

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 486

S. P. 164

In Senate, February 2, 1971

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Schulten of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Create the State Central Data Processing Commission.

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

Sec. 1. R. S., T. 5, c. 157, additional. Title 5 of the Revised Statutes is amended by adding a new chapter 157, to read as follows:

CHAPTER 157

STATE CENTRAL DATA PROCESSING COMMISSION

SUBCHAPTER I

GENERAL PROVISIONS

§ 1851. Intent

The Legislature determines and declares that the creation of a State Central Data Processing Commission is necessary for the orderly coordination and economical processing of data in State Government, to insure economical utilization of equipment and to prevent the unnecessary proliferation of equipment, programs and personnel, and the overlapping of functions, among the various state departments and agencies.

§ 1852. Definitions

As used in this chapter, unless the context otherwise requires, the following words shall have the following meanings:

1. Commission. "Commission" means the Central Data Processing Commission.

2. Computer center. "Computer center" means any building or buildings leased or constructed, or otherwise authorized, pursuant to this chapter.
3. Director. "Director" means the Director of Central Data Processing.
4. Using agency. "Using agency" means any state department or agency or any business, industry or social agency in the State which utilizes the services under this chapter.

SUBCHAPTER II

COMMISSION: ORGANIZATION AND OPERATION

§ 1861. Organization of commission

There is created a State Central Data Processing Commission, a body corporate and politic, with headquarters in Augusta, and is constituted a public instrumentality of the State, and the exercise by the commission of the powers conferred by this chapter shall be deemed and held to be the performance of essential governmental functions. The commission shall consist of 9 members as follows: The Commissioner of Finance and Administration, the State Auditor, to serve during the incumbency of their said offices, a department or agency head chosen by a majority of state departments and agencies using the computer center, to serve for a term of 3 years, the director and 5 members at large representing the business interests of the State, appointed by the Governor with the advice and consent of the Council, and selected for their experience and knowledge of data processing operations. At the time of the first appointments of the business members, one shall be appointed for a term of one year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. Thereafter the term of office of the business members shall be for 5 years. Any vacancy in the membership of the business members shall be filled in like manner as the original appointment, but only for the unexpired term. Any business member of the commission shall hold his respective office until his successor is approved and qualified.

The commission shall elect one of the business members as chairman and one of the business members as vice-chairman.

The business members of the commission shall receive such compensation or fees as is determined by the commission and all members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

§ 1862. Powers and duties

The commission is authorized and empowered:

1. Policy. To determine the data processing policy of the State as it relates, but not limited, to such items as the location and selection of data processing equipment, utilization of such equipment, programs and service requirements;
2. Use of center. To insure the most effective use of the computer center by determining the order and priorities of the center's services to the using agencies;

3. **Data bank.** To create a data bank for use not only by the departments and agencies of State Government but also by the businesses, industries and social agencies in the State on a fee-for-service rendered basis;

4. **Service.** To provide services to each using agency with respect to degree of, priority of, availability of and cost of service; to receive an amount from any using agency whether state or private, availing itself of the service of the computer center, on a fee basis to be determined by the commission in each case and such amount may include:

A. The monthly cost of operating and maintaining the computer center, distributed among the using agencies in proportion to the services performed for the using agency;

B. A service charge in an amount determined by distributing the payments on principal and interest for the construction costs of the computer center among the using agencies in proportion to the services performed by any using agency;

C. An amount to provide reasonable additional working capital.

5. **Accounting.** The commission shall prepare and submit monthly to the using agencies for which services have been performed an itemized statement of the amount due from each using agency;

6. **Equipment.** To purchase or lease data processing equipment in the name of the commission and to operate said equipment in providing services to the using agencies;

7. **Loans.** To make loans to finance any of the purposes authorized by this chapter, payable from the revolving fund;

8. **Employees.** To employ such technical, professional and clerical help as may be necessary for the administration of this chapter and for the performance of such other duties as may be imposed upon the commission by law, and to define the duties and fix the compensation of such employees; all full-time employees shall either become members of the State Retirement System or obtain at least equivalent benefits from a nonstate retirement system;

9. **Consultants.** To employ consultants to the extent that the commission deems necessary;

10. **Meetings.** To meet regularly at a place designated by it once every 3 months and shall meet at such other times as may be set upon call of the chairman; each member shall attend at least 50% of the meetings in any calendar year to remain eligible to serve as a member;

11. **Quorum.** Five members of the commission shall constitute a quorum and the affirmative vote of 5 members shall be necessary for any action taken by the commission;

12. **Rules and regulations.** To adopt rules and regulations for its affairs and the conduct of its business;

13. Reports. To report annually to the Governor and the Legislature.

§ 1863. Director

The members of the commission, except the director, shall appoint a director, who shall be the administrative officer of the commission and shall perform such duties as are required of him by law, and such other duties as may be assigned him by the commission. He may be removed for cause upon the affirmative vote of 5 members of the commission. He shall receive such compensation as may be fixed by the commission.

The director shall offer such professional or technical advice and assistance to the commission as may be required of him.

§ 1864. Bonds

All members of the commission shall give bond to the State of Maine with a surety company authorized to transact business in the State in the penal sum of not less than \$100,000 for the faithful performance of their duties as required by law and the directives of the commission. The premium on said bond shall be paid from any funds available to the commission for such purpose.

§ 1865. Computer center

The commission is authorized to lease or construct a building or buildings suitable for a data processing center. Funds for the construction of any building or buildings shall be expended under the direction and supervision of the Director of Public Improvements.

§ 1866. Operational audit

The Legislative Research Committee shall at least annually perform an operational audit to insure that the commission is fulfilling its functions properly and utilizing its equipment and personnel to maximum efficiency and capacity.

§ 1867. State equipment

All state-owned or state-leased equipment, and related services, of any state department or agency shall be turned over to and be under the managerial control of the commission, but the commission may, by rule and regulation, permit a using agency, including the University of Maine, to operate data processing equipment on its premises. After the effective date of this Act no state department or agency shall purchase or lease any additional data processing equipment or services unless otherwise authorized by the commission.

§ 1868. Taxes

As the exercise of the powers granted by this chapter is in all respects for the benefit of the people of the State of Maine and as any construction or equipment under this chapter constitutes public property, the commission shall not be required to pay any taxes or assessments upon any of its property or any part thereof, or upon the income therefrom.

§ 1869. Revolving fund

There is established a revolving fund to defray expenses for leasing or constructing a building or buildings for the computer center, for supplies, materials, equipment and contractual services and such other expenses as may be incurred by the commission. Fees realized under this chapter, loans authorized under section 1862, subsection 7 and state appropriations shall be credited to the revolving fund. All accounts payable shall be paid from the revolving fund by the commission.

At the end of any fiscal year, the commission, at its discretion, may pay over to the General Fund of the State any portion of the revolving fund that it determines is in excess of any amount necessary to carry out the purposes of this subchapter. Such payments shall continue until all state appropriations to the revolving fund have been repaid.

Sec. 2. R. S., T. 5, § 243, sub-§ 1, amended. Subsection 1 of section 243 of Title 5 of the Revised Statutes, as amended by section 2 of chapter 427 of the public laws of 1967, is further amended to read as follows:

1. **Postaudit.** To perform a postaudit of all accounts and other financial records of the State Government or any department or agency thereof, including the State Central Data Processing Commission and the judiciary and the Executive Department of the Governor, except the Governor's Expense Account, and to report annually on this audit, and at such other times as the Legislature may require.

Sec. 3. R. S., T. 5, § 1541, sub-§ 12, repealed. Subsection 12 of section 1541 of Title 5 of the Revised Statutes, as enacted by section 1 of section C of chapter 251 of the private and special laws of 1969, is repealed as follows:

~~12. **Central data processing service.** To establish and conduct central data processing and information services at the seat of government. Such services shall be available to all departments and agencies of government. The State Controller is empowered to make appropriate charges to those departments and agencies of government making use of the equipment, services, personnel and supplies of the central facility.~~

~~All departments and agencies shall consult with the State Controller regarding any data processing services. The State Controller may ask that a formal proposal be prepared. If funds are available, the State Controller may employ or engage such outside technical or professional personnel as may be necessary or appropriate.~~

Sec. 4. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund to the State Central Data Processing Commission the sum of \$1,000,000 to carry out the purposes of this Act to be repaid in accordance with the Revised Statutes, Title 5, section 1869.

STATEMENT OF FACT

The purpose of this Act is stated in the first section of the Act.