

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 2002

H. P. 1546

House of Representatives, January 24, 1972

Committee on State Government suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Gill of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

AN ACT Implementing the Reorganization of 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 R. S., T. 5, § 281, repealed and replaced. Section 281 of Title 5 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 281. Commissioner; removal

The Department of Finance and Administration, as heretofore established, shall exercise such powers and perform such duties as are provided for by law. It shall be the principal administrative and fiscal department of the State Government and in conjunction with the Insurance Advisory Board provide insurance advice for the State Government, Maine Maritime Academy and Maine Port Authority.

The department shall be under the supervision and control of a Commissioner of Finance and Administration, as heretofore appointed and hereinafter in this chapter called "the commissioner."

Sec. 2. R. S., T. 5, § 282, amended. The first 2 paragraphs of section 282 of Title 5 of the Revised Statutes are repealed and the following enacted in place thereof:

The commissioner may, with the approval of the Governor and Council, appoint a deputy commissioner, who shall be the chief of one of the department bureaus and shall perform the duties of the commissioner during his absence, in addition to his duties. The compensation and expense of the

deputy commissioner shall be paid from any available funds appropriated for the use of the bureau of which he is chief. The commissioner may employ such bureau chiefs, except the Director of the Bureau of Alcoholic Beverages, as may be necessary, with the approval of the Governor and Council. The bureau chiefs shall be under the immediate supervision, direction and control of the commissioner and shall serve at his pleasure and perform such duties as he may prescribe, except as otherwise provided by law.

The commissioner may employ such other deputies, division heads, assistants and employees as may be necessary, subject to the Personnel Law.

Sec. 3. R. S., T. 5, § 283, sub-§ 6, additional. Section 283 of Title 5 of the Revised Statutes is amended by adding a new subsection 6 to read as follows:

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

Sec. 4. R. S., T. 5, § 287, amended. Section 287 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 497 of the public laws of 1971, is amended to read as follows:

§ 287. Department; commissioner

The Department of Finance and Administration as heretofore established shall serve as the principal administrative and fiscal department of the State Government, coordinate financial planning and programming activities of departments and agencies of the State Government for review and action by the Governor and Council, prepare and report to the Governor and to the Legislature financial data and statistics, provide insurance advice for the State Government, establish and administer a master plan for the orderly development of future state buildings and grounds in the Capitol Area of the City of Augusta, develop and supervise the state purchasing policy and ~~supervise all matters~~ **administer under the direction of the Liquor Commission the laws** relating to legalized alcoholic beverages within this State. The Department of Finance and Administration shall consist of a Commissioner of Finance and Administration appointed by the Governor with the advice and consent of the Council to serve ~~at the pleasure of the Governor and Council~~ **a term coterminous with the Governor, subject to removal for cause by the Governor and Council**, and the following as heretofore created and established: the ~~Maine Insurance Advisory Board; the Board of Trustees, Group Accident and Sickness or Health Insurance;~~ the Capitol Planning Commission; ~~the Standardization Committee~~ and the Liquor Commission, except the Enforcement Division thereof.

Sec. 5. R. S., T. 5, § 298, repealed and replaced. Section 298 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 458 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 298. Duties of Bureau of Public Improvements

The Bureau of Public Improvements within the Department of Finance and Administration shall fulfill the duties of this chapter.

Sec. 6. R. S., T. 5, § 307, amended. Section 307 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 458 of the public laws of 1967, is amended to read as follows:

§ 307. Interest in contracts prohibited

No ~~member employee of the commission~~ **the Department of Finance and Administration** shall be interested directly or indirectly in any contract or contracts calling for the construction or improvements of facilities, buildings and grounds in the Capitol Area in the City of Augusta as described in Title 1, section 814.

Sec. 7. R. S., T. 28, § 2, sub-§ 6-A, additional. Section 2 of Title 28 of the Revised Statutes, as amended, is further amended by adding a new subsection 6-A, to read as follows:

6-A. Bureau. "Bureau" shall mean the Bureau of Alcoholic Beverages within the Department of Finance and Administration.

Sec. 8. R. S., T. 28, § 51, amended. The last sentence of section 51 of Title 28 of the Revised Statutes is amended to read as follows:

The ~~chairman~~ **Director of the Bureau of Alcoholic Beverages within the Department of Finance and Administration** shall be the chief administrative officer, having general charge of the office and records and shall employ with the approval of the Commissioner of Finance and Administration, subject to the Personnel Law, such personnel and make such expenditures as may be necessary to fulfill the purpose of this Title.

Sec. 9. R. S., T. 28, § 52, amended. The first sentence of section 52 of Title 28 of the Revised Statutes is amended to read as follows:

No person shall be eligible for appointment as a member of the commission, ~~or as an employee of the commission, or the Bureau of Alcoholic Beverages~~ in any capacity, including the ~~business administrator~~ **director**, 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.

Sec. 10. R. S., T. 28, § 53, repealed and replaced. Section 53 of Title 28 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 53. Salaries and expenses

Each member of the commission shall receive a per diem salary of \$50 and his actual expenses for the first 50 meetings of each calendar year. For any meetings after the 50th meeting each member of the commission shall receive his actual expenses.

Sec. 11. R. S., T. 28, § 54, repealed and replaced. Section 54 of Title 28 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 54. Director

The Commissioner of Finance and Administration with the advice and consent of the commission shall appoint a Director of the Bureau of Alcoholic Beverages whose term of office shall be continuous, subject only to removal for cause by the commission and the commissioner. The salary of the director shall be fixed by the Governor and Council.

In appointing a director, consideration shall be given to the following qualifications: Sound judgment, practical experience and ability in merchandising, executive administration, salesmanship and sound business principles.

Sec. 12. R. S., T. 28, § 55, sub-§ 10, amended. Subsection 10 of section 55 of Title 28 of the Revised Statutes is amended to read as follows:

10. Duties of director. To assign to the ~~business administrator~~ director under its supervision all powers and duties relating to all phases of the merchandising of liquor through state stores.

Sec. 13. R. S., T. 28, § 55, sub-§ 13, repealed. Subsection 13 of section 55 of Title 28 of the Revised Statutes is repealed.

Sec. 14. Amendatory clause. Whenever in Title 5, sections 299 to 306, as enacted by section 1 of chapter 458 of the public laws of 1967, the word "commission" appears it shall mean the Bureau of Public Improvements.

Sec. 15. Funds and equipment transferred. Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of any agency to be reallocated to another department strictly as a result of the reorganization effort, shall be transferred to the proper place in the new structure by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval by the Governor and Executive Council.

STATEMENT OF FACT

This bill implements the reorganization of the Department of Finance and Administration. The commissioner of the department is appointed by the Governor with the advice and consent of the Council to serve a term co-terminous with that of the Governor. Incorporated within the Department of Finance and Administration are the Maine Insurance Advisory Board, the Capitol Planning Commission and the Liquor Commission.

There is formed within the Department of Finance and Administration a Bureau of Alcoholic Beverages. The director of the Bureau of Alcoholic Beverages will be appointed by the Commissioner of Finance and Administration with the advice and consent of the Liquor Commission and the director of the Bureau will have general charge of the office and records and shall employ all personnel pursuant to the Personnel Law and will be gen-

erally in charge of administering the alcoholic beverage laws at the direction of the commission. It is recommended that the Liquor Commission be composed of 3 members who would receive a salary of \$50, plus actual expenses for the first 50 meetings of each calendar year and for any meetings after the 50th meeting they would receive their actual expenses.

The Capitol Planning Commission is abolished and its duties given to the Bureau of Public Improvements within the Department of Finance and Administration. The Capitol Planning Commission has fulfilled its primary function of coming up with a master plan for development of the Capitol Area. The master plan was approved and adopted by the last session of the Legislature. It will now be the duty of the Bureau of Public Improvements to implement the master plan and to make recommendations to the Legislature in regard to changes in the master plan.