

## Maine Policy Review

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Volume 2 | Issue 1

---

1993

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### Recommended Citation

Palmer, Kenneth. "Competing Objectives in the Reorganization of Maine State Government." *Maine Policy Review* 2.1 (1993) : 27 -29, <https://digitalcommons.library.umaine.edu/mpr/vol2/iss1/6>.

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# **Rethinking Maine government: The past, the present, and the future**

## **Maine Policy Review (1993). Volume 2, Number 1**

*The budget difficulties faced by Maine and by most other states have prompted a national search for better ways to deliver government services. In Maine, a conference entitled "Rethinking Maine Government" was held at the University of Maine on January 5-6, 1993 under the auspices of the Margaret Chase Smith Center for Public Policy. MPR has selected three of the presentations at that conference for this issue (and likely will include other selections in future issues). Anthony Cahill challenged the 400 legislators, state government officials and business leaders attending the conference to think in terms of a "revolution" in rethinking Maine's state government. Donald Nicoll was the co-chair, along with Merton Henry, of the Special Commission on Governmental Restructuring. Kenneth Palmer provided a historical view on previous efforts to reorganize Maine government.*

## **Competing objectives in the reorganization of Maine state government**

*by Kenneth Palmer, Department of Political Science, University of Maine*

Maine's current efforts to reorganize its state government must be understood within the framework of some basic political values. Reorganization efforts are always animated by key political values - the same ones that affect the design of governments themselves. When people put governments together, they usually hold different values that compete for attention, and these values find different forms of institutional expression. The politics of reorganization often proceeds with competition among these values.

Three essential values are reflected in Maine's state governmental institutions. One might be called "representativeness." Government should be as close as possible to the citizens, and as many offices as possible should be filled through frequent, popular election. A second value is "technical competence." Government work should be conducted by officials who are technically qualified to perform their tasks. This value suggests that most work of the executive branch should be handled in a nonpartisan fashion. A third value is "coordination" or "leadership." Governmental decisions should be brought together and coordinated at some central point.

From about 1820 to 1930, the values of representativeness and of nonpartisan competence dominated the state government, its structure and its growth. On the other hand, in the past 60 years, the value of coordination has emerged to compete with and, to a considerable extent, to remedy the dilemmas created by excessive reliance on representativeness and technical competence.

The year 1930 marked the first large-scale effort at executive restructuring under the governorship of William Tudor Gardiner. At that time, there were 65 separate agencies, 20 single offices and 45 boards and commissions. These had grown piecemeal since 1820. The

Constitution created the office of Governor, an Executive Council elected by the Legislature, and three subordinate officials also elected by the Legislature, namely, the Secretary of State, the Treasurer, and the Attorney General. This pattern manifested wonderfully the idea of representativeness, since the Legislature enjoyed considerable power over the executive. However, as demands for expanded governmental supervision and regulation grew in the nineteenth century, Maine state government responded in a particular way. New responsibilities were placed in the hands of various independent commissions, usually with bipartisan memberships and whose terms of office were longer than that of the Governor. By the early 1900s, such units included the State Highway Commission, the State Parks Commission, the Industrial Accident Commission, the Board of Harbor Commissioners, the Board of Charities and Corrections, and many others. The State Highway Commission, for example, was a body of three members whose chairman served for seven years in contrast to the two-year term of the Governor. The structures all reflected the idea of technical, non-partisan competence. Executive work was done, but with minimum influence from the Governor. The large and confusing array of separate units propelled Governor Gardiner in 1929 to seek reorganization. Governor Gardiner pursued coordination as a competing, alternative value. In his 1931 inaugural address, he declared, "All the State's activities should be under constant survey for any possible consolidation that might make for efficiency and economy." Under Gardiner's reforms, 28 units were abolished or consolidated and four new departments were created. The new departments included the departments of Health and Welfare, of Finance, of Audit, and of Sea and Shore Fisheries. The Governor claimed that \$500,000 (in a budget of \$25,000,000) was saved in the first year of the reformed administrative code.

The context within which the restructuring took place is instructive. Governor Gardiner utilized a citizens' committee to react to suggestions by a group of experts. He had employed experts from the National Institute of Public Administration to undertake a survey of the State government. The citizens' committee was intended to broaden the popular base of support for recommended changes. The Governor did not seek revisions that required constitutional change, because he believed such an effort would have generated too much opposition. Even with wide legislative support, the changes were still subjected to a state-wide referendum. The force behind the referendum was the State Grange, which strongly opposed the restructuring, as did former governors Percival Baxter and Owen Brewster. The new code survived in the voting, although somewhat narrowly.

For the next twenty years, changes in the state executive branch took place on a piecemeal basis. Legislatures in 1952 and 1955 authorized the formation of citizens' committees to examine the administrative structure. In 1955, a comprehensive survey was conducted by the Public Administration Service. From this work, a Department of Finance and Administration emerged from the former Department of Finance. The governor's term, by constitutional amendment, was extended to four years. Most other recommendations to enhance the governor's coordinating authority, however, were not approved.

Not until the administration of Governor Kenneth Curtis (1967-75) was comprehensive restructuring again addressed. With the governor's strong support, and guided by a task force chaired by Donald Nicoll, Maine undertook the most comprehensive reform of its executive branch in the state's history. Some 88 separate units were brought together into twelve large

administrative departments. Significantly, this restructuring gave Maine a cabinet for the first time. Commissioners were nominated by the governor, and they served at the governor's pleasure. The Senate confirmed commissioners through its standing committees. This new responsibility for the Senate signaled the demise of the Executive Council, which was finally abolished in 1975.

The ideas of representativeness, competence, and leadership clearly compete for support today when administrative change is discussed. In Maine, the value of representativeness is greatly cherished. Efforts to enhance executive coordination, that is, to increase the Governor's power, must nearly always be accompanied by efforts to expand legislative capacity, that is, to promote the idea of representativeness. For example, in 1973, just two years after the Curtis reforms, the Legislature created the Office of Policy and Legal Analysis. This agency provided a major new vehicle to enable the Legislature to oversee the executive. The functions of the Office of Policy and Legal Analysis have been expanded more recently through the work of the Committee on Audit and Program Review. At the same time, boards of experts will continue to advance the value of technical competence in some critical areas, and to operate partially independent of both the executive and legislative branches.

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**Full cite:** Palmer, Kenneth. 1993. *Rethinking Maine government: The past, the present, and the future - Competing objectives in the reorganization of Maine state government.* Vol. 2(1): 27-29.