

MAINE STATE LEGISLATURE

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STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

March 31, 2008

The Honorable Beth Edmonds
President of the Senate

The Honorable Glenn A. Cummings
Speaker of the House of Representatives

123rd Legislature
State House
Augusta, ME 04333

Dear Madam President and Mr. Speaker,

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Maine Cultural Affairs Council, the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine Historical Society, the Maine Library Commission, the Maine State Library, the Maine State Museum, the Maine State Museum Commission, and the Office of the State Historian under the State Government Evaluation Act. In its review, the Committee found that the Council and the individual cultural agencies are operating within their statutory authority.

Sincerely,

Handwritten signature of Peter B. Bowman in cursive.

Senator Peter B. Bowman
Senate Chair

Handwritten signature of Jacqueline R. Norton in cursive.

Representative Jacqueline R. Norton
House Chair

cc: John Rohman, Maine State Cultural Affairs Council
Patrick Norton, Director, Office of Policy and Legal Analysis

**JOINT STANDING COMMITTEE ON EDUCATION
AND CULTURAL AFFAIRS**

**Review of the Maine State Cultural Affairs Council and the Cultural
Agencies and Organizations Reporting to the 123rd Legislature
under the Government Evaluation Act**

The Government Evaluation Act

The Government Evaluation Act provides for a system of periodic review of the efficacy and performance of state government agencies (3 MRSA §951 et seq). The keystone of the Act is the agency's program evaluation report that consists of a number of components required by the statute. Essentially, the report is an agency self-assessment, which the committee of jurisdiction uses as a starting point for its evaluation of the agency's effectiveness, efficiency and performance.

Review Process

In May of 2007, the Joint Standing Committee on Education and Cultural Affairs notified the Maine State Cultural Affairs Council and the individual cultural agencies of its intent to review the council and cultural agencies pursuant to the schedule established in 3 MRSA §959. The council submitted a program evaluation report as requested. On January 31, 2008, Erik Jorgenson, Executive Director of the Maine Humanities Council, gave an oral presentation of the report on behalf of John Rohman, the Chair of the Maine State Cultural Affairs Council. Reports from the various agencies with membership on the council were also received on that day as follows:

- Maine Arts Commission, Donna McNeil
- Maine Historic Preservation Commission - Kirk Mohney
- Maine State Library - Gary Nichols
- Maine Library Commission – Steven Nichols
- Maine State Museum - J.R. Phillips
- Maine State Museum Commission - Margaret Kelley
- Maine Historical Society – Steven Bromage for Richard D'Abate
- Office of the State Historian – Earle Shettleworth

On the same day the committee received a briefing from Rebecca Wyke, Commissioner of Administrative and Financial Services and Edward Karass, the State Controller on an audit of the relationship among the cultural agencies, the Maine Cultural Affairs Council, the Maine Community Cultural Alliance, and Verrill Dana, LLC.

During the Second Session of the 123rd Legislature, L.D. 1993 Resolve, Establishing the Commission To Review the Accountability of State Cultural Agencies, was referred to

the Joint Standing Committee on Education and Cultural Affairs (EDU Committee). This legislation provided another context for discussion of the cultural agencies and their mission.

Findings and Recommendation

The Joint Standing Committee on Education and Cultural Affairs finds that the Maine State Cultural Affairs Council (the “Council”) is an efficient and effective coordinating entity for Maine’s cultural agencies. The role of the Council is vital for a comprehensive approach to preserving and promoting the State’s cultural heritage, assets and activities. Each of the entities known as the “cultural agencies”; those listed above as well as the Maine State Archives, make an important contribution to the sense of place and intrinsic character of Maine.

The EDU Committee is confident that the Controller’s audit report fully brought to light and answered questions regarding financial relationships among the cultural agencies and private entities. Acknowledgment of the need for better financial administration is resulting in the transfer of financial services to an established service center within the Department of Administrative and Financial Affairs. The directors of the cultural agencies have been advised to consult with their assigned attorney in the Office of the Attorney General whenever they are unsure of the appropriateness or legality of a planned expenditure. The recommendations in the audit report and the subsequent action plan developed with the Controller appropriately address accountability issues.

As the legislative committee of jurisdiction, we do want to emphasize in this report the importance of the cultural agencies and our enthusiasm for the work done by staff and the many citizens involved in the arts throughout the State. The Committee’s action on LD 1993 reflects our intent to enhance the visibility of the Maine State Cultural Affairs Council and to strengthen its ties with our communities and the Legislature. Attached is a copy of the EDU Committee amendment to the bill.

Detailed information about the Maine Cultural Affairs Council and each of the cultural agencies required to report under the Government Evaluation Act can be found in the individual reports. We commend the individuals who have been very helpful to us in understanding their missions and range of activities and the organizations which they serve. Assuming that LD 1993 passes as amended, the Joint Standing Committee on Education and Cultural Affairs will be receiving a report from the council in 2009. With this understanding, we are recommending that the council and each of the cultural agencies be reviewed again under the Government Evaluation Act in 2015.

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Date: 3-20-08

(Filing No. S-478)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 787, L.D. 1993, "Resolve, Establishing the Commission To Review the Accountability of State Cultural Agencies"

Amend the resolve by striking out the title and substituting the following:

'Resolve, Regarding Enhancement of Maine's Cultural Assets'

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

Preamble. Whereas, the Maine State Cultural Affairs Council serves a vital role in coordinating a comprehensive approach to preserving and promoting the State's cultural heritage; and

Whereas, the Legislature seeks to strengthen its commitment to the preservation and enhancement of the State's cultural assets for the benefit of all its citizens; now, therefore, be it

Sec. 1. Maine State Cultural Affairs Council directed to identify needs of Maine's cultural community and increase visibility of council. Resolved: That the Maine State Cultural Affairs Council, consisting of the Maine State Museum, the Maine State Library, the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine State Archives, the Maine Historical Society and the Maine Humanities Council and referred to in this resolve as "the council," shall review its charge under the Maine Revised Statutes, Title 27, chapter 18 and:

1. Identify ways to increase the council's visibility in State Government;
2. Solicit broad-based public input to identify the needs and aspirations of Maine's cultural community including through a series of statewide forums;
3. Develop ways to broaden citizen participation in the council;
4. Review the council's internal procedures to improve the delivery of services to the citizens of Maine and strengthen the council's image;

COMMITTEE AMENDMENT

1 5. Identify ways to increase the ability of the council to attract private and public
2 funding to benefit the citizens of Maine through enhanced cultural services; and

3 6. Explore ways to improve the interaction of the council with the joint standing
4 committee of the Legislature having jurisdiction over education and cultural affairs; and
5 be it further

6 **Sec. 2. Reporting date. Resolved:** That no later than January 31, 2009 the
7 council shall submit a report of its findings and recommendations to the joint standing
8 committee of the Legislature having jurisdiction over education and cultural affairs
9 matters. The council shall include in a report a draft of any legislation necessary to
10 implement its recommendations.'

11 **SUMMARY**

12 This amendment replaces the resolve. It directs the Maine State Cultural Affairs
13 Council to review its statutory charge and identify ways to strengthen the council's
14 visibility, expand citizen participation and improve the delivery of services. The council
15 is required to report its findings and recommendations to the joint standing committee of
16 the Legislature having jurisdiction over education and cultural affairs no later than
17 January 9, 2009.

18 **FISCAL NOTE REQUIRED**
19 (See attached)



123rd MAINE LEGISLATURE

LD 1993

LR 3063(02)

Resolve, Establishing the Commission To Review the Accountability of State Cultural Agencies

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Maine State Cultural Affairs Council to conduct the required review and submit the required report can be absorbed within existing budgeted resources.