

MAINE STATE LEGISLATURE

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CITIZENS COMMITTEE ON THE SURVEY OF STATE GOVERNMENT
REPORT OF THE SUB-COMMITTEE ON APPOINTMENTS

The appointment problem in State Government in Maine appears to divide into two fairly obvious categories, one being the question of gubernatorial appointment of certain policy-making, major-administrative, constitutional and statutory governmental officers which are now appointed by other agencies; and the other dealing with the possibility that the Governor is now burdened with certain appointments which do not relate sufficiently to the welfare of the state or the discharge of his duties to warrant his attention.

With regard to the first question, six major offices were brought under consideration. In studying who should appoint the incumbents, two considerations stood forth.

The first of these was the desirability of logical lines of authority, responsibility, and control, and through these, efficient administration. With due regard for modern academic concepts, the committee accepted the principle that those state positions which are executory in character; the performance of whose duties generally rely upon the governor for guidance and direction; and whose acts, good or bad, are ascribed to the administration of the governor, should be part of the governor's team through the act of selection and appointment by him. If, on the other hand, these conditions of duties and responsibilities do not prevail then other appointive sources should be considered.

The second consideration revolved around the fallibility of the judgment of any individual chief-executive, who might be in

office in the indeterminate future; and the possibility that the appointive power might be used for political rewards to further personal political aspiration rather than to furnish the state the best qualified administrators.

It was further felt that Maine need not necessarily imitate other states or popular concepts of administration but could develop the solution which seemed to best suit its desires and conditions; and that Maine government was historically and currently not primarily the concern of professional politicians, a condition which the committee felt suited the state and its people.

As a result of these considerations, the sub-committee makes the following specific recommendations:

1. Commissioner of Agriculture: to be appointed by the Governor.
2. Commissioner of Education: to be appointed by the Governor.
3. State Treasurer: to be appointed by the Governor.
4. Secretary of State: to be appointed by the Governor.
5. State Auditor: to be elected by the legislature.
6. Attorney General: With regard to the Attorney General, the Sub-Committee feels that appointment by the Supreme Court would be a possible solution to the objections of appointment by the Governor or of election by either the Legislature or the people. The Sub-Committee has not investigated this in detail and suggests that it do so and report back in the near future.

The Sub-Committee further recommends that major state offices to be appointed by the governor be done so with the advice and consent of some reviewing body. Under present circumstances this would be the Governor's Council. Were the Council to be abolished, then some other review and approval should be provided. It is further recommended that these appointments be made for a duration of four years, but that these four years should be so staggered during the term of each individual governor that there could not be a change of top level administrative posts throughout the entire state administrative system simultaneous with the arrival of each new chief executive.

In this study, only the six major offices listed above have been considered because of the short time available. It is further recommended that all offices now appointed by the Governor be studied to determine if they might better be made by some other agency in order to allow the Governor more time to concentrate on his administrative duties. In this connection, it is recommended that the Committee obtain from hired sources a specific description of the duties, and particularly the lines of responsibility and authority of each of these offices so that it may determine the most logical and efficient source of appointment for each office involved.

John L. Baxter, Jr., Chairman