

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1635

H. P. 1181

House of Representatives, March 17, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Gill of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Reorganize the Department of Finance and Administration.

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

Sec. 1. R. S., T. 5, § 281, amended. Section 281 of Title 5 of the Revised Statutes, as last amended by section 9 of chapter 504 of the public laws of 1969 is further amended to read as follows:

§ 281. Department; secretary

The Department of Finance and Administration, as heretofore established, shall exercise such powers and perform such duties as are set forth in this Title and Title 36 or specifically provided elsewhere.

The department shall be under the supervision and control of a ~~Commissioner~~ Secretary of Finance and Administration, ~~as heretofore appointed and~~ hereinafter in this chapter called the "~~commissioner~~ secretary," who shall be appointed by the Governor, with the advice and consent of the Council, to serve ~~for a term of 7 years, and until his successor is appointed and~~ qualified at the pleasure of the Governor.

~~The commissioner may be removed from office by the Governor and Council for cause~~

Any vacancy in the said office shall be filled by appointment ~~for a like term~~ in the same manner.

Sec. 2. R. S., T. 5, § 283, sub-§§ 6 - 10, additional. Section 283 of Title 5 of the Revised Statutes is amended by adding subsections 6 to 10 to read as follows:

6. **Bureau of Property Taxation.** The Bureau of Property Taxation, the head of which shall be State Director of Property Taxation;

7. **Bureau of Central Computer Services.** The Bureau of Central Computer Services, the head of which shall be the State Director of Central Computer Services;

8. **Bureau of Archives.** The Bureau of Archives, the head of which shall be the State Archivist;

9. **Bureau of Retirement.** The Bureau of Retirement, the head of which shall be the Executive Secretary, Maine State Retirement System;

10. **Bureau of Alcoholic Beverages.** The Bureau of Alcoholic Beverages, the head of which shall be the State Director of Alcoholic Beverages.

Sec. 3. R. S., T. 5, § 284, additional. Title 5 of the Revised Statutes is amended by adding a new section 284 to read as follows:

§ 284. Deputy secretaries

Subject to the Personnel Law, the secretary may appoint a first deputy secretary, and may appoint one or more additional deputies.

The deputies shall perform such duties and exercise such powers of the secretary as the secretary may from time to time authorize. The first deputy shall be acting secretary during a vacancy in the office of Secretary of Finance and Administration or during the incapacity of the secretary.

Sec. 4. R. S., T. 5, § 1031, sub-§ 6, amended. Subsection 6 of section 1031 of Title 5 of the Revised Statutes, as amended by section 2 of chapter 45 of the public laws of 1969, is further amended to read as follows:

6. **Chairman; executive secretary; employees.** The board of trustees (State Retirement System) shall elect from its membership a chairman and the Secretary of Finance and Administration shall appoint, subject to the Personnel Law, an executive secretary who shall engage such services as shall be required to transact the business of the retirement system. All such employees shall be considered as employees of the State and subject to all the provisions of state law regarding state employees and shall be employed under the rules and regulations established by the Personnel Board and shall receive such compensation as is provided by the rules and regulations of the Personnel Board for state employees in similar capacities. The necessary expenses incurred by the board and executive secretary in the operation of the retirement system shall be paid from the funds so allocated. ~~The board of trustees shall set the salary of the executive secretary~~

Sec. 5. **Amendatory clause.** Wherever in Title 5 of the Revised Statutes the word "commissioner" appears and in the context the commissioner referred to is the Commissioner of Finance and Administration it shall mean "secretary", to wit, the Secretary of Finance and Administration.

Sec. 6. 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

DATA PROCESSING AND CENTRAL COMPUTER SERVICES

§ 1851. Definitions

The word "bureau", when used in this chapter, shall be held to mean the Bureau of Central Computer Services.

The title "director", when used in this chapter, shall be held to mean the State Director of Central Computer Services.

The words "data processing", when used in this chapter, shall be defined as the process that encompasses all computerized and auxiliary automated information handling, including systems analysis and design, conversion of data, computer programming, information storage and retrieval, data and facsimile transmission, requisite system controls, simulation, and all the related man-machine interaction.

§ 1852. Powers and duties

The Department of Finance and Administration, through the Bureau of Central Computer Services, shall have authority:

1. Central computer services. To establish, maintain and operate a central data processing bureau and to administer state data processing centers;
2. Centralization. To effect the centralization and consolidation of existing punch card and electronic data processing equipment and services in order to obtain maximum utilization and efficiency; to approve the continuation of departmental facilities if in the best interests of the state;
3. Approve acquisition and use. To approve acquisition and use of all data processing services by state agencies, including requirements for personnel and equipment;
4. Furnish staff assistance. To furnish staff assistance in methods, systems and programming work to other state agencies;
5. Comprehensive state master plan. To formulate, develop and maintain a comprehensive state master plan for data processing and communications systems; to establish priorities in implementing an integrated state information system; to regularly review the plan and priorities and report progress and recommendations to the Secretary of Finance and Administration;
6. State information system. To provide an effective integrated state information system for storage, retrieval and exchange of data relating to units and agencies of the state and local governments;
7. Charges. To levy appropriate charges against all state agencies using services provided by the bureau;
8. Other powers and duties. To make rules and regulations, subject to the approval of the Secretary of Finance and Administration, for the carrying out of this chapter.

§ 1853. Professional and technical services

The director is authorized, with the approval of the Secretary of Finance and Administration and the Governor and Council, to employ or engage such outside technical or professional personnel and services as may be necessary or appropriate within funds available to the bureau or to any using agency. He shall review all proposal for acceptability prior to a contract award and approve all payments for such services.

§ 1854. Intergovernmental cooperation and assistance

The several agencies of the State Government, municipal and county agencies and other agencies and organizations with data and information that the director may wish to incorporate into the state information system shall furnish or make available, upon request, such data and information within their knowledge or control.

The director, with the approval of the Secretary of Finance and Administration, is authorized and empowered to enter into such agreements with the Federal Government and other agencies and organizations as will promote the objectives of this chapter, and to accept funds from the Federal Government, municipal and county agencies, or from any individual or corporation to be expended for purposes consistent with this chapter.

Sec. 7. 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.

Sec. 8. R. S., T. 27, § 276, repealed. Section 276 of Title 27 of the Revised Statutes, as last repealed and replaced by section 4 of chapter 318 of the public laws of 1969, is repealed.

Sec. 9. R. S., T. 28, § 51, repealed and replaced. Section 51 of Title 28 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 51. Bureau of Alcoholic Beverages

The Department of Finance and Administration, through the Bureau of Alcoholic Beverages, shall administer this Title. The head of the bureau shall be the Director of Alcoholic Beverages, in this Title called the "director".

Sec. 10. R. S., T. 28, § 52, amended. Section 52 of Title 28 of the Revised Statutes, as amended, is further amended to read as follows:

§ 52. Eligibility of members and employees

No person shall be eligible for appointment as a ~~member of the commission~~ director or as an employee of the ~~commission~~ bureau in any capacity, including the business administrator, who has any connection with, official, professional or otherwise, or who owns any stock in a corporation interested either directly or indirectly in the manufacture or sale of liquor or who has been convicted of the breach of any state or federal law regulating the manufacture, sale or transportation of intoxicating liquor. Neither the ~~commission~~ bureau, nor any employee, shall accept directly or indirectly any samples,

gratuities, favors or anything of value from a manufacturer, seller, brewer or licensee or any representative of the same under circumstances which might reasonably be construed as influencing or improperly relating to past, present or future performance of his official duties.

Sec. 11. R. S., T. 28, §§ 53, 54, repealed. Section 53, as amended, and section 54 of Title 28 of the Revised Statutes are repealed.

Sec. 12. R. S., T. 28, § 55, amended. The first paragraph of section 55 of Title 28 of the Revised Statutes is amended to read as follows:

The ~~commission~~ **Department of Finance and Administration**, through the bureau, shall have the following powers and duties:

Sec. 13. Amendatory clause. Wherever in Title 28 of the Revised Statutes the word "commission" appears it shall mean "bureau" and wherever in Title 28 the word "commissioner" appears, it shall mean "director".

Sec. 14. R. S., T. 36, c. 4, additional. Title 36 of the Revised Statutes is amended by adding a new chapter 4 to read as follows:

CHAPTER 4

BUREAU OF PROPERTY TAXATION

§ 76. Bureau; director

The Bureau of Property Taxation, as heretofore created and established, shall be under the control and supervision of the State Director of Property Taxation who shall have the power to distribute the duties given to the bureau among such divisions in said bureau as he may deem necessary for economy and efficiency in administration and may add to or eliminate the number of such divisions and may employ such deputies, assistants and employees as may be necessary, subject to the Personnel Law.

§ 77. Responsibilities; duties; employees

The Bureau of Property Taxation and the State Director of Property Taxation shall exercise such powers and responsibilities heretofore vested in the State Tax Assessor relating to property taxes as may be transferred to same by the State Tax Assessor with the advice and consent of the secretary. Upon such delegation there shall be simultaneously transferred such funds, employees, equipment and records as will be meet and proper to carry out said delegated powers and responsibilities.

Sec. 15. Effective date. Sections 1, 3 and 5 shall be effective 91 days after the adjournment of the Legislature; the remainder of this Act shall be effective July 1, 1973; however, departmental budget planning, preparation and submission for the 1973-75 biennium shall be the responsibility of the secretary.

STATEMENT OF FACT

This legislation adds 5 new bureaus to the Department of Finance and Administration: a Bureau of Property Taxation which is presently a Division

of the Bureau of Taxation, a Bureau of Archives, which is presently an independent function, a Bureau of Central Computer Services, which is presently a responsibility of the department without bureau status, a Bureau of Retirement to serve the Trustees of the Maine State Retirement System which is now an independent agency, and a Bureau of Alcoholic Beverages, which is presently an independent agency—the Maine State Liquor Commission.