

MAINE STATE LEGISLATURE

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L.D. 2392
(Filing No. S-527)

STATE OF MAINE
SENATE
112TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A " to S.P. 954, L.D. 2392,
Bill, "AN ACT to Reorganize the Department of Finance
and Administration and the Department of Personnel."

Amend the bill in part A in section 1 by striking
out everything after the amending clause and insert-
ing in its place the following:

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

- Commissioner of Transportation;
- Commissioner of Conservation;
- Director of State Development Office;
- Commissioner of Finance ~~and Administration~~;
- Commissioner of Administration;
- Commissioner of Educational and Cultural Ser-
vices;
- Commissioner of Environmental Protection;
- Commissioner of Human Services;
- Commissioner of Mental Health and Mental Retarda-
tion;
- Commissioner of Public Safety;
- Commissioner of Business, Occupational and Pro-
fessional Regulation;

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- 1 Commissioner of Labor;
- 2 ~~Commissioner of Personnel;~~
- 3 Commissioner of Agriculture, Food and Rural Re-
- 4 sources;
- 5 Commissioner of Inland Fisheries and Wildlife;
- 6 Commissioner of Marine Resources; and
- 7 Commissioner of Corrections.'

8 Further amend the bill in part A by striking out
9 all of section 2 and inserting in its place the fol-
10 lowing:

11 'Sec. 2. ~~Commissioner of Personnel.~~ Until Janu-
12 ary 1, 1987, the Commissioner of Personnel shall be
13 employed within salary range 91. Effective January
14 1, 1987, until July 1, 1987, the Commissioner of Per-
15 sonnel shall be employed at salary range 89.'

16 Further amend the bill in Part A in section 78 by
17 inserting after that part designated "§1871." the
18 following:

19 '§1872. Provision of services

20 The department and its subunits shall, in achiev-
21 ing the purposes for which they were established, be
22 responsible for providing their services promptly in
23 a cooperative manner and with due regard for the spe-
24 cial needs of some agencies.'

25 Further amend the bill in part A section 78 in
26 that part designated "§1872." in subsection 5 by
27 striking out all of the 2nd line (page 32, line 16 in
28 L.D.) and inserting in its place the following:
29 'means, but is not limited to, the process of trans-
30 mitting and receiving any'

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1 Further amend the bill in part A section 78 in
2 that part designated "§1872." in subsection 5 in the
3 last line (page 32, line 19 in L.D.) by inserting af-
4 ter the word "laser" the following: 'or satellite'

5 Further amend the bill in part A in section 78 in
6 that part designated "§1875." in paragraph H in the
7 last line (page 34, line 3 in L.D.) by striking out
8 the following: "and"

9 Further amend the bill in part A in section 78 in
10 that part designated "§1875." in paragraph I in the
11 last line (page 34, line 5 in L.D.) by striking out
12 the period and inserting in its place the following:
13 '; and'

14 Further amend the bill in part A section 78 in
15 that part designated "§1875." in subsection 1 by in-
16 serting at the end the following:

17 'J. Division of administrative services, the
18 head of which shall be the Director of Adminis-
19 trative Services.'

20 Further amend the bill in part A section 78 in
21 that part designated "§1876." in subsection 7 in the
22 last line (page 35, line 29 in L.D.) by striking out
23 the following: "purchasing" and inserting in its
24 place the following: 'purchasing,'

25 Further amend the bill in part A section 78 in
26 that part designated "§1881." by striking out all of
27 the first line (page 36, line 27 in L.D.) and insert-
28 ing in its place the following:

29 '§1881. Mission'

30 Further amend the bill in part A section 78 in
31 that part designated "§1884." by striking out all of
32 the first paragraph (page 38, lines 1 to 6 in L.D.)

33 Further amend the bill in part A section 78 in

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1 that part designated "§1884." by inserting after the
2 first sentence the following:

3 'The Governor shall establish the salary for the dep-
4 uty commissioner.'

5 Further amend the bill in part A section 78 in
6 that part designated "§1884." in subsection 1 in par-
7 agraph B in the first and 2nd lines (page 38, lines
8 22 and 23 in L.D.) by striking out the following:
9 "operation and"

10 Further amend the bill in part A section 78 in
11 that part designated "§1885." by striking out all of
12 the first line (page 39, line 10 in L.D.) and insert-
13 ing in its place the following:

14 '§1885. Purpose and organization'

15 Further amend the bill in part A section 78 in
16 that part designated "§1885." by striking out all of
17 the first paragraph and inserting in its place the
18 following:

19 'The Office of Information Services shall be un-
20 der the direction of the Deputy Commissioner of Ad-
21 ministration and shall be responsible for providing
22 information services in data processing, planning for
23 telecommunications and planning for the coordination
24 of data processing throughout State Government.'

25 Further amend the bill in part A section 78 in
26 that part designated "§1888." in the 5th line (page
27 43, line 15 in L.D.) by striking out the following:
28 "The State Purchasing Agent shall not" and inserting
29 in its place the following: 'No agency may'

30 Further amend the bill in part A section 78 in
31 that part designated "§1888." in the first paragraph
32 in the 7th line (page 43, line 17 in L.D.) by insert-
33 ing after the following: "prior" the following:
34 'written'

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1 Further amend the bill in part A section 78 in
2 that part designated "§1888." in the first paragraph
3 in the 9th line (page 43, line 19 in L.D.) by strik-
4 ing out the following: "of vouchers"

5 Further amend the bill in part A in section 78 in
6 that part designated "§1888." in paragraph D in the
7 first line (page 43, line 33 in L.D.) by striking out
8 the following: "with" and inserting in its place the
9 following: 'within' and in the last line (page 43,
10 line 35 in L.D.) by striking out the following: "ex-
11 ecutive director" and inserting in its place the fol-
12 lowing: 'deputy commissioner'

13 Further amend the bill in part A in section 78 in
14 that part designated "§1892." in subsection 1 in par-
15 agraph I in the first and 2nd lines (page 45, lines
16 30 and 31 in L.D.) by striking out the following:
17 "representing" and inserting in its place the follow-
18 ing: 'who are' and in the last 2 lines (page 45,
19 lines 32 and 33 in L.D.) by striking out the follow-
20 ing: "and computer programming services in
21 corporations" and inserting in its place the follow-
22 ing: 'systems'

23 Further amend the bill in part A in section 78 in
24 that part designated "§1893." by striking out all of
25 subsection 3 and inserting in its place the follow-
26 ing:

27 '3. Develop comprehensive master plan. The
28 board shall assist the deputy commissioner in the de-
29 velopment of the comprehensive master plan as defined
30 in subchapter II.'

31 Further amend the bill in part A in section 78 by
32 renumbering the sections to read consecutively.

33 Further amend the bill in part A by striking out
34 all of section 115.

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1 Further amend the bill in part B by striking out
2 all of sections 1 and 2.

3 Further amend the bill in part B by inserting af-
4 ter section 3 the following:

5 'Sec. 4. 2 MRSA §6, sub-§4, as repealed and re-
6 placed by PL 1981, c. 705, Pt. L, §§1 to 3, is re-
7 pealed and the following enacted in its place:

8 4. Range 88. The salaries of the following
9 state officials and employees shall be within salary
10 range 88:

- 11 State Purchasing Agent;
- 12 Director, Arts and Humanities Bureau;
- 13 Director, State Museum Bureau;
- 14 Director of the Bureau of Parks and Recreation;
- 15 State Director of Alcoholic Beverages;
- 16 Executive Director, Retirement System;
- 17 Director of Public Lands;
- 18 State Librarian; and
- 19 Director of Employee Relations.

20 Sec. 5. 2 MRSA §6, sub-§5, as repealed and re-
21 placed by PL 1985, c. 506, Pt. A, §1, is repealed and
22 the following enacted in its place:

23 5. Range 86. The salaries of the following
24 state officials and employees shall be within salary
25 range 86:

- 26 Director of Labor Standards;

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- 1 Deputy Chief of the State Police;
- 2 Director of State Lotteries;
- 3 State Archivist;
- 4 Director of Maine Geological Survey;
- 5 Executive Director, Maine Land Use Regulation
- 6 Commission;
- 7 Director of the Risk Management Division;
- 8 Chairman, Maine Unemployment Insurance Commis-
- 9 sion; and
- 10 Director of the Bureau of State Employee Health.'

11 Further amend the bill in part B in section 38 in
12 that part designated "§7031." by adding at the end of
13 the 2nd paragraph the following:

14 'Further, it is essential that individuals possessing
15 the knowledge and skills necessary for the effective
16 operation of State Government are hired and re-
17 tained.'

18 Further amend the bill in part B in section 38 in
19 that part designated "§7031." in the 3rd paragraph in
20 the last line (page 81, line 2 in L.D.) by inserting
21 after the following: "employees" the following: 'and
22 applicants for employment'

23 Further amend the bill in part B in section 38 by
24 striking out all of that part designated "§7037." and
25 inserting in its place the following:

26 '§7037. Limitations on collective bargaining activi-
27 ty

28 The director, only to the extent necessary to
29 achieve the purpose and duties of the bureau as pro-

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1 vided in subchapter I and subchapter II, article II,
2 may assign any official or employee of the Bureau of
3 Human Resources to participate as resource staff in
4 collective bargaining negotiations.'

5 Further amend the bill in part B in section 38 in
6 that part designated "§7051." in subsection 7 in the
7 5th line (page 102, line 32 in L.D.) by striking out
8 the following: "contract" and inserting in its place
9 the following: 'contract,'

10 Further amend the bill in part B in section 38 in
11 that part designated "§7062." in subsection 1 by
12 striking out all of the last sentence.

13 Further amend the bill in part B in section 119
14 in subsection 1 by striking out all of the last sen-
15 tence and inserting in its place the following:

16 'No officer or employee of the Bureau of Human Re-
17 sources may be an employee or officer of the Bureau
18 of Employee Relations.'

19 Further amend the bill in part B by striking out
20 all of section 183.

21 Further amend the bill in part B by renumbering
22 the sections to read consecutively.

23 Further amend the bill in part C by striking out
24 all of section 4.

25 Further amend the bill in part D in section 1 by
26 striking out all of the last 4 lines (page 179, lines
27 36 to 39 in L.D.) and inserting in its place the fol-
28 lowing: '6 members representing labor appointed in
29 the following manner: One from the institutional
30 services bargaining unit, 4 from the profession-
31 al/technical services bargaining unit; and one from
32 the supervisory services bargaining unit. Labor rep-
33 resentatives shall be appointed by the respective
34 bargaining agent for each unit.'

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1 Further amend the bill in part D by striking out
2 all of section 8 and inserting in its place the fol-
3 lowing:

4 'Sec. 8. Staff. The Department of Personnel
5 shall provide staff to the management representatives
6 of the commission as required to assist the commission
7 in all its work.'

8 Further amend the bill by inserting after part D
9 the following:

10

PART E

11 'Sec. 1. Transition. The Governor shall appoint
12 the Policy Review Board and the Information Services
13 Policy Board prior to June 14, 1986. The boards
14 shall convene and undertake their duties prior to Ju-
15 ly 19, 1986.

16 During the transition period, the Policy Review
17 Board shall receive staff assistance from the Depart-
18 ment of Personnel and where the Policy Review Board
19 is required by this Act to work with or be assisted
20 by the Bureau of Human Resources, the Department of
21 Personnel shall act in its stead. During the transi-
22 tion period, any responsibilities of the Director of
23 Human Resources required by this Act shall be carried
24 out by the Commissioner of Personnel. Any expenses
25 of the Policy Review Board shall, prior to July 1,
26 1987, be paid from the Department of Personnel and
27 departments represented on the Policy Review Board,
28 from July 1, 1987, such expenses as have been paid by
29 the Department of Personnel shall be paid by the De-
30 partment of Administration.

31 1. Funds transferred. Notwithstanding the Maine
32 Revised Statutes, Title 5, sections 1585 and 1586,
33 all accrued expenditures, assets, liabilities, bal-
34 ances, appropriations or allocations, transfers, rev-
35 enues or other available funds in any account or sub-

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1 division of an account of any unit of State Govern-
2 ment, including any department, bureau, division or
3 other subunit of a state agency, affected by this Act
4 shall remain with that unit following transfer to an-
5 other department.

6 2. Restrictions. Prior to July 1, 1987, the
7 Commissioner of Finance and the Commissioner of Ad-
8 ministration shall be subject to the Maine Revised
9 Statutes, Title 5, section 679-A. From July 1, 1987,
10 those commissioners shall be so restricted to the ex-
11 tent that this restriction is required by federal
12 law.

13 3. Personnel transferred. All employees of any
14 unit of State Government, including department, bu-
15 reau, division or other subunit, shall remain with
16 that unit following their transfer to another depart-
17 ment. The accrued fringe benefits, including vaca-
18 tion and sick leave, health and life insurance and
19 retirement of these personnel shall remain with those
20 personnel.

21 Units affected by this transition include, but are
22 not limited to, the Department of Personnel, the Bu-
23 reau of Central Computer Services, the Bureau of Pub-
24 lic Improvements, the Bureau of Purchases, the Board
25 of Trustees of the Group Accident and Sickness or
26 Health Insurance, the Division of Risk Management,
27 the State Lottery Commission and the Governor's Of-
28 fice of Employee Relations and other Executive Branch
29 agencies. No employee's pay or promotional rights
30 and opportunities will be adversely affected due to
31 this reorganization.

32 The administrative and support staff in the Depart-
33 ment of Finance and Administration assisting in the
34 operation and administration of organizational units
35 may be similarly transferred to the Department of Ad-
36 ministration, together with such Personal Services
37 funding, supporting funds and equipment as necessary.
38 The Commissioner of Administration shall consult with

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1 the Commissioner of Finance and, together with the
2 review and comment of the Commissioner of Finance,
3 shall request, by Financial Order through the State
4 Budget Officer, the Governor's approval of the posi-
5 tions, funds and equipment transfer.

6 To comply with this Act, positions and incumbent em-
7 ployees of the Training Division of the Governor's
8 Office of Employee Relations shall be transferred to
9 the Department of Personnel and then to the Bureau of
10 Human Resources when that bureau replaces that de-
11 partment. The transfers to include such Personnel
12 Services funding and supporting funds and equipment
13 as is necessary.

14 4. Provisions of law, rules and agreements con-
15 trary to provisions of this Act. Any provisions of
16 laws, rules, agreements and contracts that are in vi-
17 olation of the provisions of this Act shall be deemed
18 null on the effective dates of this Act.

19 5. Rules and procedures. All rules and proce-
20 dures currently in effect and operations pertaining
21 to any unit and which are in compliance with the pro-
22 visions of this Act shall remain in effect until rescinded or amended as provided by state law.
23

24 6. Equipment and property transferred. All
25 equipment and property of the State used by employees
26 and officials of any unit of State Government af-
27 fected by this Act shall remain with that unit upon
28 transfer to another department.

29 7. Contracts and agreements. All contracts and
30 agreements currently in effect with respect to any
31 unit of State Government affected by this Act shall
32 remain in effect until rescinded, terminated or modi-
33 fied as provided by state law.

34 8. Organization and operation. Notwithstanding
35 any other provision of law, any appointment required
36 by this Act and preparation work may be made or occur

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1 prior to the appropriate effective date of this Act,
2 but shall not become binding until the appropriate
3 effective date.

4 9. Members of State Personnel Board. Members of
5 the State Personnel Board who have been appointed to
6 terms extending beyond the effective date of this Act
7 shall continue to serve in their appointed terms of
8 office under the State Civil Service Appeals Board
9 and shall serve until their successors are appointed
10 and qualified.

11 10. Policy Review Board review. The Policy Re-
12 view Board shall review the provisions of this Act
13 for the purpose of proposing recommendations relating
14 to the structure and operation of, the number of per-
15 sonnel in and the necessary money for the Bureau of
16 Human Resources. The Policy Review Board shall re-
17 port any necessary implementing legislation to the
18 First Regular Session of the 113th Legislature to
19 provide for a smooth and expeditious transition when
20 the Department of Personnel is replaced by the Bureau
21 of Human Resources.

22 11. Bureau of State Employee Health Allocation;
23 loss prevention programs. The provisions for use of
24 a portion of the reserve fund for self-insured reten-
25 tion losses provided in this Act shall include an al-
26 location from the fund to the Bureau of State Employ-
27 ee Health for fiscal years 1986 and 1987 to be used
28 for loss prevention programs and any initial person-
29 nel, operating and equipment costs of the bureau.

30 12. Director of the Bureau of State Employee
31 Health initial duties. The Director of State Employ-
32 ee Health shall develop a plan for the most effective
33 continuing operation, programming and staffing of the
34 bureau, subject to the approval of the commissioner.
35 The plan, together with any further implementing leg-
36 islation which may be needed, shall be submitted to
37 the joint standing committee of the Legislature hav-
38 ing jurisdiction over State Government by February

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1 20, 1987.'

2 Further amend the bill by striking out all of the
3 emergency clause (page 181, lines 24 to 38 in L.D.)
4 and inserting in its place the following:

5 'Emergency clause. In view of the emergency
6 cited in the preamble, this Act shall take effect on
7 July 1, 1986, except: Part A, only that portion of
8 section 47 enacting the Maine Revised Statutes, Title
9 5, section 947-A, subsection 1, paragraph D, shall
10 take effect on July 1, 1987; Part A, only that por-
11 tion of section 78 enacting the Maine Revised Stat-
12 utes, Title 5, section 1875, subsection 1, paragraph
13 C, shall take effect on July 1, 1987; Part B, only
14 that portion of section 38 enacting the Maine Revised
15 Statutes, Title 5, chapter 372, subchapter I, arti-
16 cle I, shall take effect on July 1, 1987.'

17

STATEMENT OF FACT

18 This amendment corrects inconsistencies arising
19 from the staggered implementation dates in the bill
20 and clarifies the intent and purpose of the bill.

21 The Maine Revised Statutes, Title 5, section
22 1875, is amended to permit the new Department of Ad-
23 ministration to have a Division of Administrative
24 Services to carry out the ministerial function of the
25 department such as bookkeeping and departmental per-
26 sonnel matters.

27 Part B, sections 2 and 3 are amended to provide
28 for the pay range of new bureau heads created by this
29 Act.

30 The Maine Revised Statutes, Title 5, section 7037
31 is amended to provide that the Bureau of Human Re-
32 sources may participate as resource persons in col-
33 lective bargaining only to the extent necessary to

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1 carry the intent of this Act.

2 Section 119 is amended to clarify the separation
3 of roles between the new Bureau of Human Resources
4 and Employee Relations.

5 Three separate transition clauses in the bill at
6 Part A, section 115, Part B, section 183, and Part C,
7 section 4, are repealed by this amendment and consol-
8 idated. This consolidation provides clarity, removes
9 inconsistencies and is necessary to effectuate the
10 staggered implementation dates in the bill without
11 interrupting the activities of State Government.

12 6006041486

13 (Sen. Andrews)
14 SPONSORED BY: Thomas / [Signature]

15 COUNTY: Cumberland

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