

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2106
6

7 S.P. 832

In Senate, March 3, 1986

8 Reference to the Committee on State Government suggested and ordered
9 printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by President Pray of Penobscot.

Cosponsored by Representative Diamond of Bangor, Senator Gill of
11 Cumberland and Representative Carter of Winslow.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Provide More Cost Effective Data
18 Processing in the Executive Branch.
19

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

22 Sec. 1. 2 MRSA §6, sub-§1, as amended by PL
23 1983, c. 553, §46, is further amended to read:

24 1. Range 91. The salaries of the following
25 state officials and employees shall be within salary
26 range 91:

27 Commissioner of Transportation;

28 Commissioner of Conservation;

29 Director of State Development Office;

30 Commissioner of Finance and Administration;

31 Commissioner of Administration;

1 Commissioner of Educational and Cultural Ser-
2 vices;
3 Commissioner of Environmental Protection;
4 Commissioner of Human Services;
5 Commissioner of Mental Health and Mental Retarda-
6 tion;
7 Commissioner of Public Safety;
8 Commissioner of Business, Occupational and Pro-
9 fessional Regulation;
10 Commissioner of Labor;
11 ~~Commissioner of Personnel;~~
12 Commissioner of Agriculture, Food and Rural Re-
13 sources;
14 Commissioner of Inland Fisheries and Wildlife;
15 Commissioner of Marine Resources; and
16 Commissioner of Corrections.

17 Sec. 2. 2 MRSA §6, sub-§3, as repealed and re-
18 placed by PL 1981, c. 705, Pt. L, §§1-3, is amended
19 to read:

20 3. Range 89. The salaries of the following
21 state officials and employees shall be within salary
22 range 89:

23 State Director of Public Improvements;
24 Director of Personnel;
25 Director of Employee Relations;
26 State Budget Officer;
27 State Controller;
28 Director of the Bureau of Forestry;

1 Chief of the State Police;
2 Director, State Planning Office;
3 Director, Energy Resources Office;
4 Public Advocate; and
5 Commissioner of Defense and Veterans' Services.

6 Sec. 3. 3 MRSA §507, sub-§9, as repealed and re-
7 placed by PL 1983, c. 819, Pt. A, §3, is amended to
8 read:

9 9. Group E-1 and E-2 departments.

10 A. The evaluations and analyses of the justifi-
11 cation reports for the programs of the following
12 Group E-1 departments shall be reviewed by the
13 Legislature no later than June 30, 1988:

- 14 (1) Maine State Retirement System;
15 (2) Department of Attorney General; and
16 ~~(3) Department of Personnel; and~~
17 (4) Department of Labor.

18 B. The evaluations and analyses of the justifi-
19 cation reports for the programs of the following
20 Group E-2 departments shall be reviewed by the
21 Legislature no later than June 30, 1989:

- 22 (1) Department of Finance and
23 ~~Administration;~~
24 (2) (Office of) Treasurer of State; and
25 (3) Department of Audit; and
26 (4) Department of Administration.

27 Sec. 4. 3 MRSA §507, sub-§10, as repealed and
28 replaced by PL 1983, c. 819, Pt. A, §4, is amended to
29 read:

1 10. Group E-1 and E-2 independent agencies.

2 A. Unless continued or modified by law, the fol-
3 lowing Group E-1 independent agencies shall ter-
4 minate, not including the grace period, no later
5 than June 30, 1988:

6 (1) Board of Trustees, Group Accident and
7 Sickness or Health Insurance;

8 (2) Maine Commission for Women;

9 (3) Maine Human Rights Commission;

10 (4) Maine Labor Relations Board; and

11 ~~(5) Governor's Office of State Employee Re-~~
12 ~~lations;~~

13 ~~(6) State Personnel Board;~~

14 ~~(7) Educational Leave Advisory Board; and~~

15 (8) Workers' Compensation Commission.

16 B. Unless continued or modified by law, the fol-
17 lowing Group E-2 independent agencies shall ter-
18 minate, not including the grace period, no later
19 than June 30, 1989. The Board of Emergency Munic-
20 ipal Finance, the Finance Authority of Maine and
21 the Maine Municipal Bond Bank shall not termi-
22 nate, but shall be reviewed by the Legislature no
23 later than June 30, 1989:

24 (1) Board of Emergency Municipal Finance;

25 (2) Finance Authority of Maine;

26 (3) Maine Municipal Bond Bank;

27 (4) Municipal Valuation Appeals Board;

28 (5) Land Classification Appeals Board;

29 (6) State Liquor Commission;

30 (7) Capitol Planning Commission;

- 1 (8) State Board of Assessment Review; ~~and~~
2 (9) Maine Health Care Finance Commission;
3 (10) State Personnel Board; and
4 (11) Educational Leave Advisory Board.

5 Sec. 5. 3 MRSA §551, as amended by PL 1977, c.
6 564, §11-B, is further amended to read:

7 §551. Analysis of proposed bond issues

8 The Commissioner of Finance ~~and Administration~~,
9 together with the Treasurer of State, shall advise
10 the Legislature and the Governor in a timely manner
11 and in written form as to the effect on the state's
12 bonded debt of any bond issue or issues proposed.
13 Specifically, the analysis provided shall indicate
14 the relationship of the issue or issues proposed to
15 the limit on the aggregate level of outstanding state
16 debt established by this chapter and to the future
17 debt service requirements on the State. The analysis
18 shall be comprehensive in nature and shall include
19 consideration of the outstanding debt, bonds autho-
20 rized but unissued, and proposed issues enacted by
21 the Legislature and awaiting ratification or rejec-
22 tion by the electors.

23 Sec. 6. 5 MRSA §11, as amended by PL 1979, c.
24 541, Pt. A, §18, is further amended to read:

25 §11. Certification of payrolls

26 No fiscal officer of the State shall draw, sign
27 or issue, or authorize the drawing, signing or issu-
28 ing, of any warrant or check upon the Treasurer of
29 State or other disbursing officer of the State for
30 the payment of a salary or other compensation for
31 personal services, nor shall the Treasurer of State
32 or other disbursing officer of the State pay any sal-
33 ary or other compensation for personal services in
34 the Executive or Legislative Departments, unless a
35 payroll or account for such salary or other compensa-
36 tion, containing the names of all persons to be paid
37 and the amounts to be paid them, has been certified
38 by the ~~Commissioner~~ Director of Personnel or a person

1 designated by him. In the case of all unclassified
2 employees, certification shall be by their appointing
3 authority.

4 Any payment, made in violation of the compensa-
5 tion plan or the rules pertaining thereto or made to
6 a person appointed or established in his position in
7 a manner contrary to chapters 51 to ~~67~~ 71, may be re-
8 covered from the appointing authority, the
9 ~~Commissioner~~ Director of Personnel or any officer or
10 person making such payment, whoever is culpable, or
11 from the sureties on the official bond of such offi-
12 cer or person. Action for such recovery may be main-
13 tained by the State Personnel Board or any member
14 thereof, any officer or employee of the state service
15 or any citizen of the State. All moneys recovered un-
16 der this section shall be paid into the State Treas-
17 ury and credited to the General Fund.

18 Sec. 7. 5 MRSA §16, sub-§3, as amended by PL
19 1981, c. 28, §1, is further amended to read:

20 3. Regulations. The ~~Commissioner~~ Director of
21 Personnel shall, acting under section 631, prescribe
22 or amend rules and regulations to assure that state
23 personnel policy conforms to the minimums set out in
24 this section. The minimum limits contained in this
25 section shall not be construed to be maximum limits,
26 and the ~~Commissioner~~ Director of Personnel may pre-
27 scribe or amend rules ~~and regulations~~ permitting ac-
28 cumulation of vacation leave and sick leave beyond
29 the limits set forth here for limited categories of
30 state employees for state employees in special situa-
31 tions, or for all classified or unclassified state
32 employees.

33 Sec. 8. 5 MRSA §17, as enacted by PL 1977, c.
34 78, §6, is amended to read:

35 §17. Payroll deduction for Maine Warden Service Re-
36 lief Association

37 The Commissioner of Finance ~~and Administration~~ is
38 authorized to permit payroll deductions from the sal-
39 aries of state employees for membership dues for the
40 Maine Warden Service Relief Association and to trans-
41 mit the funds so collected to the Maine Warden Ser-

1 vice Relief Association under the appropriate depart-
2 mental regulations concerning payroll deductions.

3 Sec. 9. 5 MRSA §135, first ¶, as amended by PL
4 1985, c. 501, Pt. B, §14, is further amended to
5 read:

6 The Treasurer of State may deposit the moneys,
7 including trust funds of the State, in any of the
8 banking institutions or trust companies or state or
9 federal savings and loan associations or mutual sav-
10 ings banks organized under the laws of this State or
11 in any national bank or banks or state or federal
12 savings and loan associations located therein. When
13 there are excess moneys in the State Treasury which
14 are not needed to meet current obligations he may,
15 with the concurrence of the State Controller or the
16 Commissioner of Finance and ~~Administration~~ and with
17 the consent of the Governor, invest such amounts in
18 bonds, notes, certificates of indebtedness or other
19 obligations of the United States of America which ma-
20 ture not more than 24 months from the date of invest-
21 ment or in repurchase agreements secured by obliga-
22 tions of the United States of America which mature
23 within the succeeding 24 months, prime commercial pa-
24 per or banker's acceptances. The Treasurer of State
25 may participate in the securities loan market by
26 loaning state-owned bonds, notes or certificates of
27 indebtedness of the Federal Government, provided that
28 the loans are fully collateralized by treasury bills
29 or cash. The Treasurer of State shall seek competi-
30 tive bids for investments except when, after a rea-
31 sonable investigation, it appears that an investment
32 of the desired maturity is procurable by the State
33 from only one source. Interest earned on such in-
34 vestments of moneys shall be credited to the respec-
35 tive funds, except that interest earned on invest-
36 ments of special revenue funds shall be credited to
37 the General Fund of the State. Interest earned on
38 funds of the Department of Inland Fisheries and Wild-
39 life shall be credited to that fund. Interest earned
40 on funds of the Baxter State Park Authority shall be
41 credited to the Baxter State Park Fund. This section
42 shall not prevent the deposit for safekeeping or cus-
43 todial care of the securities of the several funds of
44 the State in banks or safe deposit companies in this
45 State or any other state, nor the deposit of such

1 state funds as may be required by the terms of custo-
2 dial contracts or agreements as may be hereafter ne-
3 gotiated in accordance with the laws of this State.
4 All custodial contracts and agreements shall be sub-
5 ject to the approval of the Governor.

6 Sec. 10. 5 MRSA §138, first ¶, as amended by PL
7 1979, c. 127, §20, is further amended to read:

8 The Treasurer of State, with the approval of the
9 Commissioner of Finance ~~and Administration~~, the Bank
10 Superintendent and the Attorney General, shall invest
11 all permanent funds held in trust by the State in
12 such securities as are legal investments for savings
13 banks under Title 9-B. This section shall not apply
14 to the fund of the Employees' Retirement System or
15 the fund arising from the lands reserved for public
16 uses.

17 Sec. 11. 5 MRSA §138, 3rd ¶, as amended by PL
18 1977, c. 78, §7, is further amended to read:

19 The Treasurer of State, with the approval of the
20 Commissioner of Finance ~~and Administration~~, the Bank
21 Superintendent and the Attorney General, shall have
22 the power to enter into contracts or agreements ap-
23 proved by the Governor with any national bank, trust
24 company or safe deposit company located in New
25 England or New York City for custodial care and ser-
26 vicing of the securities belonging to the permanent
27 trust funds of this State. Such services shall con-
28 sist of the safekeeping of ~~said~~ those securities,
29 collection of interest and dividends, periodical
30 checks of the portfolio deposited for safekeeping to
31 determine all calls for redemption, in whole or in
32 part, of any bonds owned by such funds, and any other
33 fiscal service which is normally covered in a custo-
34 dial contract or agreement. In performing services
35 under any such contract or agreement, the contracting
36 bank shall have all of the powers and duties pre-
37 scribed for trust companies by Title 9-B, section
38 623.

39 Sec. 12. 5 MRSA §138, last ¶, as amended by PL
40 1973, c. 585, §11, is further amended to read:

1 The Treasurer of State shall be empowered to
2 withdraw or deposit securities from or with the cus-
3 todian as circumstances may require, all withdrawal
4 orders or delivery instructions to bear the approval
5 in writing of the Bank Superintendent and that of ei-
6 ther or both the Attorney General and the Commis-
7 sioner of Finance and Administration.

8 Sec. 13. 5 MRSA §139, first ¶, as amended by PL
9 1979, c. 127, §21, is further amended to read:

10 The Treasurer of State, with the approval of the
11 Commissioner of Finance and Administration, the Bank
12 Superintendent and the Commissioner of Educational
13 and Cultural Services, shall invest and reinvest the
14 principal of all funds derived or that may be derived
15 from the sale and lease of lands reserved for public
16 uses in accordance with the laws of the State govern-
17 ing the investment of funds of savings banks, as enu-
18 merated in Title 9-B.

19 Sec. 14. 5 MRSA §139, 2nd ¶, as amended by PL
20 1977, c. 78, §8, is further amended to read:

21 The Treasurer of State, with the approval of the
22 Commissioner of Finance and Administration, the Bank
23 Superintendent and the Commissioner of Educational
24 and Cultural Services, shall have the power to enter
25 into a contract or agreement approved by the Governor
26 with any national bank, trust company or safe deposit
27 company located in New England or New York City for
28 custodial care and servicing of the securities be-
29 longing to any trust fund created from funds derived
30 or that may be derived from the sale and lease of
31 lands reserved for public uses. Such services shall
32 consist of the safekeeping of said those securities,
33 collection of interest and dividends, periodical
34 checks of the portfolio deposited for safekeeping to
35 determine all calls for redemption, in whole or in
36 part, of any bonds owned by such funds, and any other
37 fiscal service which is normally covered in a custo-
38 dial contract or agreement. In performing services
39 under any such contract or agreement, the contracting
40 bank shall have all of the powers and duties pre-
41 scribed for trust companies by Title 9-B, section
42 623.

1 Sec. 15. 5 MRSA §139, last ¶, as amended by PL
2 1973, c. 585, §11, is further amended to read:

3 The Treasurer of State shall be empowered to
4 withdraw or deposit securities from or with the cus-
5 todian as circumstances may require, all withdrawal
6 orders or delivery instructions to bear the approval
7 in writing of the Bank Superintendent and that of ei-
8 ther or both the Commissioner of Educational and Cul-
9 tural Services and the Commissioner of Finance ~~and~~
10 ~~Administration.~~

11 Sec. 16. 5 MRSA §139-A, first ¶, as amended by
12 PL 1973, c. 585, §11, is further amended to read:

13 The Treasurer of State, with the approval of the
14 Commissioner of Finance ~~and Administration~~, the Bank
15 Superintendent and the Attorney General, shall have
16 the power to enter into contracts or agreements ap-
17 proved by the Governor, with any national bank, trust
18 company or safe deposit company located in New
19 England or New York City, for custodial care and ser-
20 vicing of any securities deposited with the treasurer
21 as a guaranty fund required by statutes.

22 Sec. 17. 5 MRSA §142, 4th ¶, as amended by PL
23 1973, c. 585, §11, is further amended to read:

24 The Treasurer of State shall be empowered to
25 withdraw or deposit securities from or with the cus-
26 todian as circumstances may require, all withdrawal
27 orders or delivery instructions to bear the approval
28 in writing of the Bank Superintendent and that of ei-
29 ther or both the Governor and the Commissioner of Fi-
30 nance ~~and Administration.~~

31 Sec. 18. 5 MRSA §144, as amended by PL 1973, c.
32 625, §17, is further amended to read:

33 §144. Form of unregistered bonds

34 Unregistered bonds issued under the laws of the
35 State shall bear the signature, or the facsimile of
36 the signature, of the Governor, and shall be signed
37 by the Treasurer of State or his deputy and attested
38 by the Commissioner of Finance ~~and Administration~~, or
39 such agent as he may designate. The seal of the State
40 may be a facsimile.

1 Sec. 19. 5 MRSA §145, as amended by PL 1973, c.
2 625, §18, is further amended to read:

3 §145. Registered bonds

4 The Treasurer of State may issue registered
5 bonds, transferable by assignment, in pieces of not
6 less than \$1,000, and of any multiple of 1,000, in
7 exchange for, and in place of, any coupon bonds is-
8 sued under the laws of this State, bearing the same
9 rate of interest and maturing at the same time as the
10 bonds which he may receive therefor in exchange. The
11 place of payment prescribed therein shall be the
12 State Treasury. Said bonds shall bear the facsimile
13 of the signature of the Governor and shall be signed
14 by the Treasurer of State or his deputy and attested
15 by the Commissioner of Finance ~~and Administration~~, or
16 such agent as he may designate.

17 Sec. 20. 5 MRSA §145-A, 2nd ¶, as enacted by PL
18 1979, c. 560, is amended to read:

19 The minibonds shall bear the facsimile of the
20 signature of the Governor and shall be signed by the
21 Treasurer of State, or his deputy, and attested by
22 the Commissioner of Finance ~~and Administration~~, or
23 such agent as he may designate.

24 Sec. 21. 5 MRSA §145-B, sub-§2, as enacted by PL
25 1983, c. 745, is amended to read:

26 2. Signatures. Registered bonds shall bear the
27 facsimile signatures of the Governor and the Treasur-
28 er of State, or his deputy, and shall be attested by
29 the facsimile signature of the Commissioner of Fi-
30 nance ~~and Administration~~ or such agents as he may
31 designate. Whenever signatures on registered bonds
32 of other state officials are required, their facsimi-
33 le signatures may be used.

34 Sec. 22. 5 MRSA §148, as repealed and replaced
35 by PL 1981, c. 100, is amended to read:

36 §148. Cremation of old bonds

37 The Treasurer of State, in the presence of the
38 Commissioner of Finance ~~and Administration~~ and the

1 State Auditor, or such agents as they may designate,
2 may cremate any state bonds and coupons, on the
3 premises of the state bond and coupon paying agent,
4 which have matured and have been paid after the paid
5 certification has been received by the Treasurer of
6 State and the State Auditor. This paid certification
7 shall bear the additional sworn certification of the
8 auditor of the bank paying agent employed by the
9 Treasurer of State. A cremation certificate, signed
10 under oath by the state officers named in this sec-
11 tion and the bank paying agent auditor identifying
12 the bonds and coupons destroyed, shall be filed in
13 the office of the Treasurer of State.

14 Sec. 23. 5 MRSA §244, as amended by PL 1979, c.
15 541, Pt. A, §22, is further amended to read:

16 §244. Records and reports

17 The State Auditor shall keep no accounts in the
18 Department of Audit, but he shall conduct a continous
19 postaudit of the accounts, books, records and other
20 evidences of financial transactions kept in the De-
21 partment of Finance and ~~Administration~~ or in the oth-
22 er departments and agencies of the State Government.
23 He shall prepare and publish a report for each fiscal
24 year, setting forth the essential facts of such audit
25 in summary form, within the following fiscal year af-
26 ter the books of the State Controller have been offi-
27 cially closed. If he shall find in the course of his
28 audit evidences of improper transactions, or of in-
29 competence in keeping accounts or handling funds or
30 of any other improper practice of financial adminis-
31 tration, he shall report the same to the Governor and
32 the Legislature immediately. If he shall find evi-
33 dences of illegal transactions, he shall forthwith
34 report such transactions both to the Governor and to
35 the Attorney General. All such evidences shall be in-
36 cluded in the annual reports of the State Auditor and
37 he may, at his discretion, make them public at any
38 time during the fiscal year.

39 Sec. 24. 5 MRSA §281, as amended by PL 1975, c.
40 771, §51, is repealed and the following enacted in
41 its place:

42 §281. Department of Finance; commissioner

1 The Department of Finance is established as the
2 principal fiscal department of State Government and
3 shall exercise such powers and perform such duties as
4 are provided by law.

5 The department shall be under the supervision and
6 control of the Commissioner of Finance appointed by
7 the Governor, subject to review by the joint stand-
8 ing committee of the Legislature having jurisdiction
9 over appropriations and financial affairs and to con-
10 firmation by the Legislature. The commissioner shall
11 serve at the pleasure of the Governor.

12 Sec. 25. 5 MRSA §282, first ¶, as repealed and
13 replaced by PL 1983, c. 489, §1, is amended to read:

14 The commissioner may, with the approval of the
15 Governor, appoint a deputy commissioner, who shall be
16 the chief of one of the department bureaus and shall
17 perform the duties of the commissioner during the
18 commissioner's absence, in addition to his regular
19 duties. The compensation and expense of the deputy
20 commissioner shall be paid from any available funds
21 appropriated for the use of the bureau of which he is
22 chief. ~~With the exception of the Director of Central~~
23 ~~Computer Services, the~~ The commissioner may appoint
24 and employ the bureau chiefs and the assistant to the
25 commissioner to be under his immediate supervision,
26 direction and control, and to serve at his pleasure
27 and perform such duties as he may prescribe, except
28 as otherwise provided by law.

29 Sec. 26. 5 MRSA §282, sub-§§1, 4 and 5 are
30 amended to read:

31 1. Aide to Governor. To serve as the principal
32 administrative and fiscal aide to the Governor;

33 4. Direct bureaus. To supervise and direct the
34 activities of the bureaus which may by statute be
35 designated as being under the Department of Finance
36 and Administration;

37 5. Other powers and duties. To exercise such
38 other powers and perform such other duties as may be
39 designated by statute; and

1 Sec. 27. 5 MRSA §283, first ¶ is amended to
2 read:

3 The commissioner shall organize the Department of
4 Finance ~~and Administration~~ into bureaus, as follows:

5 Sec. 28. 5 MRSA §283, sub-§3 is repealed.

6 Sec. 29. 5 MRSA §283, sub-§4, as repealed and
7 replaced by PL 1977, c. 674, §4, is repealed.

8 Sec. 30. 5 MRSA §283, sub-§6, as enacted by PL
9 1971, c. 615, §3, is amended to read:

10 6. Bureau of Alcoholic Beverages. The Bureau of
11 Alcoholic Beverages, the head of which shall be the
12 State Director of Alcoholic Beverages; and

13 Sec. 31. 5 MRSA §283, sub-§8, as enacted by PL
14 1975, c. 322, §1, is repealed.

15 Sec. 32. 5 MRSA §283, sub-§9 is enacted to read:

16 9. Bureau of Lottery. The Bureau of Lottery,
17 the head of which shall be the State Lottery Direc-
18 tor.

19 Sec. 33. 5 MRSA §284 is enacted to read:

20 §284. Division of Administrative Services

21 The Division of Administrative Services is estab-
22 lished to provide assistance to the Commissioner of
23 Finance and to the agencies within the department in
24 personnel matters, budgeting and financial matters,
25 purchasing and clerical and support services, and to
26 perform such other duties as the commissioner may
27 designate.

28 Sec. 34. 5 MRSA §285, sub-§2, as amended by PL
29 1985, c. 295, §2, is further amended to read:

30 2. Coverage. Each state employee to whom this
31 section applies shall be eligible for group accident
32 and sickness or health insurance as provided in Title
33 24-A, sections 2802 to 2812, including major medical
34 benefits. The provisions of such group insurance

1 policy or policies shall be determined, insofar as
2 such provisions are not inconsistent with terms and
3 conditions contained in collective bargaining agree-
4 ments negotiated pursuant to Title 26, chapter 9-B,
5 by a board of trustees consisting of 5 members, 2 of
6 whom shall be appointed by the employee organization
7 certified to represent the majority of employees; one
8 of whom shall be a retired state employee selected by
9 a majority vote of the Presidents of the Chapters of
10 the Retired State Employees Association; and 2 state
11 employees who shall be appointed by the Governor. The
12 board of trustees, as authorized by chapter 379,
13 shall hold office for 3 years, with initial appoint-
14 ments to be made as follows: One member appointed by
15 the Governor for 3 years and one member appointed by
16 the Governor for 2 years; one member appointed by the
17 Maine State Employees Association for 3 years and one
18 member appointed by the Maine State Employees Associ-
19 ation for 2 years; and one member, appointed by the
20 Maine State Retirees, for one year. The master policy
21 for such group insurance shall be held by the Commis-
22 sioner of ~~Finance and~~ Administration who shall be ex
23 officio a member of the board of trustees. Said group
24 insurance shall be administered by the board of
25 trustees herein provided.

26 Sec. 35. 5 MRSA §285, sub-§5, as enacted by PL
27 1967, c. 543, is amended to read:

28 5. Purchase of policies. The board of trustees
29 shall purchase, by competitive bidding, from one or
30 more insurance companies or nonprofit organizations,
31 or both, a policy or policies of group accident and
32 sickness or health insurance, including major medical
33 insurance, to provide the benefits specified by this
34 section. Notwithstanding the first sentence of this
35 subsection, with the consent of the policyholder and
36 of the insurer, and at the sole discretion of the
37 board of trustees, existing policies of insurance
38 covering at least 1,000 of the employees defined as
39 eligible by this section may be amended to provide
40 the benefits specified by this section and assigned
41 to the Commissioner of ~~Finance and~~ Administration for
42 the benefit of all those eligible under this section.
43 Such company or companies or nonprofit organizations
44 must be licensed under the laws of the State of
45 Maine. The policy provisions shall be subject to and

1 as provided for by the insurance laws of this State.
2 The board of trustees may have the right to retain
3 such professional consultants as it deems necessary
4 to effect and administer said agreement or contracts.

5 Sec. 36. 5 MRSA §287, as amended by PL 1975, c.
6 771, §52-A, is repealed and the following enacted in
7 its place:

8 §287. Department of Administration; commissioner

9 The Department of Administration is established
10 as the principal administrative department of State
11 Government.

12 The department shall be under the supervision and
13 control of the Commissioner of Administration, in
14 this chapter called the "commissioner."

15 The Commissioner of Administration shall be ap-
16 pointed by the Governor, subject to review by the
17 joint standing committee of the Legislature having
18 jurisdiction over State Government and to confirma-
19 tion by the Legislature, and shall serve at the plea-
20 sure of the Governor.

21 The commissioner shall appoint a deputy commis-
22 sioner, who shall be the chief of the Office of In-
23 formation Services. The commissioner may appoint and
24 employ the bureau chiefs and assistant deputy commis-
25 sioners to be under his immediate supervision, direc-
26 tion and control and to serve at his pleasure and
27 perform such duties as he may prescribe, except as
28 otherwise provided by law. The commissioner may ap-
29 point and prescribe the duties and powers of such
30 other division heads, assistants and employees as may
31 be necessary, subject to the Personnel Law.

32 1. Duty and authority. The commissioner shall
33 have the duty and authority to:

34 A. Serve as the principal administrative aide to
35 the Governor;

36 B. Coordinate administrative planning and pro-
37 gram activities of departments and agencies of
38 State Government for review and action by the
39 Governor;

1 C. Supervise and direct the activities of the
2 offices and bureaus which may by law be desig-
3 nated as being under the Department of Adminis-
4 tration; and

5 D. Exercise such other powers and perform such
6 other duties as may be designated by law.

7 2. Organization. The commissioner shall or-
8 ganize the Department of Administration into offices,
9 bureaus and divisions as he deems necessary, provided
10 that at all times there shall be the following:

11 A. Office of Information Services, the head of
12 which shall be the Deputy Commissioner for Infor-
13 mation Services;

14 B. Bureau of Information Services Planning, the
15 head of which shall be the Director of Informa-
16 tion Services Planning;

17 C. Bureau of Data Processing, the head of which
18 shall be the Director of Data Processing;

19 D. Division of Data Processing Audits and Stan-
20 dards, the head of which shall be the Director of
21 Data Processing Audits and Standards;

22 E. Division of Data Processing Training, the
23 head of which shall be the Director of Data Pro-
24 cessing Training;

25 F. Bureau of Public Improvements, the head of
26 which shall be the Director of Public Improve-
27 ments;

28 G. Bureau of Purchases, the head of which shall
29 be the State Purchasing Agent;

30 H. Bureau of Personnel, the head of which shall
31 be the Director of Personnel;

32 I. Bureau of Employee Relations, the head of
33 which shall be the Director of Employee Rela-
34 tions;

1 J. Division of Risk Management, the head of
2 which shall be the Director of Risk Management;
3 and

4 K. Division of Administrative Services, the head
5 of which shall be the Director of Administrative
6 Services.

7 In the absence of any office, bureau or division
8 chief from the State or from his official duties, or
9 in the event of a vacancy in the position, the com-
10 missioner or his authorized agent may exercise the
11 powers and perform the duties prescribed for the
12 chiefs.

13 Sec. 37. 5 MRSA §287-A, as enacted by PL 1977,
14 c. 564, §13-A, is amended to read:

15 §287-A. Department of Administration designated as
16 state agency to receive and distribute fed-
17 eral surplus property

18 The Department of ~~Finance and~~ Administration is
19 designated as the state agency to receive and dis-
20 tribute federal surplus property which may become
21 available for distribution to eligible recipients
22 within this State. The department is authorized and
23 empowered, through the Bureau of Purchases, to ac-
24 quire, warehouse, allocate and distribute surplus
25 government property to all recipients within Maine
26 who have been or who may later be designated as eli-
27 gible to receive such surplus property by the Con-
28 gress of the United States or any other federal offi-
29 cial empowered to make such determination. The com-
30 missioner is authorized and empowered to enter into
31 cooperative agreements with any duly authorized fed-
32 eral official to carry out the purposes of this sec-
33 tion.

34 Upon transfer of surplus property to an eligible
35 recipient, the commissioner shall charge and receive
36 from said recipient money sufficient to cover the ac-
37 quisition, warehousing, handling, administrative and
38 delivery costs chargeable to said property. The de-
39 partment shall employ and assign such supervisory and
40 clerical personnel as may be necessary to carry out
41 this section, subject to the Personnel Law.

1 Sec. 38. 5 MRSA §288 is enacted to read:

2 §288. Division of Administrative Services

3 The Division of Administrative Services is estab-
4 lished to provide assistance to the Commissioner of
5 Administration and to the agencies within the depart-
6 ment in personnel matters, budgeting and financial
7 matters, purchasing, clerical and support services
8 and to perform such other duties as the commissioner
9 may designate.

10 Sec. 39. 5 MRSA §293, as amended by PL 1983, c.
11 812, §14, is further amended to read:

12 §293. Internship committee

13 The State Government Internship Program Advisory
14 Committee, established by section 12004, subsection
15 10, shall serve to further the purposes of the pro-
16 gram and to provide for broad representation of in-
17 stitutions of higher learning within Maine and of
18 State Government. The State Government Internship
19 Program Advisory Committee shall be comprised of the
20 President of the Senate and Speaker of the House or
21 their designated representatives; the Governor or his
22 designated representative; the ~~Commissioner~~ Director
23 of Personnel; and the Director, of the Bureau of Pub-
24 lic Administration. In addition, one faculty member
25 from each of 4 accredited, degree-granting institu-
26 tions of higher learning in the State shall be ap-
27 pointed by the Director of the Bureau of Public Ad-
28 ministration for 4-year terms, providing that the
29 initial appointments under this chapter shall be for
30 one, 2, 3 and 4-year terms. No faculty member shall
31 be eligible to succeed himself if he has served a
32 full 4-year term, nor shall a faculty member be suc-
33 ceeded by another from the same institution. Vacan-
34 cies shall be filled by the director for the unex-
35 pired term. The members of the internship committee
36 shall organize by electing a chairman and vice-
37 chairman and shall be compensated as provided in
38 chapter 379 and as authorized by the Bureau of Public
39 Administration.

40 Sec. 40. 5 MRSA §307, as amended by PL 1979, c.
41 734, §3, is further amended to read:

1 §307. Interest in contracts prohibited

2 In addition to the limitations of section 18, no
3 employee of the Department of ~~Finance and~~ Administration
4 or member of the commission shall be interested
5 directly or indirectly in any contract or contracts
6 calling for the construction or improvements of fa-
7 cilities, buildings and grounds in the Capitol Area
8 in the City of Augusta as described in Title 1, sec-
9 tion 814.

10 Sec. 41. 5 MRSA §350, as amended by PL 1983, c.
11 812, §17, is further amended to read:

12 §350. Statement of purpose; Advisory Committee on
13 State Telecommunications

14 The Department of ~~Finance and~~ Administration, as
15 the principal administrative and fiscal department of
16 the State Government, has responsibilities for the
17 general administration of state telecommunications
18 services, including, but not limited to, telephone
19 services, radio, teletype, microwave and data trans-
20 mission links. It is recognized that the department
21 should serve to provide needed coordination between
22 state agencies utilizing telecommunications services
23 in such areas as engineering assistance, systems
24 maintenance, frequency allocation, systems planning,
25 and the purchase of services and equipment. The Ad-
26 visory Committee on State Telecommunications, estab-
27 lished by section 12004, subsection 10, shall assist
28 the Department of ~~Finance and~~ Administration in pro-
29 viding for the coordination of state telecommunica-
30 tions services.

31 Sec. 42. 5 MRSA §351, as amended by PL 1975, c.
32 497, §3, is further amended to read:

33 §351. Committee membership; organization

34 The commissioners of the departments of Conserva-
35 tion; ~~Finance and~~ Administration; Inland Fisheries
36 and Wildlife; Marine Resources; Public Safety; and
37 Transportation shall each designate a member of their
38 departments to be a member of the Advisory Committee
39 on State Telecommunications. The Adjutant General
40 shall designate a member of the Bureau of the Mili-

1 tary and a member of the Bureau of Civil Emergency
2 Preparedness to be members of the committee. The Ex-
3 ecutive Director of the Maine Law Enforcement Plan-
4 ning and Assistance Agency or his designee shall be a
5 member of the committee.

6 The designee of the Commissioner of Finance and
7 Administration shall be the chairman of the commit-
8 tee. The committee shall meet at the call of the
9 chairman or upon the request of a majority of the
10 committee members. The committee shall meet at least
11 quarterly.

12 Sec. 43. 5 MRSA §352, as enacted by PL 1975, c.
13 281, is amended to read:

14 §352. Duties

15 The Advisory Committee on State Telecommunica-
16 tions shall advise the Department of Finance and Ad-
17 ministration in regard to the carrying out of the de-
18 partment's general administrative responsibilities
19 for state telecommunications services. The committee
20 shall advise and assist the department in providing
21 for the coordination of engineering assistance, sys-
22 tems maintenance, frequency allocation, systems plan-
23 ning, and the purchase of services and equipment re-
24 lated to state telecommunications services.

25 Sec. 44. 5 MRSA §551-A, as enacted by PL 1981,
26 c. 289, §1, is amended to read:

27 §551-A. Purpose

28 Every employee of the ~~Department~~ Bureau of Per-
29 sonnel and any other affected state agency shall act
30 to assure that the provisions of the Personnel Law
31 are carried out in an open, fair and expeditious man-
32 ner, with the objective of hiring and retaining the
33 best person for a position as quickly as possible. To
34 this end, all state agencies shall take steps to
35 speed up handling of matters subject to, and to re-
36 duce and simplify the procedures and paperwork re-
37 quired by, the Personnel Law.

38 Sec. 45. 5 MRSA §552, sub-§3, as amended by PL
39 1979, c. 541, Pt. B, §2, is further amended to read:

1 3. Classified service. "Classified service"
2 means all offices and positions of trust and employ-
3 ment in the state service except those placed in the
4 unclassified service by chapters 51 to ~~67~~ 71.

5 Sec. 46. 5 MRSA §552, sub-§4, as repealed and
6 replaced by PL 1979, c. 127, §28, is amended to read:

7 4. Commissioner. "Commissioner" means the State
8 Commissioner of ~~Personnel~~ Administration.

9 Sec. 47. 5 MRSA §552, sub-§4-A is enacted to
10 read:

11 4-A. Director. "Director" means the Director of
12 Personnel.

13 Sec. 48. 5 MRSA §554, first ¶, as amended by PL
14 1979, c. 137, is further amended to read:

15 Every appointment, transfer, promotion, demotion,
16 dismissal, vacancy, change of salary rate, leave of
17 absence, absence from duty and other temporary or
18 permanent change in status of employees in both the
19 classified service and the unclassified service of
20 the Executive and Legislative Departments shall be
21 reported to the ~~commissioner~~ director at such time,
22 in such form and together with such supportive or
23 pertinent information as he shall by rule prescribe.

24 Sec. 49. 5 MRSA §554, 2nd and 3rd ¶¶, as re-
25 pealed and replaced by PL 1977, c. 564, §14, are
26 amended to read:

27 The ~~commissioner~~ director shall maintain a per-
28 petual roster of all officers and employees in the
29 classified and unclassified services, showing for
30 each person such data as he deems pertinent.

31 Records of the ~~Department~~ Bureau of Personnel
32 shall be public records and open to inspection of the
33 public during regular office hours at reasonable
34 times and in accordance with such procedure as the
35 ~~commissioner~~ director may provide.

36 Sec. 50. 5 MRSA §556, as repealed and replaced
37 by PL 1981, c. 289, §2, is amended to read:

1 §556. Citizenship

2 Employees holding technical or professional posi-
3 tions involving formulation, execution or review of
4 broad public policy shall be citizens of the United
5 States of America. This requirement may be waived by
6 the ~~commissiener~~ director on an individual basis when
7 there exist compelling reasons for the waiver.

8 Sec. 51. 5 MRSA §557, as repealed and replaced
9 by PL 1981, c. 289, §3, is amended to read:

10 §557. Compulsory consideration of experience

11 No application for a position in State Government
12 may be rejected solely because the applicant lacks
13 educational qualifications. Acceptable equivalent
14 combinations of appropriate experience, including
15 verifiable uncompensated experience, or education may
16 be substituted for formal educational qualifications,
17 except where the educational qualifications are re-
18 flected in necessary registrations such as to prac-
19 tice law, medicine or engineering or where the educa-
20 tional requirements are set as standards by federal
21 agencies making grants-in-aid or otherwise contribut-
22 ing to state programs. The ~~commissiener~~ director
23 shall by rule adopt standards and procedures to as-
24 sure implementation of this paragraph.

25 Sec. 52. 5 MRSA §559, 2nd ¶, as enacted by PL
26 1977, c. 667, §2, is amended to read:

27 The ~~Commissiener~~ Director of Personnel shall, not
28 later than the effective date of this section, adopt
29 rules to assure the attainment of this policy for in-
30 termittent employees. At a minimum, the rules shall:

31 Sec. 53. 5 MRSA 592, first ¶, as repealed and
32 replaced by PL 1977, c. 78, §12, is amended to read:

33 The State Personnel Board shall review the per-
34 sonnel policies and personnel administration of the
35 State and make such recommendations and render advice
36 relative to the operation of the state's personnel
37 administration, as they deem advisable, to the
38 ~~Commissiener~~ Director of Personnel. A record of these
39 recommendations and advice shall be maintained by the

1 ~~commissiener~~ director. Within a reasonable time af-
2 ter the filing of such recommendation or advice, the
3 ~~commissiener~~ director shall make a written response
4 to the board and file a copy of that response with
5 the Governor.

6 Sec. 54. 5 MRSA §593, as amended by PL 1981, c.
7 313, is further amended to read:

8 §593. Appeals to the board

9 Except where otherwise provided by a governing
10 bargaining agreement, any employee or appointing au-
11 thority aggrieved by the determination of the
12 ~~Commissiener~~ Director of Personnel concerning the
13 classification of positions, the allocation of new
14 positions or the reallocation of existing positions
15 in the classified service may appeal from such deter-
16 mination to the State Personnel Board. Such appeal
17 must be made within 30 days after receipt of written
18 notice of such determination from the ~~commissiener~~
19 director. Such employee or appointing authority, or
20 his representative, shall be afforded a public hear-
21 ing before the board. The board shall examine and
22 review such appeal and, upon the vote of at least 3
23 of its members, make such changes in classification,
24 allocation or reallocation as may be just and equita-
25 ble. Determinations of the board shall be transmitted
26 to the State Budget Officer, the ~~Commissiener~~
27 Director of Personnel and the employees and depart-
28 ment heads affected thereby.

29 Any classification of a position and any alloca-
30 tion or reallocation of a position made by the
31 ~~commissiener~~ director or the State Personnel Board
32 pursuant to this section shall become effective on
33 the first day of the fiscal year following approval
34 by the State Budget Officer and the appropriation of
35 funds therefor, except that the State Budget Officer
36 may, if he determines that sufficient funds exist,
37 authorize an effective date prior to the first day of
38 the ensuing fiscal year.

39 Any request for classification of positions, the
40 allocation of new positions or the reallocation of
41 existing positions in the classified service or the
42 unclassified service, shall be processed by the

1 ~~Commissioner~~ Director of Personnel and the
2 ~~commissioner's~~ director's determination made within
3 45 days from the date of filing the request with the
4 ~~Department~~ Bureau of Personnel. Any employee or ap-
5 pointing authority that is a party to the request may
6 appeal to the State Personnel Board within 10 days
7 after the expiration of the 45 days allotted for the
8 process of such requests for hearing and review. The
9 board shall examine and review such appeal and make
10 such changes as provided in this section. The board's
11 decision in the appeal shall be given within 30 days
12 after the hearing on the appeal, has been concluded.

13 A hearing before the State Personnel Board is an
14 adjudicatory proceeding under the Maine Administra-
15 tive Procedure Act, chapter 375, and shall be held in
16 accordance with subchapter IV, section 9051, et seq.

17 Sec. 55. 5 MRSA c. 55, first 2 lines are re-
18 pealed and the following enacted in their place:

19 CHAPTER 55

20 DIRECTOR OF PERSONNEL

21 Sec. 56. 5 MRSA §631, as amended by PL 1983, c.
22 489, §§2 and 3, is further amended to read:

23 § 631. Qualifications; tenure; powers and duties

24 The ~~Commissioner~~ Director of Personnel shall be,
25 at the time of his appointment, a person thoroughly
26 familiar with the principles and experienced in the
27 methods and techniques of personnel administration
28 and management. The ~~Governor~~ commissioner shall ap-
29 point, subject to review by the ~~Joint Standing Com-~~
30 ~~mittee on State Government~~ and to confirmation by the
31 ~~Legislature,~~ the ~~Commissioner~~ Director of Personnel
32 who shall serve at the pleasure of the ~~Governor~~ or
33 ~~until his successor has been appointed and qualified~~
34 commissioner.

35 The ~~commissioner~~ director shall have the follow-
36 ing powers and duties:

37 1. Rules. After a public hearing, with the ap-
38 proval of the commissioner and in accordance with the

1 Maine Administrative Procedure Act, chapter 375, sub-
2 chapter II, and subject to the requirements of chap-
3 ters 51 to 67 71, to prescribe or amend rules and
4 ~~regulations~~ relative to:

5 A. Eligible registers;

6 B. Classification of positions in the classified
7 service;

8 C. Compensation plan;

9 D. Examination for admission to the classified
10 service;

11 E. Promotion in the classified service;

12 F. Provisional, emergency, exceptional and tem-
13 porary appointments;

14 G. Probationary period;

15 H. Transfer;

16 I. Reinstatement;

17 J. Demotion;

18 K. Suspension, layoff and dismissal;

19 L. Leave of absence, resignation, hours of ser-
20 vice, vacation and sick leave;

21 M. Personnel records;

22 N. In-service training;

23 O. Service ratings;

24 P. Certification of payrolls; and

25 Q. Alternative working hours, consistent with
26 chapter 69;

27 which rules and ~~regulations~~ shall be in effect and
28 have the force of law upon the approval of the Gover-
29 nor;

1 2. Investigations. To make investigations either
2 at the direction of the Governor, the commissioner or
3 the Legislature, or upon the petition of an employee
4 or a citizen, or on his own motion concerning the en-
5 forcement and effect of chapters 51 to ~~67~~ 71, which
6 investigations are not adjudicatory proceedings under
7 the Maine Administrative Procedure Act, chapter 375;

8 3. Enforcement. To enforce the observance of
9 chapters 51 to ~~67~~ 71 and the rules ~~and regulations~~
10 made thereunder;

11 4. Report. To transmit an annual report to the
12 commissioner and the Governor. The report of the
13 ~~commissioner~~ director may be supplemented by any ad-
14 ditional comment, criticism or suggestions for the
15 more effectual accomplishment of the purposes of
16 chapters 51 to ~~67~~ 71 that the board may care to sub-
17 mit;

18 5. Records. To keep a full and complete record
19 of adjudicatory proceedings, including hearings on
20 matters of classification, reclassification or allo-
21 cation, in accordance with the Maine Administrative
22 Procedure Act, sections 9059 and 9061, and to keep a
23 record of votes taken in rule-making proceedings in
24 accordance with the Maine Administrative Procedure
25 Act, section 8056 and to keep full and complete min-
26 utes of investigatory hearings. These records and
27 minutes shall be open to public inspection unless
28 otherwise provided by statute-;

29 6. Hearings. In the course of any investigations
30 under chapters 51 to ~~67~~ 71, to hold hearings for the
31 purpose of gathering information. The hearings are
32 not adjudicatory proceedings under the Maine Adminis-
33 trative Procedure Act, chapter 375. In conjunction
34 with the hearings, he shall have the power to admin-
35 ister oaths and to subpoena and require the attend-
36 ance of witnesses and the production thereby of
37 books, papers, public records and other documentary
38 evidence pertinent to the investigation.

39 In case of the refusal of any person to comply with
40 any subpoena issued hereunder or to testify to any
41 matter regarding which he may be lawfully interro-
42 gated, the Superior Court in any county on applica-

1 tion of the ~~commissiener~~ director may issue an order
2 requiring such person to comply with such subpoena
3 and to testify; and any failure to obey such order of
4 the court may be punished by the court as a contempt
5 thereof; and

6 7. Organization and decentralization. To or-
7 ganize the ~~department~~ bureau and separate it into
8 such divisions and along such functional lines as the
9 ~~commissiener~~ director may deem most efficient and to
10 decentralize the functions of personnel management
11 among the various departments and agencies of the
12 State consistent with the requirements of section
13 551-A and deemed in the best interest of efficient
14 administration, and to perform those functions which
15 are not decentralized; and

16 8. Personnel. The ~~commissiener~~ director may ap-
17 point a Director of Planning and Operations and the
18 Assistant to the Commissiener to serve at his plea-
19 sure and may employ, subject to the Personnel Law,
20 such other employees who may be necessary to carry
21 out the work of the department.

22 Sec. 57. 5 MRSA §632, first ¶, as amended by PL
23 1979, c. 541, Pt. B, §3, is further amended to read:

24 The ~~commissiener~~ director shall prepare for each
25 class of positions in the classified service regis-
26 ters of persons eligible for appointment to positions
27 in each such class. Each eligible register shall
28 consist of a list of all of the persons, who have
29 shown by competitive tests, as provided for in sec-
30 tion 673, that they possess the qualifications which
31 entitle them to be considered eligible for appoint-
32 ment to any position in the class for which the eli-
33 gible register is to be prepared, and of employees
34 who have resigned or been dismissed, laid off or
35 granted leaves of absence and whose names have been
36 restored to the eligible register in accordance with
37 chapters 51 to 67 71.

38 Sec. 58. 5 MRSA §632, 2nd ¶, as amended by PL
39 1981, c. 47, §1, is further amended to read:

40 The names of all persons attaining the minimum
41 earned ratings established by the ~~commissiener~~

1 director shall be placed upon the register in order
2 of their ratings.

3 Sec. 59. 5 MRSA §633, as amended by PL 1977, c.
4 564, §17, is further amended to read:

5 §633. Classification plan

6 It shall be the duty of the ~~commissioner~~ director
7 to ascertain and record the duties and responsibili-
8 ties of all positions in the service and to establish
9 classes for such positions, in conformity with regu-
10 lations adopted therefor by the ~~commissioner~~ director
11 as provided in section 631. The titles so classified
12 and so established shall be used in all personnel,
13 accounting, budget, appropriation and financial
14 records of all state departments, commissions and in-
15 stitutions.

16 Sec. 60. 5 MRSA §634, as amended by PL 1977, c.
17 564, §§18, 19 and 20, is further amended to read:

18 §634. Compensation plan

19 The ~~commissioner~~ director shall, as soon as prac-
20 ticable after the adoption of the classification
21 plan, submit to the Legislature a proposed plan of
22 compensation showing for each class of position in
23 the classified service minimum and maximum salary
24 rates and such intermediate rates as he deems desir-
25 able.

26 When the compensation plan has become effective
27 through its adoption by the Legislature, it shall
28 constitute the official schedule of salaries for all
29 classes of positions in the classified service, ex-
30 cept that if the adoption of a compensation plan re-
31 sults in the reduction of salary of an employee, the
32 ~~Commissioner~~ Director of Personnel shall certify to
33 the proper fiscal officer of the State that the
34 employee's salary shall not be subject to any reduc-
35 tion for a period of one year from the effective date
36 of adoption of ~~said~~ the plan. No position ~~shall~~ may
37 be assigned a salary greater than the maximum or less
38 than the minimum rates fixed in the compensation
39 plan. Salaries of persons holding positions in the
40 classified service shall not be approved by paying

1 authorities unless such salaries conform to the
2 adopted compensation plan.

3 Salary advancements within an established range
4 shall not be automatic, but shall be dependent upon
5 specific recommendation of the appointing officer and
6 approval of the ~~commissioner~~ director. Such recom-
7 mendation shall be based upon standards of perform-
8 ance as indicated by merit ratings or other pertinent
9 data. No advancements in salary shall may be made un-
10 til the employee has completed the probationary peri-
11 od.

12 Sec. 61. 5 MRSA §636, as repealed and replaced
13 by PL 1983, c. 260, §1, is amended to read:

14 §636. Training and apprenticeship programs

15 The ~~commissioner~~ director shall devise plans for
16 and cooperate with appointing authorities and other
17 supervising officials in the development and conduct
18 of employee training and registered apprenticeship
19 programs to recruit and develop well qualified em-
20 ployees, to aid in meeting affirmative action re-
21 quirements and to otherwise carry out the state's
22 role as a responsible and effective employer.

23 The Bureau of Labor Standards shall assist the
24 commissioner in determining which classifications are
25 apprenticeable and in encouraging and assisting state
26 agencies to utilize the benefits of apprenticeship
27 programs or other training programs.

28 Consistent with the Code of Fair Practices and
29 other merit system and affirmative action require-
30 ments, the State, through the ~~Department~~ Bureau of
31 Personnel, the Bureau of Labor Standards and its other
32 departments and agencies, shall support the poli-
33 cies of the United States Job Opportunity Act of
34 1981. The State shall seek to meet a target of fill-
35 ing 10% of registered state apprenticeships estab-
36 lished with qualified candidates who are recipients
37 of Aid to Families with Dependent Children. By De-
38 cember 31, 1985, the State shall make a good faith
39 effort to establish at least the first 15 of these
40 apprenticeships.

1 1. Listing of apprenticeable classifications.
2 With the assistance of the Bureau of Labor Standards
3 and other state agencies, the ~~commissiener~~ director
4 shall develop a list of apprenticeable classifica-
5 tions. The first list shall be developed by December
6 31, 1983, and shall be revised annually thereafter.

7 2. Agency review. The Bureau of Labor Standards
8 and each agency utilizing apprenticeable classifica-
9 tions shall determine where apprenticeships should be
10 established, subject to the authorization of the
11 ~~Commissiener~~ Director of Personnel and the require-
12 ments of the State Apprenticeship and Training Coun-
13 cil.

14 3. Annual report. The ~~commissiener~~ director
15 shall include in the annual report of the ~~Department~~
16 Bureau of Personnel the following information:

17 A. A review of the development and operation of
18 training and apprenticeship programs;

19 B. The list of apprenticeable classifications
20 pursuant to subsection 1;

21 C. A summary of the agencies and types of posi-
22 tions involved;

23 D. A summary of registered apprenticeships;

24 E. The number of persons who applied for appren-
25 ticeship positions under this chapter;

26 F. The number of persons who were accepted into
27 the apprenticeship program under this chapter;

28 G. The number of persons, under this chapter,
29 who successfully completed and the number of per-
30 sons who failed to complete the program estab-
31 lished under this chapter;

32 H. The number of persons who, following the suc-
33 cessful completion of the program, remain em-
34 ployed;

35 I. A summary of other training programs estab-
36 lished; and

1 J. A breakdown of the total number of persons,
2 defined in paragraphs E, F and G, by sex, race
3 and any other characteristics deemed by the com-
4 missioner to be pertinent to the intent of this
5 chapter.

6 4. Bargaining agreements. Nothing in this sec-
7 tion may operate to invalidate or supersede the pro-
8 visions of a collective bargaining agreement between
9 an employee organization and the State.

10 Sec. 62. 5 MRSA §637, as amended by PL 1977, c.
11 564, §21, is further amended to read:

12 §637. Service ratings

13 The ~~commissioner~~ director shall establish stan-
14 dards of performance for each class of position and a
15 system of service ratings based upon such standards,
16 which shall be in effect upon their approval as pro-
17 vided in section 631.

18 Sec. 63. 5 MRSA §638, as amended by PL 1975, c.
19 766, §4, is further amended to read:

20 §638. Employee right to review personnel file

21 The ~~commissioner~~ director shall, upon written re-
22 quest from an employee or former employee, provide
23 the employee, former employee or his duly authorized
24 representative with an opportunity to review his per-
25 sonnel file. Such reviews shall take place in the
26 ~~Department~~ Bureau of Personnel and during its normal
27 office hours. Time spent by an employee in reviewing
28 his personnel file shall not be considered as time
29 worked. For the purposes of this section, a personnel
30 file shall include, but not be limited to, any formal
31 or informal employee evaluations and reports relating
32 to the employee's character, credit, work habits,
33 compensation and benefits which the ~~commissioner~~
34 director has in his possession.

35 Sec. 64. 5 MRSA §642, sub-§§2, 3 and 7, as en-
36 acted by PL 1981, c. 289, §8, are amended to read:

37 2. Employee Suggestion System Board. The Employ-
38 ee Suggestion System Board shall be composed of the

1 Commissioner of Finance ~~and Administration~~, the Com-
2 missioner of ~~Personnel~~ Administration and one other
3 commissioner of a state department to be appointed by
4 the Governor.

5 The Commissioner of ~~Personnel~~ Administration shall be
6 responsible for administering the program, and shall
7 assign one capable, highly-experienced employee of
8 the department to manage the program on a day-to-day
9 basis. That employee may also have assignments not
10 related to this program.

11 The board shall elect a chairman and shall adopt
12 rules governing the proceedings, including criteria
13 for making awards. The board shall approve each award
14 made.

15 No later than March 1st of each year, the board shall
16 submit to the joint standing committee having juris-
17 diction over State Government a report of its activi-
18 ties for the preceding calendar year, including in-
19 formation on the number and nature of suggestions re-
20 ceived and awards made.

21 3. Employee positions excluded. In establishing
22 criteria for making awards, the board may exclude
23 certain levels of positions from participation in the
24 program, but in no event may persons in positions
25 enumerated in Title 2, section 6, or Title 5, ~~section~~
26 ~~711~~ chapter 71, be eligible to receive cash awards
27 under the program.

28 7. Administration. Notwithstanding any other
29 law, whenever an award is made from a fund, an equal
30 amount shall be transferred from the same fund to a
31 special revenue fund available to the Department of
32 ~~Personnel~~ Administration to be used to administer the
33 program.

34 Sec. 65. 5 MRSA §673, 2nd ¶, as amended by PL
35 1981, c. 47, §2, is further amended to read:

36 The ~~commissioner~~ director shall determine the
37 character, type and content of examination for admis-
38 sion to the classified service; the time and place
39 for holding examinations; the form of application
40 blanks for admission to the examination to be filed

1 by applicants; the minimum requirements for admission
2 to the examination and the value of each phase of the
3 tests used in determining the average rating of the
4 applicant. The ~~commissioner~~ director may adjust initial
5 test results only to eliminate questions that
6 are proven not relevant to the purposes of the test
7 or which have a bias that is prohibited by state or
8 federal law. Once a minimum final earned rating is
9 established for a particular test, it shall not be
10 changed.

11 Sec. 66. 5 MRSA §673, last ¶, as amended by PL
12 1977, c. 564, §25, is further amended to read:

13 Public notice of every examination or test shall
14 be given in the manner prescribed by rules and
15 ~~regulations~~ drawn up by the ~~commissioner~~ director.

16 Sec. 67. 5 MRSA §674, 2nd ¶, as amended by PL
17 1975, c. 766, §4, is further amended to read:

18 In determining qualifications for examination and
19 appointment with respect to veteran preference eligi-
20 bles under this section, the ~~commissioner~~ director or
21 other examining agency may waive requirements as to
22 age, height and weight, provided any such requirement
23 is not essential to the performance of the duties of
24 the position for which examination is given. The
25 ~~commissioner~~ director or other examining agency, after
26 giving due consideration to the recommendation of
27 any accredited physician, may waive the physical re-
28 quirements in the case of any veteran, provided such
29 veteran is, in the opinion of the ~~commissioner~~
30 director or other examining agency, physically able
31 to discharge efficiently the duties of the position
32 for which the examination is given.

33 Sec. 68. 5 MRSA §675, as amended by PL 1975, c.
34 766, §4, is further amended to read:

35 §675. -- reopening of examinations

36 Veterans with the present existence of a service-
37 connected disability to a compensable degree, wives
38 and husbands of disabled veterans who qualify for
39 10-point preference under section 674, subsection 2,
40 paragraph B, unmarried widows or widowers of deceased

1 veterans who qualify for 10-point preference under
2 section 674, subsection 2, paragraph C, mothers and
3 fathers, who are widowed, divorced, separated or
4 whose wives or husbands are permanently and totally
5 disabled, of veterans who died while in the active
6 service of the Armed Forces during any war, or who
7 died as the result of service-connected disabilities,
8 may file an application for and reopen an open com-
9 petitive examination during the life of an eligible
10 register resulting from a published announcement. If
11 no eligible register resulted from a published an-
12 nouncement, applicants as above qualified may file an
13 application for and reopen an open competitive exami-
14 nation within 3 years of the closing date of the pub-
15 lished announcement, provided in all instances that
16 the applicant had not previously made application for
17 the examination under conditions of the published an-
18 nouncement. In the event positions in the classified
19 service are held other than by permanent or proba-
20 tionary employees, applicants as above qualified may
21 file application for an examination to be announced
22 and opened. Examinations shall be conducted for such
23 applicants not later than the quarterly period suc-
24 ceeding that in which the application has been filed
25 with the ~~Commissioner~~ Director of Personnel.

26 Sec. 69. 5 MRSA §676, as amended by PL 1975, c.
27 766, §4, is further amended to read:

28 §676. Probationary period; permanent appointment

29 All original appointments to the classified ser-
30 vice and all subsequent promotional appointments
31 within the classified service shall be for a proba-
32 tionary period. The duration of such probationary pe-
33 riod shall be determined by the ~~commissioner~~
34 director, but in no case shall it be for less than 6
35 months.

36 Sec. 70. 5 MRSA §677, as amended by PL 1975, c.
37 766, §4, is further amended to read:

38 §677. Temporary and provisional appointments

39 Whenever it is impossible to certify eligible
40 persons for appointment to a vacancy in the classi-
41 fied service, the appointing authority may nominate a

1 person to the ~~commissioner~~ director. If such nominee
2 is found by the ~~commissioner~~ director to have had ex-
3 perience and training which appear to qualify him for
4 the position, he may be temporarily appointed to fill
5 such vacancy but only until an appropriate eligible
6 register can be established and an appointment made
7 therefrom. The ~~commissioner~~ director may make a pro-
8 visional appointment to fill a technical or profes-
9 sional position, which requires a specialized knowl-
10 edge or training to carry out the duties of the posi-
11 tion, and cannot be filled from the eligible regis-
12 ter. In no event shall a temporary appointment be
13 continued for more than 3 months. Successive tempo-
14 rary appointment of the same person shall not be
15 made. Not more than one temporary appointment shall
16 be made to any position within any 12-month period.
17 The ~~commissioner~~ director may authorize, without re-
18 quiring competitive tests, the appointment of
19 unskilled laborers or persons engaged in custodial
20 and domestic work in state institutions or depart-
21 ments.

22 Sec. 71. 5 MRSA §723, as amended by PL 1983, c.
23 812, §21, is further amended to read:

24 §723. Educational Leave Advisory Board

25 The Educational Leave Advisory Board, established
26 by section 12004, subsection 10, shall advise and
27 consult with the Department Bureau of Personnel to
28 review and authorize all educational leave requests
29 from classified and unclassified state employees for
30 durations of more than one week. The board shall con-
31 sist of 3 members as follows: The ~~Commissioner~~
32 Director of Personnel who shall serve as chairman of
33 the board, the Commissioner of Educational and Cul-
34 tural Services or his designee; and one member who
35 shall be a state employee appointed by the Governor
36 to serve for a term of 3 years. Members of the board
37 shall be compensated as provided in chapter 379.

38 Sec. 72. 5 MRSA §753, sub-§§4 and 5, as amended
39 by PL 1975, c. 766, §4, are further amended to read:

40 4. Appeal to Director of Personnel. If the clas-
41 sified employee is dissatisfied with the written de-
42 cision following the meeting with the department

1 head, he may appeal in writing to the ~~Commissioner~~
2 Director of Personnel within 7 working days of meet-
3 ing with the department head. The ~~Commissioner~~
4 Director of Personnel shall within 10 working days
5 reply in writing to the aggrieved employee, his rep-
6 resentative and the department head involved, stating
7 his decision, based on the State's Personnel Law and
8 rules.

9 5. Submission to board. In the event the grievance
10 shall not have been satisfactorily adjusted under
11 subsections 1 to 4, within the time limits there-
12 in, the dispute may be submitted to the board within
13 10 working days following receipt of the ~~Commissioner~~
14 Director of Personnel's written decision. The board
15 shall investigate the matters in controversy, shall
16 hear all interested persons who come before it, and
17 make a written decision thereof, which shall be bind-
18 ing on the parties involved. The board's written de-
19 cision shall be issued within 30 working days after
20 the hearing on the dispute is concluded, unless both
21 parties agree that an extension of the time limit
22 should be allowed.

23 Sec. 73. 5 MRSA §783, as amended by PL 1985, c.
24 388, §2, is further amended to read:

25 §783. Appointment, assignment and promotion of per-
26 sonnel

27 Officials and supervisory employees shall ap-
28 point, assign and promote personnel on the basis of
29 merit and fitness, without regard to race, color, re-
30 ligious creed, national origin, sex, ancestry, age,
31 physical handicap or mental handicap, unless related
32 to a bona fide occupational qualification. Each ap-
33 pointing authority shall designate an affirmative ac-
34 tion officer. The officer must be so placed within
35 the agency's organizational structure that he or she
36 shall have direct access to the appointing authority.
37 Each department or agency shall prepare an affirma-
38 tive action program for that department or agency in
39 accordance with criteria set forth by the State
40 Department Bureau of Personnel.

41 Sec. 74. 5 MRSA §788, as amended by PL 1985, c.
42 388, §3, is further amended to read:

1 §788. Bureau of Personnel

2 The ~~State Department~~ Bureau of Personnel shall
3 take positive steps to insure that the entire civil
4 service examination and testing process, including
5 the development of job specifications and employment
6 qualifications, is free from either conscious or in-
7 advertent bias. Furthermore, the ~~Department~~ Bureau of
8 Personnel will have the initial responsibility of re-
9 solving civil service conflicts and complaints,
10 changing administrative procedures when necessary and
11 providing assistance for preparing affirmative action
12 programs. It is the responsibility of the State Af-
13 firmative Action Coordinator in the ~~Department~~ Bureau
14 of Personnel to monitor the civil service affirmative
15 action program and insure compliance with all federal
16 and state regulations.

17 Sec. 75. 5 MRSA §883, as enacted by PL 1973, c.
18 491, is amended to read:

19 §883. Administration

20 Administration of a deferred compensation program
21 within state agencies, departments, boards, commis-
22 sions or institutions shall be under the direction of
23 the Department of Finance ~~and Administration~~. Each
24 county, city, town or other political subdivision may
25 designate an officer to administer a deferred compen-
26 sation program. Payroll deductions shall be made in
27 each instance by the appropriate payroll officer.

28 Sec. 76. 5 MRSA §884, as amended by PL 1983, c.
29 812, §22, is further amended to read:

30 §884. Advisory Council on Deferred Compensation

31 An Advisory Council on Deferred Compensation
32 Plans, established by section 12004, subsection 10,
33 shall consist of 7 members, who shall be the Commis-
34 sioner of Finance ~~and Administration~~, ex officio, or
35 his designee; the Insurance Superintendent, ex offi-
36 cio, or his designee; the Superintendent of Banking,
37 ex officio, or his designee; and 4 state employees to
38 be appointed by the Governor, who shall be appointed
39 for terms of 3 years, except that of the first ap-
40 pointments one shall be for one year, 2 for 2 years

1 and one for 3 years. Members of the advisory council
2 shall be compensated as provided in chapter 379. The
3 council shall meet at least once a year and shall re-
4 view the operations of the deferred compensation pro-
5 gram and advise the Department of Finance ~~and~~
6 ~~Administration~~ on matters of policy relating to the
7 activities thereunder. The Commissioner of Finance
8 ~~and Administration~~, or his designee, shall be the
9 chairman of the advisory council.

10 Sec. 77. 5 MRSA §893, as enacted by PL 1983, c.
11 791, §2, is amended to read:

12 §893. Administration

13 Payroll deductions shall be made by the appropri-
14 ate payroll officer of each county, municipality or
15 other political subdivision. The Commissioner of Fi-
16 nance ~~and Administration~~ shall be responsible for the
17 administration of this chapter as it applies to state
18 employees. Any costs incurred by the Commissioner of
19 Finance ~~and Administration~~ to administer the state
20 program shall be borne equally by state employee par-
21 ticipants, and these costs may be compensated by
22 means of payroll deductions.

23 Sec. 78. 5 MRSA §903, sub-§§2, 4 and 5, as en-
24 acted by PL 1981, c. 270, §4, are amended to read:

25 2. Employees not in collective bargaining units.
26 The ~~Commissioner~~ Director of Personnel shall adopt
27 rules to implement alternative working hours employ-
28 ment for persons who are not in collective bargaining
29 units. Notwithstanding any other state law, any such
30 rules shall provide for the proration of any bene-
31 fits, including retirement benefits, made available
32 to a person employed for job-sharing and part-time
33 employment, provided that such proration is not pro-
34 hibited by federal law.

35 4. Prohibition. Positions listed in ~~section 711,~~
36 ~~subsection 27~~ chapter 71 and in Title 2, section 6,
37 may not be filled by persons employed under any
38 job-sharing authority.

39 5. Report. The ~~commissioner~~ director shall re-
40 port to the Joint Standing Committee on State Govern-

1 ment the state's progress in establishing alternative
2 working hours. The report shall at a minimum contain
3 a specific breakdown of the number of employees seek-
4 ing and the number of employees working alternative
5 working hours employment by each category of such em-
6 ployment, the increase or decrease in the number of
7 employees from the preceding year by each category,
8 the number of persons over the age of 60 by each cat-
9 egory of alternative working hours employment, an es-
10 timate of savings achieved or costs imposed and a
11 narrative summary of the efforts taken by the State
12 to encourage the development of alternative working
13 hours employment.

14 Sec. 79. 5 MRSA §939, as enacted by PL 1983, c.
15 729, §4, is amended to read:

16 §939. Department of Finance

17 1. Major policy-influencing positions. The fol-
18 lowing positions are major policy-influencing posi-
19 tions within the Department of Finance and
20 Administration. Notwithstanding any other provision
21 of law, these positions and their successor positions
22 shall be subject to this chapter:

- 23 A. State Controller;
- 24 B- ~~State Purchasing Agent;~~
- 25 C. State Tax Assessor;
- 26 D- ~~Director, Bureau of Public Improvements;~~
- 27 E. Director, Bureau of Alcoholic Beverages;
- 28 F. State Budget Officer;
- 29 G. Assistant to the Commissioner; and
- 30 H- ~~Director, Risk Management;~~
- 31 I. Director of State Lottery; and
- 32 J. Director of Compliance.

33 Sec. 80. 5 MRSA §947, as enacted by PL 1983, c.
34 729, §4, is repealed.

1 Sec. 81. 5 MRSA §947-A is enacted to read:

2 §947-A. Department of Administration

3 1. Major policy-influencing positions. The fol-
4 lowing positions are major policy-influencing posi-
5 tions within the Department of Administration. Not-
6 withstanding any other provision of law, these posi-
7 tions and their successor positions shall be subject
8 to this chapter:

- 9 A. Deputy Commissioner for Information Services;
- 10 B. State Purchasing Agent;
- 11 C. Director of Public Improvements;
- 12 D. Director of Personnel;
- 13 E. Director of Employee Relations;
- 14 F. Assistant Deputy Commissioners;
- 15 G. Director of Risk Management;
- 16 H. Director of Planning and Operations, Bureau
17 of Personnel;
- 18 I. Director of Information Services Planning;
- 19 J. Director of Data Processing;
- 20 K. Director of Data Processing Audits and Stan-
21 dards; and
- 22 L. Director of Data Processing Training.

23 Sec. 82. 5 MRSA §1005, sub-§1, as amended by PL
24 1975, c. 766, §4, is further amended to read:

25 1. Review of statutory amendments. All amend-
26 ments to this chapter that are proposed to be enacted
27 by the Legislature shall be reviewed by the board of
28 trustees, which shall report to the proper legisla-
29 tive committee or authority on the impact of each
30 such amendment on the retirement system. Such report
31 shall state the impact on all aspects of the system,

1 including the amendment's purposes, the resulting eq-
2 uitable or inequitable treatment of members, the
3 funding of the costs of benefits, its consistency
4 with other provisions of this chapter, and the value
5 of such amendments to the system. Such report shall
6 also include a separate evaluation of each amendment
7 by the actuary and by the ~~Commissioner~~ Director of
8 Personnel, which shall be requested by the board of
9 trustees and included with their report.

10 Sec. 83. 5 MRS §1504, as amended by PL 1975, c.
11 771, §65, is further amended to read:

12 §1504. Charging off accounts due State

13 The State Controller shall charge off the books
14 of account of the State or any department, institu-
15 tion or agency thereof, such accounts receivable, in-
16 cluding all taxes for the assessment or collection of
17 which the State is responsible, and all impounded
18 bank accounts, as shall be certified to him as im-
19 practical of realization by or for ~~said~~ the State,
20 department, institution or agency. Such certifica-
21 tion shall be by the Attorney General, the Commis-
22 sioner of Finance ~~and Administration~~ and the head of
23 the department, institution or agency responsible for
24 such account, subject to the approval of the Govern-
25 nor. In each such case, the charging off of such ac-
26 counts shall be recommended by the head of the de-
27 partment, institution or agency originally responsi-
28 ble for such account.

29 Sec. 84. 5 MRS §1505 is amended to read:

30 §1505. Petty Cash Funds

31 A Petty Cash Fund shall be allowed by the Commis-
32 sioner of Finance ~~and Administration~~ to each state
33 department or agency, which shall in his opinion re-
34 quire such a fund. ~~Said~~ The fund so established shall
35 be reimbursed only upon statements and bills audited
36 by the State Controller.

37 Sec. 85. 5 MRS §1506, as amended by PL 1975, c.
38 771, §66, is further amended to read:

39 §1506. Return of working capital advances

1 Whenever a working capital advance, or any part
2 thereof, is no longer required for the purpose for
3 which it was made, such amount shall be returned to
4 the state fund from which the advance was made. Such
5 return shall be made only on the recommendation of
6 the department or agency head having jurisdiction
7 over the advance and with the approval of the Commis-
8 sioner of Finance ~~and Administration~~ and the Gover-
9 nor.

10 Sec. 86. 5 MRS §1508, as amended by PL 1975, c.
11 771, §68, is further amended to read:

12 §1508. State funds eliminated

13 Unless the Legislature shall otherwise direct,
14 the Commissioner of Finance ~~and Administration~~, with
15 the approval of the Governor, shall have authority to
16 discontinue any or all special expendable state funds
17 with the exception of the sinking funds and trust
18 funds, and to merge the balance or balances of such
19 fund or funds so discontinued with the General Fund.

20 Sec. 87. 5 MRS §1541, first ¶ is amended to
21 read:

22 The Department of Finance ~~and Administration~~,
23 through the Bureau of Accounts and Control, shall
24 have authority:

25 Sec. 88. 5 MRS §1541, sub-§13, as amended by PL
26 1983, c. 209, is further amended to read:

27 13. Travel expense reimbursement. The State Con-
28 troller, with the approval of the Commissioner of Fi-
29 nance ~~and Administration~~, may establish policies for
30 travel expense reimbursement and carrying out this
31 chapter. Those policies determining which expenses
32 shall be reimbursable and levels of reimbursement
33 shall be deemed rules, and shall be adopted, modified
34 and repealed, only in accordance with procedures set
35 forth in the Maine Administrative Procedure Act, Ti-
36 tle 5, chapter 375.

37 A. Notwithstanding any other provision of law, a
38 state agency, as defined in section 8002, sub-
39 section 2, may not authorize reimbursement for

1 travel by any person at a rate greater than the
2 rate established in section 8 for state employ-
3 ees.

4 Sec. 89. 5 MRSA §1552, sub-§2, as enacted by PL
5 1983, c. 655, is amended to read:

6 2. Commissioner. "Commissioner" means the Com-
7 missioner of Finance ~~and Administration.~~

8 Sec. 90. 5 MRSA §1653, sub-§2, as enacted by PL
9 1983, c. 716, §2, is amended to read:

10 2. Commissioner. "Commissioner" means the Com-
11 missioner of the Department of Finance and
12 Administration.

13 Sec. 91. 5 MRSA §1657, sub-§1, as enacted by PL
14 1983, c. 716, §2, is amended to read:

15 1. Department of Audit. Nothing in this chapter
16 may be construed to affect or limit any previously
17 existing power or duty of the Department of Audit or
18 the Department of Finance ~~and Administration.~~

19 Sec. 92. 5 MRSA §1662, first ¶ is amended to
20 read:

21 The Department of Finance ~~and Administration,~~
22 through the Bureau of the Budget, shall have the duty
23 and authority:

24 Sec. 93. 5 MRSA §1662, sub-§5, as amended by PL
25 1985, c. 174, Pt. J, §1, is further amended to read:

26 5. Rules. To make rules, subject to the approval
27 of the Commissioner of Finance ~~and Administration,~~
28 for the carrying out of chapters 145 and 149; and

29 Sec. 94. 5 MRSA §1668, first ¶, as enacted by PL
30 1975, c. 771, §77-A, is amended to read:

31 Whenever it appears to the Commissioner of Fi-
32 nance ~~and Administration~~ that the anticipated income
33 and other available funds of the State will not be
34 sufficient to meet the expenditures authorized by the
35 Legislature, he shall so report in writing to the

1 Governor, and shall send a copy of the report to the
2 President of the Senate and the Speaker of the House
3 and the majority and minority leaders of the Senate
4 and House. After receiving the report, the Governor
5 may temporarily curtail allotments equitably so that
6 expenditures will not exceed the anticipated income
7 and other available funds. No allotment ~~shall~~ may be
8 terminated pursuant to this section. Any curtailment
9 of allotments shall, insofar as practicable, be made
10 consistent with the intent of the Legislature in au-
11 thORIZING these expenditures.

12 Sec. 95. 5 MRS §1674, first ¶, as enacted by PL
13 1985, c. 195, §§1 and 2, is amended to read:

14 Each department or agency of State Government,
15 which is authorized to expend more than \$25,000 on a
16 single project in any fiscal year on the construc-
17 tion, repair or improvement of state-owned real prop-
18 erty, shall prepare and submit a departmental indi-
19 rect cost allocation proposal to the Commissioner of
20 Finance ~~and Administration~~ prior to that expenditure.
21 These proposals shall be on file in the Department of
22 Finance ~~and Administration~~.

23 Sec. 96. 5 MRSA §1725-A, sub-§1, as enacted by
24 PL 1983, c. 349, §4, is amended to read:

25 1. Creation and authority. The Department of
26 ~~Finance and Administration~~ is designated as the agen-
27 cy through which this chapter shall be administered
28 and the Commissioner of ~~Finance and Administration~~,
29 in this chapter called the "commissioner," is empow-
30 ered with such authority as may be necessary to carry
31 out its purposes.

32 There is created within the Department of ~~Finance and~~
33 ~~Administration~~ a Risk Management Division, in this
34 chapter called the "division." The division shall be
35 under the administrative control of the commissioner
36 and under the direct supervision of the Director of
37 Risk Management.

38 Sec. 97. 5 MRSA §1732, as amended by PL 1983, c.
39 349, §14, is further amended to read:

40 §1732. Administration

1 The fund shall be administered by the Commission-
2 er of **Finance and Administration**. The commissioner
3 shall deposit the fund with the Treasurer of State
4 for investment. All proceeds of such investment shall
5 accrue to the fund.

6 Sec. 98. 5 MRSA §1742, first ¶ is amended to
7 read:

8 The Department of **Finance and Administration**,
9 through the Bureau of Public Improvements, shall have
10 authority:

11 Sec. 99. 5 MRSA §1742, sub-§2, as amended by PL
12 1975, c. 771, §78, is further amended to read:

13 2. Inspection. To regularly inspect state-owned
14 and leased buildings in the State and report to the
15 controlling department head whatever construction,
16 repairs, alterations and improvements are deemed nec-
17 essary. If the Commissioner of **Finance and Adminis-**
18 **tration** considers it advisable, he shall make a simil-
19 ar report to the Governor;

20 Sec. 100. 5 MRSA §1742, sub-§4 is amended to
21 read:

22 4. Review. To review the operation and mainte-
23 nance of state owned and leased buildings and proper-
24 ty and to make recommendations with respect thereto
25 to the Commissioner of **Finance and Administration** and
26 controlling department or agency head concerned;

27 Sec. 101. 5 MRSA §1742, sub-§20, as amended by
28 PL 1985, c. 501, Pt. B, §§15 and 16, is repealed.

29 Sec. 102. 5 MRSA §1742, sub-§20-A is enacted to
30 read:

31 20-A. Utility services. To purchase or contract
32 or approve the purchasing or contracting for tele-
33 phone, telegraph, electric, water, sewage and gas
34 services for any and all departments and agencies of
35 State Government and:

36 A. To employ or engage outside technical and
37 professional services that may be necessary for
38 telecommunications purposes;

1 B. To establish, through the Bureau of Accounts
2 and Control, an Internal Telecommunications Fund
3 Account. This fund shall include, but not be lim-
4 ited to, appropriations made to the program,
5 funds transferred to the program from within the
6 Department of Administration and funds received
7 for telecommunications services rendered to sys-
8 tem users;

9 C. To levy charges, according to a rate schedule
10 approved by the Commissioner of Administration,
11 against all units utilizing telecommunications
12 services; and

13 D. To submit a budget of estimated revenues and
14 costs to be incurred by the program in the same
15 manner as required for the General Fund in chap-
16 ters 145 and 149;

17 Sec. 103. 5 MRSA §1742, sub-§21, as amended by
18 PL 1985, c. 481, Pt. A, §11, is further amended to
19 read:

20 21. Rules. To make rules, subject to the approv-
21 al of the Commissioner of ~~Finance and~~ Administration
22 for the purposes of carrying out this subchapter~~7~~;
23 and

24 Sec. 104. 5 MRSA §1743, as repealed and replaced
25 by PL 1977, c. 303, §1, is amended to read:

26 §1743. Competitive bids

27 Any contract for any public improvement in which
28 the State or any of its agencies hold in fee or by
29 lease hold interest, except contracts for profession-
30 al, architectural and engineering services, shall be
31 awarded by the Department of ~~Finance and~~ Administra-
32 tion through the Bureau of Public Improvements, under
33 a system of competitive bidding in accordance with
34 chapters 141 to 155 and such other conditions and re-
35 strictions as the Governor may from time to time pre-
36 scribe.

37 Sec. 105. 5 MRSA §1811, first ¶ is amended to
38 read:

1 The Department of ~~Finance~~ and Administration,
2 through the Bureau of Purchases, shall have authori-
3 ty:

4 Sec. 106. 5 MRSA §1811, sub-§§5 and 7 are
5 amended to read:

6 5. Storerrooms. To establish and operate, with
7 the approval of the Commissioner of ~~Finance~~ and Ad-
8 ministration, such storerooms which, in the judgment
9 of the State Purchasing Agent, are deemed necessary
10 for the storage and distribution of supplies, materi-
11 als and equipment required for use by the State Gov-
12 ernment or any department or agency thereof;

13 7. Central mailing room. To establish and con-
14 duct a central mailing room for the state departments
15 and agencies at the seat of government; and

16 Sec. 107. 5 MRSA §1812, as amended by PL 1975,
17 c. 739, §1, is further amended to read:

18 §1812. Scope of purchasing authority

19 The terms "services," "supplies," "materials" and
20 "equipment" as used in this chapter, shall be held to
21 mean any and all services, articles or things which
22 shall be used by or furnished to the State or any de-
23 partment or agency thereof, and any and all printing,
24 binding, publication of laws, journals and reports.
25 Except as provided in chapters 141 to 155, any and
26 all services, supplies, materials and equipment
27 needed by one or more departments or agencies of the
28 State Government shall be directly purchased or con-
29 tracted for by the State Purchasing Agent, as may be
30 determined from time to time by rules adopted pursu-
31 ant to chapters 141 to 155, which rules the Depart-
32 ment of ~~Finance~~ and Administration is authorized and
33 empowered to make. It is the intent and purpose of
34 this chapter, that the State Purchasing Agent shall
35 purchase collectively all services, supplies, materi-
36 als and equipment for the State or any department or
37 agency thereof in a manner that will best secure the
38 greatest possible economy consistent with the grade
39 or quality of the services, supplies, materials and
40 equipment best adapted for the purposes for which
41 they are needed. Whenever supplies and materials are

1 available for purchase which are composed in whole or
2 in part of recycled materials and are shown by the
3 seller, supplier or manufacturer to be equal in qual-
4 ity and are competitively priced, the State Purchas-
5 ing Agent shall purchase such recycled supplies and
6 materials. For the purposes of this section,
7 recycled materials means materials that are composed
8 in whole or in part of elements that are reused or
9 reclaimed.

10 The trustees of the University of Maine may au-
11 thorize the Department of ~~Finance and~~ Administration
12 to act for them in any purchases.

13 The word "services," when used in this chapter,
14 shall be held to mean any and all window cleaning
15 services, elevator repair and maintenance services,
16 laundry service, linen supply service, dry cleaning
17 service, janitor service, floor maintenance service,
18 rubbish and garbage disposal service, tree surgeon
19 service, all types of office machine repair and main-
20 tenance service, exterminator service, refrigerator
21 repair and maintenance service and oil burner repair
22 and maintenance service when any such service is per-
23 formed by an independent contractor. The State Pur-
24 chasing Agent may, with the approval of the Commis-
25 sioner of ~~Finance and~~ Administration add to or elimi-
26 nate from the various types of service set forth in
27 this paragraph such services performed by independent
28 contractors as may be deemed by him to be in the best
29 interests of the State.

30 Sec. 108. 5 MRSA §1813, first ¶ is amended to
31 read:

32 The State Purchasing Agent, with the approval of
33 the Commissioner of ~~Finance and~~ Administration, may
34 adopt, modify or abrogate rules and ~~regulations~~ for
35 the following purposes:

36 Sec. 109. 5 MRSA §1813-A, sub-§2, as enacted by
37 PL 1985. c. 158, §3, is amended to read:

38 2. Surplus property; private sale to educational
39 institutions. Pursuant to this chapter and rules
40 promulgated under section 1813, the Department of ~~Fi-~~
41 ~~nance and~~ Administration through the Bureau of Pur-

1 chases shall allow private sales of surplus property
2 to educational institutions.

3 Sec. 110. 5 MRSA §1814, last 3 ¶¶, as repealed
4 and replaced by PL 1977, c. 332, are amended to read:

5 A majority of the members shall elect a recording
6 secretary of the Standardization Committee, who shall
7 maintain a complete record of the minutes of every
8 committee meeting. Upon the request of the committee,
9 the State Purchasing Agent shall furnish such assist-
10 ance as the committee requests. The committee shall
11 meet at least semiannually and at such other times as
12 the Commissioner of Finance and Administration may
13 request or at such other times as may be deemed nec-
14 essary by at least 3 members of the committee. Com-
15 mittee meetings shall be held at such locations as
16 may be agreed upon by a majority of the members of
17 the committee.

18 It shall be the duty of the Standardization Com-
19 mittee to advise the State Purchasing Agent and the
20 Commissioner of Finance and Administration in the
21 formulation, adoption and modification of the rules
22 and regulations which shall prescribe the purchasing
23 policy of the State and to assist the State Purchas-
24 ing Agent in the formulation, adoption and modifica-
25 tion of the specifications as may be deemed necessary
26 for the procurement of services, supplies, materials
27 and equipment required for use by the State or any
28 department or agency thereof.

29 In addition, whenever the State Purchasing Agent,
30 after having received bids on a contract, awards the
31 contract to anyone other than the lowest responsible
32 bidder, shall notify the Standardization Committee.
33 The Standardization Committee shall evaluate the rea-
34 sons for that award in a written report. That report
35 shall be made available for public inspection in the
36 office of the Department of Finance and Administra-
37 tion during normal business hours.

38 Sec. 111. 5 MRSA §1831, sub-§§1 and 3, as en-
39 acted by PL 1983, c. 188, are amended to read:

40 1. Adoption of rules. Every department or agen-
41 cy of State Government, subject to chapters 141 to

1 152, purchasing services or awarding grants or contracts which are not subject to the authority of the
2 Department of ~~Finance and~~ Administration, as defined
3 in chapters 153 and 155, shall establish a procedure
4 by which these services shall be purchased or by
5 which grants or contracts shall be awarded. This
6 procedure shall be adopted in accordance with the
7 Maine Administrative Procedure Act, chapter 375, and
8 shall be approved by the State Purchasing Agent prior
9 to their adoption. The procedure shall include,
10 among any other provisions deemed necessary by the
11 State Purchasing Agent:
12

13 A. A notification process to inform prospective
14 bidders about contracts for which bids are being
15 requested;

16 B. A process by which bid applications shall be
17 reviewed;

18 C. Criteria for the selection of bids for any
19 additional review prior to any award of con-
20 tracts;

21 D. Criteria for the award of a contract;

22 E. A definition of the procedure by which a per-
23 son, aggrieved by the decision of a department or
24 agency under this chapter, may appeal the deci-
25 sion; and

26 F. Criteria for the review of any decision that
27 has been appealed under this chapter.

28 3. Application. The procedure adopted by a de-
29 partment or agency in this section may be used by the
30 department or agency for any qualifying purchase or
31 award of a contract or grant. Nothing in this sec-
32 tion may be construed to require the adoption of new
33 procedures for every new purchase, contract or award.
34 Nothing in this section may be construed to require
35 the State Purchasing Agent or the Department of ~~Fi-~~
36 ~~nance and~~ Administration to approve any contract,
37 grant or award that is not presently approved by the
38 State Purchasing Agent or the Department of ~~Fi-~~
39 ~~ance and~~ Administration under chapters 153 and 155.

1 Sec. 112. 5 MRSA c. 157, as amended, is re-
2 pealed.

3 Sec. 113. 5 MRSA c. 158 is enacted to read:

4 CHAPTER 158

5 OFFICE OF INFORMATION SERVICES

6 §1871. Office of Information Services

7 The Office of Information Services is established
8 within the Department of Administration to plan and
9 to provide information services in data processing
10 and to plan for telecommunications throughout State
11 Government.

12 1. Deputy commissioner. The Commissioner of Ad-
13 ministration shall appoint the Deputy Commissioner of
14 Information Services who shall direct the Office of
15 Information Services. The deputy commissioner shall
16 be a person with demonstrated knowledge, skills and
17 abilities in information services management and
18 shall meet the position qualifications established by
19 the Bureau of Personnel. The compensation of the
20 deputy commissioner shall be fixed by the commis-
21 ioner with the approval of the Governor.

22 The deputy commissioner may be removed by the commis-
23 sioner after the review and comment of the Informa-
24 tion Services Policy Board and with the approval of
25 the Governor. If removed, the former deputy commis-
26 sioner shall receive a sum of 1/2 of his annual com-
27 penensation or may accept, if offered, a transfer or
28 demotion to another position in the classified or un-
29 classified services. Notwithstanding this subsec-
30 tion, the commissioner may remove a deputy commis-
31 sioner for just cause with no requirement for sever-
32 ance pay or an offer of transfer or demotion.

33 2. Office organization; staff. The deputy com-
34 missioner shall organize the office into such bu-
35 reaus, divisions and units as he deems necessary,
36 provided that at all times there shall be the follow-
37 ing: Bureau of Data Processing; Division of Data
38 Processing Audits and Standards; Bureau of Informa-
39 tion Services Planning; and Division of Data Process-

1 ing Training. The directors of these units shall be
2 appointed by the deputy commissioner with the approv-
3 al of the commissioner. The directors shall be per-
4 sons with demonstrated knowledge, skills and abili-
5 ties in their areas of responsibility and shall meet
6 position qualifications established by the Bureau of
7 Personnel. The compensation of each director shall
8 be fixed by the deputy commissioner with the approval
9 of the commissioner.

10 A director may be removed by the deputy commissioner
11 after review and comment of the Information Services
12 Policy Board and with the approval of the commis-
13 ioner. If removed, a former director shall receive a
14 sum of 1/3 of his annual compensation or may accept,
15 if offered, a transfer or demotion to another posi-
16 tion in the classified or unclassified service. Not-
17 withstanding this subsection, the deputy commissioner
18 may remove a director for just cause with no obliga-
19 tion to provide a transfer, demotion or severance
20 pay.

21 §1872. Powers and duties

22 The Office of Information Services shall have au-
23 thority to:

24 1. Central computer services. Establish, main-
25 tain and operate central data processing services and
26 develop and administer standards subject to the ap-
27 proval of the commissioner governing data processing
28 systems and programming methods;

29 2. Centralization. Effect the centralization
30 and consolidation of existing electronic data pro-
31 cessing systems and equipment in order to obtain max-
32 imum utilization and efficiency or approve the con-
33 tinuation of departmental facilities if in the best
34 interests of the State;

35 3. Approve acquisition and use. Approve acqui-
36 sition and use of all data processing and telecommu-
37 nications services, personnel, equipment and systems
38 by state agencies;

39 4. Training. Develop and conduct training pro-
40 grams for state data processing personnel and data
41 processing users;

1 5. Staff and technical assistance. Furnish
2 staff and technical assistance to other state agen-
3 cies;

4 6. Comprehensive state master plans. Formulate,
5 develop and maintain comprehensive state master plans
6 for data processing and telecommunications and report
7 bi-annually on those plans to the Governor and the
8 Legislature at the beginning of each Legislature.
9 The plan shall include a report on the current status
10 of state data processing and telecommunications, in-
11 cluding information on major items of equipment, ma-
12 ajor applications, personnel, costs and sources of
13 funding for state data processing and telecommunica-
14 tions. In addition, the plan shall include specific
15 agency plans for the future development of state sys-
16 tems, including comments on the major staffing and
17 acquisition activities;

18 7. Charges. Levy appropriate charges against
19 all state agencies utilizing services provided by the
20 office. The charges shall be those fixed in a sched-
21 ule or schedules prepared and revised as necessary by
22 the deputy commissioner and approved by the Informa-
23 tion Services Policy Board and the commissioner.
24 The schedule of charges shall be supported and ex-
25 plained by accompanying information;

26 8. Budget. Submit a budget of estimated reve-
27 nuues and costs to be incurred by the office;

28 9. Professional and technical services. Employ
29 or engage, within funds available, such outside tech-
30 nical or professional personnel and services as may
31 be necessary for carrying out the purposes of this
32 chapter, subject to the approval of the commissioner;
33 and

34 10 Other powers and duties. Make rules, subject
35 to the approval of the Information Services Policy
36 Board and the commissioner, for carrying out the pur-
37 pose of this chapter.

38 §1873. Intergovernmental cooperation and assistance

39 The deputy commissioner, with the approval of the
40 commissioner, may enter into such agreements with the

1 Federal Government, the University of Maine and other
2 agencies and organizations as will promote the objec-
3 tives of this chapter, and to accept funds from the
4 Federal Government, municipal and county agencies or
5 from any individual or corporation to be expended for
6 purposes consistent with this chapter.

7 §1874. Internal services fund accounts

8 The Office of Information Services may establish
9 internal services fund accounts. These funds in-
10 clude, but are not limited to, appropriations made to
11 the office, funds transferred to the office from
12 within the department and funds received for data
13 processing and telecommunications planning services
14 rendered to state agencies.

15 §1875. Information Services Policy Board

16 The Information Services Policy Board shall con-
17 sist of 9 members, who shall be the Deputy Commis-
18 sioner of Information Services and the chief officer
19 or a policy influencing designee of the following:
20 The Department of Finance; Department of Human Ser-
21 vices; Department of Labor; the Department of Trans-
22 portation; Department of the Secretary of State, Di-
23 vision of Motor Vehicles; and the office of the Gov-
24 ernor. The Governor shall designate 2 additional
25 members from, and to represent, the remaining depart-
26 ments and independent agencies of State Government.
27 These last 3 members shall serve at the pleasure of
28 the Governor.

29 The board shall be chaired by the Deputy Commis-
30 sioner of Information Services.

31 The board shall meet at the call of the chairman
32 or at the request of a majority of its members. The
33 board shall meet at least quarterly.

34 On matters relating to the job performance of the
35 deputy commissioner, the designee from the office of
36 the Governor shall chair the meeting and the deputy
37 commissioner shall not vote.

1 The board shall, with the concurrence of the Com-
2 missioner of Administration, set policy, determine
3 priorities, assist in the allocation of data process-
4 ing resources and otherwise assure that data process-
5 ing staff and other resources are consistent with
6 service demands and priorities.

7 The board shall assist in the development of and
8 give its approval to the commissioner for:

9 1. Standards. Standards governing data process-
10 ing systems and methods;

11 2. Rules and policies. Rules and policies re-
12 lating to data processing;

13 3. Schedule of charges. The schedule of
14 charges; and

15 4. Comprehensive state master plan. The compre-
16 hensive state master plan.

17 Any issue in dispute between the board and the
18 commissioner shall be presented to the Governor for
19 final resolution.

20 The deputy commissioner and the board shall pro-
21 vide for a regular review of information processing
22 operations in State Government and make recommenda-
23 tions to the Governor, commissioner and other af-
24 ected agency heads for improving service and effi-
25 ciency and for reducing costs.

26 The office shall provide assistance to the board
27 in the performance of its duties.

28 By a majority vote, the board may require that
29 the office carry out an analysis and make recommenda-
30 tions to it regarding any information services activi-
31 ties covered by this chapter.

32 With the assistance of the board, the deputy com-
33 missioner may establish such technical committees as
34 necessary to assist the office.

35 A summary of audits carried out by the Division
36 of Data Processing Audits and Standards shall be pro-

1 vided to the board on or before its regular meetings.

2 §1876. Appeal process

3 Any state agency disagreeing with an action or
4 decision of the office as it affects that agency may
5 appeal to the commissioner to alter the action or de-
6 cision. If the agency is not satisfied with the de-
7 cision of the commissioner, the agency may appeal to
8 the Governor to alter the action or decision of the
9 office. The decision of the Governor is final.

10 §1877. Review of appeal

11 In the event of an appeal by an agency to the
12 commissioner or the Governor, as provided for in sec-
13 tion 1876, the Information Services Policy Board
14 shall review the basis for the appeal and present its
15 recommendations to the commissioner or the Governor,
16 as appropriate.

17 §1878. Protection of information files

18 The office shall develop rules regarding the
19 safeguarding, maintenance and use of information
20 files relating to data processing required by law to
21 be kept confidential, with the assistant of the In-
22 formation Services Policy Board and subject to the
23 approval of the commissioner. The office shall be
24 responsible for the enforcement of those rules. All
25 data files shall be the property of the agency or
26 agencies responsible for their collection and utili-
27 zation.

28 §1879. Bureau of Information Services Planning

29 The Bureau of Information Services Planning is
30 responsible for telecommunications and data process-
31 ing planning for State Government. Long-range plan-
32 ning, review and evaluation shall provide for the in-
33 volvement of principle managers in state departments
34 and agencies in developing their departmental plans,
35 utilizing planning periods of at least 5 years with
36 annual updates. Departmental plans shall be the ba-
37 sis for input to the comprehensive state master
38 plans. The bureau shall provide for the coordination
39 of related planning efforts and shall work in cooper-

1 ation with departments and agencies to review
2 progress against the plans and to provide for ongoing
3 planning.

4 The bureau shall establish performance standards
5 and criteria for the purchase of data processing
6 equipment and software and telecommunications equip-
7 ment and software. The bureau shall assess new
8 products in these areas and in other areas of office
9 automation, integrating these products into project
10 plans and serve as an information resource to user
11 agencies.

12 §1880. Bureau of Data Processing

13 The Bureau of Data Processing shall provide the
14 major data processing services in State Government,
15 including computer operations, systems programming
16 and applications programming. The bureau shall work
17 to assure consistency in programming services, sta-
18 bility in data processing functions, reliability in
19 the operation and maintenance of systems and
20 responsiveness and flexibility to react to changing
21 situations and needs. The bureau's primary mission
22 is to meet the needs of client agencies in a timely,
23 efficient and cost effective manner. In addition to
24 providing dedicated staff support to major system us-
25 ers, the bureau shall also assure a high quality of
26 service to all users and shall allocate resources as
27 necessary to meet peak demands and to best use avail-
28 able resources. In coordination with other units in
29 the office and state departments and agencies, the
30 bureau shall assure adequate backup for all informa-
31 tion services activities and provide cross training
32 of programming staff.

33 §1881. Division of Data Processing Training

34 The Division of Data Processing Training shall
35 establish data processing training procedures, train
36 data processing personnel directly and through con-
37 sultant services as may be appropriate and develop
38 and implement programmer and analyst quality and pro-
39 ductivity measurements. Training shall include com-
40 munication skills to better understand and meet user
41 needs. Training programs shall be provided to enable
42 principle staff in departments and agencies to par-

1 ticipate effectively in planning for and utilizing
2 data processing services. The division shall provide
3 a training and service center to assist state depart-
4 ments and agencies in the effective use of the tech-
5 nologies supported by the Office of Information Ser-
6 vices.

7 §1882. Division of Data Processing Audits and Stan-
8 dards

9 The Division of Data Processing Audits and Stan-
10 dards shall assist the deputy commissioner and the
11 Information Services Policy Board in developing and
12 maintaining documentation and programming standards
13 to assure the security and continuity of systems.
14 The division shall assure that state data processing
15 activities are undertaken only with established
16 project planning and control systems, including the
17 projection of time and cost estimates supported by
18 project steps, critical review points, management
19 controls and project goals and deliverables. The di-
20 vision shall monitor project development and shall
21 carry out post-installation reviews to determine if
22 time, budget and user requirements have been met and
23 to identify the reasons for any variance from the
24 plan.

25 The division shall carry out operational audits
26 to assure that information systems comply with stan-
27 dards established, are operationally efficient, are
28 still required as structured and meet user service
29 requirements.

30 The division's reports shall be provided through
31 the deputy commissioner to appropriate units in the
32 Office of Information Services, the user agencies and
33 to the Information Services Policy Board.

34 Sec. 114. 5 MRSA §1903, 3rd ¶, as amended by PL
35 1983, c. 580, §1, is further amended to read:

36 Appropriate department, agency or institution
37 heads may request the employment of cooperative edu-
38 cation students on a form provided by the Department
39 Bureau of Personnel. Approval by the State Director
40 of Personnel ~~Commissioner~~ and the State Budget Offi-
41 cer will constitute approval for a student to be em-

1 employed. Only cooperative education programs that re-
2 quire full-time employment for a period of not less
3 than 10 weeks shall be included. Cooperative educa-
4 tion students will be classified as project employees
5 and will be governed by all policies and entitled to
6 all rights and privileges afforded such employees,
7 except that they shall be paid at the prevailing min-
8 imum wage.

9 Sec. 115. 5 MRSA §7006, sub-§5, ¶A, as enacted
10 by PL 1983, c. 477, Pt. E, Sub-Pt. 26, §5, is
11 amended to read:

12 A. The State Development Office, with the advice
13 of the Department of Finance ~~and Administration~~,
14 shall establish a standard accounting procedure
15 to be used by any organization receiving moneys
16 under this section.

17 Sec. 116. 5 MRSA §12002-C, as enacted by PL
18 1985, c. 295, §10, is amended to read:

19 §12002-C. Per diem and expense vouchers

20 In order to receive per diem compensation or re-
21 imbursement for expenses as authorized by this chap-
22 ter, a member of a board, which is required to submit
23 expense vouchers to the Department of Finance ~~and~~
24 ~~Administration~~ for reimbursement, shall complete and
25 sign an expense voucher form to the satisfaction of
26 the Commissioner of Finance ~~and Administration~~. Ev-
27 ery board member shall certify in writing on the
28 voucher form whether the per diem or expenses in-
29 curred for each item is an official meeting or hear-
30 ing activity required by statute that has been called
31 by the chairman of the board or by a person autho-
32 rized by statute to call the meeting or hearing. In
33 the event that the requested per diem or expense re-
34 imbursement is not the result of an official meeting
35 or hearing of the board, the board member shall ex-
36 plain on the voucher the reason for the claim. The
37 Commissioner of Finance ~~and Administration~~ may disap-
38 prove those expenses or portion of expenses that do
39 not comply with this chapter.

40 Sec. 117. 5 MRSA §12004, sub-§8, ¶A,
41 sub-¶(12-A), as enacted by PL 1985, c. 359, §4, is
42 amended to read:

1 12-A Finance Work Center Expenses only
2 Adminis- Purchases for Nonstate
3 tration Committee employee
4 members to be
5 paid from funds
6 of departments
7 represented on
8 the committee

9 Sec. 118. 5 MRSA §12004, sub-§8, ¶A,
10 sub-¶(12-A), as enacted by PL 1985, 441, §2, is re-
11 pealed and the following enacted in its place:

12 12-B Human Ser- Board of the Expenses 22 MRSA §4083
13 vices: Maine's Chil- only
14 Child Pro- dren's Trust
15 tection Fund

16 Sec. 119. 5 MRSA §12004, sub-§10, ¶A, sub-¶(26)
17 is amended to read:

18 (26) Finance Standardization \$25/Day 5 MRSA §1814
19 Adminis- Committee Public
20 tration Member

21 Sec. 120. 5 MRSA §12004, sub-§10, ¶A, sub-¶(68)
22 is repealed.

23 Sec. 121. 5 MRSA §12006, as amended by PL 1985,
24 c. 295, §22, is further amended to read:

25 §12006. Penalty for failure to report

26 Members of any board which fail to report to the
27 Secretary of State, as required by section 12005,
28 shall not be eligible to receive any daily rate or
29 annual rate of compensation or any money for expenses
30 incurred in the work of the board until the report to
31 the Secretary of State is complete to the satisfac-
32 tion of the Secretary of State. The Commissioner of
33 Finance and Administration, the Secretary of State or
34 the authorized person to pay compensation or expenses
35 to members of the boards, shall not pay any rate of
36 compensation or expenses to any member of a board
37 which has failed to report to the Secretary of State.

38 Sec. 122. 8 MRSA §350 is enacted to read:

1 §350. State Lottery Bureau

2 The State Lottery Bureau is established within
3 the Department of Finance to carry out the purposes
4 of this chapter.

5 Sec. 123. 10 MRSA §918, sub-§3, as amended by PL
6 1983, c. 636, is further amended to read:

7 3. Ex officio corporators. Ex officio corpora-
8 tors shall consist of the heads of the major state
9 departments and agencies and the Chancellor of the
10 University of Maine. State department and agency
11 heads shall include the following:

12 Treasurer of State;

13 Director of the State Planning Office;

14 Director of the State Development Office;

15 Commissioner of Agriculture, Food and Rural Re-
16 sources;

17 Commissioner of Business, Occupational and Pro-
18 fessional Regulation;

19 Commissioner of Conservation;

20 Commissioner of Educational and Cultural Ser-
21 vices;

22 Commissioner of Environmental Protection;

23 Commissioner of Finance ~~and Administration~~;

24 Commissioner of Administration;

25 Commissioner of Human Services;

26 Commissioner of Inland Fisheries and Wildlife;

27 Commissioner of Labor;

28 Commissioner of Marine Resources;

29 Commissioner of Mental Health and Mental Retarda-
30 tion;

1 Commissioner of Transportation;
2 Chief Executive Officer of the Finance Authority
3 of Maine;
4 Executive Director of the Maine Municipal Bond
5 Bank; and
6 Executive Director of the Maine State Housing Au-
7 thority.

8 Sec. 124. 12 MRSA §6022, sub-§4, as amended by
9 PL 1979, c. 541, Pt. B, §73, is further amended to
10 read:

11 4. Warden code. The commissioner shall prepare a
12 written code governing the operating procedures of
13 the Bureau of Marine Patrol services for submission
14 to the ~~Commissioner~~ Director of Personnel. The code
15 shall become effective when approved by the
16 ~~Commissioner~~ Director of Personnel.

17 Sec. 125. 12 MRSA §6025, sub-§1, as amended by
18 PL 1979, c. 541, Pt. B, §14, is further amended to
19 read:

20 1. Appointment. Applicants for the position of a
21 marine patrol officer who qualify under the officer's
22 code and pass the examination administered by the
23 ~~Department~~ Bureau of Personnel, may be appointed by
24 the commissioner to hold office under Title 5, chap-
25 ters 51 to 67 and under the officer's code.

26 Sec. 126. 12 MRSA §7051, sub-§1, as amended by
27 PL 1983, c. 440, §2, is further amended to read:

28 1. Qualifications. The commissioner shall ap-
29 point as game wardens persons who have qualified un-
30 der the written code prepared by the commissioner and
31 approved by the ~~Commissioner~~ Director of Personnel.

32 Sec. 127. 14 MRSA §8109, sub-§1, ¶A, as amended
33 by PL 1985, c. 81, is further amended to read:

34 A. Any agency may settle any claim for an amount
35 of \$1,500 or less when such settlement is ap-
36 proved by the appropriate department or agency

1 head in accordance with regulations promulgated
2 by the Commissioner of Finance and
3 Administration.

4 Sec. 128. 14 MRSA §8109, sub-§1, ¶B, as enacted
5 by PL 1977, c. 2, §2, is amended to read:

6 B. Any other claim may be settled when such set-
7 tlement is approved by the head of the department
8 or agency against which the claim is filed, the
9 Commissioner of Finance and Administration and
10 the Attorney General.

11 Sec. 129. 14 MRSA §8115, sub-§1, as enacted by
12 PL 1977, c. 2, §2, is further amended to read:

13 1. Payment from next appropriation. In the event
14 no insurance has been procured by the State to pay a
15 claim or judgment arising under this chapter, and no
16 appropriated funds are reasonably available, as de-
17 termined by the Commissioner of Finance and
18 Administration, the claim or judgment shall be paid
19 from the next appropriation to the state instrumen-
20 tality whose action or omission, or the action or
21 omission of whose employee, gave rise to the claim.

22 Sec. 130. 20-A MRSA §11054, as enacted by PL
23 1981, c. 693, §§5 and 8, is amended to read:

24 §11054. Duties of board

25 The board on the part of the State shall obtain
26 accurate accounts of all the board's receipts and
27 disbursements and shall report to the Governor and
28 the Commissioner of Finance and Administration annu-
29 ally on or before the 15th day of September, setting
30 forth in such detail as the commissioner may require
31 the transactions of the board for the fiscal year
32 ending on the preceding June 30th. They shall in-
33 clude in such report recommendations for any legisla-
34 tion as may be necessary or desirable to carry out
35 the intent and purposes of the New England Higher Ed-
36 ucation Compact among the states joining.

37 Sec. 131. 20-A MRSA §13506, as enacted by PL
38 1983, c. 859, Pt. J, §2, is amended to read:

1 2. Transmittal of information. The commissioner
2 shall transmit the necessary filing data to the De-
3 partment of Finance ~~and Administration~~ in sufficient
4 time to allow the issuance of payments on February
5 15th and August 15th of each year.

6 Sec. 132. 20-A MRSA §15903, sub-§3, ¶A, as en-
7 acted by PL 1981, c. 693, §§5 and 8, is amended to
8 read:

9 A. The Bureau of Public Improvements, Department
10 of ~~Finance and Administration~~;

11 Sec. 133. 22 MRSA §254, last ¶, as amended by PL
12 1983, c. 290, is further amended to read:

13 The Commissioner of Finance ~~and Administration~~
14 may create a dedicated revenue account to receive
15 moneys pursuant to this section from whatever source
16 is available which money may be disbursed solely for
17 the purposes of implementing this section.

18 Sec. 134. 22 MRSA §1471-B, sub-§7, as enacted by
19 PL 1981, c. 632, §2, is amended to read:

20 7. State contracts. Notwithstanding any other
21 provisions of law, members of the board shall be eli-
22 gible to contract with the State where the contracts
23 are awarded consistent with normal bidding procedures
24 of the Department of ~~Finance and Administration~~.
25 Members shall also be eligible to receive grants
26 where grants are awarded consistent with normal state
27 procedures. In no case may any member vote on the
28 award of a contract or grant for which he has submit-
29 ted a bid or proposal.

30 Sec. 135. 22 MRSA §2701, sub-§1, as amended by
31 PL 1975, c. 293, §4, is further amended to read:

32 1. Registrar. The Commissioner of Human Services
33 shall appoint a State Registrar of Vital Statistics,
34 who shall be qualified in accordance with the stan-
35 dards of education and experience prescribed by the
36 ~~State Department~~ Bureau of Personnel.

37 Sec. 136. 23 MRSA §152, 5th ¶, as amended by PL
38 1983, c. 553, §23, is further amended to read:

1 The board shall maintain an office in Kennebec
2 County. The Commissioner of Finance and
3 Administration shall appoint, subject to the Person-
4 nel Law, a clerk of the board to keep its records and
5 to perform such other duties as the board shall pre-
6 scribe. The clerk shall have authority to certify to
7 all official acts of the board, administer oaths, is-
8 sue subpoenas, and issue all processes, notices, or-
9 ders or other documents necessary to the performance
10 of the duties of the board.

11 Sec. 137. 23 MRSA §152, 6th ¶, as amended by PL
12 1983, c. 553, §24, is further amended to read:

13 The Commissioner of Finance and Administration
14 shall appoint and fix the compensation of a reporter
15 to the board, and shall review and approve all
16 charges made by such reporter for transcripts of the
17 record of hearings before the board. The Commissioner
18 of Finance and Administration may appoint, subject
19 to the Personnel Law, such clerical assistants for
20 the board as he may deem necessary.

21 Sec. 138. 26 MRSA §979-A, sub-§5, as amended by
22 PL 1981, c. 289, §11, is further amended to read:

23 5. Public employer. "Public employer" means all
24 the departments, agencies and commissions of the ex-
25 ecutive branch of the State of Maine, represented by
26 the Governor or his designee. In the furtherance of
27 this chapter, the State shall be considered as a sin-
28 gle employer and employment relations, policies and
29 practices throughout the state service shall be as
30 consistent as practicable. It is the responsibility
31 of the executive branch to negotiate collective bar-
32 gaining agreements and to administer such agreements.
33 To coordinate the employer position in the negotia-
34 tion of agreements, the Legislative Council or its
35 designee shall maintain close liaison with the Gover-
36 nor or his designee representing the executive branch
37 relative to the negotiation of cost items in any pro-
38 posed agreement. ~~The Governor's office or its~~
39 designee Governor is responsible for the employer
40 functions of the executive branch under this chapter,
41 and shall coordinate its collective bargaining activ-
42 ities with operating agencies on matters of agency
43 concern. It is the responsibility of the legislative

1 branch to act upon those portions of tentative agree-
2 ments negotiated by the executive branch which re-
3 quire legislative action.

4 The Governor's office, or its designee, the location
5 of which within the organization of State Government
6 shall be designated by the Governor, which shall be
7 known as the Governor's Office of Employee Relations,
8 may The Bureau of Employee Relations, through the
9 Commissioner of Administration, shall act as directed
10 by the Governor to:

11 A. Develop and execute employee relations' poli-
12 cies, objectives and strategies consistent with
13 the overall objectives of the Governor;

14 B. Conduct negotiations with certified and rec-
15 ognized bargaining agents under applicable stat-
16 utes;

17 C. Administer and interpret collective bargain-
18 ing agreements, and coordinate and direct agency
19 activities as necessary to promote consistent po-
20 licies and practices;

21 D. Represent the State in all bargaining unit
22 determinations, elections, prohibited practice
23 complaints and any other proceedings growing out
24 of employee relations and collective bargaining
25 activities;

26 E. Coordinate the compilation of all data and
27 information needed for the development and evalu-
28 ation of employee relations' programs and in the
29 conduct of negotiations;

30 F. Coordinate the state's resources as needed to
31 represent the State in negotiations, mediation,
32 fact finding, arbitration and other proceedings;
33 and

34 G. Provide staff advice on employee relations to
35 the various departments and agencies of State
36 Government, including providing for necessary su-
37 pervisory and managerial training.

1 All state departments and agencies shall provide such
2 assistance, services and information as required by
3 the Governor's office, or ~~its designee~~ the Bureau of
4 Employee Relations, and shall take such administra-
5 tive or other action as may be necessary to implement
6 and administer the provisions of any binding agree-
7 ment between the State and employee organizations en-
8 tered into under law.

9 Sec. 139. 26 MRSA §979-A, sub-§6, ¶I, as enacted
10 by PL 1981, c. 381, §3, is amended to read:

11 I. Who is appointed to a major
12 policy-influencing position as designated by Ti-
13 tle 57, ~~section 711~~, ~~subsection 2~~; or

14 Sec. 140. 28 MRSA §2, sub-§2, as repealed and
15 replaced by PL 1975, c. 741, §1, is amended to read:

16 2. Bureau. "Bureau" ~~shall mean~~ means the Bureau
17 of Alcoholic Beverages within the Department of Fi-
18 nance ~~and Administration~~.

19 Sec. 141. 28 MRSA §56, as amended by PL 1983, c.
20 865, Pt. B, §§1 and 2, is further amended to read:

21 §56. Working capital

22 The net profits of the commission shall be gener-
23 al revenue of the State. The commission is autho-
24 rized to keep and have on hand a stock of wines, ex-
25 cept table wines, and spirits for sale, the value of
26 which, when priced for resale, shall be computed on
27 less carload price quotations f.o.b. warehouse filed
28 by liquor and wine vendors. The inventory value shall
29 be based upon actual cost for which payment may be
30 due and shall not at any time exceed the amount of
31 working capital authorized. Wines and spirits shall
32 not be considered in the inventory until payment has
33 been made therefor. The maximum permanent working
34 capital of the commission is established at
35 \$3,500,000 and permanent advances up to this amount
36 may be authorized by the Governor upon recommendation
37 of the commission with the approval of the Commis-
38 sioner of Finance ~~and Administration~~. The permanent
39 working capital of the commission may be supplemented
40 by temporary loans from other state funds upon recom-

1 mendation of the commission and by approval of the
2 Commissioner of Finance ~~and Administration~~ and the
3 Governor.

4 Sec. 142. 28 MRSA §57, first ¶, as amended by PL
5 1977, c. 674, §26, is further amended to read:

6 The Commissioner of Finance ~~and Administration~~,
7 with the advice and consent of a majority of the
8 State Liquor Commission, shall appoint a Director of
9 the Bureau of Alcoholic Beverages whose term of of-
10 fice shall be continuous, subject only to removal by
11 a majority of the commission and the Commissioner of
12 Finance ~~and Administration~~. The salary of the direc-
13 tor shall be fixed by the Commissioner of Finance ~~and~~
14 ~~Administration~~ with the advice and consent of a ma-
15 jority of the State Liquor Commission.

16 Sec. 143. 28 MRSA §58, as enacted by PL 1975, c.
17 741, §4, is amended to read:

18 §58. Director of the Bureau of Alcoholic Beverages;
19 powers and duties

20 The Director of the Bureau of Alcoholic Beverages
21 within the Department of Finance ~~and Administration~~
22 shall be the chief administrative officer of the bu-
23 reau. The Director of the Bureau of Alcoholic Bever-
24 ages shall be subject to the direction of the State
25 Liquor Commission as defined in this chapter. The
26 director of the bureau shall administer the policies,
27 rules and regulations of the State Liquor Commission
28 under the supervision of the commission. The direc-
29 tor of the bureau shall operate the bureau and imple-
30 ment the liquor laws according to the procedures es-
31 tablished by the State Liquor Commission.

32 The Director of the Bureau of Alcoholic Beverages
33 shall have general charge of the office and records
34 and shall employ, with the approval of the Commis-
35 sioner of Finance ~~and Administration~~ and the State
36 Liquor Commission, subject to the Personnel Law, such
37 personnel and make expenditures as may be necessary
38 to fulfill the purposes of this Title.

39 Sec. 144. 28 MRSA §451, first ¶, as amended by
40 PL 1979, c. 161, is further amended to read:

1 All spirits and wines, except table wines, shall
2 be sold by the commission at a price to be determined
3 by the commission which will produce a state liquor
4 tax of not less than 75% based on the less carload
5 cost f.o.b., State Liquor Commission warehouse, and
6 in addition thereto there shall be levied and imposed
7 an excise tax of 75¢ per gallon, or its metric equiv-
8 alent, on wines containing more than 14% alcohol by
9 volume; except that spirits and wines sold at whole-
10 sale under section 204 may be sold at wholesale
11 prices established pursuant to the provisions there-
12 of. Prices for sale of spirits and wines bought by
13 the commission from Maine licensees to manufacture
14 liquor under section 501 shall be based on minimum
15 truck load delivery prices f.o.b. warehouse as the
16 same are filed with the Public Utilities Commission.
17 Special orders by the commission for unstocked mer-
18 chandise shall be priced at not less than 75% over
19 actual cost delivered f.o.b. warehouse. In all cases
20 the commission is authorized to round off costs to
21 the next highest 5 cents. Any increased federal taxes
22 levied on or after November 1, 1941 shall be added to
23 the established price without markup. All net revenue
24 derived from such tax shall be deposited to the cred-
25 it of the General Fund of the State. Notwithstanding
26 the other provisions of this section, the commission,
27 with approval of the Commissioner of Finance and
28 Administration, may reduce the price of discontinued
29 items of liquor. The reduced price shall not be less
30 than the actual cost of the discontinued liquor items
31 and no item shall be discontinued by the commission
32 for a period of at least 6 months after such item has
33 been listed and on sale in state stores. Notwith-
34 standing the other provisions of this section, the
35 commission, with the approval of the Commissioner of
36 Finance and Administration, may reduce the price of
37 liquor in one store, and licensees permitted to pur-
38 chase liquor at a discount under section 204 may pur-
39 chase liquor for resale from that store at the same
40 price they are permitted to purchase liquor for re-
41 sale from any state store which does not offer a re-
42 tail discount.

43 Sec. 145. 29 MRSA §2243-C, first and 2nd ¶¶, as
44 enacted by PL 1983, c. 818, §21, are amended to
45 read:

1 So long as another jurisdiction imposes a tax or
2 fee on a class of motor vehicles registered in Maine
3 and traveling in that jurisdiction and that tax or
4 fee is additional to those imposed by Maine upon the
5 same class of motor vehicles not registered in that
6 jurisdiction, the Secretary of State, Commissioner of
7 Finance ~~and Administration~~ and Commissioner of Trans-
8 portation acting together shall levy the same or sub-
9 stantially the same tax or fee upon the same class of
10 motor vehicles registered in that jurisdiction and
11 traveling in Maine.

12 The Secretary of State, Commissioner of Finance
13 ~~and Administration~~ and Commissioner of Transportation
14 shall jointly promulgate rules for collection of
15 taxes or fees due pursuant to this section, for en-
16 forcement of the collection and for otherwise carry-
17 ing out the purposes of this section. The Secretary
18 of State shall monitor taxes and fees assessed
19 against Maine-registered motor vehicles by other ju-
20 risdictions, in order to ensure comparable treatment
21 of foreign-registered motor vehicles traveling in
22 Maine.

23 Sec. 146. 30 MRSA §4786, sub-§5, as reenacted by
24 PL 1979, c. 732, §§21 and 31, is amended to read:

25 5. Indian Housing Mortgage Insurance Committee.
26 "Indian Housing Mortgage Insurance Committee" means a
27 committee consisting of the Treasurer of State, the
28 Director of the Maine State Housing Authority, the
29 Commissioner of Finance ~~and Administration~~ and one
30 person from the Passamaquoddy Tribe and one person
31 from the Penobscot Nation to be chosen by the respec-
32 tive tribe or nation.

33 Sec. 147. 30 MRSA §5057, sub-§1, ¶A, as enacted
34 by PL 1983, c. 477, Pt. E, sub-pt. 27, is amended to
35 read:

36 A. On or before September 30, 1984, and for each
37 succeeding year, the Commissioner of ~~Finance and~~
38 Administration shall provide to the Treasurer of
39 State a list of state-owned buildings in each mu-
40 nicipality, along with the total floor space of
41 state-owned buildings in each municipality and
42 the share of floor space of all state-owned

1 buildings accounted for by the state-owned build-
2 ings in each municipality.

3 (1) The following state buildings shall not
4 be included in the calculation provided by
5 this section:

6 (a) Buildings in which the State holds
7 only a leasehold interest;

8 (b) Buildings owned by the Bureau of
9 Parks and Recreation and for which pay-
10 ments are made under Title 12, section
11 602, subsection 4;

12 (c) Buildings owned by the University
13 of Maine;

14 (d) Buildings owned by the Maine Mari-
15 time Academy; and

16 (e) Buildings owned by the vocational-
17 technical institutes established by Ti-
18 tle 20-A, section 10103.

19 **Sec. 148.** 30 MRSA §5301, as amended by PL 1983,
20 c. 812, §185, is further amended to read:

21 §5301. Membership

22 The Board of Emergency Municipal Finance, as au-
23 thorized by Title 5, section 12004, subsection 8, and
24 designated in this subchapter as the "board," shall
25 be composed of the 3 persons who legally hold the of-
26 fices of Commissioner of Finance ~~and Administration~~,
27 Treasurer of State and State Tax Assessor. Upon the
28 succession of any person to any of these respective
29 offices, he or she shall immediately become a member
30 of the board and the person who formerly held such
31 office shall cease to be such a member. The person
32 holding the office of State Tax Assessor shall be the
33 chairman of the board. The members of the board shall
34 be compensated according to the provisions of Title
35 5, chapter 379.

36 **Sec. 149.** 30 MRSA §6208-A, sub-§§2 and 3, as en-
37 acted by PL 1981, c. 675, §7, are amended to read:

1 2. Claims. The secretary shall pay from the
2 fund all valid claims for taxes, payments in lieu of
3 property taxes and fees, together with any interest
4 and penalties thereon, for which the Houlton Band of
5 Maliseet Indians is liable pursuant to section 6208,
6 provided that such obligation is final and not sub-
7 ject to further direct administrative or judicial re-
8 view under the laws of the State of Maine. No pay-
9 ment of a valid claim may be satisfied with moneys
10 from the fund unless the secretary finds, as a result
11 of his own inquiry, that no other source of funds
12 controlled by the secretary is available to satisfy
13 the obligation. The secretary shall adopt written
14 procedures, consistent with this section, governing
15 the filing and payment of claims after consultation
16 with the Maine Commissioner of Finance ~~and~~
17 ~~Administration~~ and the Houlton Band of Maliseet Indi-
18 ans.

19 3. Distributions. If the unencumbered principal
20 available for the payment of claims exceeds the sum
21 of \$100,000, the secretary shall, except for good
22 cause shown, provide for the transfer of such excess
23 principal to the Houlton Band of Maliseet Indians.
24 The secretary shall give 30 days' written notice to
25 the Commissioner of Finance ~~and Administration~~ of a
26 proposed transfer of excess principal to the Houlton
27 Band of Maliseet Indians. Any distribution of excess
28 principal to the Houlton Band of Maliseet Indians
29 shall be exempt from taxation.

30 Sec. 150. 32 MRSA §4904, as repealed and re-
31 placed by PL 1979, c. 89, §1, is amended to read:

32 §4904. Corporations, partnerships, associations and
33 government agencies

34 This chapter does not prohibit one or more
35 geologists or soil scientists from practicing through
36 the medium of a sole proprietorship, partnership,
37 corporation or government agency. In such partnership
38 or corporation whose primary activity consists of ge-
39 ological services, or in a government agency in which
40 geological work is done, at least one partner, offi-
41 cer or employee shall be a certified geologist. In
42 such partnership or corporation whose primary activi-
43 ty consists of soil science services, or in a govern-

1 ment agency in which soil science work is done, at
2 least one partner, officer or employee shall be a
3 certified soil scientist. In the case of an agency of
4 State Government, the Department Bureau of Personnel
5 shall classify officers and employees under the Per-
6 sonnel Law in a manner that ensures that at least one
7 certified geologist or soil scientist shall work for
8 each agency in which, as the case may be, geological
9 or soil science work is done and that any officer or
10 employee who is engaged in the practice of geology or
11 soil science and who is uncertified works as a subor-
12 dinate to a certified geologist or soil scientist, as
13 the case may be, and does not have responsible charge
14 of work or evaluation.

15 Sec. 151. 36 MRSA §575, as amended by PL 1973,
16 c. 460, §18, is further amended to read:

17 §575. Administration; rules

18 The State Tax Assessor shall have the powers and
19 duties provided in this subchapter. He shall adopt
20 and amend such rules ~~and regulations~~ as may be rea-
21 sonable and appropriate to carry out these responsi-
22 bilities. He may contract with municipal, State and
23 Federal Governments or their agencies to assist in
24 the carrying out of any of his assigned tasks. He is
25 authorized to hire such technical assistance as may
26 be required for the performance of his assigned
27 tasks. He is authorized to request such technical as-
28 sistance from the Forestry Bureau or the Department
29 of Finance ~~and Administration~~ as the respective de-
30 partment may be able to provide.

31 Sec. 152. 36 MRSA §653, sub-§1, ¶H is amended to
32 read:

33 H. Any municipality granting exemptions under
34 this subsection shall have a valid claim against
35 the State to recover 90% of the taxes lost by
36 reason of such exemptions as exceeds 3% of the
37 total local tax levy, upon proof of the facts in
38 form satisfactory to the Commissioner of Finance
39 ~~and Administration~~. Such claims shall be pre-
40 sented to the Legislature next convening.

1 Sec. 153. 36 MRSA §841-B, as repealed and re-
2 placed by PL 1985, c. 295, §54, is amended to read:

3 §841-B. Land Classification Appeals Board; purpose;
4 composition

5 The Land Classification Appeals Board, as estab-
6 lished by Title 5, section 12004, subsection 2, is
7 established to hear appeals from decisions of municip-
8 al tax assessors, chief assessors and the State Tax
9 Assessor acting as assessor of the unorganized terri-
10 tory relating to the Maine Tree Growth Tax Law or the
11 Farm and Open Space Tax Law. The board shall be com-
12 posed of 4 voting members: The Commissioner of Con-
13 servation or his designee; the Commissioner of Agri-
14 culture, Food and Rural Resources or his designee;
15 and 2 members, serving 4 years, to be appointed by
16 the Governor. One of these members shall be a munic-
17 ipal officer and one shall be a forest landowner.
18 The initial appointment of the municipal officer
19 shall be for a 2-year period. In the event of the
20 death or resignation of such an appointee, the Gover-
21 nor shall make an appointment to the appeals board
22 for the unexpired term. The Commissioner of Finance
23 ~~and Administration~~ or his designee shall serve in an
24 advisory capacity as a nonvoting member and as chair-
25 man of the board. In the case of a tie vote, the
26 Commissioner of Finance ~~and Administration~~ or his
27 designee shall vote to break the tie. The landowner
28 member and the municipal officer shall be compensated
29 according to Title 5, chapter 379. All other members
30 shall be compensated by the agency they represent for
31 actual expenses incurred in the performance of their
32 duties under this section.

33 Sec. 154. 36 MRSA §2863, sub-§1, ¶A, as enacted
34 by PL 1981, c. 711, §10, is amended to read:

35 A. "Commissioner" means the Commissioner of Fi-
36 nance ~~and Administration~~.

37 Sec. 155. 38 MRSA §1306-C, sub-§4, ¶A, as en-
38 acted by PL 1981, c. 430, §18, is amended to read:

39 A. A final order issued by the court under that
40 procedure shall provide for disposition of the
41 conveyance by the Department of Finance ~~and Ad-~~

1 ministration, including official use by a public
2 agency or sale at public auction or by competi-
3 tive bidding.

4 **Sec. 156. Transitional provisions.**

5 1. Data processing staff.

6 It is the intent of the Legislature that major
7 computer operating staffs and computer programming
8 staffs be centralized under the supervision and di-
9 rection of the Office of Information Services. The
10 Deputy Commissioner for Information Services shall
11 review the staffing of agency data processing, in-
12 cluding operating, programming and management and
13 support staffs, and recommend to the Commissioner of
14 Administration positions to be transferred to the Of-
15 fice of Information services, together with such Per-
16 sonal Services funding and supporting funds and
17 equipment as necessary. The deputy commissioner's
18 recommendation shall be accompanied by the review and
19 comment of the agency head from which the positions
20 and funds are transferred. The commissioner shall
21 review and adjust these recommendations as warranted
22 and, by Financial Order through the State Budget Of-
23 ficer, shall request the Governor's approval of the
24 positions, funds and equipment transfer. Transfers
25 should be made as soon as practicable after the ef-
26 fective date of this Act.

27 2. Support staff.

28 It is the intent of the Legislature that adminis-
29 trative and support staff in the Department of Fi-
30 nance and Administration assisting in the operations
31 and administration of organizational units trans-
32 ferred to the Department of Administration be simi-
33 larly transferred, together with such Personal Ser-
34 vices funding, supporting funds and equipment as nec-
35 essary. The Commissioner of Administration shall
36 consult with the Commissioner of Finance and, togeth-
37 er with the review and comment of the Commissioner of
38 Finance, shall request, by Financial Order through
39 the State Budget Officer, the Governor's approval of
40 the positions, funds and equipment transfer.

41 3. Dedicated Revenue, Internal Services Fund Ac-
42 counts.

1 Nothing in this Act may be construed to change
2 the status of any dedicated revenue. Money now
3 raised for specific purposes shall be expended only
4 for the purposes raised and shall not be diverted.

5 4. Rules and procedures.

6 All existing rules currently in effect and operation
7 in departments and agencies affected by this re-
8 organization shall continue in effect, unless in con-
9 flict with this Act, until rescinded, amended or
10 changed.

11 "Rules" shall include, but are not limited to,
12 any rule, order, administrative procedure, policy,
13 determination, directive authorization, permit, li-
14 cense, privilege, requirement, designation or agree-
15 ment.

16 5. Funds, positions and equipment transferred.

17 Agencies affected by this transition include, but
18 are not limited to, the former Bureau of Central Com-
19 puter Services, the Bureau of Public Improvements,
20 the Bureau of Purchases, the Board of Trustees of the
21 Group Accident and Sickness or Health Insurance, the
22 Division of Risk Management, the State Lottery Com-
23 mission, the former Department of Personnel, the Gov-
24 ernor's Office of Employee Relations and other Execu-
25 tive Branch agencies.

26 Notwithstanding the Maine Revised Statutes, Sec-
27 tion 1585, and related appropriations' and alloca-
28 tions' Acts and appropriate positions, property,
29 equipment and all accrued expenditures, assets, lia-
30 bilities, balances of appropriations, transfers, rev-
31 enues or other available funds in any account or sub-
32 division of an account of any agency to be reallo-
33 cated to another department strictly as a result of
34 this reorganization shall be transferred to the ap-
35 propriate place in the new structure by the State
36 Controller, upon recommendation of the department
37 head, the State Budget Officer and upon approval by
38 the Governor. Unclassified positions shall be those
39 positions provided by law. Incumbents in positions
40 placed in the classified service by this Act shall be
41 transferred to the classified service on the effec-
42 tive date of this Act.

1 FISCAL NOTE

2 This bill restructures existing departments,
3 agencies, bureaus and divisions into a separate De-
4 partment of Finance and a separate Department of Ad-
5 ministration.

6 Financial agencies, bureaus and divisions will
7 remain within the Department of Finance into which
8 will be placed the State Lottery Commission and its
9 staff organized as the Bureau of Lottery. There is
10 no measurable financial impact on the General Fund.

11 Administrative agencies and functions now con-
12 tained within the Department of Finance and Adminis-
13 tration will be transferred to the new Department of
14 Administration. The former Department of Personnel
15 and the Office of Employee Relations are designated
16 as bureaus reporting directly to the Commissioner of
17 Administration. Into this new department will be
18 placed the newly created Office of Information Ser-
19 vices, headed by a deputy commissioner and consisting
20 of the Bureau of Data Processing, Bureau of Informa-
21 tion Services Planning, Division of Data Processing
22 Audits and Standards and a Division of Data Process-
23 ing Training.

24 There is no measurable impact on the General Fund
25 in establishing the Department of Administration and
26 restructuring data processing services. While some
27 positions will be added and others restructured, in-
28 creased costs will be offset by savings through the
29 delivery of more cost-effective services, improved
30 use of staff resources and improved system controls.

1

STATEMENT OF FACT

2 The statutory changes put forward in this bill
3 are based upon the findings and recommendations of
4 the Governor's Management Task Force in its report to
5 the Governor, "A Review of the Data Processing Envi-
6 ronment in the Executive Branch of Maine State Gov-
7 ernment." The task force's recommendations are based
8 primarily upon a study and evaluation conducted by a
9 5-member Computer Management Team charged with "re-
10 viewing all State Government Executive Branch comput-
11 er operations in order to recommend ways to eliminate
12 long-term deficiencies, reduce costs, improve organi-
13 zational structure and to suggest improvements in
14 management and operations techniques."

15 The review team and the task force concluded that
16 data processing operations in State Government, which
17 function as a series of autonomous or semi-autonomous
18 units, constitute an organization which is, as a
19 whole, "fragmented, disjointed and lacks overall di-
20 rection." It was their unanimous and unequivocal
21 opinion that "these deficiencies can only be cor-
22 rected by a major structural reorganization."

23 The task force recommends the creation of an Of-
24 fice of Information Services to coordinate data pro-
25 cessing planning, to provide universal auditing and
26 training and to consolidate the equipment and staffs
27 of the Executive Branch's major computer user depart-
28 ments.

29 Careful consideration was given to the creation
30 of a new 17th department or of superimposing the new
31 Office of Information Services organization upon the
32 present Department of Finance and Administration.
33 Both ideas were rejected. To avoid creating a 3rd
34 staff department and to maintain a reasonable span of
35 control for the Governor, it was decided to split the
36 present Department of Finance and Administration into
37 purely financial and purely administrative depart-
38 ments, and to place the new Office of Information
39 Services within the Department of Administration.
40 Under this proposal, all purely financial agencies
41 and functions will remain within the Department of
42 Finance into which will be placed the State Lottery

1 Commission with its staff organized as the Bureau of
2 Lottery.

3 All administrative agencies and functions now
4 contained within the Department of Finance and Admin-
5 istration will be transferred to the new Department
6 of Administration, along with the former Department
7 of Personnel, now organized as a bureau, and with the
8 Office of Employee Relations, also designated as a
9 bureau and reporting directly to the Commissioner of
10 Administration. Into this department will be placed
11 the newly created Office of Information Services,
12 headed by a deputy commissioner and consisting of the
13 Bureau of Data Processing, Bureau of Information Ser-
14 vices Planning, Division of Data Processing Audits
15 and Standards and Division of Data Processing Train-
16 ing. Special employment arrangements are proposed for
17 the Deputy Commissioner Information Services and for
18 the Directors in the Office of Information Services.

19 This bill will eliminate the present Computer
20 Services Advisory Board and replace it with an Infor-
21 mation Services Policy Board. Six of the 9 members
22 of the new board will be the commissioners, or their
23 designees, of the major data processing user depart-
24 ments. The Information Services Policy Board, in co-
25 operation with the Commissioner of Administration and
26 the Deputy Commissioner of Information Services, will
27 establish all policies, determine priorities and al-
28 locate resources. On any matters in which a majority
29 of the board disagrees with the Commissioner of Ad-
30 ministration, the Governor will be responsible for
31 the final decision.

32 The Office of Information Services will be funded
33 by agency user charges through internal services fund
34 accounts as is the current Bureau of Central Computer
35 Services.

36 The information management system created in this
37 bill is designed to:

38 A. Better allocate resources to projects and
39 systems;

40 B. Increase consistency and stability in data
41 processing facilities;

1 C. Increase flexibility to respond to changing
2 situations;

3 D. Reduce duplication in hardware acquisition
4 and software design;

5 E. Increase data processing productivity; and

6 F. Better plan and evaluate the State's long-
7 term needs for information processing.

8 Significant portions of this bill are required to
9 make changes with respect to the establishment of
10 separate Departments of Finance and of Administra-
11 tion.

12

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