

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: April 20, 2021

To: Committee on Education and Cultural Affairs

From: Samuel Senft, Legislative Analyst

LD 1206 “An Act Regarding the Terms of Office of the Director of the Maine State Museum Commission, the State Librarian and the Director of the Maine Arts Commission” (Daughtry)

SUMMARY

The bill does the following:

1. Changes references to the “library commission” to the “Maine Library Commission”
2. Changes references to “the commission” to the Maine State Library Commission”
3. Changes references to “the commission” to the Maine Arts Commission”
4. Changes the standard for removal for the Director of the Maine State Museum Commission, the State Librarian and the Director of the Maine Arts Commission from service for indefinite term subject to removal for cause to service at the pleasure of the appointing authority. This bill is retroactive to January 1, 2021, but exempts any of these officers who were appointed before January 1, 2021 from this change.

TESTIMONY

Proponents: Senator Daughtry (sponsor); Tim Feeley, Governor’s Office

- Under current law, the Director of the Maine State Museum Commission, the State Librarian and the Director of the Maine Arts Commission serve indefinitely and can only be removed for cause
- Changing to a “at the pleasure of” standard would better align with other state commission directors and assist in the ability of commissions to review work of directors.
- These changes would only apply to Directors appointed to these positions after January 1, 2021
- Under current law, Governor appoints the Commission and the Commission hires the Director. This bill does not change that.
- What is unusual in the current statute is that Director of the Arts Commission, the State Librarian and the Director of the Maine State Museum are hired for a term that is “subject to removal for cause.”
- This is standard for a classified position service, not a commission director level – an unclassified position

Opponents: Anonymous

- This bill is politically and personally motivated

Neither For Nor Against

- none

INFORMATION REQUESTS

- It was asked what the review standard was for director performance

As each of the directors is subject to removal for cause only, it appears that the performance review standard is in accordance with that of civil service employees – 5 MRSA ch. 372

ADDITIONAL INFORMATION:

- The bill can be found [here](#).
- The current Directors were appointed as follows
 - Director, Maine Arts Commission: Interim Director appointed Jan. 26, 2021
 - State Librarian: appointed 2014
 - Director, Maine State Museum: appointed 2012
- A review of current boards and commissions with directors showed the following (please note this is not a comprehensive list; also, most boards and commissions do not employ directors):
 1. Maine Labor Relations Board (20 MRSA §986, sub-§2): Director serves at pleasure of Board
 2. Science, Technology, Engineering and Mathematics Council (20-A MRSA §11, sub-§9): Executive Director's terms of service unclear.
 3. Board of Pesticides Control (20 MRSA §1471-B, sub-§4): Director's terms of service unclear.
 4. Maine Agriculture in the Classroom Council, (20 MRSA §242, sub-§7): Executive director serves at pleasure of Council
 5. Maine Historic Preservation Commission (17 MRA §505): Director subject to removal for cause.
 6. Efficiency Maine Trust (35-A MRSA §10101, sub-§3): Director serves at pleasure of Board
 7. Saco River Corridor Commission (38 MRSA §954-B): Executive Director's terms of service unclear.
 8. Maine Veteran's Home (37-B §606): Chief executive officer subject to removal for cause)

FISCAL IMPACT: No yet determined