

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 716

H.P. 531

House of Representatives, March 8, 1989

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative HIGGINS of Scarborough.

Cosponsored by Senator PERKINS of Hancock, Senator PEARSON of Penobscot and Representative CARTER of Winslow.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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**An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund, Department of Administration, for the Fiscal Years Ending June 30, 1990, and June 30, 1991.**

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(EMERGENCY)



1           **Emergency preamble.** Whereas, Acts of the Legislature do not  
3 become effective until 90 days after adjournment unless enacted  
as emergencies; and

5           Whereas, the 90-day period may not terminate until after the  
7 beginning of the next fiscal year; and

9           Whereas, certain obligations and expenses will become due  
and payable on or immediately after July 1, 1989; and

11           Whereas, in the judgment of the Legislature, these facts  
13 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
15 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

19           **Sec. 1. 5 MRSA §1587**, as amended by PL 1985, c. 826, §1, is  
21 repealed and the following enacted in its place:

23           **§1587. Lease-purchase agreements**

25           Except as otherwise provided by law, no agent or officer of  
the State or any department or agency of the State may enter into  
27 a lease-purchase or other similar agreement whereby the State  
would become the ultimate owner of buildings or equipment if the  
29 outright purchase price of those capital items is more than  
\$2,000 without specific approval of the Legislature through the  
31 usual budget procedure. Any financial agreement made by a  
department or agency when entering into a lease-purchase  
33 arrangement must have prior approval of the Department of Finance.

35           **Sec. 2. 5 MRSA §1886, sub-§2-A, ¶D**, as enacted by PL 1987, c.  
282, §2, is repealed.

37           **Sec. 3. 5 MRSA §1886, sub-§15** is enacted to read:

39           **15. Lease-purchase of computer and telecommunications**  
**equipment and software.** Notwithstanding section 1587, the Deputy  
41 Commissioner may enter into lease-purchase agreements for the  
acquisition of computer and telecommunications equipment and  
43 software when it can be demonstrated that such agreements provide  
a clear cost or program advantage to the State over a  
45 conventional rental or straight lease for the same equipment or  
software. This authorization is intended to apply to the  
47 hardware, or processing, equipment and software when such  
agreements would be reasonably expected to result in a reduction  
49 of monthly costs in comparison to available rental or lease  
agreements. This authorization is intended to continue the  
51 updating of data processing and telecommunication systems for the  
effective operation of state facilities.

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Specific jurisdiction for each lease-purchase agreement proposed by the Office of Information Services will be reviewed by the State Budget Officer and approved by the Commissioner of Administration prior to being provided to the State Purchasing Agent as part of the acquisition process. Copies of the specific justifications and all approved agreements will be made available to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs for review.

**Sec. 4. Allocation of fund.** In order to provide for the necessary expenses of operation and administration of the Intergovernmental Telecommunications Fund of the Department of Administration, the following amounts, or as much as may be necessary, are allocated from the revenues derived from operations of the fund.

	1989-90	1990-91
<b>ADMINISTRATION, DEPARTMENT OF</b>		
<b>Intergovernmental Telecommunications Fund</b>		
Positions	(10.0)	(10.0)
Personal Services	\$ 363,689	\$ 372,266
All Other	3,108,794	3,155,550
<b>TOTAL</b>	<b>\$3,472,483</b>	<b>\$3,527,816</b>

**Sec. 5. Supplemental allocation of fund.** In order to provide for expansion and upgrading of central telecommunications services provided by the Intergovernmental Telecommunications Fund of the Department of Administration, the following amounts, or as much as may be necessary, are allocated from the revenues derived from operations of the fund.

	1989-90	1990-91
<b>ADMINISTRATION, DEPARTMENT OF</b>		
<b>Intergovernmental Telecommunications Fund</b>		
All Other	\$2,007,850	\$2,102,520
Allocates funds for upgrading, expanding and improving the State's telecommunications network.		
<b>Intergovernmental Telecommunications</b>		

1	<b>Fund</b>		
3	Positions	(13.0)	(13.0)
	Personal Services	\$ 514,427	\$ 540,134
5	All Other	6,977,961	6,481,851
7	TOTAL	<u>\$7,492,388</u>	<u>\$7,021,985</u>

9 Allocates funds for 13  
11 positions to perform  
13 telecommunications services  
15 now carried out by positions  
17 in the Office of Information  
19 Services intergovernmental  
21 account and provides  
23 allocation of current  
25 expenditures to comply with  
27 generally accepted accounting  
29 principles: one  
31 Telecommunications Service  
33 Coordinator; one Computer  
Operations Assistant Manager;  
one Deputy Division Manager,  
Software; 2 Senior Technical  
Support Specialists; one Data  
Communications Technician; one  
Technical Support Specialist;  
2 Data Communications  
Specialists; one Electric  
Lineman; one Computer  
Operations Manager; one  
Telecommunications  
Coordinator; and one Secretary.

35 **Intergovernmental Telecommunications**  
37 **Fund**

37	Positions	(10.0)	(10.0)
39	Personal Services	\$ 338,513	\$ 355,069
41	All Other	2,729,565	2,547,681
43	TOTAL	<u>\$3,068,078</u>	<u>\$2,902,750</u>

45 Allocates funds to centralize  
47 all state agency  
49 telecommunications  
51 expenditures into the  
telecommunications fund.  
Authorizes 10 positions to  
support the state network of  
some 100 deployed systems and  
to provide basic maintenance

1 capability: two Data  
2 Communications Specialists; 4  
3 Data Communications  
4 Technicians; one Technical  
5 Support Specialist; one Senior  
6 Technical Support Specialist;  
7 one Electric Lineman; and one  
8 Computer Operation Specialist.  
9

11 **SECTION 5**  
12 **TOTAL ALLOCATION**

\_\_\_\_\_      \_\_\_\_\_  
\$12,568,316      \$12,027,255

13  
14 **Sec. 6. Adjustment to allocations.** Allocations may be increased  
15 or adjusted by the State Budget Officer with the approval of the  
16 Governor to specifically cover those adjustments determined to be  
17 necessary under any salary plan approved by the Legislature, and  
18 those reclassifications and range changes which have been  
19 approved by the Department of Administration and submitted for  
20 legislative review prior to the effective date of this Act.  
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22 **Sec. 7. Exclusion.** Exclusive of the provisions of sections 4  
23 and 5, up to \$750,000 for Capital Expenditures may be expended in  
24 each fiscal year of the biennium, exclusive of capital items  
25 obtained through lease-purchases or other similar agreements  
26 consistent with the Maine Revised Statutes, Title 5, section  
27 1587, and other applicable laws. It is the intent of the  
28 Legislature that no capital items purchased through the  
29 Intergovernmental Telecommunications Fund may be given,  
30 transferred, sold or otherwise conveyed to any other department,  
31 agency or account, unless the transaction has received specific  
32 prior legislative authorization through the budgetary process.  
33

34 **Sec. 8. Encumbered balance at year end.** At the end of each  
35 fiscal year, all encumbered balances shall not be carried more  
36 than once.  
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38 **Sec. 9. Legislative intent.** It is the intent of the Legislature  
39 that all departments and agencies be assessed telecommunication  
40 charges on the basis of uniform billing procedures and in direct  
41 proportion to the services they are provided. However, during  
42 the 1990-91 biennium, no department or agency may be required to  
43 utilize resources in excess of levels which have historically  
44 been found to be necessary and available to it in order to  
45 maintain the level of service currently being received to satisfy  
46 such assessments.  
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48 **Emergency clause.** In view of the emergency cited in the  
49 preamble, this Act shall take effect July 1, 1989.  
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**FISCAL NOTE**

	<b>1989-90</b>	<b>1990-91</b>
<b>Allocation from the Intergovernmental Telecommunications Fund</b>		
Section 4	\$ 3,472,483	\$ 3,527,816
Section 5	12,568,316	12,027,255
<b>TOTAL ALLOCATION</b>	<b>\$16,040,799</b>	<b>\$15,555,071</b>

**STATEMENT OF FACT**

The purpose of this bill is to make allocations for the operating expenses of the Intergovernmental Telecommunications Fund of the Department of Administration for the fiscal years ending June 30, 1990 and June 30, 1991, to make supplemental allocations to support growth and expansion of the agency and to effect certain changes to the Maine Revised Statutes, Title 5.