

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1041

H.P. 737

House of Representatives, March 12, 1991

Submitted by the Department of Administration pursuant to Joint Rule 24.
Received by the Clerk of the House on March 8, 1991. Referred to the Committee on State and Local Government and 1400 ordered printed pursuant to Joint Rule 14.

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

EDWIN H. PERT, Clerk

Presented by Representative FOSS of Yarmouth.
Cosponsored by Representative BAILEY of Farmington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Laws Governing the Office of Information
Services and the Information Services Policy Board.



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

2
4 **Sec. 1. 5 MRSA §1885, sub-§1**, as amended by PL 1989, c. 857,
§25, is further amended to read:

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

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

18 **Sec. 2. 5 MRSA §1892, first ¶**, as amended by PL 1989, c. 857,
20 §34, is further amended to read:

22 The board consists of ~~15~~ 17 voting members and 2 advisory
members appointed as provided in this section. For the purpose
24 of this section, the word "designee" means a person in a major
policy-influencing position as defined in chapter 71. When
26 appointing a designee, a board member shall select one person to
be the sole designee representing the particular agency.

28 **Sec. 3. 5 MRSA §1892, sub-§1, ¶¶G and H**, as repealed and
30 replaced by PL 1989, c. 857, §35, are amended to read:

32 G. One member appointed by the Governor from the ~~Office of~~
the Governor Executive Department;

34 H. ~~Two~~ One member appointed by the Governor representing a
36 criminal justice agency of State Government, one member
appointed by the Governor representing a natural resource
38 agency of State Government, and 2 members appointed by the
Governor representing the remaining state agencies of State
40 Government;

42 **Sec. 4. 5 MRSA §1892, sub-§5**, as amended by PL 1989, c. 857,
§36, is further amended to read:

44 **5. Chair.** The chair of the board is ~~the member~~ appointed
46 by the Governor from the ~~office of the Governor~~ membership of the
board.

48 **Sec. 5. 5 MRSA §1893, sub-§5**, as amended by PL 1989, c. 857,
50 §39, is further amended to read:

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

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

4 B. The schedule of charges for services rendered by the
6 Office of Information Services through its internal services
8 fund accounts; and

10 C. Any schedule of fees and charges for services rendered
12 by other state agencies in accordance with the board's
14 policies regarding public access to information.

14 **Sec. 6. 5 MRSA §1896, sub-§§1 and 2, as enacted by PL 1985, c.**
16 **785, Pt. A, §78, are amended to read:**

16 1. **Appeal.** A state agency may appeal the decision or
18 action of the deputy commissioner or Office of ~~Informational~~
Information Services to:

- 20 A. ~~The Information Services Policy Board-and-then-to,~~
- 22 B. ~~The-commissioner.~~

24 2. **Appeal to the Governor.** In the event that an agency is
26 aggrieved by the decision of the ~~commissioner~~ Information
28 Services Policy Board, the agency may appeal to the Governor to
alter the decision or action and the decision of the Governor
shall ~~be~~ is final.

30

32 **STATEMENT OF FACT**

34 This bill accomplishes the following:

- 36 1. It makes the appointment of the Director of Data
38 Processing subject to the provisions of the Civil Service Law;
- 40 2. It increases the membership of the Information Services
42 Policy Board by adding representatives from a state criminal
justice agency and a state natural resource agency;
- 44 3. It provides that the Governor appoints the chair of the
board; and
- 46 4. It removes the Commissioner of Administration from the
appeals process.