of state government maintain their distinct and separate roles and that state government as a whole establish and maintain an effective and responsible relationship with local government.*

***Possible areas of investigation***

- A. legislative structure and process
- B. budget process
- C. legislative intent and rulemaking
- D. administration of justice
- E. constitutional officers
- F. independent agencies, boards and commissions
- G. state mandates
- H. regional and local governments and agencies
- I. administration of personnel systems, buildings and land, information systems, purchasing

***Illustrative hypotheses***

State government takes full advantage of modern management techniques.

. . .

The current relationship between state and local government represents a reasonable division of responsibilities.

. . .

The responsibilities of the executive, legislative and judicial branches of government are well-defined and appropriately balanced.

The state budget process strikes a reasonable balance between the need for public participation, political accountability and sound management of state government.

. . .

The overall (macro) structure of the executive branch provides the governor with the ability to effectively pursue his or her policy objectives.