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**REPORT
OF THE
SPECIAL COMMISSION
TO STUDY THE ORGANIZATION
OF THE
STATE'S CULTURAL AGENCIES**

December 22, 1989

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**SPECIAL COMMISSION
TO STUDY THE ORGANIZATION OF THE
STATE'S CULTURAL AGENCIES
Maine State Legislature
Augusta, Maine 04333**

December 22, 1989

The 114th Legislature
State House
Augusta, Maine 04333

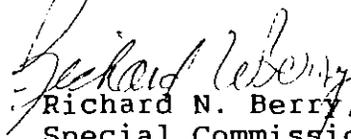
Dear Members of the 114th Legislature:

Pursuant to its charge, as established in PL 1989, c.501, Part Q, the Special Commission to Study the Organization of the State's Cultural Agencies has studied the organizational placement of the Maine State Museum, the Maine State Library, the Maine Historic Preservation Commission, and the Maine Arts Commission within the Department of Educational and Cultural Services. The Commission conducted research on the several organizational options for the optimum provision of cultural services to the people of the State and within State government and held four public hearings.

After thorough consideration, the Commission finds that the objectives for the best delivery of cultural services is provided by the formation of the Maine State Cultural Affairs Council comprised of the four chairs and vice-chairs of the four respective agencies, along with the directors of the four agencies providing advisory assistance. The role of the Council shall be limited to coordinating advocacy, planning, and budgetary functions. The independent functioning of the four agencies shall be maintained.

The Special Commission recommends the enactment of the proposed legislation as outlined in the attached Report, respectfully submitted for your review.

Sincerely,


Richard N. Berry, Chair
Special Commission to Study
the Organization of the
State's Cultural Agencies

Enclosure

Executive Summary

The Special Commission to Study the Organization of the State's Cultural Agencies, a 17 member study, was charged with researching the options for the delivery of cultural services in the state, (specifically the placement of the Arts Commission, Historic Preservation Commission, Library Commission, and State Museum Commission), conducting at least three public hearings, and reporting its findings and recommendations to the 114th Legislature and the Governor.

FINDINGS

1. An analysis of the organization of state arts agencies, libraries, museums, and historic preservation organizations in other states shows a striking diversity among organizational structures and that no one organizational model assures success.
2. The citizen commissions have fostered the success of the agencies by assuring citizen involvement and a continuity of non-partisan leadership. Policy-making citizen commissions are much valued institutions among cultural agencies nationally.
3. The Department of Educational and Cultural Services and the four Cultural Agencies as a group have fundamentally different purposes as expressed in the State and Federal statutes which provide their mandates.
4. The placement of the Cultural Agencies within the Department of Educational and Cultural Services results in an organizational conflict. The heart of this conflict is the dual authority structure of having policy-making citizen commissions within a cabinet-level department.
5. The cultural constituency has evolved to the point of generating far more visibility in the public and private sectors and feels that its documented financial and professional demands can not be efficiently addressed under the current organizational structure.
6. Testimony before this Commission demonstrated overwhelming support for the independent cultural council model.
7. Support was expressed for continuing positive program relationships should a new organizational structure be put in place.
8. Beyond the specific charge of this study, a more general interest was expressed in exploring the possibility of including other cultural organizations in addition to the Arts Commission, Historic Preservation Commission, Library Commission, and State Museum Commission under a separate cultural department or entity.

RECOMMENDATIONS

1. Establish a separate cultural organization consisting of the Maine Arts Commission, Maine Historic Preservation Commission, Maine Library Commission, and Maine State Museum Commission bound together administratively by the Maine State Cultural Affairs Council with equal representation of these four Commissions. Current informal reporting and planning conventions should be formalized by statute. This would delineate the distinct cultural mandates and goals from those of the educational programs, resolve the current organizational conflict, enhance cultural agency coordination and communication, and maintain the effectiveness of the policy-making citizen commissions.
2. Specifically define by statute inter- and intra-agency program relationships in order to preserve and enhance valued linkages.
3. The Maine State Cultural Affairs Council in cooperation with other cultural organizations within the State shall explore future opportunities for the inclusion of other organizations in the Council.

FISCAL CONSIDERATIONS

Due to the evolution of the four Cultural Agencies from independent entities, each has well-developed internal business management functions which would allow these agencies to function independently from the Department of Educational and Cultural Services with minimal, or no, additional resources. However, in order to enhance the effectiveness of the Maine State Cultural Affairs Council, consideration should be given to creating one additional staff position for administrative support to the Council and for liaison purposes with the Legislature and Governor.

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I. Introduction

The Special Commission to Study the Organization of the State's Cultural Agencies was created by the 114th Legislature during the First Regular Session: P.L. 1989, chapter 501, Part G is attached in Appendix A. As suggested by its title, the Special Commission was charged with studying the organizational placement of the four Cultural Agencies within the Department of Educational and Cultural Services. Its charge was specifically targeted at these four agencies; the Maine Arts Commission, Maine Historic Preservation Commission, Maine State Library, and Maine State Museum.

Each of the four Cultural Agencies was represented on the Special Commission by the Directors and the Chairs of the four Cultural Commissions. The Commissioner of Educational and Cultural Services, the chair of the Maine Community Cultural Alliance, five legislators, and two public members rounded out the seventeen member study commission. The Special Commission was required to hold three public hearings throughout the state and to report to the 114th Legislature and the Governor by December 1, 1989. However, due to the late starting date and the schedule of public hearings, the report date was extended to December 22, 1989.

At its first meeting on September 15, 1989, the Special Commission decided to hold four public hearings (see Appendix B for hearing schedule) and appointed a working subcommittee. The working subcommittee was charged with researching the structure of cultural agencies in other states, defining the standards or criteria to be used in evaluating organizational models, and recommending models for consideration by the full commission.

The working subcommittee surveyed each state's organizational structure for the cultural agencies, state libraries, museums, arts agencies and historic preservation organizations. In order to evaluate the wide range of organizational models, the subcommittee developed criteria or standards which are attached in Appendix C. Two very similar models were selected based on these standards and were presented to the full commission which decided to use both models to focus comments at the public hearings. These models are presented in Appendix D. Both models create a "cultural council" for coordination purposes composed of the chairs and vice-chairs of the four commissions. In Model I or the Independent Cultural Council Model, the Cultural Agencies and the Council would be independent of the Department of Education. In Model II or the "Pass-Through" Model, the Agencies and the Council would be administratively attached to the Department of Educational and Cultural Services.

The public hearings were well-attended by over 200 individuals. The Cultural Commissions and the State Board of Education were also involved in the process with each discussing and commenting on the organizational models. After the fourth public hearing, the Special Commission once again charged the working subcommittee with developing findings and recommendations for review by full commission membership. These findings and recommendations were presented and discussed at two final commission meetings.

II. History / Background

The four Cultural Agencies have been within the Department of Educational and Cultural Services since the early 1970's. However, their individual organizational histories begin with independent status and account for the current anomalous situation. With the exception of the Maine Library Commission, the Cultural Agencies are overseen by independent policy-making commissions which appoint the directors of the agencies. This section of this report will briefly review the organizational histories of these agencies, their missions, mandates and goals, and previous reorganizations and studies of this issue.

THE MAINE ARTS COMMISSION

The Maine Arts Commission has its roots in an advisory commission for the arts created by the Legislature in 1933 for the purpose of recommending the selection and placement of art for the State House. In 1964, the Governor's Council on Arts and Culture established to assess state government's role in support of the growing needs of Maine's cultural community recommended more state involvement and promotion of the arts. Concurrently with the establishment of the National Foundation on the Arts and the Humanities, the Legislature created the Maine State Commission on the Arts and Humanities in 1966. As a result of its review by the Joint Standing Committee on Audit and Program Review in 1986, the name of the Commission was changed to the Maine Arts Commission in order to more accurately reflect its mandate and to avoid confusion with the Maine Humanities Council which is not a state agency.

Organizationally, the Maine Arts Commission had been an independent agency until it was placed within the Department of Educational and Cultural Services in 1972.

THE MAINE HISTORIC PRESERVATION COMMISSION

The Maine Historic Preservation Commission was created in 1971 as an independent entity for the purpose of administering the National Historic Preservation Act of 1966. Its policy is to preserve the architectural, historic and environmental heritage of the people of the State and to promote the cultural, educational and economic benefits of those resources. It was administratively attached to the Department of Educational and Cultural Services in 1973 and made a bureau within the Department in 1979. The delay in achieving bureau status was a result of the small size of the fledgling organization during the early years of this organizational relationship.

THE MAINE LIBRARY COMMISSION/MAINE STATE LIBRARY

A formal state library entity was enacted in 1839. In 1861, the library further evolved into a separate department with the appointment of the first state librarian. The library was included under the newly created Department of Education in 1931, until 1939, when it was made independent again. The State Library's broad goal is to develop and coordinate the services and resources of all types of libraries/media centers in order to achieve equal access to total library resources for all Maine people. As with the other Cultural Agencies, the State Library was merged organizationally with the Department of Educational and Cultural Services in 1972.

Although there had been advisory bodies to the State Library, the Maine Library Commission was not created until 1973 as part of the establishment of the Maine Regional Library System. It is unique among the four Cultural Agencies in that it is technically an advisory commission and does not have policy-making authority. The State Library Commission also does not directly appoint the State Librarian unlike the appointment of the Directors of the other Cultural Agencies.

THE MAINE STATE MUSEUM COMMISSION/MAINE STATE MUSEUM

The Maine State Museum's modest beginning was a cabinet at the State House in Augusta. In 1897, the State Museum was placed under the jurisdiction of the newly created Inland Fisheries and Game Commission. The Museum was also briefly included within the Department of Education when the Department was first created in 1931. The Museum was then moved under the jurisdiction of the Parks and Recreation Bureau in the Department of Conservation. The Museum was established as an independent agency in 1965. In 1971, the Museum moved into its new facility and became a part of the Department of Educational and Cultural Services in 1972.

The Maine State Museum Commission is charged with the formulation of policies for and the general supervision over the Maine State Museum. While the State Museum's policy is to present through its collections and activities the proud heritage and unique historical background and to preserve the environmental and cultural background and richness of the State, it is different in its program-orientation because it does not provide grants or similar outreach services to local cultural organizations. At present, the Museum's programs are limited to its internal operations.

PREVIOUS REORGANIZATIONS AND STUDIES

In 1972, the gradual enlargement of Maine State Government and the proliferation of independent commissions and agencies resulted in a call for a general overhaul of State organization and management. Recognizing the desirability of presenting their respective budget requests under one heading, the Cultural Agencies were placed within the Department of Educational and Cultural Services. Implementing statutory language was carefully used to maintain the responsibilities of the citizen commissions and the internal management of each of the Cultural Agencies.

The 1977 study by the Joint Select Committee on State Policy for the Preservation, Development and Utilization of Historic and Cultural Resources was a result of a failed effort to resolve the structural anomaly by eliminating the policy-making powers of the cultural commissions. Testimony before that committee indicated an increasing demand for cultural activities, a cultural policy vacuum and bureaucratic disarray at the state level, and a critical problem of funding both in the public and private sectors. This Joint Select Committee recommended that the State's present cultural services be consolidated into a Department of Cultural Resources. However, this recommendation was never implemented.

III. Findings

1. An analysis of the organization of state arts agencies, libraries, museums, and historic preservation organizations in other states shows a striking diversity among organizational structures and that no one organizational model assures success.

The diversity among the organizational structures of the cultural agencies nationally is highlighted in the table below. Appendix E provides more detailed results of the research conducted by the working subcommittee. The most prevalent structure for these agencies is as independent agencies (over 40% of respondents). The distribution of these agencies among the other categories of organizational relationships shows no other prevalent structure. It should also be noted that few states include their arts, historic preservation, library, or museum under the same structure.

Organizational Placement of Cultural Agencies Statistical Summary

| | <u>LIBRARY</u> | <u>ARTS</u> | <u>HISTORIC PRESERV.</u> | <u>MUSEUM</u> | <u>TOTALS</u> | <u>%</u> |
|----------------------------------|----------------|-------------|------------------------------|---------------|---------------|---------------|
| Independent | 19 | 28 | 11 | 19 | 77 | 40.3% |
| Archives/ History/ Culture | 5 | 6 | 10 | 8 | 29 | 15.1% |
| Education | 15 | 4 | 7 | 2 | 28 | 14.7% |
| Natural Res./ Parks | | | 12 | 7 | 19 | 10.0% |
| Sec. of State | 3 | 4 | 4 | 3 | 14 | 7.3% |
| Other | 5 | 5 | 2 | | 12 | 6.3% |
| Bur. of Budget | | 5 | | | 5 | 2.6% |
| Comm. Dev. | | | 4 | | 4 | 2.1% |
| Legislature | 2 | | | 1 | 3 | 1.6% |
| | <u>49</u> | <u>52</u> | <u>50</u> | <u>40</u> | <u>191</u> | <u>100.0%</u> |

In the process of surveying the cultural organizations of the other states which included conversations with many of the directors of these agencies, the subcommittee noted a number of other interesting findings. There was a consensus that no one organizational structure assures success, even cabinet status was not a significant factor. However, virtually all agency success is tied to independent advocacy by the cultural constituencies. The "ideal" structure, no matter what the cultural discipline, was an independent agency reporting directly to the Governor and Legislature. When independent status is not feasible, direct budget submissions to the executive and legislative branches is considered the best alternative. The "Connecticut" or "Pass-Through" model is viewed as a workable alternative to independent status.

- 2. The citizen commissions have fostered the success of the agencies by assuring citizen involvement and a continuity of non-partisan leadership. Policy-making citizen commissions are much valued institutions among cultural agencies nationally.**

Commissions in either advisory or policy-making capacities are numerous nationally with policy-making citizen commissions considered the ideal. These commissions are considered ideal because citizens tend to invest time and resources in structures which empower them. The value of these citizen commissions to the cultural constituencies of Maine has been indicated by past support when their policy-making authority was threatened.

The management of these agencies is non-political either in law or in practice. The prevailing approaches insure that professionals in the fields of libraries, museums, arts, and historic preservation are selected for professional experience rather than political ties.

- 3. The Department of Educational and Cultural Services and the four Cultural Agencies as a group have fundamentally different purposes as expressed in the State and Federal statutes which provide their mandates.**

In public testimony a few individuals stressed the importance of the services provided by the Cultural Agencies to public schools and argued that the *status quo* was working well for the purposes of schools. However, public schools do not provide the principal measurement of service for the programs of the Cultural Agencies. The Department of Educational and Cultural Services exists as the agency to provide guidance, resources and standards for elementary and secondary public instruction. While the four Cultural Agencies each promote "educational" activities in the broadest sense of the term, none of them have public instruction as central to their mandates.

Libraries' missions extend far beyond schools and encompass the universe of information and access to these resources for all citizens of Maine. The quest for information by citizens of all ages involves not just school libraries but public, academic, medical, special research and corporate libraries as well. In the information age we have entered, the focus must be on meeting the information needs of citizens of all ages.

The Arts Commission links the resources of artists and arts institutions with the public schools. For example, the Arts Commission has a number of programs which bring professional artists into the public schools to demonstrate their art, not to be classroom teachers. The Commission also brings its knowledge of the State's artistic resources to those who plan arts curricula. However, it does not develop curricula itself; in fact, it is by policy expressly prohibited from doing so.

For the Historic Preservation Commission and the Museum Commission, these same arguments apply. While their services are valuable educational resources, their goals and mandates are much broader.

4. The placement of the Cultural Agencies within the Department of Educational and Cultural Services results in an organizational conflict. The heart of this conflict is the dual authority structure of having policy-making citizen commissions within a cabinet-level department.

The Cultural Agencies obscured within the organizational framework of the Department, therefore the uniqueness which distinguishes these agencies from the educational bureaus is hidden. The Governor-appointed citizen commissions have always had prominence in the history of the Cultural Agencies. Three of them set policy, one is technically advisory. All establish and monitor the goals and performance of their respective agencies. Their internal organization and operation is not liable or accountable to the oversight of the Commissioner of Educational and Cultural Services. State statutes, in the case of the Museum and Arts Commissions, specifically limit the authority of the Commissioner. Yet the Directors of the Cultural Agencies are caught in a complex web of trying to serve two masters.

While there are some formal channels of communication between the Commissioner and Commissions, the Commissions and the Directors feel inadequately involved in critical budget decisions and negotiations and can only guess priorities set for their agencies. This structural anomaly seriously hinders the ability of the Cultural Agencies to address the respective needs of their cultural constituencies that, by law, they are charged to do.

5. **The cultural constituency has evolved to the point of generating far more visibility in the public and private sectors and feels that its documented financial needs can not be efficiently addressed under the current organizational structure.**

Through the growth of citizen interest and independent advocacy with the Legislature, there is a coalescing of cultural interests never seen before as witnessed in the formation in 1988 of the Maine Community Cultural Alliance. The four Cultural Agencies have embarked upon joint program planning, now in its third year. Finally, the public has a growing expectation to work with each of the agencies and expects coordination of their programs.

Cultural supporters believe that if they have an opportunity to tell their stories, they will engender greater support for their programs than if they do not have this opportunity. Their experiences during the past eighteen years support this assertion. Since virtually without exception any significant financial success has come about from independent advocacy rather than from the departmental budget process. In the public hearings, much evidence focused on administrative and management issues, but intermingled with such public testimony was a plea for recognition of the financial needs that cultural agencies face. The very low level of public support for libraries in comparison with the other states and pressing financial needs of arts and preservation organizations were examples frequently cited. Those individuals also representing organizations clearly asked to have strong advocates at work in Augusta in the hope that their needs might be more directly reviewed by the Governor and Legislature. Cultural supporters have concluded that having strong advocates in Augusta can best happen if there is an organizational change moving the agencies away from the K-12 public school focus of the Department.

In-house considerations, even those costing no money, are often ignored or lost in the bureaucracy at the department level. Transfer of funds, not additional funds, and adjustments to the in-house operation of the Cultural Agencies requiring only legislative consideration are left unattended to by the department and call for separate legislation, a more time consuming and in many of these non-funding issues a less efficient process.

Among the cultural constituencies, there is a growing concern of the Department's ability to fully appreciate the depth and breadth of the cultural community and their increasing demand for services. There is a sense that the Cultural Agencies have evolved to a point where the spotlight of public attention and evaluation should be placed upon them. The Cultural Agencies serve such an enormous clientele (in theory every resident of the state) with a multitude of services and programs. In fairness to its citizens, the State should guarantee that cultural issues and needs at least be voiced and considered each session through the legislative process rather than the current structure which historically has inhibited consideration of these programs.

6. Overwhelming support was registered in testimony before this Commission for the independent cultural council model.

This was particularly true at the Portland and Presque Isle hearings where the support was unanimous. In all, 55 citizens spoke directly in support of the independent cultural council model. This was 84% of all individuals testifying. Two speakers also spoke in favor of separation from the Department, but urged creation of a new cabinet-level department. Four individuals expressed no preference between the two models presented (see Appendix D), and three argued to maintain the *status quo*. Only two citizens spoke favorably of "pass-through" model. It seems clear from this testimony that a large majority of citizens testifying favored a complete separation from the Department of Educational and Cultural Services.

In addition, the Maine State Museum, the Maine Library Commission, the Maine Historic Preservation Commission voted unanimously for the independent cultural council model. The State Board of Education voted unanimously for the "pass-through" model. The Maine Arts Commission did not take a position for either model but recommended that the chair of the Council be appointed by the Governor.

Citizen preference for a separation from the Department has led to a reconsideration of the model of creating a separate cabinet-level Department of Cultural Affairs. This model exhibits benefits, particularly heightened visibility with the Governor. However, a number of concerns have been expressed including the cost of a new department.

During the public hearings, many citizens testified that a lack of budgetary and financial support for the Cultural Agencies from the Department was the critical reason that an independent structure was preferred by the overwhelming majority of the cultural community. No one suggested that adequate funding for cultural programs would result from any reorganization. However, some testimony implied that the resulting increase of visibility and more direct advocacy could improve chances for future increases in funding.

7. Support was expressed for continuing positive program relationships should a new organization structure be put in place.

Citizen comment in the public hearings stressed the need to sustain linkages to education where they existed. Particularly mentioned were school arts programs and school libraries. It remains of central importance to sustain beneficial linkages to public education. However, public schools do not provide the principal measurement of service for the programs of the Cultural Agencies.

Some individuals argued that the *status quo* presented the best link between the Cultural Agencies and public institutions. Others suggested that the connections would naturally continue and if there was concern that linkages would be weakened, a memoranda of agreement or legislation could solve the problem.

8. Beyond the specific charge of this study, a more general interest was expressed in exploring the possibility of including other cultural organizations in addition to the Arts Commission, Historic Preservation Commission, State Library Commission, and State Museum Commission under a separate cultural department or entity.

A belief has also been expressed that the scope of the present study order has not been broad enough to encompass other "cultural" activities in and outside Maine State government. While the focus of this study effort has included the agencies in the Department of Educational and Cultural Services, it has not included the State Archives, the Maine Historical Society, the historical sites program in the Bureau of Parks and Recreation, Department of Conservation, the Maine Humanities Council, the State Historian, and the Law and Legislative Reference Library.

IV. Recommendations

The majority of the Special Commission has recommended the following courses of action to address the concerns and issues highlighted in the preceding findings section. However, there were some elements of these recommendations upon which the Special Commission could not reach unanimous agreement. The objections of the small majority of the Special Commission as well as the supporting arguments on these issues are presented in Appendix F.

1. Establish a separate cultural organization consisting of the Maine Arts Commission, Maine Historic Preservation Commission, Maine Library Commission, and Maine State Museum Commission bound together administratively by the Maine State Cultural Affairs Council with equal representation of the four cultural commissions. Current informal reporting and planning conventions should be formalized by statute. This would delineate the distinct cultural mandates and goals from those of the educational programs, resolve the current organizational conflict, enhance cultural agency coordination and communication, and maintain the effectiveness of the policy-making citizen commissions.

The Maine State Cultural Affairs Council:

The Maine State Cultural Affairs Council, hereafter the Cultural Council, is composed of the chairs and vice-chairs of each of the four Commissions: the Maine State Library Commission, Arts Commission, Museum Commission and Historic Preservation Commission. The Governor may designate a member of the Office of the Governor to serve as a non-voting liaison. Each Cultural Agency Director and the State Librarian, who serves as a director, shall be ex-officio, non-voting members of the Council and shall serve as staff to the Council.

The function of the Council is limited to the following:

- A. To receive each of the Cultural Agency budget request and to coordinate the budget plans for submission to the Bureau of the Budget;
- B. To provide a forum for inter-agency cooperation and planning;
- C. To serve as the principal liaison for distribution of agency-wide notices and instructions from other governmental administrative agencies;
- D. To coordinate the preparation of an annual report and other joint planning documents of the four Cultural Agencies; and

- E. To meet jointly, at least annually, with the Directors of the Maine Humanities Council, Maine State Archives, State Law Library, and others as deemed appropriate, for the purpose of exchanging information and coordinating statewide cultural planning.

The powers of the council do not extend to:

- A. Alteration of any agency program or request except as a conduit for administrative budget instructions;
- B. Consolidation or transfer of funds between agencies;
- C. Policy-setting for any agency or commission; and
- D. Any powers not expressly granted.

The administrative intent of the Council is to serve as a substructure to the primary policy authority of the individual cultural citizen commissions. The budget requests of these agencies are to be consolidated under one budget submission. However, the governance, management, and control of the respective agencies shall be vested respectively in the Commissions of the Arts, Historic Preservation, Library, and Museum.

Executive Secretary of the Council:

To assist in liaison functions, as well as to provide a single place for the assembly of data or distribution of administrative directions, there is created as an adjunct to the Cultural Council, a staff position of "Executive Secretary of the Council." This will require that a staff position be authorized and funded. This individual will be appointed by the Cultural Council, based upon the recommendation of the four Directors, and will serve at the pleasure of the Council.

Duties of the Executive Secretary of the Cultural Council:

- A. Serves as secretary to the Council;
- B. Provides liaison among the four Cultural Agencies;
- C. Prepares coordinated budget requests for review by the Council and for submission to the Governor and Legislature;
- D. Assists in the development of comprehensive cooperative long-range plans (e.g. *Vision 2000*);
- E. Prepares annual reports with the assistance of the four Cultural Agency Directors for the Legislature and Governor;
- F. Maintains records of Cultural Council activities, initiatives and policies;

- G. Monitors the budget process and reports status to Cultural Agency Directors and members of the Council; and
- H. Provides such other cooperative activities and services as Council members may need or require.

Delineate Mandates and Goals:

The first, and fundamental, purpose of this recommendation is to distinguish and define, as essentially separate missions, the functions of "educational services" and "cultural services." A principal finding of the present study is that the mandates and missions of educational and cultural services may overlap, but they are inherently distinct and different. The principal focus of the Department is necessarily elementary and secondary public schools. Both educational and cultural services will benefit from a resolution of interest into distinct structures reflecting their separate objectives and needs. Although testimony has suggested vital linkages with public schools, citizen comments reinforced research which recognized the conflict inherent in the *status quo*.

Resolve Current Organizational Conflict:

By placing the Cultural Agencies and the Directors clearly under the direct control of the citizen commissions, the organizational conflict faced by the Directors of having to serve two masters would be resolved. The Directors of the Cultural Agencies will be free to implement the policies of their respective Commissions without potential conflict with the policies of the Department of Education.

Maintain Effectiveness of Commissions:

Research and testimony have both observed that the work of citizen commissions is desirable and accountability through these commissions should be reinforced and strengthened. The use of oversight, citizen boards or commissions is nearly universal when libraries, museums, arts and historic preservation agencies are surveyed nationwide. The citizen commissions serve to buffer granting agencies from the illusion of political influence. To perform this vital function it is essential that the Commissions remain non-political and non-partisan. This operating structure serves agency needs, as well as citizen expectations, and it has performed well in Maine.

In order to be consistent among the Commissions in this new organizational relationship, the role of the Maine Library Commission should be clarified to assure that it is also a policy-setting body for the State Library and other library programs.

Enhance Cultural Agency Coordination and Communication:

Review of testimony has reinforced the importance of formal communication as an aspect of statewide leadership, as a mechanism of accountability, and as a planning focus. The publication by the Cultural Agencies of *Vision: 2000* served as a useful mechanism of joint planning, integrated priority-setting, and communication to the executive, legislative branches, and the general public.

The purpose of this new council is to institutionalize a process which now exists informally. The annual reporting requirement will accomplish this. This report will include planning objectives, agency achievements and failings, as well as needs and priorities. Through this mechanism, the Cultural Agencies can assure that their programs and needs are fully reported upon on an annual basis to both the Legislature and the Governor. The annual report is to be published by the four cultural agencies through use of their own resources, and shall be issued under the direction and approval of the Maine State Cultural Affairs Council. In addition to authority devolving from the mandates of the four cultural agencies, it should be clearly identified that the Legislature intends that the directors of the cultural agencies shall provide information to Legislative committees, and the Governor, as may be needed in pursuit of agency mandates.

Legislative Efficiency:

Although it may be fairly stated that removing the Cultural Agencies from the Department of Educational and Cultural Services may require additional time of the legislative appropriations process, the additional time given may not be significant. Given the "end-runs" usually required to have both routine and major initiatives addressed, the additional time may be viewed as more productive and efficient to the work of the Cultural Agencies. The small time taken directly with these agencies will not only give recognition to the importance of their work to the lives of all citizens but also satisfy the growing constituent demands for recognition and identity.

Accountability:

A major objective of this reorganization is to increase accountability. The current organizational structure includes an inherent conflict arising from policy-setting commissions under the authority of a cabinet department. It is not desirable to resolve this conflict by replacing the current anomaly with a similar structure in which lines of authority and accountability continue to be obscured. The objective is to place the mantle of accountability squarely on the shoulders of the citizen commissions, the members of which are all appointed by the Governor.

Evaluation Criteria:

Despite strong arguments in support of the more substantial course of action, creating a cabinet-level Department of Cultural Affairs, the commission feels that this action is unnecessary and premature. Any further consideration of a cabinet-level department should be deferred until further studies are concluded. As indicated in the above arguments, the council structure is recommended because it seemed to best satisfy the criteria or standards developed by the working subcommittee to evaluate the organizational models. It should be stressed again that this reorganization is not based on the expectation of the receipt of additional funds, which is not guaranteed by any structure.

2. Specifically define by statute inter- and intra-agency program relationships in order to preserve and enhance valued linkages.

Research and testimony both suggest the importance of retaining valuable linkages between the missions of public schools and cultural agencies. Nothing proposed herein should diminish these working relationships. Particular emphasis, and concern, has been expressed concerning the fate of programs for school libraries, and school-based art programs. Statutory language preserving these linkages is a vital part of the package presented here. In particular, specific language should be amended to the Arts Commission, Library and Education statutes which establishes legislative intent to preserve all aspects of the present program which are beneficial to school libraries and school-based arts programs.

The confidence to break these structural ties with the Department of Educational and Cultural Services is based on the favorable experiences of the Maine Historic Preservation Commission and its inter-agency and inter-departmental program relationships. Structural relationships are not prerequisites for inter-disciplinary relationships.

In addition, the Education Specialist/Media Services Consultant position funded by Elementary and Secondary Education Act (ESEA), Chapter 2 Federal Block Grant funds should be transferred from the Department of Education to the Maine State Library. This specific transfer is necessary because it is the Library which provides the services needed by the school libraries of the State.

3. The Maine State Cultural Affairs Council in cooperation with other cultural organizations within the State shall explore future opportunities for the inclusion of other organizations in the Council.

Testimony has suggested that the scope of the present study has been too narrow and that the inquiry should have extended to other "cultural" agencies in government. The current study order has been limited to the four Cultural Agencies which reside currently in the Department, and this report is similarly limited. However, it is recognized that further study is demanded, particularly of the role that might be developed to afford better cooperation and joint planning and development with other agencies of state government such as the State Law Library and the Maine State Archives. It is recommended, therefore, that the Legislature consider a new study order of somewhat large scope, which might deal with these broader issues within the next several years. The Maine State Cultural Affairs Council should continue to study these issues as part of its annually reporting and planning requirement.

V. Fiscal Considerations

Due to the evolution of the four Cultural Agencies from independent entities, each has well-developed internal business management functions which would allow these agencies to function independently from the Department of Educational and Cultural Services with minimal additional resources. However, in order to enhance the effectiveness of the Maine State Cultural Affairs Council, consideration should be given to creating an additional staff position within the Council for liaison purposes.

Ideally, the Maine State Cultural Affairs Council should have an additional staff position for liaison purposes. The Executive Secretary position recommended and related costs would be approximately \$45,000 to \$55,000. This expense will be too much to be funded from the existing resources of the Cultural Agencies without significant program sacrifices. Therefore, it is hoped that new resources would be made available to fund this position.

However, given the current funding situation in this State, these recommendations should not succeed or fail in the Legislative process simply because of this request for additional funding. The Directors of the Cultural Agencies have indicated that they would be able to share the responsibilities of the Executive Secretary. This would be made possible due to staff time savings resulting from no longer having to attend Department meetings, many of which had little, or no, connection with or focus on the cultural bureaus.

Other administrative costs of the new organizational structure would not be significant. This is directly related to the historical evolution of these agencies from independent organizations. Each has well-developed internal business management functions. The current estimates of Department of Educational and Cultural Services administrative staff time devoted to the Cultural Agencies is not significant, approximately \$30,000 in personal services costs. The resulting savings would be directed toward more concentrated support of the education programs and would not be available for transfer. However, the cost of these additional duties and functions could be easily absorbed by the Directors and their staffs without additional resources.

APPENDICES

- Appendix A Study Authorization**
- Appendix B Public Hearing Schedule**
- Appendix C Organizational Model Evaluation Criteria**
- Appendix D Organizational Models**
- Appendix E Organization of Cultural Agencies in
Other States**
- Appendix F Summary of Contentious Issues**
- Appendix G Implementing Legislation**

APPENDIX A

Study Authorization

Study Authorization

Public Law 1989 Chapter 501, PART Q

Sec. 1. Commission created and charged. There is created the Special Commission to Study the Organization of the State's Cultural Agencies. The commission shall study the organizational placement of the Maine State Museum, the Maine State Library, the Maine Historic Preservation Commission and the Maine Arts Commission within the Department of Educational and Cultural Services. The commission shall conduct research on the organizational options for the provision of cultural services within State Government and shall hold a series of at least 3 public hearings throughout the State to gather public testimony.

Sec. 2. Appointment. The commission shall consist of 17 members, appointed in the following manner: 2 Senators appointed by the President of the Senate; 3 members of the House of Representatives appointed by the Speaker of the House of Representatives; the Commissioner of Education and Cultural Services or the commissioner's designee, ex-officio; the Director of the State Museum Bureau; Director of the Maine Historic Preservation Commission, the Director of the Maine Arts Commission and the State Librarian, or their designees, ex-officio; the Chair of the Maine State Museum Commission; the Chair of the Maine Library Commission; the Chair of the Maine Historic Preservation Commission; the Chair of the Maine Arts Commission; the Chair of the Maine Community Cultural Alliance; and 2 public members appointed jointly by the President of the Senate and the Speaker of the House of Representatives. Members shall be appointed within 30 days of the effective date of this Act and the Executive Director of the Legislative Council shall be notified when the appointments are made.

Sec. 3. Convening of commission. When the appointment of all commission members is completed, the Chair of the Legislative Council shall convene the first meeting of the commission. At the first meeting, the commission shall elect a chair from among its members.

Sec. 4. Report. The commission shall present its findings, together with an recommended legislation, to the 114th Legislature and the Governor by December 1, 1989.

Sec. 5. Assistance. If staff assistance is desired, assistance shall be requested from the Legislative Council.

Sec. 6. Compensation. The members of the commission who are Legislators shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission meetings. All members of the commission who are not state employees shall receive reimbursement for expenses upon application to the Executive Director of the Legislative Council.

Appropriation from the General Fund (PL 1989, c. 501, Part A):

LEGISLATURE

1989-90

Special Commission to Study the
Organization of the State's
Cultural Agencies

Personal Services
All Other

\$1,650
6,800

TOTAL

8,450

Provides funds for the per diem travel and related expenses of the Special Commission to Study the Organization of the State's Cultural Agencies.

APPENDIX B

Public Hearing Schedule

Public Hearing Schedule

| | | |
|--------------------------|---------------------|--|
| OCTOBER 30, 1989 | Monday, 7:00 P.M. | Bodwell Lounge Maine Center for the Arts University of Maine Orono, Maine |
| NOVEMBER 2, 1989 | Thursday, 7:00 P.M. | Rines Meeting Room Portland Public Library Portland, Maine |
| NOVEMBER 3, 1989 | Friday, 7:00 P.M. | Room 105, Folsom Hall Univ. of Maine at Presque Isle Presque Isle, Maine |
| NOVEMBER 13, 1989 | Monday, 1:00 P.M. | Room 228, State House (Appropriations Hearing Room) Augusta, Maine |

APPENDIX C

Organizational Model Evaluation Criteria

Organizational Model Evaluation Criteria

Presented below are the criteria from the perspective of each of the several interested groups:

1. PUBLIC

- Effectiveness of agencies
- Fulfillment of objectives (sufficient funding)

2. CULTURAL AGENCIES

- Increased advocacy profile in the budget process
- Preservation of current strengths (commissions/programs)

3. GOVERNOR

- Accountability of the agencies
- Evidence of "discipline" in planning agency activities

4. LEGISLATURE

- Efficiency and concentration of budget presentations
- Executive review of budget requests

APPENDIX D

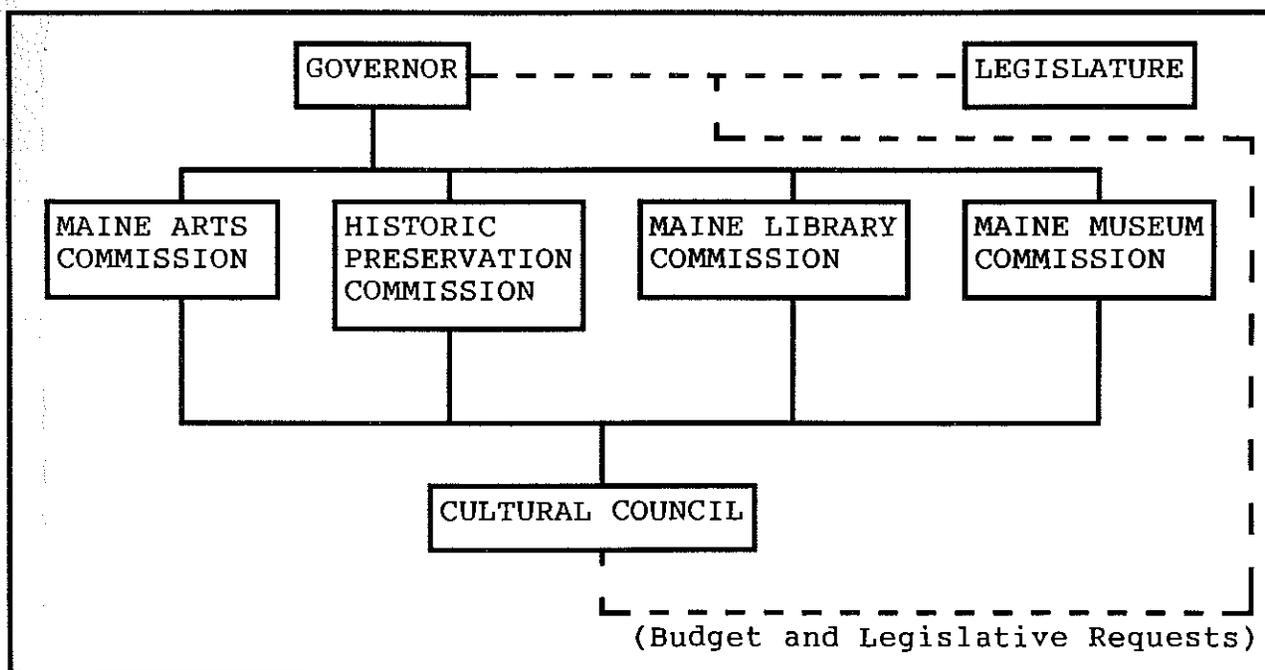
Organizational Models

Organizational Models

ORGANIZATIONAL MODEL I Independent Cultural Council

This model consists of an independent Cultural Council composed of the chairs and vice-chairs of the 4 cultural commissions with the directors of the 4 cultural agencies serving in an advisory capacity. The duties of the Cultural Council shall be limited to:

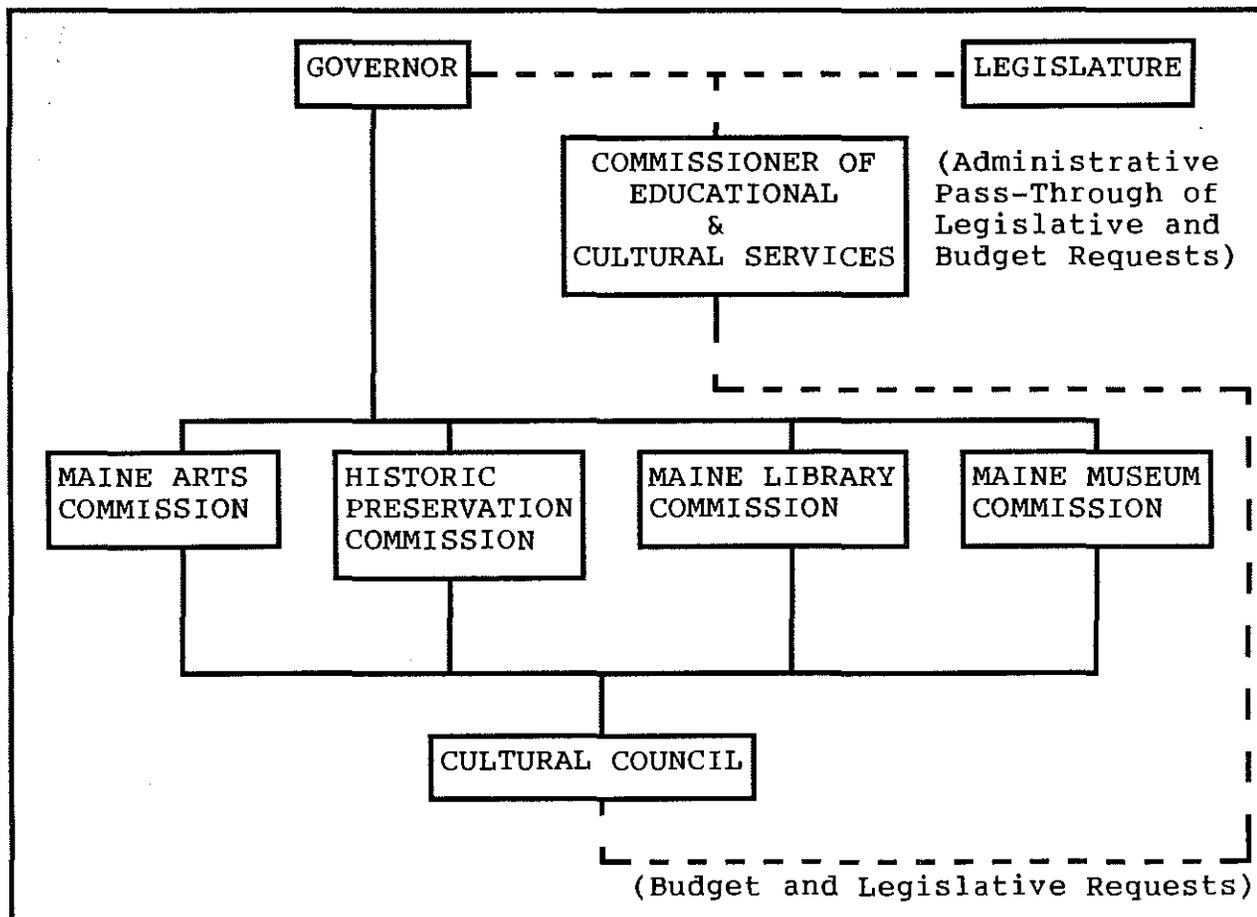
- coordinating the cultural initiatives to meet the objectives stated in the General Cultural Policy Statement;
- maintaining the professional conduct and policy-making authority of the individual commissions;
- developing a biennial coordination plan and reporting to Governor and Legislature; and
- coordinating and presenting cultural agencies' legislative and budget requests to the Governor and the Legislature.



ORGANIZATIONAL MODEL II "Pass-Through" Model

This model consists of a Cultural Council composed of the chairs and vice-chairs of the 4 cultural commissions with the directors of the 4 cultural agencies serving in an advisory capacity. The Council shall be considered a part of the Department of Educational and Cultural Services for administrative purposes only. The Council, not the Department of Educational and Cultural Services, shall be responsible for the advocacy of the cultural agencies' budget and legislative requests. The Commissioner shall be responsible for administratively "passing-through" these requests of the cultural agencies without altering them. The duties of the Cultural Council shall be limited to:

- coordinating the cultural initiatives to meet the objectives stated in the General Cultural Policy Statement;
- maintaining the professional conduct and policy-making authority of the individual commissions;
- developing a biennial coordination plan and report to Governor and Legislature; and
- coordinating and presenting cultural agencies' legislative and budget requests to the Governor and the Legislature.



APPENDIX E

**Organization Of Cultural Agencies
In Other States**

Organization Of Cultural Agencies In Other States

Arts Agency Location in State Government

Independent:

| | | | |
|----------------|-------------|--------------|----------------|
| Alabama | Indiana | North Dakota | South Carolina |
| Arizona | Kansas | Ohio | Tennessee |
| California | Minnesota | Oklahoma | Texas |
| Connecticut | Mississippi | Oregon | Virginia |
| Washington, DC | Nebraska | Pennsylvania | Washington |
| Guam | Nevada | Puerto Rico | Wisconsin |
| Illinois | New York | Rhode Island | Wyoming |

In addition, Vermont's arts agency is a private, non-profit corporation.

Department of Education:

| | | |
|--------|----------|---------|
| Alaska | Colorado | Montana |
|--------|----------|---------|

Department of Cultural Affairs:

| | | | |
|----------------|--------------|---------------|---------------|
| Iowa | Kentucky | Louisiana | New Hampshire |
| North Carolina | South Dakota | West Virginia | |

Department of the Budget:

| | | | |
|----------|--------|---------------|----------|
| Georgia | Hawaii | Massachusetts | Maryland |
| Michigan | | | |

Department of the State:

| | | | |
|----------|---------|-------|------------|
| Delaware | Florida | Idaho | New Jersey |
|----------|---------|-------|------------|

Office of the Executive:

American Samoa

Department of Economic Development:

| | |
|----------|------|
| Missouri | Utah |
|----------|------|

Department of Heritage

Arkansas

Historic Preservation Agency Location in State Government

Independent:

Alabama Illinois Rhode Island

Natural Resources/Parks:

Alaska Arizona California Georgia
Hawaii Indiana Missouri Nevada
New York Oregon Tennessee Virginia

Archives/Cultural Affairs:

Arkansas Iowa Mississippi New Hampshire
New Mexico North Carolina Pennsylvania South Carolina
Texas Wyoming

Education/Cultural Affairs:

Colorado Connecticut Idaho Kentucky
Maine South Dakota West Virginia

Secretary of State:

Delaware Florida Massachusetts Michigan

State Historical Society:

Kansas Minnesota Montana Nebraska
North Dakota Ohio Oklahoma Wisconsin

Culture/Tourism:

Louisiana

Community Development:

Maryland Utah Vermont Washington

Environmental Protection:

New Jersey

State Library Agency Location in State Government

Department of Education:

| | | | |
|--------------|--------------|------------|----------|
| Alaska | Arkansas | California | Colorado |
| Connecticut | Georgia | Maine | Maryland |
| Minnesota | Missouri | New Jersey | New York |
| Pennsylvania | South Dakota | Wisconsin | |

Independent Agencies:

| | | | |
|----------------|---------------|----------|---------------|
| Alabama | Indiana | Kansas | Massachusetts |
| Mississippi | Montana | Nebraska | Nevada |
| Ohio | Oklahoma | Oregon | Rhode Island |
| South Carolina | Texas | Vermont | Virginia |
| Washington | West Virginia | Wyoming | |

Department of Cultural Resources:

| | | | |
|---------------|-----------|------------|----------------|
| Iowa | Louisiana | New Mexico | North Carolina |
| New Hampshire | | | |

Secretary of State:

| | | |
|---------|----------|-----------|
| Florida | Illinois | Tennessee |
|---------|----------|-----------|

Legislative Branch:

| | |
|---------|----------|
| Arizona | Michigan |
|---------|----------|

Other Administrative Agency:

| | | | |
|----------|-------|----------|--------------|
| Delaware | Idaho | Kentucky | North Dakota |
| Utah | | | |

State Museum Agency Location in State Government

Independent:

| | | | |
|---------|----------|-----------|-----------|
| Arizona | Colorado | Idaho | Illinois |
| Iowa | Kansas | Louisiana | Maryland |
| Montana | Nevada | Oklahoma | Tennessee |
| Texas | Utah | | |

Archives/History/Culture:

| | | | |
|----------------|---------------|----------------|------------|
| Alabama | Florida | Mississippi | New Mexico |
| North Carolina | Pennsylvania* | South Carolina | Wyoming |

* Legislative Branch

University:

| | | | |
|-------------|----------|-----------|----------|
| Connecticut | Kentucky | Minnesota | Nebraska |
| Oregon | | | |

Parks/Tourism:

| | | | |
|---------|-------------|---------|----------|
| Alabama | California* | Georgia | Missouri |
|---------|-------------|---------|----------|

* Legislative Branch

Other/Natural Resources:

| | | | |
|--------|---------|--------------|----------|
| Hawaii | Indiana | Rhode Island | Virginia |
|--------|---------|--------------|----------|

Secretary of State:

| | | | |
|---------------|----------|------------|--|
| Massachusetts | Michigan | New Jersey | |
|---------------|----------|------------|--|

Education

| | | | |
|--------|----------|--|--|
| Alaska | New York | | |
|--------|----------|--|--|

APPENDIX F

Summary of Contentious Issues

Summary of Contentious Issues

The Appointment of the Chair of the Cultural Council:

The Arts Commission and the Department of Educational and Cultural Services have proposed that if "Option 1" or the independent cultural council model is selected that the Chair of the Council be appointed by the Governor, independent of the four cultural agencies. This motion was not accepted into the report and, therefore, the Commissioner and Chair of Arts Commission voted against the report.

The Commissioner and the Chair of the Arts Commission feel that the chair of the Council should report to the Governor to enable a clear line of authority from the Governor's Office to the cultural agencies. Because the chair would not be a member of the constituent commissions, no one commission would be placed in a more favorable position by being directly represented by the chair of the Council. In addition, this position could not significantly affect programs because the individual commissions would retain their policy-making authority.

However, the majority of the Commission feels that this chair would represent another level which is unnecessary and redundant with respect to accountability because all other members are appointed by Governor. The Chair of the Council also has no real authority other than a coordinating function. As proposed, the chair could be the Commissioner of Education, or someone else who could create tensions negating the coordinating purposes of the Council. In addition, most Commission members wanted to avoid a situation, real or perceived, where someone might be considered the "Cultural Czar."

The majority also argued that the chairs and vice-chairs of the Commissions would not very likely appoint a chair to the Council who would show favoritism toward their individual constituent groups. However, if appointed by the Governor, the person may not have as great a knowledge of the work of the commissions and/or may be predisposed toward favoring one commission.

The Transfer of Federal Block Grant Position in the Library:

The transfer of the Education Specialist/Media Services Consultant within the Department of Educational and Cultural Services to the Library as part of the proposed separation has become another point of contention in the report. Although physically located within the State Library, the position is funded by Federal Block Grant Funds and is programmatically attached to the Administrative Services program of the Department, which includes E.S.E.A. Chapter 2 administration.

The position is responsible for Chapter 2 administration (20%) and providing technical assistance to libraries in public schools, seeing that they meet certain requirements established as a result of Education Reform.

These Federal Block Grant funds have been declining. 3.25 positions were transferred to the General Fund from these funds during the 1st Regular Session of the 114th Legislature and funding for grantees is not expected to continue in fiscal year 1990-91.

The Department asserts that because the Library would no longer be a part of the Department, it would have to apply for grants as any other outside agency. Since these grants are not expected to continue, this position could not be funded from the Federal Block Grant Funds. The Department also claims that, if the position were transferred, they would continue to require a position because the Department would still be mandated to oversee public school libraries and monitor Chapter 2.

However, it is the opinion of the majority of the Commission that this position serves primarily library-related functions and should therefore, remain with the Library after the transition. This can be implemented through statutory language indicating that the Department and the Library will work cooperatively to fulfill the Department's mandates. The Department can continue funding for this position on a contractual basis.

APPENDIX G

Implementing Legislation

(Part B Only)

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OFFICE OF THE REVISOR OF STATUTES

BILL DRAFT SUMMARY

LR #: 3515 ITEM #: 1 TYPE: O

TITLE:

An Act to Implement the Recommendations of the Special
Commission to Study the Organization of the State's Cultural
Agencies

SPONSOR:

COSPONSORS:

LEGEND: Submitted by the Special Commission to
Study the Organization of the State's
Cultural Agencies pursuant to Public
Law 1989, chapter 501.

AUTHORITY FOR INTRODUCTION: PLW

DRAFTER: GTP TECH: AMW

DATE/TIME LAST PRINTED: 12/19/89 15:03

LAST ACTION: PRF/RVPRF 12/19/89

COPY

COPY

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COPY

COPY

Be it enacted by the People of the State of Maine as follows:

PART B

Sec. 1. 3 MRSA §927, sub-§9, ¶¶A and B, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, are amended to read:

A. Agencies:

- (1) The Department of ~~Educational---and---Cultural Services~~ Education;
- (2) Maine State Housing Authority; and
- (3) Maine Health and Higher Educational Facilities Authority.

B. Independent agencies:

- (1) Maine Conservation School;
- (2) Office of State Historian;
- (3) Maine Arts Commission;
- (4) Maine State Museum Commission;
- (5) Maine Historic Preservation Commission;
- (6) Maine Health Care Finance Commission;
- (7) Maine Health Facilities Authority;
- (8) Board of Occupational Therapy Practice;
- (9) Board of Respiratory Care Practitioners; and
- (10) Radiologic Technology Board of Examiners; and
- (11) Maine Library Commission.

Sec. 2. 5 MRSA §12004-G, sub-§§7-A to 7-E are enacted to read:

| | | | |
|----------------------|--------------------|-----------------|---------------------|
| <u>7-A. Culture/</u> | <u>Maine State</u> | <u>Expenses</u> | <u>27 MRSA §552</u> |
| <u>History</u> | <u>Cultural</u> | <u>Only</u> | |
| | <u>Affairs</u> | | |
| | <u>Council</u> | | |

2 1-A. Commissioner of Education. The Commissioner of
3 Educational-and-Cultural-Services, Education;

4 Sec. 11. 20-A MRSA §202, sub-§§7 and 8, as amended by PL 1985, c.
5 763, Pt. A, §74, are repealed.

6 Sec. 12. 20-A MRSA §202, sub-§§9, 10 and 12 to 14, as enacted by PL
7 1981, c. 693, §§5 and 8, are repealed.

8 Sec. 13. 20-A MRSA §203, sub-§2, as enacted by PL 1985, c. 763, Pt.
9 A, §75, is repealed.

10 Sec. 14. 20-A MRSA §256, sub-§3, as amended by PL 1985, c. 763, Pt.
11 A, §76, is repealed.

12 Sec. 15. 27 MRSA §1, as amended by PL 1985, c. 785, Pt. B, §123,
13 is further amended to read:

14 **§1. Salary; duties**

15 The Maine State Library shall be under the management and
16 supervision of a the State Librarian as heretofore appointed
17 pursuant to section 112, who shall make such rules and
18 regulations as are necessary for the proper management of the
19 library and the safety of its contents. The librarian shall
20 receive such salary as shall be set by the Governor.

21 The librarian may employ, subject to the Civil Service Law
22 and the approval of the ~~Commissioner of Educational and Cultural~~
23 ~~Services~~ Maine Library Commission, a deputy state librarian, and
24 such assistants as the business of the office may require.

25 Sec. 16. 27 MRSA §5, as amended by PL 1971, c. 610, §14, is
26 repealed.

27 Sec. 17. 27 MRSA §34, as amended by PL 1973, c. 626, §2, is
28 repealed and the following enacted in its place:

29 **§34. Library development**

30 The Maine State Library shall maintain a school library
31 media section which shall carry on activities in cooperation with
32 the Department of Education including:

33 1. Media center standards. Recommending school library
34 media center standards and evaluation of programs;

35 2. Certification of media professionals. Assisting in the
36 certification and recertification of school library media
37 professionals;

2 3. Construction and renovation projects. State funded
3 school library media center construction and renovation projects;

4 4. Expenditures for school library media programs.
5 Advising the Department of Education with regard to the
6 expenditure of state and federal grants for school library media
7 programs;

8 5. School approval. Assisting the Department of Education
9 with basic school approvals as it pertains to library instruction;

10 6. School accreditation. Assisting with local school
11 accreditation visits;

12 7. School library staff. Providing leadership in staff
13 development and continuing education of school library staff;

14 8. Information for local school systems. Providing
15 educational research and resource information for local school
16 systems; and

17 9. Video tape library. Maintaining and providing a video
18 tape library service for use by elementary and secondary
19 education.

20 Sec. 18. 27 MRSA §82, as amended by PL 1989, c. 503, Pt. B,
21 §113, is further amended to read:

22 **§82. Maine State Museum Commission**

23 The Governor shall appoint a the Maine State Museum
24 Commission, as established by Title 5, section 12004-G,
25 subsection 40 7-C, consisting of 15 members especially qualified
26 and interested in the several fields of museum activity. Of
27 those members first appointed, 5 shall be appointed for terms of
28 2 years, 5 for 4 years and 5 for 6 years. Their successors shall
29 be appointed for 6 years. Each member shall serve for the term of
30 the appointment and thereafter until a successor is appointed and
31 qualified. The commission shall elect a chair and vice-chair
32 from its members. In case of the termination of a member's
33 service during the term, the Governor shall appoint a successor
34 for the unexpired term. Members shall be compensated according to
35 the provisions of Title 5, chapter 379.

36 Sec. 19. 27 MRSA §83, as enacted by PL 1965, c. 502, §1, is
37 amended to read:

38 **§83. Powers and duties of Maine State Museum Commission**

2 The general powers and duties of the commission are:

4 1. **Administration.** To administer this chapter. In
6 administering its provisions, the commission may formulate
policies and exercise general supervision;

8 2. **Prescribe duties of Museum Director.** To prescribe the
10 duties of the Museum Director;

12 3. **Delegate powers.** To delegate powers to the Museum
Director necessary for the administration of this chapter; and

14 4. **Recommendations.** To make recommendations to the
16 Legislature Maine State Cultural Affairs Council for such
legislation as may be necessary to improve the functioning of the
18 Maine State Museum.

20 Sec. 20. 27 MRSA §84-A is enacted to read:

22 **§84-A. Museum director; appointment**

24 The Director of the Maine State Museum Commission must be
26 qualified by training or by experience in museum work and shall
be appointed by the Maine State Museum Commission. The director
shall serve for an indefinite term, subject to removal for
cause. Compensation shall be fixed by the Governor.

28 Sec. 21. 27 MRSA §85-A, sub-§2, as enacted by PL 1987, c. 465, §2,
30 is amended to read:

32 2. **Administration.** To administer the office of Museum
34 Director. In exercising his the director's administration, the
Museum Director shall promulgate operating policies, establish
36 organizational and operational procedures and exercise
supervision of museum activities. He The Museum Director shall
employ, subject to the Civil Service Law and the approval of the
38 ~~Commissioner of Educational and Cultural Services~~ Maine State
Museum Commission, such assistants as may be necessary to carry
40 out the purposes of this chapter. The Museum Director shall adopt
a seal for use in the official business of the museum;

42 Sec. 22. 27 MRSA §85-A, sub-§5, as enacted by PL 1987, c. 465, §2,
44 is repealed.

46 Sec. 23. 27 MRSA §95, sub-§§2 and 3, as enacted by PL 1985, c. 754,
48 §1, are amended to read:

50 2. **Approval of grants.** The ~~commissioner~~ Maine Library
Commission shall approve grants with the advice of the State

2 Librarian. ~~All proposals and grants shall be reviewed and have~~
3 ~~the advice of the Maine Library Commission.~~

4 3. **Proposals.** Agencies and libraries applying for grants
5 shall submit project proposals in a form prescribed by the Maine
6 State Library Bureau.

7 Sec. 24. 27 MRSA §110, first ¶, as enacted by PL 1973, c. 626, §6,
8 is amended to read:

9 In As used in this chapter, unless the context clearly
10 requires ~~a different meaning~~ otherwise indicates, the following
11 words shall terms have the following meanings.

12 Sec. 25. 27 MRSA §110, sub-§§2 and 12, as enacted by PL 1973, c.
13 626, §6, are amended to read:

14 2. **Area reference and resource center.** "Area reference and
15 resource center" means a large public, school or academic library
16 designated by the ~~Commissioner of Educational and Cultural~~
17 ~~Services and the~~ State Librarian and receiving state aid for the
18 purpose of making its resources and services available without
19 charge to all residents of the district, of providing
20 supplementary library services to local libraries within the
21 district, of coordinating the services of all local libraries
22 within the district which by contract become part of the library
23 district.

24 12. **Research center.** "Research center" means any library
25 designated as such by the ~~Commissioner of Educational and~~
26 ~~Cultural Services and the~~ State Librarian and receiving state aid
27 for the purposes of making its major research collections, under
28 such rules and regulations as are defined by its governing board
29 and head librarian, available to the residents of the State.

30 Sec. 26. 27 MRSA §111, sub-§1, as amended by PL 1989, c. 503, Pt.
31 B, §114, is further amended to read:

32 1. **Maine Library Commission.** There shall ~~be~~ is created
33 ~~within the Department of Educational and Cultural Services a~~
34 ~~library commission which shall be designated as~~ the Maine Library
35 Commission, as established by Title 5, section ~~12004-F~~ 12004-G,
36 subsection ~~14~~ 7-E. It shall consist of 15 members appointed by
37 the Governor. The library commission shall be broadly
38 representative of the state's libraries and shall consist of a
39 representative from public, school, academic, special,
40 institutional and handicapped libraries, a trustee
41 representative, one representative from each of the library
42 districts as they are formed and 3 representatives from the State
43 at large of whom one shall be representative of the disadvantaged.

2 The term of each appointed member shall be 5 years or until a
3 successor is appointed and qualified. Of the members first
4 appointed, 3 shall be for one year, 3 for 2 years, 3 for 3 years,
5 3 for 4 years and 3 for 5 years. Subsequent appointments shall
6 be for the full term of 5 years. No members may serve more than 2
7 successive terms. In the case of a vacancy other than the
8 expiration of a term, the appointment of a successor shall be
9 made in like manner for the balance of the term.

10 In addition to the 15 appointed members, the directors of the
11 area reference and resource centers shall serve as permanent,
12 nonvoting ex officio members of the Maine Library Commission.

13 The commission shall meet at least 4 times a year. It shall elect
14 a chair and vice-chair for a term terms of 2 years and frame and
15 modify bylaws for its internal organization and operation. The
16 State Librarian shall serve as secretary to the commission. The
17 members of the commission shall be compensated according to the
18 provisions of Title 5, chapter 379.

19 Sec. 27. 27 MRSA §112, sub-§§1 to 3, as enacted by PL 1973, c. 626,
20 §6, are amended to read:

21 1. **Appointment of State Librarian.** ~~Give advice and make~~
22 ~~recommendations to the Commissioner of Educational and Cultural~~
23 ~~Services with regard to the appointment of~~ Appoint the State
24 Librarian. The State Librarian must be qualified through
25 training or experience in library work. The State Librarian
26 shall serve for an indefinite term, subject to removal for
27 cause. Compensation shall be fixed by the Governor;

28 2. **Policies.** ~~Give advice and make recommendations to the~~
29 ~~Commissioner of Educational and Cultural Services with regard to~~
30 The Establish the policies and operations of the Maine State
31 Library and the State's library program including minimum
32 standards of library service, the apportionment of state aid to
33 libraries, the designation of library districts and their
34 boundaries, the designation of area reference and resource
35 centers and the designation of research centers after full
36 consideration of the advice of the district council;

37 3. **Review.** Act, on written request by any interested
38 library, as an appeals board concerning decisions of the
39 ~~commissioner~~ State Librarian regarding the items in subsection 2.
40 The written request for a hearing shall must be filed within 30
41 days from the date of the decision.

42 Sec. 28. 27 MRSA §112, sub-§4, as enacted by PL 1977, c. 125, §2,
43 is amended to read:

2 4. Federal program. Serve as the State Advisory Council on
Libraries and in that capacity give advice and make
4 recommendations to the ~~Commissioner of Educational and Cultural~~
Services State Librarian with regard to the administration of
6 federal funds, in accordance with the terms thereof, which may
now or in the future become available for library purposes.

8 Sec. 29. 27 MRSA §113, as enacted by PL 1973, c. 626, §6, is
10 repealed and the following enacted in its place:

12 **§113. Library districts**

14 The Maine Library Commission shall divide the State into as
many districts as the commission determines are required and
16 shall establish or modify the geographical boundaries of each
district.

18 Sec. 30. 27 MRSA §115, first ¶, as enacted by PL 1973, c. 626, §6,
20 is amended to read:

22 Each district shall be affiliated with an area reference and
resource center which shall be designated by the ~~commissioner,~~
24 ~~with the advice of the~~ Maine Library Commission.

26 Sec. 31. 27 MRSA §115, sub-§1, ¶D, as enacted by PL 1973, c. 626,
§6, is amended to read:

28 D. Join with the district council in assigning priorities
30 to implement the district plan; and

32 Sec. 32. 27 MRSA §118, as enacted by PL 1973, c. 626, §6, is
amended to read:

34 **§118. School libraries and media center**

36 Any school library or media center in a community with no
38 public library service, or serving communities with no public
libraries, which agrees to offer service as a public library, is
40 entitled to all the benefits accruing to a public library with
the approval of the ~~commissioner~~ State Librarian.

42 Sec. 33. 27 MRSA §119, as repealed and replaced by PL 1977, c.
44 690, §15, is amended to read:

46 **§119. Distribution of appropriations**

48 ~~The Commissioner of Educational and Cultural Services, with~~
the advice of the Maine Library Commission, is authorized to

2 apportion funds appropriated by the Legislature for the support
of regional library systems.

4 Sec. 34. 27 MRSA §403-A is enacted to read:

6 **§403-A. Arts Commission Director; appointment**

8 The Director of the Maine Arts Commission must be qualified
9 by training or experience and must be appointed by the Maine Arts
10 Commission. The director shall serve for an indefinite term
11 subject to removal for cause. The Governor shall fix the
12 compensation for this position.

14 Sec. 35. 27 MRSA §407, as amended by PL 1973, c. 625, §185, is
repealed.

16 Sec. 36. 27 MRSA §408, sub-§4, as enacted by PL 1987, c. 801, §1,
18 is amended to read:

20 4. **Staffing assistance.** The Maine Arts Commission shall be
21 responsible for implementing all of the policies and procedures
22 for each award, in conjunction with the ~~office~~ Office of the
23 Governor and the Commissioner of ~~Educational--and--Cultural~~
24 ~~Services~~ Education.

26 Sec. 37. 27 MRSA §501, as amended by PL 1989, c. 503, Pt. B,
§116, is further amended to read:

28 **§501. Declaration of policy**

30 The Legislature declares it is the policy of the State that
31 in order to preserve the architectural, historic and
32 environmental heritage of the people of the State, and to develop
33 and promote the cultural, educational and economic benefits of
34 these resources, the Maine Historic Preservation Commission, as
35 established by Title 5, section ~~12004-F~~ 12004-G, subsection ~~13~~
36 ~~7-D~~, shall work to implement this policy.

38 Sec. 38. 27 MRSA §502, as repealed and replaced by PL 1979, c.
40 21, is amended to read:

42 **§502. Maine Historic Preservation Commission**

44 There ~~shall--be~~ is created ~~within--the--Department--of~~
45 ~~Educational--and--Cultural--Services--a--bureau--which--shall--be~~
46 ~~designated--as~~ the "Maine Historic Preservation Commission." It
47 shall consist of 11 members made up as follows: The Commissioner
48 or a representative of the Department of Transportation, and the
49 Commissioner or a representative of the Department of
50 Conservation, to serve ex officio, 9 representatives from among

2 the citizens of Maine, one of whom shall be elected chairman
3 chair and one of whom shall be elected vice-chair, who are known
4 for their competence, experience and interest in this field,
5 including at least one prehistoric archaeologist, one historic
6 archaeologist, one historian, one architectural historian and one
7 architect, to be appointed by the Governor. In making these
8 appointments, due consideration shall be given to the
9 recommendations made by the representative professional, civic
10 and educational associations and groups concerned with or engaged
11 in the field of historic preservation.

12 Sec. 39. 27 MRSA §505, sub-§1, as amended by PL 1985, c. 785, Pt.
13 B, §125, is further amended to read:

14 1. **Appointment.** The Maine Historic Preservation Commission
15 may appoint a director, ~~with the approval of the Commissioner of~~
16 ~~Educational and Cultural Services~~, who shall be qualified by
17 special training or experience in the field of historic
18 preservation and who shall also serve as the State Historic
19 Preservation Officer upon appointment by the Governor and shall
20 be subject to removal for cause under the Civil Service Law.

21 Sec. 40. 27 MRSA §505, sub-§2, ¶A, as enacted by PL 1979, c. 21, is
22 amended to read:

23 A. The Maine Historic Preservation Commission shall be
24 under the management and supervision of a director who shall
25 make rules and regulations for the proper management of the
26 bureau, ~~subject to the approval of the Commissioner of~~
27 ~~Educational and Cultural Services~~ commission.

28 Sec. 41. 27 MRSA §510, as repealed and replaced by PL 1979, c.
29 21, is repealed.

30 Sec. 42. 27 MRSA c. 18 is enacted to read:

31 CHAPTER 18

32 MAINE STATE CULTURAL AFFAIRS COUNCIL

33 §551. Definitions

34 As used in this chapter, unless the context otherwise
35 indicates, the following terms have the following meanings.

36 1. **Cultural agencies.** "Cultural agencies" means the Maine
37 Arts Commission, the Maine Historic Preservation Commission, the
38 Maine Library Commission, the Maine State Museum Commission and
39 programs of these commissions.

2 2. Directors. "Directors" means the Director of the Maine
3 Arts Commission, the Director of the Maine Historic Preservation
4 Commission, the State Librarian and the Director of the Maine
5 State Museum.

6 **§552. Maine State Cultural Affairs Council**

8 The Maine State Cultural Affairs Council, as established in
9 Title 5, section 12004-G, subsection 7-A, shall ensure a
10 coordinated, integrated system of cultural resources programs and
11 projects and shall ensure the support of cultural heritage
12 institutions and activities of the State.

14 **§553. Membership**

16 The Maine State Cultural Affairs Council shall consist of
17 the chair and vice-chair from the Maine Arts Commission, the
18 Maine Historic Preservation Commission, the Maine Library
19 Commission and the Maine State Museum Commission. The Governor
20 may designate a staff member of the Office of the Governor to
21 serve as a nonvoting member. The directors of the 4 cultural
22 agencies shall be nonvoting ex officio members of the council.
23 The chair shall be elected by and from the membership of the
24 council.

26 **§554. Staff**

28 The Maine State Cultural Affairs Council may appoint an
29 executive secretary based upon the recommendations of the
30 directors. The directors and the personnel of the cultural
31 agencies shall also provide staff assistance.

32 **§555. Duties**

34 The duties and functions of the council are limited to the
35 following:

38 1. Coordination of budget requests. To receive budget
39 requests from each of the cultural agencies and to coordinate the
40 budget plans for submission to the Bureau of the Budget;

42 2. Forum for interagency planning. To provide a forum for
43 interagency cooperation and planning;

44 3. Liaison. To serve as the principal liaison for
45 distribution of agency-wide notices and instructions from other
46 governmental administrative agencies;
48

2 4. Prepare annual report. To coordinate the preparation of
4 an annual report and other joint planning documents of the 4
cultural agencies; and

6 5. Statewide cultural planning. To meet jointly and at
8 least annually with the directors of humanities councils in the
10 State, the Maine State Archives, the State Law Library and others
as considered appropriate for the purpose of exchanging
information and coordinating statewide cultural planning.

12 **§556. Limitations**

14 The powers of the council do not extend to:

16 1. Alteration of program. Alteration of any agency program
or request except as a conduit for administrative budget
18 instructions;

20 2. Consolidation. Consolidation or transfer of funds
between agencies;

22 3. Policy setting. Policy setting for any agency or
24 commission; or

26 4. Additional powers. Any powers not expressly granted.

28 **§557. Annual report**

30 The Maine State Cultural Affairs Council shall annually
32 report to the Governor and the Legislature. The directors shall
34 provide the necessary information and assist the council in the
preparation of this report. This report shall include the
following;

36 1. Receipts and expenditures. The receipts and
expenditures on the accounts of the cultural agencies;

38 2. Acquisitions. The number of acquisitions by the
40 cultural agencies, specifying those obtained by purchase,
donation or exchange;

42 3. Program accomplishments. The accomplishments of the
44 programs within the cultural agencies;

46 4. Program needs. The program needs of the cultural
agencies; and

48 5. Improvements. Suggestions for improvement of the
50 individual programs within the cultural agencies and for the
improvement of delivery of cultural services in the State.

2 **§558. Executive secretary**

4 The executive secretary of the Maine State Cultural Affairs
6 Council shall have the following duties:

8 1. Secretary. To serve as secretary to the council;

10 2. Liaison. To provide liaison among the 4 cultural
12 agencies;

14 3. Budget requests. To prepare coordinated budget requests
16 for review by the council and for submission to the Governor and
18 the Legislature;

20 4. Planning. To assist in the development of comprehensive
22 cooperative long-range plans;

24 5. Annual report. To prepare annual reports with the
26 assistance of the 4 cultural agency directors for the Legislature
28 and the Office of the Governor.

30 6. Record keeping. To maintain records of council
32 activities, initiatives and policies;

34 7. Monitor. To monitor the budget process and report the
36 status of the budget to cultural agencies and members of the
38 council; and

40 8. Additional services. To provide such other cooperative
42 activities and services as council members may need or require.

44 **Sec. 43. Transition provisions.**

46 **1. Maine State Museum.** The Maine State Museum shall be the
48 successor in every way to the powers, duties and functions of the
former Maine State Museum Bureau.

2. Rules, regulations and procedures. All existing rules,
regulations and procedures in effect, in operation or promulgated
in or by the Maine State Museum Bureau, or in or by any
administrative units or officers thereof, are hereby declared in
effect and shall continue in effect until rescinded, revised or
amended by the proper authority.

3. Contracts; agreements; compacts. All existing
contracts, agreements and compacts currently in effect in the
Maine State Museum Bureau shall continue in effect.

2 4. **Personnel.** Any positions, authorized and allocated
4 subject to the personnel laws, to the former Maine State Museum
Bureau shall be transferred to the Maine State Museum and may
continue to be authorized.

6 5. **Records, property and equipment.** All records, property
8 and equipment previously belonging to or allocated for the use of
10 the former Maine State Museum Bureau shall become, on the
effective date of this Act, part of the property of the Maine
State Museum.

12 6. **Forms; licenses; letterheads.** All existing forms,
14 licenses, letterheads and similar items bearing the name "Maine
16 State Museum Bureau" or which make reference thereto may be
utilized by the Maine State Museum until existing supplies of
those items are exhausted.

18 **Sec. 44. Transition provisions.**

20 1. **Maine Arts Commission.** The Maine Arts Commission shall
22 be the successor in every way to the powers, duties and functions
of the former Arts Bureau.

24 2. **Rules, regulations and procedures.** All existing rules,
26 regulations and procedures in effect, in operation or promulgated
in or by the Arts Bureau, or in or by any administrative units or
28 officers thereof, are hereby declared in effect and shall
continue in effect until rescinded, revised or amended by the
proper authority.

30 3. **Contracts; agreements; compacts.** All existing
32 contracts, agreements and compacts currently in effect in the
Arts Bureau shall continue in effect.

34 4. **Personnel.** Any positions, authorized and allocated
36 subject to the personnel laws, to the former Arts Bureau shall be
transferred to the Maine Arts Commission and may continue to be
38 authorized.

40 5. **Records, property and equipment.** All records, property
42 and equipment previously belonging to or allocated for the use of
the former Arts Bureau shall become, on the effective date of
44 this Act, part of the property of the Maine Arts Commission.

46 6. **Forms; licenses; letterheads.** All existing forms,
48 licenses, letterheads and similar items bearing the name "Arts
Bureau" or which make reference thereto may be utilized by the
Maine Arts Commission until existing supplies of those items are
50 exhausted.

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Sec. 45. Transition provisions.

1. **Maine State Library.** The Maine State Library shall be the successor in every way to the powers, duties and functions of the former Maine State Library Bureau.

2. **Rules, regulations and procedures.** All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Maine State Library Bureau, or in or by any administrative units or officers thereof, are hereby declared in effect and shall continue in effect until rescinded, revised or amended by the proper authority.

3. **Contracts; agreements; compacts.** All existing contracts, agreements and compacts currently in effect in the Maine State Library Bureau shall continue in effect.

4. **Personnel.** Any positions, authorized and allocated subject to the personnel laws, to the former Maine State Library Bureau shall be transferred to the Maine State Library and may continue to be authorized.

5. **Records, property and equipment.** All records, property and equipment previously belonging to or allocated for the use of the former Maine State Library Bureau shall become, on the effective date of this Act, part of the property of the Maine State Library.

6. **Forms; licenses; letterheads.** All existing forms, licenses, letterheads and similar items bearing the name "Maine State Library Bureau" or which make reference thereto may be utilized by the Maine State Library until existing supplies of those items are exhausted.

Sec. 46. Revision clause. Wherever in the Maine Revised Statutes the phrase "Department of Educational and Cultural Services" appears or reference is made to that name, it shall be amended to read and mean the "Department of Education."

Sec. 47. Revision clause. Wherever in the Maine Revised Statutes the phrase "Arts Bureau" appears or reference is made to that name, it shall be amended to read and mean the "Maine Arts Commission."

Sec. 48. Revision clause. Wherever in the Maine Revised Statutes the phrase "Commissioner of Educational and Cultural Services" appears or reference is made to that name, it shall be amended to read and mean the "Commissioner of Education."

2 **Sec. 49. Revision clause.** Wherever in the Maine Revised Statutes
4 the phrase "Maine State Museum Bureau" appears or reference is
made to that name, it shall be amended to read and mean the
"Maine State Museum."

6 **Sec. 50. Revision clause.** Wherever in the Maine Revised Statutes
8 the phrase "Maine State Library Bureau" appears or reference is
made to that name, it shall be amended to read and mean the
"Maine State Library."

10 **Sec. 51. Appropriation.** The following funds are appropriated
12 from the General Fund to carry out the purposes of this Act.

14 **1990-91**

16 **MAINE STATE CULTURAL AFFAIRS COUNCIL**

18 **Maine State Cultural Affairs Council**

| | | |
|----|----------------------|----------|
| 20 | Positions | (1) |
| 22 | Personal Services | \$35,000 |
| | All Other | 3,500 |
| 24 | Capital Expenditures | 1,500 |

26 Provides funds for the Executive Secretary
of the council and related expenses.

28 **MAINE STATE CULTURAL AFFAIRS COUNCIL**

30 **TOTAL** \$40,000

32 **Sec. 52. Allocation.** The following funds are allocated from
Federal Block Grant Funds to carry out the purposes of this Act.

34 **1990-91**

36 **EDUCATION, DEPARTMENT OF**

38 **Education Block Grant - ECIA Chapter 2**

| | | |
|----|-------------------|------------|
| 40 | Positions | (-1) |
| 42 | Personal Services | (\$41,423) |
| | All Other | (1,000) |

44 Provides for the transfer of funding to the
46 Maine State Library.

48 **DEPARTMENT OF EDUCATION**

TOTAL (\$42,423)



2 MAINE STATE CULTURAL AFFAIRS COUNCIL

4 Library Development Services

| | | |
|---|-------------------|----------|
| 6 | Positions | (1) |
| | Personal Services | \$41,423 |
| 8 | All Other | 1,000 |

10 Provides for the funding of a Media Service
12 Consultant.

| | | |
|----|--------------------------------------|----------|
| 12 | MAINE STATE CULTURAL AFFAIRS COUNCIL | \$42,423 |
| 14 | TOTAL | <hr/> |

| | | |
|----|-------------------|------|
| 16 | TOTAL ALLOCATIONS | \$ 0 |
|----|-------------------|------|

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STATEMENT OF FACT

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This bill changes the name, duties and functions of the Department of Educational and Cultural Services. The bill removes from the Department of Educational and Cultural Services those duties and functions relating to the oversight of cultural services and programs and renames it the "Department of Education." The bill rests the authority over the State's cultural programs and services with the Maine Arts Commission, the Maine State Museum Commission, the Maine Library Commission and the Maine Historic Preservation Commission.

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Part A of this bill makes technical changes, such as changing the names of departments and agencies, in titles other than the Maine Revised Statutes, Title 27.

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Part B of the bill implements the recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies. Part B establishes the Maine State Cultural Affairs Council, to be composed of the chairs and vice-chairs of the Maine Arts Commission, the Maine State Museum Commission, the Maine Library Commission and the Maine Historic Preservation Commission. The council coordinates advocacy, planning and budgetary issues, but will not interfere with the individual policy-making authority and functioning of the individual commissions. Part B of the bill also gives the Maine Library Commission policy-making authority.