

MAINE STATE LEGISLATURE

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RECOMMENDATIONS
OF THE
CITIZENS COMMITTEE
ON THE
SURVEY OF STATE GOVERNMENT

April 1959

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CITIZENS COMMITTEE
ON THE
SURVEY OF STATE GOVERNMENT

Ladies and Gentlemen of the 99th Legislature:

I submit for your consideration recommendations of the Citizens Committee on the Survey of State Government on three subjects of study: The Executive Council, Appointments and State Salaries.

The recommendations, in each instance, were adopted by vote of the Committee after intensive studies conducted by Sub-Committees. Brief resumés of the reasons which led to the recommendations are included in the report.

In order to be helpful to you in your deliberations, a list of the forty-four members of the committee and a diagram of the Sub-Committees which were designated to make the specific studies have been attached to this report.

I believe it fitting, also, that I make some prefatory remarks about the work of the Citizens Committee on the Survey of State Government.

The Committee was established in 1955 by the 97th Legislature by passage of a resolve which also authorized a professional study of Maine's State Government. The resolve said in part:

"Resolved: That, in the interests of improving the services of State Government to the citizens of this State and effecting economies in the operation of State Government, a general survey be made of the Constitution, organization, administration and financial system of the State of Maine; that the survey shall evaluate the policies and programs of State Government in relation to their effectiveness in meeting the needs of the State; that the survey shall include, but not be limited to, institutions, education, welfare functions, conservation of natural resources, economic development and highways;

that in the various agencies of State Government attention be given to policies and procedures relating to the budget, tax and debt administration, fiscal control, organization, engineering, specifications, bidding, purchasing contracts, stores keeping, personnel management and planning to meet the State's future operating and capital needs and other such matters as may be necessary.....

"That the Governor be authorized, with the advice and consent of the Council, to employ an organization well qualified in such work to make such a general State survey, and that the Governor be authorized to appoint such committees as may be necessary to cooperate in the preparation of such a general State survey, such committees to include members of the Legislature and representatives of the public generally..."

The Governor and Council chose a professional firm to make the study. A Citizens Committee on the Survey of State Government, under the chairmanship of a retired Chief Justice of the Maine Supreme Court, the late Raymond Fellows of Bangor, was appointed to review the findings of the survey firm and to make recommendations to the Legislature.

The professional study was made and then the Citizens Committee did its work, making certain recommendations to the 98th Legislature.

Since the field of study was so large, the 98th Legislature voted to renew the life of the Committee in order that it might continue its work. The renewed Committee, increased to give a broader representation over the State, was appointed last fall and held its first meeting September 3rd with myself as chairman.

Subsequently, the Committee decided that in order to make the most efficient use of its time before reporting to the 99th Legislature it should limit its recommendations to the status of the Executive Council, the method of selection of certain State officials and the procedures for setting salaries of State employees.

Professional assistance was obtained to determine what changes would be necessary in the Maine Constitution and the Maine Statutes if the Executive Council were abolished.

The Committee voted its recommendations at the conclusion of the studies. It now is prepared to devote itself to a study of Consolidation of Departments and other matters which it did not have the opportunity to explore fully. Further studies are contingent upon the Legislature extending the life of the Committee.

The studies which have been made were accomplished with great care and the recommendations were given thoughtful consideration before being approved. Legislation incorporating many of the recommendations is now before you.

The Committee utilized professional studies made of Maine's governmental structure in 1930, 1952 and in 1956 but did its own work and reached its own conclusions. We would also point out that in both 1952 and 1956 the work was done by Committees of representative Maine people with the assistance each time of professionals in the field of public administration. It is significant that each of the Sub-Committees working independently, and that the Committee itself, endorsed a basic principle of government which had been recommended in each of these reports on Maine State government: that authority must be commensurate with responsibility. It should be emphasized that in accordance with the authorization of the Legislature the Committee proposes to secure greater efficiency in State government patterned after accepted practice in modern business. The recommendations in this report are premised on that principle.

We welcome any questions pertaining to the reports or activities of the Committee. Our files may be examined at the State Library.

Respectfully submitted,

April 1, 1959

Frank W. Hussey, Chairman

CITIZENS COMMITTEE ON THE SURVEY OF STATE GOVERNMENT

CHAIRMAN: Frank W. Hussey, Presque Isle, Executive Vice President,
Maine Potato Council

LEGISLATURE: Senators: Armand Duquette, Biddeford; Alton A.
Lessard, Lewiston; Frank M. Pierce, Bucksport;
Rodney E. Ross, Jr., Bath.
Representatives: John L. Baxter, Jr., Pittsfield;
Lucia M. Cormier, Rumford; Joseph T. Edgar, Bar
Harbor; Jerome G. Plante, Old Orchard Beach.

OTHER CITIZENS:

Barlow, Clinton, East Boothbay - President Maine Seiners &
Weirmans Association

Berry, Rockwood, Maine Farm Bureau, Livermore Falls

Blais, Denis, Lewiston - Area Director, Textile Workers Union
of America, A.F. of L. - C.I.O.

Clifford, Harold, East Boothbay - former Superintendent of
Schools

Cole, Gerald, Portland - President, Cole's Express

Collins, Samuel W., Caribou - former Senator. Banker and
building supplies

Colomy, Llewellyn, Hallowell - former President of Maine Fish
and Game Association

Cummings, King, Newport - textile mill operator

Dolloff, Maynard, Augusta - Master, Maine State Grange

Dorsky, Benjamin, Bangor - President, Maine State Federation
of Labor

Dow, Edward, Orono - Professor of Government, University of
Maine

Downing, Frederick W., Augusta - Executive Secretary, Maine
Employees Association

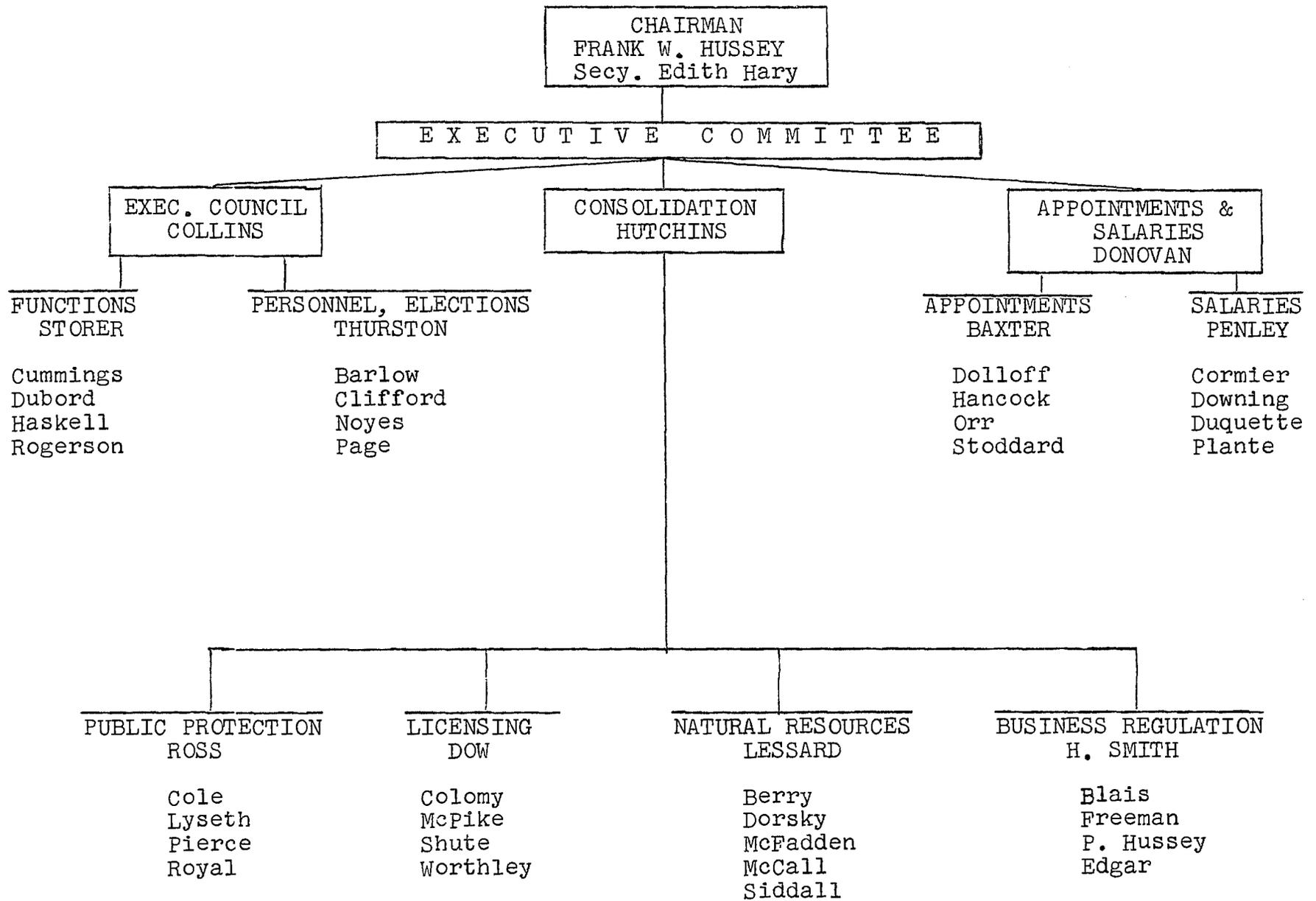
Dubord, Richard J., Waterville - Democratic National Committee-
man, Lawyer.

Freeman, Joseph J., Presque Isle - Businessman

Hancock, Kenneth, Casco - Lumber operator

Citizens Committee on the Survey of State Government:

- Hary, Miss Edith, Hallowell - Law Librarian, Maine State Library, Research Consultant to the Committee
- Haskell, Robert N., Bangor - former President of Maine State Senate, President, Bangor Hydro Electric Company
- Hussey, Philip, North Berwick - steel fabrication
- Hutchins, Bradford, Waterville - Lawyer, Republican National Committeeman
- Lyseth, Dr. Harrison C., Portland - former Superintendent of Schools
- McCall, J. C., Washburn - farmer, food processor
- McFadden, Vernon, Jonesport - fish processing
- McPike, John, Hampden - oil business
- Noyes, Malcolm, Franklin, - former State Senator
- Orr, Mrs. Julian, Portland - President, League of Women Voters
- Page, J. H., Caribou - starch mfr., engineer
- Penley, Edward, Lewiston - Editorial writer, Lewiston Sun
- Royal, Lenwood, Gorham - real estate, insurance
- Shute, Elden H., Gorham - Town Manager, President, Maine Municipal Association
- Siddall, Mrs. Cecil, Sanford - housewife
- Smith, Halsey S., Portland - President, Casco Bank & Trust Co.
- Stoddard, Col. Malcolm, Manager, Veterans Administration Center, Togus
- Storer, James, Topsham - Associate Professor of Economics, Bowdoin College
- Thurston, Paul, Bethel - Member of Maine Turnpike Authority and former member of Maine State Highway Commission
- Worthley, Miss Mary, West Lebanon - research worker.



RECOMMENDATIONS OF THE COMMITTEE

1. THE EXECUTIVE COUNCIL

Recommendations: That the Executive Council be abolished and that constitutional and statutory amendments be adopted to dispose of the existing powers and duties of the Council.

Resume of Reasons: The Executive Council was established in 1820, the year Maine became a State, on the theory that a Council is a necessary checkrein on the power of the Executive. There were strong doubts even then that an Executive Council is a useful appendage of government. Those early misgivings were indicated by the words of one of the Constitutional Convention delegates, as reported in the record of debates of the 1819 Convention.

"I believe, said Dr. Rose, we can get a Governor as capable of doing the business of the Executive alone, as other states. If we give him a Council, we not only incur a useless expense, but divide the responsibility, and open a door for intrigue."

Despite these misgivings, the Executive Council was established.

However, the present tendency in government is to give an elected executive adequate power to cope with his responsibilities. A system of checks and balances among the branches of government can be retained despite the elimination of the Council. The Council is an unnecessary fetter upon the authority of the Governor.

It has become apparent that although the functions of the Council have become more numerous, they have also become less and less significant. It seems inevitable that this trend will continue and will have a deleterious effect upon the quality of the Councilors and their status in State Government.

Such functions as could be left, legitimately, with the Council are such that they can be performed equally well by some other branch of government.

Although improvements could be made in the selection as well as the functions of the Council, it would still leave a withered vestige of government which no amount of alteration could make into a lasting or really effective branch of government.

One of the reasons for the establishment of the Executive Council was to avoid employing a full time staff for the Governor. However, staff functions, by their very nature, should be carried out by full time personnel and not assigned to a part-time, non-professional Council.

The Council function of hearing pardon cases along with the Governor is unnecessary and, indeed, unsound. Maine has a Probation and Parole Board which logically should hear all pardon cases and make recommendations, and only in the most unusual cases would its recommendations be set aside by the Governor.

Many of the appointments in which the Council has a confirming role could be relegated to the Personnel Department, other State Agencies or to the Governor alone. Appointments which should be confirmed, such as Judges and Commissioners of Departments, could be confirmed by some other State body.

The financial problems now reviewed by the Council are properly the business of the Department of Finance and Administration, the particular state agency involved and the Governor. Salary schedules are properly an administrative function. The Legislature and its elected official, the State Auditor, will continue to act as appropriate balances in this area.

2. APPOINTMENTS

Recommendations: The Governor, with the consent of a confirming body, should appoint the Commissioner of Agriculture, the Secretary of State, the State Treasurer and the Attorney General, who presently are elected by the Legislature, and the Commissioner of Education, now chosen by the State Board of Education. The appointments should be for a duration of four years, but the appointments should be staggered during the term of each individual Governor so there could not be a complete change of top level administrative posts throughout the State administrative system coincident with the arrival of each new chief executive. The State Auditor should continue to be elected by the Legislature.

Resume of Reasons:

As a matter of principle, those State positions which are executive in character, whose duties 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.

Efficient administration can be expected to flow from logical lines of authority, responsibility and control.

Following the principle, therefore, the Governor should appoint the Commissioner of Agriculture, the Secretary of State, the State Treasurer, the Attorney General and the Commissioner of Education -- all of whom he presently does not name.

(The Committee considered only the above officers and the State Auditor and recommended that a further study be made of all offices now filled by gubernatorial appointment to determine if selection

should be made by some other agency in order to allow the Governor more time to concentrate on his administrative duties. It was felt that there is a 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).

3. SALARIES

Recommendations: All heads of departments and their deputies should be in the unclassified service. A single approach to the setting of these salaries should be adopted by placing this authority in the hands of the Governor and Council and eliminating the present dual system of Council orders and statutes. All other State employees except those on Legislative payrolls, in the Judiciary or in the National Guard should be placed within the classification service of the Personnel Board for salary purposes.

There should be a salary equalization fund to be used between sessions of the Legislature to adjust pay inequities and to alleviate recruitment difficulties.

The salary of the Governor should be increased to \$15,000 a year and stipends granted by the Legislature for maintenance of the Blaine mansion should not be affected by the pay increase.

Resume of Reasons: The setting of State salaries now is a haphazard business. There is little coordination. The result is a situation in which some intermediate and upper ranges in the classified service are beginning to press against the disjointed salary schedules of departmental heads and bureau chiefs. The result will be, if continued, a situation in which the upper ranges of the classified service will "bump" against the salaries of departmental heads and bureau chiefs. Not only will this be unfair to both, but it may prove to be a source of discontent both to those in the classified service held back by the ceiling imposed, and to those in the unclassified service who see the approach of salary parity between policy makers in posts of executive responsibility and the highest paid technical and professional employees.

The Committee recommendations in this sphere would provide better coordination and lessen the chances of inequities in salary scales.

Placing more State employees within the classification service of the Personnel Board for salary purposes would advance further the principle of salary coordination. Under current procedures, some of the departments, for all practical purposes, are operating their own personnel sections.

The need for a salary equalization fund to guard against salary inequities and to protect the State's recruitment position between sessions of the Legislature is self-evident.

The proposal to raise the Governor's salary to \$15,000 a year recognizes the fact that there are some lesser State officials now drawing higher pay than he does.

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