

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2427

H.P. 1762

House of Representatives, March 12, 1990

Reported by Representative ROLDE for the Joint Standing Committee on Audit and Program Review pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Reference to the Joint Standing Committee on Audit and Program Review suggested and printing ordered under Joint Rule 18.

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

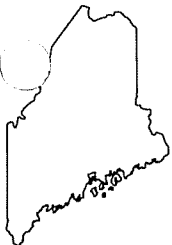
EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act Relating to Periodic Justification of Departments and Agencies
of State Government under the Maine Sunset Act.**

(EMERGENCY)



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

4
6 Whereas, the 90-day period will terminate before the
beginning of the next fiscal year; and

8 Whereas, certain obligations and expenses incident to the
operation of departments and agencies will become due and payable
on or immediately after July 1, 1990; and

10
12 Whereas, certain independent agencies will terminate unless
continued by Act of the Legislature prior to June 30, 1990; and

14
16 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

18
20 **Be it enacted by the People of the State of Maine as follows:**

22 **Sec. 1.** 1 MRSA §402, sub-§3, ¶C, as amended by PL 1977, c.
24 696, §9, is further amended to read:

26 C. Records, working papers and interoffice and intraoffice
28 memoranda used or maintained by any Legislator, legislative
agency or legislative employee or legislative committee to
prepare proposed Senate or House papers or reports for
30 consideration by the Legislature or any of its committees
during the biennium in which the proposal or report is
32 prepared;

34 **Sec. 2.** 3 MRSA §507, sub-§4, ¶B, as amended by PL 1989, c. 49,
§1 and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

36 **Sec. 3.** 3 MRSA §507, sub-§7, ¶B, as amended by PL 1989, c.
38 443, §3, and as repealed by PL 1989, c. 483, Pt. A, §3, is
repealed.

40 **Sec. 4.** 3 MRSA §507, sub-§8, ¶A, as amended by PL 1989, c.
42 588, Pt. A, §1, and as repealed by PL 1989, c. 483, Pt. A, §3, is
repealed.

44 **Sec. 5.** 3 MRSA §507, sub-§8-A, ¶B, as amended by PL 1989, c.
46 585, Pt. A, §3, and as repealed by PL 1989, c. 483, Pt. A, §3, is
repealed.

48 **Sec. 6.** 3 MRSA §507, sub-§10, ¶B, as amended by PL 1989, c.
50 443, §4, and as repealed by PL 1989, c. 483, Pt. A, §3, is
repealed.

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2 **Sec. 7. 3 MRSA §507-B, sub-§4, ¶B**, as amended by PL 1989, c.
49, §2, and as repealed by PL 1989, c. 483, Pt. A, §3, is
repealed.

4 **Sec. 8. 3 MRSA §507-B, sub-§11**, as repealed and replaced by PL
6 1989, c. 502, Pt. A, §6, and as repealed by PL 1989, c. 483, Pt.
A, §3, is repealed.

8 **Sec. 9. 3 MRSA §507-B, sub-§12**, as enacted by PL 1989, c. 502,
10 Pt. A, §7, and as repealed by PL 1989, c. 483, Pt. A, §3, is
repealed.

12 **Sec. 10. 3 MRSA §927, sub-§1**, as enacted by PL 1989, c. 483,
14 Pt. A, §§4 and 62, is amended to read:

16 **1. 2001.**

18 **A. Agencies:**

20 (1) Department of Finance, but limited to the Bureau
22 of the Budget;

24 (2) Office of Treasurer of State;

26 (3) Department of Audit;

28 (4) Department of Administration, except for the
Bureau of Human Resources, Bureau of Employee
30 Relations, Bureau of Public Improvements and the state
employee health insurance program;

32 (5) Department of Public Safety, but limited to the
Bureau of Capitol Security;

34 (6) Board of Emergency Municipal Finance;

36 (7) Finance Authority of Maine; and

38 (8) Maine Municipal Bond Bank+.

40 **B. Independent agencies+.**

42 (1)--State-Liquor-Commission+

44 (2)--Capitol-Planning-Commission+-and

46 (3)--Educational-Leave-Advisory-Board.

48 **Sec. 11. 3 MRSA §927, sub-§2**, as enacted by PL 1989, c. 483,
50 Pt. A, §§4 and 62, is amended to read:

52 **2. 1991.**

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A. Agencies:

- ~~(1) --- Department --- of --- Agriculture, --- Food --- and --- Rural Resources;~~
- ~~(2) (1) Department of Defense and Veterans' Services; and~~
- ~~(3) (2) Department of the Attorney General;~~
- (3) Department of Human Services, but limited to support and enforcement functions within the Office of Programs; and
- (4) Department of Finance, except for the Bureau of the Budget.

B. Independent agencies:

- (1) Maine Blueberry Commission;
- (2) Blueberry Advisory Committee;
- (3) Seed Potato Board;
- (4) Maine Milk Commission;
- (5) State Harness Racing Commission;
- (6) Maine Agricultural Bargaining Board;
- (7) State Board of Veterinary Medicine;
- (8) Maine Dairy and Nutrition Council;
- (9) Board of Pesticides Control;
- (10) State Planning Office;
- (11) State Lottery Commission;
- (12) Maine Dairy Promotions Board;
- (13) Maine High-Risk Insurance Organization;
- (14) State Board of Property Tax Review;
- (15) Maine Vocational-Technical--Institute Technical College System;
- (16) Maine Commission for Women; and

- 2 (17) Maine Human Rights Commission;
- 4 (18) State Liquor Commission;
- 6 (19) Capitol Planning Commission; and
- 8 (20) Educational Leave Advisory Board.

10 **Sec. 12. 3 MRSA §927, sub-§3, ¶A,** as enacted by PL 1989, c.
12 483, Pt. A, §§4 and 62, is amended to read:

14 A. Agencies:

- 16 (1) Department of Transportation;
- 18 (2) Department of Public Safety, except for the Bureau
of Capitol Security;
- 20 (3) Department of the Secretary of State;
- 22 (4) Maine Turnpike Authority; and
- 24 (5) Maine Educational Loan Authority; and
- 26 (6) Department of Agriculture, Food and Rural
28 Resources.

30 **Sec. 13. 3 MRSA §927, sub-§5, ¶B,** as enacted by PL 1989, c.
483, Pt. A, §§4 and 62, is amended to read:

32 B. Independent agencies:

- 34 (1) Board of Chiropractic Examination and Registration;
- 36 (2) Board of Dental Examiners;
- 38 (3) Nursing Home Administrators Licensing Board;
- 40 (4) Board of Registration in Medicine;
- 42 (5) State Board of Nursing;
- 44 (6) State Board of Optometry;
- 46 (7) Board of Osteopathic Examination and Registration;
- 48 (8) Board of the Maine Children's Trust Fund;
- 50 (9) Examiners of Podiatrists;
- 52 (10) Maine Medical Laboratory Commission;

- 2 (11) State Planning and Advisory Council on
Developmental Disabilities;
- 4
- 6 (12) Maine Committee on the Problems of the Mentally
Retarded;
- 8
- 10 (13) Governor's Committee on Employment of the
Handicapped People with Disabilities; and
- 12 (14) Division of Community Services.

14 Sec. 14. 3 MRSA §927, sub-§9, ¶B, as enacted by PL 1989, c.
483, Pt. A, §§4 and 62, is amended to read:

16 B. Independent agencies:

- 18 (1) Maine Conservation School;
- 20 (2) Office of State Historian;
- 22 (3) Maine Arts Commission;
- 24 (4) Maine State Museum Commission;
- 26 (5) Maine Historic Preservation Commission;
- 28 (6) Maine Health Care Finance Commission;
- 30 (7) Maine Health Facilities Authority;
- 32 (8) Board of Occupational Therapy Practice;
- 34 (9) Board of Respiratory Care Practitioners; and
- 36 (10) Radiologic Technology Board of Examiners; and
- 38 (11) Maine Waste Management Agency.

40 Sec. 15. 5 MRSA §147 is amended to read:

42 **§147. Cancellation and registry of old bonds**

44 All bonds thus received by the Treasurer of State for
exchange shall must be canceled and retained in the office of the
46 Treasurer of State. ~~The State Auditor, as well as the Treasurer~~
~~of State, shall keep a register of all such bonds, showing the~~
48 ~~serial number, date, interest, amount of each certificate, to~~
~~whom originally issued and when payable; and also a like~~
50 ~~description of the new bonds issued in place thereof.~~

2 **Sec. 16. 5 MRSA §241-A**, as enacted by PL 1983, c. 65, §3, is
amended to read:

4 **§241-A. Transition period**

6 In order to provide for an orderly transition following the
7 ~~biennial~~ quadrennial election of the State Auditor, the State
8 Auditor-elect shall ~~may~~ not take the oath of his office or
9 otherwise qualify for the office for a period of no less than 30
10 days following that election.

12 **Sec. 17. 5 MRSA §243, sub-§3**, as amended by PL 1987, c. 737,
13 Pt. C, §§6 and 106 and PL 1989, c. 6; c. 9, §2; and c. 104, Pt.
14 C, §§8 and 10, is further amended to read:

16 **3. Accounting systems for municipalities.** To install
17 uniform accounting systems and perform audits for cities, towns
18 and villages as required by Title 30-A, sections 5821 to 5823.
19 The rate charged by the department to perform audits must include
20 the proportional amount of the State Auditor's duties and be used
21 to offset the General Fund costs of the State Auditor;

22 **Sec. 18. 5 MRSA §243, sub-§3-A**, as enacted by PL 1983, c. 508,
23 §1, is amended to read:

26 **3-A. Accounting systems for municipal cost component.** To
27 install uniform accounting systems and, no later than ~~90-days~~
28 ~~after~~ February 1st following the end of each fiscal year,
29 ~~perform-~~ ensure that an annual audit and postaudit of the
30 municipal cost component and the Unorganized Territory Education
31 and Services Fund in Title 36, chapter 115 is conducted. The
32 expenses of these services shall-~~be~~ are part of the municipal
33 cost component and shall-~~be~~ are paid out of the Unorganized
34 Territory Education and Services Fund;

36 **Sec. 19. 5 MRSA §954, first ¶**, as amended by PL 1989, c. 483,
37 Pt. A, §11, is further amended to read:

38 The Bureau of State Employee Health is established within
39 the Department of Administration to promote the health and safety
40 of state employees by working with the Office of Employee
41 Relations, other bureaus and departments in the Executive
42 Department, and state employees and their representatives to
43 mutually establish policies and provide programs to minimize the
44 risk of injury to and incidence of illness among state employees
45 and to conserve public funds by minimizing the direct and
46 indirect costs associated with injury and illness. The bureau
47 shall-~~be~~ is responsible for the administration of the State
48 Employee Assistance Program, ~~Title---22,---chapter---254-A~~ as
49 established by section 957.

2 **Sec. 20. 5 MRSA §956**, as amended by PL 1989, c. 501, Pt. P,
§9, is further amended to read:

4 **§956. Bureau of State Employee Health Dedicated Revenue Account**

6 The Bureau of State Employee Health Dedicated Revenue
8 Account is established to include appropriations made to the
10 bureau, funds transferred to the bureau from within the
12 department, funds from the administrative allowance provided in
14 section 286, funds from the reserve fund provided in section
1731, funds received for special services provided to state
agencies and employees and funds from operational charges levied
upon state agencies.

16 State agency operational charges shall ~~be~~ are a per employee
18 fee paid by each agency in the same manner as premiums for state
employee health insurance. The per employee fee must be paid by
all state agencies that have employees who are eligible to
participate in the state employee health insurance program. Any
such state agency not paying the per employee fee as of January
1, 1990, shall pay the per employee fee starting in the fiscal
year beginning July 1, 1991. The State Budget Officer shall work
with state agencies to budget the funds necessary for the
purposes of this provision. The Director of State Employee
Health shall recommend a fee to the commissioner. The rationale
for the recommended fee shall ~~must~~ be well documented and shall
include the program costs to be met by the fee. The Commissioner
of Administration shall provide ~~his~~ a final recommended fee to
the Governor. The Governor shall determine the per employee fee
to be included in the normal budget process.

32 **Sec. 21. 5 MRSA §957** is enacted to read:

34 **§957. State Employee Assistance Program**

36 The State Employee Assistance Program, administered by the
Bureau of State Employee Health, is established to promote
increased efficiency in the workplace by providing assessment and
referral services to those state employees, spouses and
dependents of state employees and state retirees whose work
performance has been affected by the disorders specified in
subsection 1.

44 1. Assessment and referral. The program shall provide
46 assessment and referral services to employees whose work
performance has been affected by behavioral or medical disorders
including, but not limited to, alcoholism and drug abuse, misuse
of other drugs, emotional problems, family disorders and
financial, legal, marital and any other stresses. The major
50 elements of the program consist of the following:

52 A. An assessment interview;

- 2 B. Referral to appropriate treatment;
- 4 C. Follow-up;
- 6 D. Coordination of a benefit package;
- 8 E. Continuous care;
- 10 F. Maintenance of confidentiality of client records; and
- 12 G. Education of state employees.

14 2. Staff. The director of the program may employ personnel
16 to fulfill the purpose of this section. All personnel in the
 program are subject to the Civil Service Law.

18 3. Employee participation and leave. Employee participation
20 in the program is voluntary. Employees who wish to consult with
22 a program counselor must be granted administrative leave without
 loss of pay or benefits. Employees may use authorized
 accumulated leave, or leave without pay, for assistance by an
24 outside resource.

26 4. Funds. The Department of Administration shall receive and
28 disburse funds made available to the program through the
30 provisions of section 956. The Commissioner of Administration
32 shall oversee the implementation and administration of the
 program. Funds made available to the department for the purposes
 of this section, from any source, may not lapse, but must be
 carried forward to the next fiscal year to be expended for the
 same purpose.

34 5. Confidentiality of client records. No records of the
36 identity, assessment, diagnosis, prognosis, referral or treatment
38 of a client of the program may be maintained in the personnel
 records of individuals who participate in the program. Any such
 records that are maintained in connection with the performance of
 functions of the program are confidential.

40 Sec. 22. 5 MRSA §1731, first ¶, as amended by PL 1989, c. 501,
42 Pt. P, §14, is further amended to read:

44 A reserve fund, in this chapter called the "fund," is
46 created to indemnify the State for self-insured retention losses
 and, related loss adjustment expenses from those perils insured
 against under a deductible or self-insured retention program, and
48 any administrative expenses necessary to the proper
 administration of the fund as recommended by the director and
50 approved by the commissioner. With the approval of the

2 commissioner, the fund may be used for loss prevention programs
4 administered by either the Risk Management Division or the Bureau
6 of State Employee Health. The total amount of the fund provided
8 for loss prevention programs in any given year may not exceed 5%
10 of the fund as of July 1st of that fiscal year. The fund shall
12 be is a continuing fund and shall may not lapse. Funds provided
14 from the reserve fund to the Bureau of State Employee Health
16 shall ~~be~~ are similarly nonlapsing and shall must be carried
18 forward through the Bureau of State Employee Health Internal
20 Service-Fund Dedicated Revenue Account.

22 Sec. 23. 5 MRSA §1731-A, first ¶, as amended by PL 1985, c.
24 534, is further amended to read:

26 Deductible or self-insured retention provisions hereunder
28 shall may not exceed \$1,000,000 25% of the fund as of July 1st of
30 the current fiscal year per occurrence with respect to any risk
32 of loss.

34 Sec. 24. 5 MRSA §1733, as amended by PL 1983, c. 349, §15, is
36 further amended to read:

38 §1733. Capitalization of the fund

40 The fund shall ~~be~~ is capitalized by legislative
42 appropriations, payments from state departments and agencies, and
44 by such other means as the Legislature may approve.

46 Appropriations and payments to the fund in respect to
48 general fund departments and agencies shall may not exceed an
50 amount equal to the difference between the premium for insurance
52 proposed to be purchased and the premium for mandatory deductible
54 or full insurance coverage plus a ~~pro-rata~~ pro rata share of the
56 cost of the stop-loss insurance. In any instance in which the
58 State has a 100% self-insured retention, the premium shall must
60 be that for full insurance coverage adjusted for any mandatory
62 deductible.

64 All other state departments and agencies, except those
66 specifically excluded by statute law, shall pay to the fund
68 premiums on a pro rata basis as determined by the director and
70 based upon on the prior claims experience of the departments or
72 agencies. In any instance in which the State has a 100%
74 self-insured retention, the premium shall must be that for full
76 insurance coverage adjusted for any mandatory deductible.

78 All Whenever possible, all premiums referred to in this
80 section shall ~~be~~ are computed on the basis of rates promulgated
82 by a recognized rating authority.

84 Sec. 25. 5 MRSA §1736, 2nd ¶, as enacted by PL 1971, c. 239,
86 §2, is repealed.

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Sec. 26. 5 MRSA §1873, sub-§4-A is enacted to read:

4-A. Semiautonomous state agency. "Semiautonomous state agency" means an agency created by an act of the Legislature that is not a part of the Executive Department. This definition excludes the legislative and judicial branches of State Government.

Sec. 27. 5 MRSA §1885, as amended by PL 1987, c. 402, Pt. A, §48, is further amended to read:

§1885. Purpose and organization

The Office of Information Services shall-be is under the direction of the Deputy Commissioner of Administration for Information Services and shall-be is responsible for providing information services in data processing, planning for telecommunications and planning for the coordination of data processing throughout State Government.

1. **Appointment of director.** The deputy commissioner shall appoint the Director of Data Processing with the approval of the commissioner. The director of the bureau shall must be a person with demonstrated knowledge, training and skills and significant experience in data processing and computer services. In addition, the director shall must have a high record of achievement in providing data processing and computer programming services to multiple and diverse users.

A. The director shall serve at the pleasure of the deputy commissioner.

2. **Appointment of other employees.** The deputy commissioner may appoint other employees, as he-deems the deputy commissioner determines necessary, to the Office of Information Services in accordance with the Civil Service Law, ~~except that any assistant to the deputy commissioner shall be in the unclassified service.~~

Sec. 28. 5 MRSA §1886, sub-§2, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

2. **Approve the acquisition and use of equipment.** The deputy commissioner, in accordance with written standards established by this chapter shall approve acquisition and use of all data processing and telecommunications services, equipment and systems by state agencies.

Sec. 29. 5 MRSA §1886, sub-§2-A, ¶C, as amended by PL 1989, c. 237, §2, is amended to read:

2 C. Levy charges, according to a rate schedule based on
uniform billing procedures approved by the Commissioner of
4 Administration board, against all units utilizing
telecommunications services;

6 Sec. 30. 5 MRSA §1886, sub-§3, as enacted by PL 1985, c. 785,
Pt. A, §78, is amended to read:

8
10 3. Develop training and development programs in data
processing. The deputy commissioner shall ~~be~~ is responsible for
12 developing training and development programs for state employees
in data processing and for the implementation of these programs.

14 Sec. 31. 5 MRSA §1886, sub-§5, as enacted by PL 1985, c. 785,
Pt. A, §78, is amended to read:

16
18 5. Develop and administer written standards for data
processing and telecommunications. The deputy commissioner shall
20 develop ~~in conjunction with the board~~ and administer written
standards for data processing ~~to include standards for~~ and
22 telecommunications subject to approval by the board. These
written standards pertain to:

- 24 A. Acquisition of equipment;
- 26 B. Acquisition of computer programs;
- 28 C. The development of computer systems and computer
30 programs;
- 32 D. Computer operations; and
- 34 E. Any other standards deemed determined necessary by the
deputy commissioner and the board.

36 Sec. 32. 5 MRSA §1886, sub-§5-A is enacted to read:

38 5-A. Board approval required for written standards for data
processing and telecommunications. All written standards for
40 data processing and telecommunications are subject to final
approval by the board.

42
44 Sec. 33. 5 MRSA §1886, sub-§7, as enacted by PL 1985, c. 785,
Pt. A, §78, is amended to read:

46 7. Develop and implement strategic and departmental
48 planning process. The deputy commissioner, in conjunction with
the board and with the participation of the affected state
50 agencies, shall develop and maintain a ~~comprehensive state master~~
plan, as approved by the board, strategic planning initiatives
52 for all of State Government and specific state agencies for data
processing and telecommunications. The deputy commissioner shall

2 be is responsible for assisting state agencies in implementing
the-master-plan the planning process.

4 A. The deputy commissioner shall submit a report on the
comprehensive-plan planning process to the Governor and the
6 Legislature at the beginning of each legislative session.

8 ~~B. The plan shall include a report on the current status of
state data processing and telecommunications, including
10 information on major items of equipment, major applications,
personnel, costs and sources of funding for state data
12 processing and telecommunications. In addition, the plan
shall include specific agency plans for the future
14 development of state systems, including comments on the
major staffing and acquisition activities.~~

16 ~~C. Each state agency shall submit a business operating plan
18 every 2 years to include goals and objectives for data
processing and needs for data processing equipment and
20 programs, for the review and approval of the deputy
22 commissioner and the board. These agency plans shall be
included in the comprehensive master plan.~~

24 **Sec. 34. 5 MRSA §1886, sub-§14**, as enacted by PL 1985, c. 785,
Pt. A, §78, is amended to read:

26 **14. Report to the Legislature.** The deputy commissioner
28 shall report to the joint standing committee of the Legislature
having jurisdiction over State Government by January 31st of each
30 year with respect to the achievements, the problems and the
procedures planned for resolving the problems of the office and
32 its mission. This report must include a complete compilation of
written standards for data processing and telecommunications that
34 have been approved by the board.

36 **Sec. 35. 5 MRSA §1888, sub-§1**, as enacted by PL 1985, c. 785,
Pt. A, §78, is amended to read:

38 **1. Definition of noncompliance.** A state agency shall be is
40 deemed in noncompliance with this subchapter ~~in the event that~~ if
the agency:

42 A. Purchases data processing equipment, software or
44 services in noncompliance with this subchapter; and

46 B. Fails to adhere to the data processing standards
established by the deputy commissioner and the board; and

48 ~~C. Fails to submit an approved agency plan as required by
50 this subchapter; and~~

2 ~~D. --- Fails to meet the goals and objectives within the~~
3 ~~timetable described in the approved plan as determined by~~
4 ~~the board and deputy commissioner.~~

6 Sec. 36. 5 MRSA §1892, first ¶, as amended by PL 1989, c. 483,
7 Pt. A, §22, is further amended to read:

8 The board ~~shall consist~~ consists of 15 voting members and 2
9 advisory members appointed as provided in this section. For the
10 purpose of this section, the word "designee" means a person in a
11 major policy-influencing position as defined in chapter 71. When
12 appointing a designee, a board member shall select one person to
13 be the sole designee representing the particular agency.

14 Sec. 37. 5 MRSA §1892, sub-§1, as amended by PL 1989, c. 483,
15 Pt. A, §23 and c. 502, Pt. A, §19, is repealed and the following
16 enacted in its place:

17 1. Voting members. The voting members of the board consist
18 of:

19 A. The Commissioner of Administration or the commissioner's
20 designee;

21 B. The Commissioner of Finance or the commissioner's
22 designee;

23 C. The Commissioner of Human Services or the commissioner's
24 designee;

25 D. The Commissioner of Labor or the commissioner's designee;

26 E. The Commissioner of Transportation or the commissioner's
27 designee;

28 F. The Secretary of State or the Secretary of State's
29 designee;

30 G. One member appointed by the Governor from the office of
31 the Governor;

32 H. Two members appointed by the Governor representing the
33 remaining state agencies of State Government;

34 I. Two members, appointed by the Governor who are
35 administrators or managers of data processing systems in the
36 private sector;

37 J. The Commissioner of Economic and Community Development
38 or the commissioner's designee;

2 K. The Executive Director of the Maine State Housing
3 Authority or the director's designee;

4 L. The Chief Executive Officer of the Finance Authority of
5 Maine or the chief executive officer's designee; and

6 M. The Executive Director of the Maine State Retirement
7 System or the director's designee.

8
9 Sec. 38. 5 MRSA §1892, sub-§§2 to 6, as enacted by PL 1985, c.
10 785, Pt. A, §78, are amended to read:

11
12 2. **Advisory members.** Advisory members shall ~~shall~~ must be
13 appointed by the Legislative Council to represent the agencies of
14 the Legislature ~~who~~ that provide research and information to the
15 Legislature and its committees and an advisory member shall ~~shall~~ must
16 be appointed by the Chief Justice of the Supreme Judicial Court
17 to assure that the needs of the Legislature and the Judiciary are
18 known and to inform them of available information, access and
19 innovations to be considered.

20
21 3. **Terms of office.** The voting and advisory members
22 representing state agencies of the Legislature, the Judiciary and
23 the office of the Governor shall serve for a period that
24 coincides with the term of appointment to the agency which they
25 represent or to the term designated by the appointing authority,
26 unless revoked sooner by the appointing authority. The members
27 of the private sector shall serve 3-year terms, except that the
28 initial term of one member shall ~~be~~ is 2 years and the initial
29 term of the other members shall ~~be~~ is 3 years.

30
31 4. **Expenses and compensation.** All members shall ~~be~~
32 reimbursed are entitled to reimbursement for expenses in
33 accordance with chapter 379. Members representing state
34 agencies, the Executive Office, the Legislature and the Judiciary
35 shall ~~be~~ are reimbursed for expenses from the budgets of the
36 departments which they represent.

37
38 A. ~~No-rate-of-compensation-may-be-paid-to-the~~ The members
39 of the board are not entitled to compensation.

40
41 5. **Chair.** ~~The-Commissioner-of-Finance-shall-serve-as-the~~
42 ~~temporary-chairman-at-the-first-meeting-at-which-the-board-shall~~
43 ~~elect-a-permanent-chairman-from-among-the-voting-members-to-serve~~
44 ~~for-a-term-of-2-years.--The-Commissioner-of-Administration-may~~
45 ~~not-serve-as-the-chairman-of-the-board.-~~ The chair of the board is
46 the member appointed by the Governor from the office of the
47 Governor.

48
49 6. **Meetings.** The board shall meet at least 10 4 times a
50 year and whenever convened by the chair.

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2 **Sec. 39. 5 MRSA §1893, sub-§1**, as enacted by PL 1985, c. 785,
Pt. A, §78, is amended to read:

4 **1. Establish written standards.** The board shall assist the
deputy--commissioner--in--the--development--of approve written
6 standards governing data processing and telecommunications as
defined in subchapter ~~II~~ this chapter.

8 **Sec. 40. 5 MRSA §1893, sub-§2**, as enacted by PL 1985, c. 785,
10 Pt. A, §78, is repealed.

12 **Sec. 41. 5 MRSA §1893, sub-§§3 to 6**, as enacted by PL 1985, c.
785, Pt. A, §78, are amended to read:

14 **3. Develop strategic and departmental planning process.**
16 The board shall assist the deputy commissioner in the development
of the ~~comprehensive--master--plan~~ strategic and departmental
18 planning process as defined in subchapter II.

20 **4. Investigate and establish priorities.** The board, with
the deputy commissioner, shall investigate and establish
22 priorities within the scope of the ~~comprehensive--master--plan~~
strategic and departmental planning process. For the purpose of
24 this subsection, the priorities shall ~~be priorities of~~ are goals
and objectives with their associated target dates.

26 **5. Rules, policies and fees.** The board shall assist in the
28 development of and give its approval to the commissioner for:

30 A. Rules and policies relating to data processing and
telecommunications; and

32 B. The schedule of charges.

34 **6. Provide for regular review.** The board with the deputy
36 commissioner shall provide for a regular review of information
processing and telecommunications operations in State Government
38 and make recommendations to the Governor, commissioner and other
affected agency heads for improving service and efficiency and
40 for reducing costs.

42 **Sec. 42. 5 MRSA §1893, sub-§8**, as amended by PL 1989, c. 443,
§10, is repealed.

44 **Sec. 43. 5 MRSA §1893, sub-§9**, as enacted by PL 1987, c. 701,
46 §5, is repealed.

48 **Sec. 44. 5 MRSA §§1894 and 1895** are enacted to read:

50 §1894. Semiautonomous state agencies

2 All semiautonomous state agencies that have information
3 service systems shall ensure that those systems are compatible
4 with the policies and standards approved by the board.

6 **§1895. Legislature and Judicial Department**

8 The Legislature and the Judicial Department of State
9 Government are not subject to any of the authorities delegated to
10 the board in this subchapter.

12 **Sec. 45. 5 MRSA §1896, first ¶,** as enacted by PL 1985, c. 785,
13 Pt. A, §78, is amended to read:

14 Any state agency or semiautonomous state agency disagreeing
15 with an action or decision of the Office of Informational
16 Information Services or the deputy commissioner as it affects
17 that agency may appeal the decision in accordance with the
18 provisions of this subsection section.

20 **Sec. 46. 5 MRSA §13058, sub-§5,** as enacted by PL 1987, c. 534,
21 Pt. A, §§17 and 19, is amended to read:

22 **5. Review of program; report to Governor and Legislature.**
23 The commissioner shall review and evaluate the programs and
24 functions of the department and the operation of the economic
25 delivery system. The commissioner shall report his findings and
26 recommendations with respect to the issues described in this
27 subsection to the Governor and to the Legislature no later than
28 February 1st of each first regular session of the Legislature.
29 The commissioner shall conduct his the review and evaluation with
30 respect to the following:

32 A. The purpose of these programs and the degree to which
33 the purpose is being met;

36 B. The degree of significance of the purpose of the
37 programs and functions of the department;

38 C. The extent of the coordination of programs and services
39 as required in subsection 4;

42 D. The needs, problems and opportunities that are not being
43 met by the programs and services of the department;

44 E. The types of programs and services necessary to meet the
45 needs, problems and opportunities as set out in paragraph D;

48 F. The problems and successes in the economic delivery
49 system; and

50 G. The state of small business in this State, including
51 economic data, the effectiveness of state programs to aid
52

2 small business, problems of small business that may be
3 affected by state policies and such other information on
4 small business as desired by the commissioner;

5 H. The extent of business growth and change, including
6 business expansions, new businesses and business closings;
7 and

8 I. The status of investments in business in the State
9 differentiated in accordance with the Standard Industrial
10 Classification Code.

11 **Sec. 47. 10 MRSA §963-A, sub-§51, as enacted by PL 1985, c.**
12 **344, §7, is amended to read:**

13 **51. Veteran.** "Veteran" means any person who served in the
14 United States Armed Forces during any federally recognized period
15 of conflict, or was eligible for an Armed Forces Expeditionary
16 Medal or campaign medal, and was not dishonorably discharged. A
17 veteran of the Vietnam War must have served on active duty for a
18 period of more than 90 days, unless he that veteran was
19 discharged for a service-connected disability, and any part of
20 that active duty service occurred after ~~August-4,--1964~~ December
21 22, 1961, and before May 7, 1975.

22 **Sec. 48. 10 MRSA §980-B, as amended by PL 1989, c. 503, Pt.**
23 **B, §52, is repealed and the following enacted in its place:**

24 **§980-B. Maine Veterans' Small Business Loan Board**

25 **1. General.** The Maine Veterans' Small Business Loan Board,
26 as established by Title 5, section 12004-I, subsection 27, and in
27 this section referred to as the "board," consists of 7 members
28 including the Director of Veterans' Services and 6 members
29 appointed by the Governor from nominations submitted by the Maine
30 Veterans' Coordinating Committee. The coordinating committee
31 shall provide at least 2 nominations for each seat being filled.
32 Terms are for 4 years, except that, of the members first
33 appointed, one is appointed for a term of 2 years, one for a term
34 of 3 years and 2 for terms of 4 years. In making its
35 appointments, the coordinating committee shall consider the need
36 for the board to possess expertise in banking, business-related
37 technical assistance and counseling. Each member organization
38 represented by the coordinating committee must be represented on
39 the board. Two members of the board must be appointed by the
40 Governor to serve as members of the authority. A vacancy in the
41 office of an appointed member, other than by expiration, must be
42 filled by the same process as the original appointment, but only
43 for the remainder of the term of the retiring member. The
44 coordinating committee may recommend to the Governor the removal
45 of any appointed member for cause. The board shall elect one of
46 its members as chair, and may elect other officers as necessary.

2 Three members of the board constitute a quorum. The affirmative
3 vote of a majority of members present and voting, but not less
4 than 3, is necessary for any action taken by the board. A
5 vacancy in the membership of the board may not impair the right
6 of the quorum to exercise all rights and perform all the duties
7 of the board.

8 2. Compensation. All appointed members of the board are
9 entitled to compensation in accordance with Title 5, chapter 379.

10 3. Functions of the board. The board shall:

11 A. Ensure the comprehensive dissemination of information
12 about the veterans' small business loan insurance program,
13 as authorized by section 1026-C, to the State's veteran
14 community;

15 B. Serve as advisor to the authority on the needs of
16 veterans in the State and the various ways the authority
17 might help to address those needs;

18 C. Provide information, counseling, technical assistance
19 and support to veterans seeking small business financing; and

20 D. Approve veterans' small business loan insurance of up to
21 \$75,000 when the authority requires a 100% loan guarantee.

22 The authority shall, to the extent necessary and possible, assist
23 the board in carrying out functions pursuant to this subsection.
24 Primary responsibility for the effective execution of these
25 duties rests with the board.

26 4. Functions of the authority. The authority shall:

27 A. Communicate with and encourage the banking community to
28 consider, when reviewing veterans' loan applications, the
29 additional sacrifices made by veterans who served their
30 country during periods of conflict; and

31 B. Approve or deny applications for veterans' small
32 business loan insurance that do not require approval under
33 subsection 3.

34 The board shall, to the extent necessary and possible, assist the
35 authority in its prescribed duties.

36 Sec. 49. 10 MRSA §1026-C, sub-§2, as amended by PL 1987, c.
37 393, §6, is further amended to read:

38 2. Insurance. The authority may provide mortgage insurance
39 benefiting a veteran in an original principal amount of \$250,000
40 or less in addition or as an alternative to any amount provided
41 by the authority.

2 pursuant to section 1026-B. The authority may insure 100% of
3 mortgage payments under this section of a loan approved pursuant
4 to section 980-B.

6 **Sec. 50. 10 MRSA c. 110, sub-c. II-A, as amended, is repealed.**

8 **Sec. 51. 10 MRSA §1100-N, sub-§1, as amended by PL 1985, c.**
9 **714, §39, is further amended to read:**

10 1. **Contracts.** The authority shall ~~may~~ contract with each
11 ~~any~~ community action agency who ~~that~~ seeks to participate in this
12 ~~program in order to~~ organize a job-start program within the
13 ~~region served by the community action agency.~~ A participating
14 agency shall accept applications from eligible participants,
15 regardless of whether an applicant resides in the region normally
16 served by that agency, unless the applicant resides in a region
17 served by another participating agency. The contract shall
18 provide as a minimum the following.

20 A. Each community action agency shall designate a
21 coordinator who shall be responsible for the job-start
22 program in that region; .

24 B. The board of directors of a community action agency
25 shall appoint a job-start advisory board, which may consist
26 of a subcommittee of the board of directors, to review and
27 make recommendations concerning loan applications and offer
28 other advice to small businesses, ~~which~~ . The advisory
29 board shall must consist of 5 members who represent ~~low~~
30 ~~income~~ low-income people and representatives knowledgeable
31 of business and financial matters. Members of the job-start
32 advisory board shall serve for a 2-year term and may be
33 reappointed to successive terms; .

34 C. The community action agency ~~shall be~~ is responsible for
35 ~~at least 50%~~ up to 30% of the administrative costs of
36 implementing the job-start program, which costs may be
37 derived from direct financial support or in-kind services,
38 or both; ~~and~~ .

40 D. The community action agency shall involve existing small
41 business technical assistance and counseling programs in
42 their implementation of the job-start program and shall, to
43 the maximum extent feasible, contract or arrange for the
44 in-kind donation of technical and counseling services to
45 assist job-start loan applicants.

48 **Sec. 52. 10 MRSA §1100-O, sub-§§1 and 2, as enacted by PL**
49 **1983, c. 856, §4, are amended to read:**

2 1. **Creation of fund.** A Job-start Revolving Loan Fund shall
3 be ~~is~~ established by the authority for the job-start program.
4 The fund shall ~~contain~~ contains appropriations provided for that
5 purpose and all repayments of principal and interest of loans
6 under this subchapter and interest earned by the fund prior to
7 its allocation for individual loans. Interest and principal
8 payments required by loan defaults shall ~~be~~ are charged to this
9 fund. The authority shall have the sole responsibility for the
10 allocation and distribution of the fund. ~~This--fund--shall~~
11 ~~initially be the sum of \$500,000.~~ Any funds appropriated for
12 this purpose shall ~~may~~ not lapse, but shall ~~must~~ remain available
for the purposes set forth in this subchapter.

14 2. **Administrative expenses.** During the first fiscal year
15 after ~~the effective date of this Act~~ July 25, 1984, the authority
16 may allocate a maximum of 10% of the Job-start Revolving Loan
17 Fund for administrative expenses and counseling services incurred
18 by the authority and the community action agencies with whom the
19 authority has contracted under section 1100-N. Subsequently, all
20 interest earned by the fund, either by means of investment or
21 loan payments, shall ~~be~~ is available to the authority, which
22 shall allocate these funds primarily to community action agencies
23 for administrative and counseling services. Beginning in fiscal
24 year 1990-91, the authority may allocate up to \$10,000 of
25 administrative program funds for each agency with which it
26 contracts under section 1100-N for expenses incurred by the
27 authority under this program.

28 **Sec. 53. 13-B MRSA §202, sub-§1, ¶¶R and S,** as enacted by PL
29 1977, c. 525, §13, are amended to read:

32 R. To reimburse and indemnify litigation expenses of
33 directors, officers and employees, as provided for in
34 section 714; and

36 S. To have and exercise all powers necessary or convenient
37 to effect the purposes for which the corporation is
38 organized, or to further the activities in which the
39 corporation may lawfully be engaged; and

40 **Sec. 54. 13-B MRSA §202, sub-§1, ¶T** is enacted to read:

42 T. To engage in legislative liaison activities, including
43 gathering information regarding legislation, analyzing the
44 effect of legislation, communicating with Legislators and
45 attending and giving testimony at legislative sessions,
46 public hearings or committee hearings, notwithstanding any
47 rule adopted by the Department of Finance.

50 **Sec. 55. 20-A MRSA §7202, sub-§8,** as amended by PL 1983, c.
51 327, §1, is further amended to read:

52

2 8. **Facility construction, renovation and repair.** Seek
3 approval in advance from the commissioner for construction,
4 renovation or repair, with or aided by public funds, of
5 facilities intended for the education of exceptional students; and
6 or give assurances that other facilities in the school
7 administrative unit are adequate to meet the needs of those
8 students; and

9 Sec. 56. 20-A MRS §7202, sub-§9, as enacted by PL 1983, c.
10 327, §2, is amended to read:

11 9. **Securing parental permission.** For the Protection and
12 Advocacy Agency for the Developmentally Disabled in Maine
13 conducting studies pursuant to Title 22, chapter 961:

14 A. Assist the agency in its studies; and

15 B. Facilitate access to relevant case records by:

16 (1) Notifying parents or guardians of the study; and

17 (2) Requesting parental consent for the agency to have
18 access to case records, and

19 Sec. 57. 20-A MRS §7202, sub-§10 is enacted to read:

20 10. Department of Human Services; authority to request
21 convening of pupil evaluation team meeting. Notify in writing
22 the individual designated by the Department of Human Services
23 that the Department of Human Services has the authority to
24 request the school administrative unit to convene a pupil
25 evaluation team meeting and to attend and participate in any
26 pupil evaluation team meetings concerning an exceptional student
27 who is a state ward. The written notice must indicate the time
28 and place of the pupil evaluation team meeting and a copy of the
29 notice must be placed in the exceptional student's permanent
30 record.

31 Sec. 58. 20-A MRS §7207-A, as enacted by PL 1985, c. 318,
32 §3, is repealed and the following enacted in its place:

33 §7207-A. Surrogate parents

34 1. Rules. The commissioner shall adopt rules to determine
35 when a surrogate parent is needed and the criteria for selection
36 of a surrogate parent.

37 2. Objection to appointments. When an exceptional student
38 is a state ward and the Department of Human Services has notified
39 the school administrative unit and the Department of Educational
40 and Cultural Services that the Department of Human Services
41 objects to the appointment of the foster parent as the surrogate
42

2 parent, the foster parent may not be automatically appointed to
3 serve as surrogate parent for the exceptional student. When an
4 exceptional student is a state ward and the Department of Human
5 Services objects to the appointment of the foster parent as the
6 surrogate parent, the Department of Human Services shall
7 recommend to the Department of Educational and Cultural Services
8 an individual to serve as surrogate parent.

9
10 Sec. 59. 22 MRSA c. 254-A, as amended, is repealed.

11
12 Sec. 60. 22 MRSA §4008, sub-§5, as enacted by PL 1985, c. 739,
13 §6, is amended to read:

14 5. Retention of unsubstantiated child protection services
15 records. The Except as provided in this subsection, the
16 department shall retain unsubstantiated child protective services
17 case records for no more than 18 months following a finding of
18 unsubstantiation and then expunge unsubstantiated case records
19 from all departmental files or archives unless a new referral has
20 been received within the 18-month retention period.
21 Unsubstantiated child protective services records of persons who
22 were eligible for Medicaid services under the federal Social
23 Security Act, Title XIX, at the time of the investigation may be
24 retained for up to 5 years for the sole purpose of state and
25 federal audits of the Medicaid program. Unsubstantiated child
26 protective services case records retained for audit purposes
27 pursuant to this subsection must be stored separately from other
28 child protective services records and may not be used for any
29 other purpose.

30
31 Sec. 61. 25 MRSA §2908, as amended by PL 1987, c. 416, §4, is
32 repealed and the following enacted in its place:

33 **§2908. Security officers; powers and duties; cooperation**

34
35 The Commissioner of Public Safety may appoint and employ
36 security officers, subject to the Civil Service Law. The
37 specific duties and powers of security officers appointed and
38 employed are to patrol the public ways and parking areas, as
39 defined by section 2905, to provide security for all parks,
40 grounds, buildings and appurtenances maintained by the State in
41 the capitol area and other state-controlled locations designated
42 by the commissioner, and to enforce the rules promulgated
43 pursuant to sections 2904 to 2907. In addition to specific
44 duties and powers, the security officers are vested with the same
45 duties and powers in the capitol area and other state-controlled
46 locations designated by the commissioner as are sheriffs within
47 the sheriffs' respective counties to investigate, prosecute,
48 serve process on and arrest violators of any law of this State,
49 as limited by rule, policy or procedure that may be adopted by
50 the commissioner. Security officers may issue summons in the
51 course of their duty to enforce this section. The commissioner
52

2 shall provide forms and standard operating procedures to security
3 officers to carry out their functions under this section.

4 The State Police, sheriffs, deputy sheriffs, constables and
5 municipal police officers shall, as far as possible, cooperate
6 with the security officers appointed and employed under this
7 section in the enforcement of rules adopted pursuant to sections
8 2904 to 2907 and any law of this State.

10 **Sec. 62. 32 MRSA §81-A, 2nd ¶**, as enacted by PL 1985, c. 730,
11 §§3 and 16, is amended to read:

12
13 It is the intent of the Legislature to designate that a
14 central agency be responsible for the coordination and
15 integration of all state activities concerning emergency medical
16 services and the overall planning, evaluation, coordination,
17 facilitation and regulation of emergency medical services
18 systems. Further, the Legislature finds that the provision of
19 prompt, efficient and effective emergency medical care, effective
20 communication between prehospital care providers and hospitals
21 and the safe handling and transportation of the sick and injured
22 are key elements of an emergency medical services system. This
23 chapter is intended to promote the public health, safety and
24 welfare by providing for the creation of a statewide emergency
25 medical services system with standards for all providers of
26 emergency medical services.

28 **Sec. 63. 32 MRSA §82, sub-§1**, as amended by PL 1985, c. 730,
29 §§4 and 16, is further amended to read:

30
31 **1. Licenses required.** No An ambulance service, ambulance,
32 first responder service or emergency medical ~~services~~ services
33 person may not operate unless duly licensed by the ~~Board of~~
34 Emergency Medical Services Services' Board pursuant to this
35 chapter, except as stated in subsection 2.

36
37 Failure of an ambulance, ambulance service, ~~or~~ first responder
38 service or emergency medical services person to obtain licensure
39 shall make that individual or organization subject to a fine of
40 not more than \$500 or by imprisonment for not more than 6 months,
41 unless other penalties are specified.

42 **Sec. 64. 32 MRSA §83, sub-§3-A** is enacted to read:

43
44 **3-A. Ambulance attendant.** "Ambulance attendant" means a
45 basic emergency medical services person who has completed the
46 minimum training specified in section 85, subsection 3, and has
47 met the other conditions specified in rules under this chapter
48 for licensure at this level.

50
51 **Sec. 65. 32 MRSA §83, sub-§8**, as amended by PL 1985, c. 730,
52 §§5 and 16, is further amended to read:

2 **8. Basic emergency medical treatment.** "Basic emergency
3 medical treatment" means those portions of emergency medical
4 treatment, as defined by the board, which that may be exercised
5 by licensed emergency medical services' services personnel acting
6 under ~~their own authority~~ the supervision of an appropriate
7 physician and within a system of emergency medical care approved
8 by the board.

10 **Sec. 66.** 32 MRSA §83, sub-§8-A, as enacted by PL 1985, c. 730,
11 §§6 and 16, is repealed and the following enacted in its place:

12 **8-A. Board.** "Board" means the Emergency Medical Services'
13 Board established pursuant to section 88.

14 **Sec. 67.** 32 MRSA §83, sub-§16, as amended by PL 1987, c. 273,
15 §1, is repealed.

16 **Sec. 68.** 32 MRSA §83, sub-§16-A is enacted to read:

17 **16-A. Maine Emergency Medical Services.** "Maine Emergency
18 Medical Services" means the board, the statewide emergency
19 medical services director, and the staff hired by the director.

20 **Sec. 69.** 32 MRSA §83, sub-§17, as enacted by PL 1981, c. 661,
21 §2, is amended to read:

22 **17. Medical control physician.** "Medical control physician"
23 means a physician who supervises advanced emergency medical
24 technicians services persons.

25 **Sec. 70.** 32 MRSA §83, sub-§19, as amended by PL 1985, c. 730,
26 §§8 and 16, is further amended to read:

27 **19. Protocol.** "Protocol" means the written statement,
28 representing a consensus of the medical control physicians of an
29 emergency medical services' services region and filed with the
30 board, specifying the conditions under which some form of
31 emergency medical care is to be given by emergency medical
32 services' services persons.

33 **Sec. 71.** 32 MRSA §85, sub-§3, as amended by PL 1985, c. 730,
34 §§11 and 16, is further amended to read:

35 **3. Minimum requirements for licensing.** In setting rules
36 for the licensure of emergency medical services' services
37 persons, the board shall ~~insure~~ ensure that no a person is not
38 licensed to care for patients unless his that person's
39 qualifications are at least those specified in this subsection.
40 Any person who meets these conditions shall ~~be~~ is considered to
41 have the credentials and skill demonstrations necessary for the
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2 licensed ambulance attendant level of licensure to provide basic
emergency medical treatment.

4 A. The person must have completed successfully the United
6 States Department of Transportation course for first
8 responders, with supplemental training specified in rules
10 adopted by the board pursuant to the Maine Administrative
12 Procedure Act, or completed successfully the American Red
Cross Advanced First Aid and Emergency Care Course, with
supplemental training ~~in-extrication, oxygen-administration~~
and ~~airway-care, patient-evaluation and taking-of-vital~~
14 signs specified in rules adopted by the board pursuant to
16 the Maine Administrative Procedure Act.

18 B. The person must have successfully completed the American
Heart Association basic rescuer course in cardiopulmonary
resuscitation or its American Red Cross equivalent.

20 C. The person must have successfully completed a state
written and practical test for basic emergency medical
treatment.

22 D. The person must be sponsored by a Maine licensed
24 ambulance service or first responder service.

26 The board may set by rule intervals at which these qualifications
must be renewed and appropriate courses and testing for that
28 renewal.

30 For those individuals who are licensed or who relicense as ~~a~~
32 basic emergency medical technician technicians after September 1,
1986, and who are not licensed at the advanced level, the basic
34 emergency medical technician license ~~shall-be~~ is for a 3-year
period. Licensure ~~shall-include~~ includes, but is not be limited
36 to, annual verification, as determined by the board through
rules. In addition, that licensure ~~shall-require~~ requires
38 the successful passage of examinations ~~no~~ not more ~~often~~
than once every 3 years. To maintain a valid license, a basic emergency
40 medical technician shall meet the criteria as set out in this
subsection. If ~~such~~ those criteria are not met, a person ~~shall~~
42 does not hold a valid license and ~~shall~~ must reapply for
licensure.

44 Sec. 72. 32 MRSA §88, sub-§2, ¶E, as enacted by PL 1985, c.
46 730, §§12 and 16, is amended to read:

48 E. The board shall keep records and minutes of its
activities and meetings. These records and minutes ~~shall~~
49 must be made easily accessible to the public and ~~shall~~ be
provided expeditiously upon request. The board shall
50 distribute to all licensed emergency medical services
52 persons a publication listing training and testing

2 opportunities, meeting schedules of the board and regional
4 councils, proposed rule changes and other information judged
6 by the board to have merit in improving emergency medical
8 patient care in the State. The board shall create, print
10 and distribute this publication in the most cost-efficient
12 manner possible. Any paid advertising utilized to
accomplish this purpose may not be solicited by board
members or staff and must be included in such a way that
endorsement of a product or service by the board can not
reasonably be inferred. The board may prepare, publish and
disseminate educational and other materials to improve
emergency medical patient care.

14 **Sec. 73. 32 MRSA §88, sub-§2, ¶H,** as enacted by PL 1985, c.
16 730, §§12 and 16, is amended to read:

18 H. The board may enter into ~~contract~~ contracts, subject to
20 provisions of state law, and delegate this authority to the
22 executive director. The board may also delegate, through
24 rules, to the Office of Emergency Medical Services or the
26 commissioner any provision necessary to carry out this
28 chapter, including the process of hearings. The office and
30 department staff shall must have access to all information
necessary to carry out their responsibilities. Funds
appropriated or allocated to the board to be contracted with
the regional councils shall may be disbursed on a
sole-source contract basis, according to guidelines
established by the board. Funds shall must be expended in
accordance with standard state contract or grant procedures
and guidelines where appropriate.

32 **Sec. 74. 32 MRSA §89, subsection 2, ¶B,** as enacted by PL 1981,
34 c. 661, §2, is amended to read:

36 B. The appointment, subject to approval by the board, of a
38 regional medical director, who shall must be a licensed
40 physician and shall serve as an agent of Maine Emergency
42 Medical Services. The regional medical director may
delegate in writing to other licensed physicians, who shall
similarly serve as agents of Maine Emergency Medical
Services, the responsibilities of this position;

44 **Sec. 75. 32 MRSA §220-A, 2nd ¶,** as enacted by PL 1987, c. 395,
Pt. A, §116, is amended to read:

46 Any person who ~~is practicing the profession of landscape~~
48 architecture, ~~but is not licensed with the board prior to the~~
effective ~~date of this section,~~ shall ~~comply with the~~
50 requirements of section 220 by provides reasonable proof to the
board that the person was practicing landscape architecture

2 prior to January 1, 1990, must be licensed by the board as a
3 landscape architect.

4 Sec. 76. 36 MRSA §305, sub-§1, as amended by PL 1989, c. 508,
5 §8, is further amended to read:

6
7 1. Just value. Certify to the Secretary of State before
8 the first day of February the equalized just value of all real
9 and personal property in each municipality and unorganized place
10 which that is subject to taxation under the laws of this State,
11 except that percentage of captured assessed value located within
12 a tax increment financing district that is used to finance that
13 district's development plan. Such equalized just value shall must
14 be uniformly assessed in each municipality and unorganized place
15 and shall be based on 100% of the current market value. It shall
16 must separately show for each municipality and unorganized place
17 the actual or estimated value of all real estate which that is
18 exempt from property taxation by law or is the captured value
19 within a tax increment financing district that is used to finance
20 that district's development plan, as reported on the municipal
21 valuation return filed pursuant to section 383. The valuation as
22 filed shall-remain remains in effect until the next valuation is
23 filed and shall--be is the basis for the computation and
24 apportionment of the state and county taxes;

25 Sec. 77. 36 MRSA §383, as amended by PL 1987, c. 772, §9, is
26 further amended to read:

27 **§383. Assessors' annual return to State Tax Assessor**

28
29 The municipal assessors and the assessors of primary
30 assessing areas shall make and return on blank lists, which shall
31 be seasonably furnished by the State Tax Assessor for that
32 purpose, all such information as to the assessment of property
33 and collection of taxes as may be needed in the work of the State
34 Tax Assessor, including annually, the land value, exclusive of
35 buildings and all other improvements, and the valuation of each
36 and every class of property assessed in their respective
37 jurisdiction, with the total valuation and percentage of
38 taxation, together with a statement to the best of their
39 knowledge and belief of the ratio, or percentage of current just
40 value, upon which the assessment is based, and itemized lists of
41 property upon which the town has voted to affix a value for
42 taxation purposes. The State Tax Assessor may establish
43 procedures and promulgate rules, in accordance with the Maine
44 Administrative Procedure Act, designed to ensure the accuracy,
45 within a reasonable range, of the ratio certified by the
46 municipal assessors or assessors of primary assessing areas.
47 These completed lists shall must be returned to the State Tax
48 Assessor no later than November 1st, annually, or 30 days after
49 commitment, whichever is later.
50
51
52

2 Sec. 78. 36 MRSA §578, sub-§1, as amended by PL 1987, c. 876,
§3, is further amended to read:

4 1. **Organized areas.** The municipal assessors or chief
6 assessor of a primary assessing area shall adjust the State Tax
8 Assessor's 100% valuation per acre for each forest type of their
10 county by whatever ratio, or percentage of current just value, is
12 then being applied to other property within the municipality to
14 obtain the assessed values. Forest land in the organized areas,
16 subject to taxation under this subchapter, shall must be taxed as
18 at the property tax rate applicable to other property in the
20 municipality, which rate shall ~~be~~ is applied to the assessed
22 values so determined.

24 The State Tax Assessor ~~is authorized to make provisional payment~~
26 ~~of up to 75% of~~ shall pay any municipal claim found to be in
28 satisfactory form. ~~The payment shall be made~~ within 90 days
30 after receipt of a ~~satisfactory~~ the claim ~~and shall be presented~~
32 ~~for final settlement to the Legislature next convening.~~ If the
34 sum of all approved claims exceeds funds appropriated for
36 reimbursement under this subchapter, payments must be prorated so
38 that each eligible municipality receives the same percentage of
40 its approved reimbursement.

42 In tax years beginning on or after April 1, 1988, the State Tax
44 Assessor shall determine annually the amount of acreage in each
46 municipality which that is classified and taxed in accordance
48 with this subchapter. A municipality actually levying and
50 collecting municipal property taxes and within whose boundaries
52 this acreage lies shall ~~receive~~ is entitled to annual payments
from money so appropriated by the Legislature provided it submits
an annual return in accordance with section 383, and it achieves
the appropriate minimum assessment ratio described in section
327. For the property tax year based on the status of property
on April 1, 1988, the per acre reimbursement amount shall
increase increases from 15¢ to 24¢. For property tax years based
on the status of property on April 1, 1989, or thereafter, the
per acre reimbursement shall ~~be~~ is 90% of the per acre tax
revenue lost as a result of this subchapter. For purposes of
this section, the tax lost is the tax that would have been
assessed, but for this subchapter, on the classified forest lands
if they were assessed according to the undeveloped acreage
valuations used in the state valuation then in effect, or
according to the current local valuation on undeveloped acreage,
whichever is less, minus the tax that was actually assessed on
the same lands in accordance with this subchapter.

48 No municipality may receive a reimbursement payment under this
50 section which that would exceed an amount determined by
52 calculating the tree growth tax loss less the municipal savings
in educational costs attributable to reduced state valuation.

2 A. The tree growth tax loss is the adjusted tax that would
3 have been assessed, but for this subchapter, on the
4 classified forest lands if they were assessed according to
5 the undeveloped acreage valuations used in the state
6 valuation then in effect minus the tax that was actually
7 assessed on the same lands in accordance with this
8 subchapter.

9
10 In determining the adjusted tax that would have been
11 assessed, the tax rate to be used is computed by adding the
12 additional school support required by the modified state
13 valuation attributable to the increased valuation of forest
14 land to the original tax committed and dividing this sum by
15 the modified total municipal valuation. The adjusted tax
16 rate is then applied to the valuation of forest land based
17 on the undeveloped acreage valuations, adjusted by the
18 certified ratio, to determine the adjusted tax.

19
20 B. The municipal savings in educational costs is determined
21 by multiplying the school subsidy index by the change in
22 state valuation attributable to the use of the valuations
23 determined in accordance with this subchapter on classified
24 forest lands rather than their valuation using the
25 undeveloped acreage valuations used in the state valuation
26 then in effect.

27
28 **Sec. 79. 36 MRSA §1281**, as amended by PL 1987, c. 667, §23,
29 is further amended to read:

30 **§1281. Payment of taxes; delinquent taxes; publication;**
31 **certificate filed in registry**

32
33 Taxes on real estate mentioned in section 1602, including
34 supplementary taxes assessed under section 1331, ~~shall be~~ are
35 delinquent on the first day of February 15th day of January next
36 following the date of assessment. Annually, on or before
37 February 20th 1st, the State Tax Assessor shall send by mail to
38 the last known address of each owner of such real estate upon
39 which taxes remain unpaid a notice in writing, containing a
40 description of the real estate assessed, and the amount of unpaid
41 taxes and interest, and alleging that a lien is claimed on that
42 real estate for payment of those taxes, interests and costs, with
43 a demand that payment be made by the next ~~March 1st~~ February
44 21st. ~~In case~~ If the owners of any such real estate are unknown,
45 instead of sending the notices by mail, ~~he~~ the assessor shall
46 cause the information required in this section on ~~such~~ that real
47 estate to be advertised in the state paper and in ~~some~~ a
48 newspaper, if any, of general circulation in the county in which
49 the real estate lies. Such a statement or advertisement ~~shall be~~
50 is sufficient legal notice of delinquent taxes. If those taxes
51 and interest to date of payment and costs are not paid by ~~March~~
52 1st February 21st, the State Tax Assessor shall record by March

2 15th, in the registry of deeds of the county or registry district
4 where the real estate lies, a certificate signed by him the
6 assessor, setting forth the name or names of the owners according
8 to the last state valuation, or the valuation established in
10 accordance with section 1331; the description of the real estate
12 assessed as contained in the last state valuation, or the
valuation established in accordance with section 1331; the amount
of unpaid taxes and interest; the amount of costs; and a
statement that demand for payment of those taxes has been made,
and that those taxes, interest and costs remain unpaid. The
costs ~~to be~~ charged by the register of deeds for such the filing
shall may not exceed \$5.

14 **Sec. 80. 36 MRSA §1608, first ¶**, as amended by PL 1985, c. 603,
16 §8, is further amended to read:

18 The fiscal administrator of the unorganized territory shall,
20 by ~~December~~ March 1st annually, publish a financial report of the
status of the Unorganized Territory Education and Services Fund
subject to the following provisions.

22 **Sec. 81. 36 MRSA §1609**, as enacted by PL 1983, c. 508, §2, is
24 amended to read:

26 **§1609. Audit of municipal cost component and the Unorganized
Territory Education and Services Fund**

28 The Unorganized Territory Education and Services Fund and
30 each account of the municipal cost component shall must be
audited annually ~~by the Department of Audit~~. The audit shall must
32 cover the last entire fiscal year and be completed no later than
~~90 days after~~ February 1st following the end of each fiscal year.
34 The expenses of these auditing services shall ~~be~~ are part of the
municipal cost component and shall ~~be~~ are paid out of the
36 Unorganized Territory Education and Services Fund. The audit
shall must be performed in accordance with generally accepted
38 auditing standards and procedures pertaining to governmental
accounting and shall must include a management letter covering
40 the audit of the operational aspects of the fund, as well as
suggestions ~~which that~~ the auditor may deem determines advisable
for the proper administration of the fund. The auditor shall
42 produce the audit report on the forms required by the accounting
system established by the Department of Audit in Title 5, section
44 243.

46 The audit shall must include an accounting of receipts,
48 expenditures, disbursements, allocations, apportionments and
methods for calculating requests for transfers from the fund
50 covering each account of the municipal cost component and the
Unorganized Territory Education and Services Fund. The audit
52 shall must also include a review of the accounting procedure used
by agencies or governmental entities receiving transfers from the

2 fund to determine whether the expenditures and transfers from the
fund have been used in compliance with laws of this State.

4 **Sec. 82. Maine Veterans' Small Business Loan Board; transition.**
6 Any member serving an unexpired term on the Maine Veterans' Small
Business Loan Board or as a veterans' loan board representative
8 member of the Finance Authority of Maine on the effective date of
this Act shall continue to serve until that term expires.

10 **Sec. 83. Appropriation.** The following funds are appropriated
12 from the General Fund to carry out the purposes of this Act.

1990-91

14 **ADMINISTRATION,**
16 **DEPARTMENT OF**
18 **Office of Information Services**

20	Positions	(2)
	Personal Services	\$89,350
22	All Other	(89,350)

24 Transfers funds from the All Other line item
26 category to the Personal Services line item
category to fund 2 direct service planning
28 positions in the Office of Information
Services.

30 **DEPARTMENT OF ADMINISTRATION**
32 **TOTAL** -----
-\$0-

34 **Sec. 84. Allocation.** The following funds are allocated from
Office of Information Services funds to carry out the purposes of
36 this Act.

1990-91

38 **ADMINISTRATION,**
40 **DEPARTMENT OF**
42 **Office of Information Services**

44	Positions	(-19)
	Personal Services	(\$527,825)
46	All Other	(13,222)

48 Deallocates funds to implement
50 reorganization of the Office of Information
Services.

2 DEPARTMENT OF ADMINISTRATION
TOTAL (\$541,047)

4
6 Sec. 85. Allocation. The following funds are allocated from
the Insurance Reserve Fund to carry out the purposes of this Act.

8 1990-91

10 ADMINISTRATION, DEPARTMENT OF

12 Risk Management Division

14	Positions	(1)
	Personal Services	\$19,448
16	All Other	1,500
	Capital Expenditures	1,352

18
20 Authorizes position of Assistant Risk
Assessor.

22 DEPARTMENT OF ADMINISTRATION
TOTAL \$22,300

24
26 Emergency clause. In view of the emergency cited in the
preamble, this Act takes effect on July 1, 1990, unless otherwise
indicated.

28

30 FISCAL NOTE

32 Section 17 of this bill will result in a savings to the
General Fund of approximately \$20,000.

34

36 Section 23 will result in an undetermined future savings to
the General Fund and other funding sources.

38 Section 57 will result in some future insignificant costs to
school administrative units.

40

42 Sections 83, 84 and 85 will not result in any additional
cost to the General Fund.

44

46 STATEMENT OF FACT

48 Section 1 of this bill clarifies that records, working
papers and memoranda used not only by a Legislator, legislative
agency or legislative employee, but also by any legislative
committee in the preparation of legislation, need not be
50 considered a public record.

2 Sections 2 to 9 repeal recent changes to the former sunset
law. The content of these changes is reflected in the newly
4 enacted sunset law.

6 Sections 10 to 14 adjust the statutory justification
schedule and termination dates for certain state agencies,
8 reflect the new name of the Governor's Committee on Employment of
People with Disabilities and add the Maine Waste Management
10 Agency to the list of agencies to be reviewed in 1998.

12 Section 15 deletes the provision requiring the State Auditor
to duplicate record-keeping procedures already performed by the
14 Treasurer of State for old bonds.

16 Section 16 clarifies legislative intent and statutory
contradictions by making each reference in the law to the State
18 Auditor's 4-year term of office consistent.

20 Section 17 establishes that municipalities must pay for the
State Auditor's services on a pro rata basis. These funds must
22 be used to offset the General Fund costs of the State Auditor.

24 Sections 18, 80 and 81 postpone the dates by which the
annual audit and financial report of the Unorganized Territory
26 Education and Services Fund must be published and allow the
Department of Audit to contract for the independent performance
28 of the audit.

30 Section 19 corrects a statutory reference to the State
Employee Assistance Program.
32

34 Section 20 establishes that all state agencies that have
employees who are eligible for participation in the state
employee health insurance program shall pay the per employee fee
36 to fund the Bureau of State Employee Health starting on July 1,
1991.
38

40 Section 21 reestablishes the statutory mandate for the State
Employee Assistance Program that was repealed by another section
of this bill.
42

44 Section 22 establishes that the risk management reserve fund
be used to cover administrative expense necessary to administer
the fund.
46

48 Section 23 changes the limit on deductibles from the risk
management reserve fund from \$1,000,000 to 25% of the fund
balance.
50

52 Section 24 amends current law to provide the Risk Management
Division with needed flexibility in the computation of premiums
charged to state agencies.

2 Section 25 repeals an outdated provision in risk management
laws that prohibits payments for claims costing less than \$250.

4
6 Section 26 provides a definition of "semiautonomous state
agency" for the Maine Revised Statutes, Title 5, chapter 158.

8 Section 27 takes the position of Assistant to the Deputy
Commissioner of the Office of Information Services out of the
10 unclassified service.

12 Sections 28 to 34 make several changes. Section 29
establishes that the Information Services Policy Board shall
14 approve all telecommunications rates charged by the Office of
Information Services to State Government. Section 30 broadens
16 the training and development responsibilities of the Office of
Information Services. Sections 28, 31 and 32 mandate that the
18 Deputy Commissioner of the Office of Information Services develop
and administer written standards for data processing and
20 telecommunications subject to the approval of the Information
Services Policy Board. Section 33 establishes that the deputy
22 commissioner shall work with the board and state agencies to
develop a strategic and departmental planning process. Section
24 34 requires that the deputy commissioner include a complete
compilation of written standards, approved by the board, in the
26 required annual report to the Legislature.

28 Section 35 deletes unnecessary planning requirements as a
criterion for defining noncompliance in certain data processing
30 functions.

32 Section 36 establishes that a member of the Information
Services Policy Board may appoint only one person as a designee.

34
36 Section 37 names the Secretary of State as a member of the
board.

38 Section 38 mandates that the chair of the board is the
member appointed by the Governor from the office of the
40 Governor. This section also establishes that the board shall
meet at least 4 times a year or whenever convened by the chair.

42
44 Sections 39 to 43 make a number of changes. Section 39
establishes that the Information Services Policy Board shall
approve all written standards for data processing and
46 telecommunications. Section 40 deletes an outdated mandate that
the board examine and report on the need to further centralize
48 data processing equipment and personnel. Section 41 establishes
that the board shall work with the Deputy Commissioner of the
50 Office of Information Services to develop a strategic and

2 departmental planning process and clarifies that the board has
3 authority to set policy and rates for telecommunication services
4 provided by the Office of Information Services to State
5 Government. Sections 42 and 43 repeal unnecessary and largely
6 duplicative requirements that the board establish information and
7 data exchange procedures.

8 Section 44 establishes that semiautonomous state agencies
9 shall have information systems compatible to those approved by
10 the board. Section 44 also establishes that the Legislature and
11 Judiciary are not subject to the authorities delegated to the
12 Information Services Policy Board.

13 Section 45 clarifies that semiautonomous state agencies are
14 subject to the established appeals process for information
15 service decisions.

16 Section 46 adds 2 reporting requirements for the
17 Commissioner of Economic and Community Development. These 2
18 requirements were included in a specific reporting mandate for
19 the Information Services Policy Board. This particular reporting
20 mandate is repealed by sections 42 and 43 of this bill.
21

22 Section 47 amends the definition of "veteran" for the
23 purposes of the state veterans' small business loan program to
24 expand eligibility to those veterans who participated in
25 conflicts such as Grenada, Lebanon, and the Persian Gulf. The
26 amended definition is consistent with that used by the Department
27 of Defense and Veterans' Services, Bureau of Veterans' Services
28 to determine eligibility for other programs and services.
29

30 Section 48 repeals and replaces the statute establishing the
31 Maine Veterans' Small Business Loan Board. The new section
32 reduces the membership of the board from 9 to 7 members; requires
33 that members be selected from nominations provided by the Maine
34 Veterans' Coordinating Committee; requires that each coordinating
35 committee member organization be represented on the board; grants
36 the coordinating committee the authority to recommend removal of
37 board members to the Governor for cause; and establishes that 3
38 members constitute a quorum. The section also expands the
39 responsibilities of the board, including loan approval authority
40 of loans up to \$75,000 that require a 100% guarantee by the
41 Finance Authority of Maine, and reduces the responsibilities of
42 the authority.
43

44 Section 49 authorizes the Finance Authority of Maine to
45 insure 100% of a small business loan of up to \$75,000 to an
46 eligible veteran.
47

48 Section 50 repeals the state industrial stability program.
49

2 Section 51 amends the job-start program to require a
participating community action agency to accept an application
4 from an eligible participant who lives outside of the region
normally served by the community action agency, if the applicant
6 lives in a region not served by another participating agency.
Section 51 also reduces the administrative costs that must be
8 provided by community action agencies from 50% to not more than
30%, and corrects inaccurate language.

10 Section 52 allows the Finance Authority of Maine to expend
job-start program administrative funds for expenses of the
12 authority under this program and amends inaccurate and obsolete
language.

14 Sections 53 and 54 clarify that nonprofit entities in Maine
16 may engage in legislative liaison activities and make technical
changes.

18 Sections 55 to 57 establish the authority of the Department
20 of Human Services to request the convening of a pupil evaluation
team meeting and make technical corrections.

22 Section 58 provides that the automatic appointment of the
24 foster parent as the surrogate parent to a state ward will not
occur over the objection of the Department of Human Services.

26 Section 59 repeals the authorizing statutes for the State
28 Employee Assistance Program. This mandate is transferred to
Title 5 in section 21 of this bill.

30 Section 60 provides that unsubstantiated child protective
32 services records of persons who are eligible for Medicaid
services be retained for up to 5 years in a separate location
34 solely for the purpose of meeting state and federal auditing
requirements for the Medicaid program.

36 Section 61 clarifies the duties of capitol security officers
38 to patrol public ways and parking areas and provide security for
all parks, grounds, buildings, and appurtenances maintained by
40 the State, not only in the capitol area but also in other
state-controlled locations designated by the Commissioner of
42 Public Safety. The authority of capitol security officers to
employ the power of sheriffs to investigate, prosecute, serve
44 process on, and arrest violators of any law of this State is
limited by the rules, policies or procedures that may be adopted
46 by the Commissioner of Public Safety. Finally, the language
clarifies that security officers may issue summons in the course
48 of their duty to enforce the provisions of this section.

50 Section 62 clarifies the function of the state emergency
52 medical services system.

2 Section 63 corrects an unintentional omission regarding
licensure of emergency medical services personnel.

4 Sections 64 to 70 amend the definition section of the Maine
Emergency Medical Services Act of 1982 by defining ambulance
6 attendant and "Maine Emergency Medical Services," changing the
definition of the Emergency Medical Services' Board and
8 clarifying that only those physicians involved in the management
of emergency medical services are authorized to develop a
10 protocol for the conditions under which emergency medical care is
provided.

12 Section 71 removes out-of-date training requirements and
14 enables the Emergency Medical Services' Board to promulgate
appropriate training rules for entry-level emergency medical
16 services persons.

18 Section 72 requires the Emergency Medical Services' Board to
prepare and distribute a newsletter to all licensed emergency
20 medical services persons.

22 Section 73 allows the Emergency Medical Services' Board to
contract directly with a regional council to carry out its
24 mandate.

26 Section 74 establishes the relationship between the Maine
Emergency Medical Services and the regional medical directors and
28 their delegates.

30 Section 75 amends the grandfathering provision for landscape
architects licensed by the Maine State Board for Licensure of
32 Architects and Landscape Architects to allow individuals who were
practicing landscape architecture prior to January 1, 1990, to be
34 licensed by the board.

36 Section 76 clarifies the amount of captured assessed value
in a tax increment financing district that may be excluded from a
38 municipality's state valuation.

40 Section 77 authorizes the State Tax Assessor to establish
rules and procedures designed to encourage the accurate reporting
42 of a municipality's certified ratio.

44 Section 78 requires the State Tax Assessor to pay
municipalities' claims for tree growth reimbursement in one lump
46 sum, provided that the municipality has submitted a satisfactory
claim and is in compliance with statutory requirements.

48

2 Sections 79 to 81 amend the dates in the tax lien procedure
for the unorganized territory in order to provide additional time
for notification and remittance.

4
6 Section 82 provides transition provisions for the Maine
Veterans' Small Business Loan Board.

8 Section 83 authorizes 2 new positions in the Office of
Information Services by transferring existing appropriations from
10 All Other to Personal Services at no additional cost to the
General Fund.

12
14 Section 84 deallocates unnecessary positions and funding
from the Office of Information Services.

16 Section 85 authorizes an additional position for the
Department of Administration, Risk Management Division, with
18 funds to be allocated from the Insurance Reserve Fund.