

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1767

S.P. 669

In Senate, May 1, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President PRAY of Penobscot

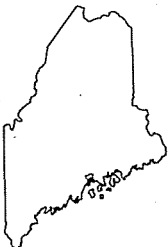
STATE OF MAINE

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

**An Act to Modify the Language Governing the Special Commission on
Governmental Restructuring.**

(AFTER DEADLINE)

(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 language creating the Special Commission on
Governmental Restructuring, as established in the Maine Revised
Statutes, Title 5, section 12004-J, may be ambiguous; and

8
10 Whereas, the reporting deadline for the Special Commission
on Governmental Restructuring may not be possible to meet; and

12 Whereas, the Special Commission on Governmental
Restructuring is called to make recommendations to the First
14 Regular Session of the 115th Legislature; and

16 Whereas, there is a need for immediate action to assess the
nature and scope of government and to develop recommendations to
18 address the current fiscal shortfall; and

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

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

28 **Sec. 1.** 5 MRSA §12004-J, sub-§9, as enacted by PL 1991, c. 9,
Pt. S, §1, is repealed.

30 **Sec. 2.** 5 MRSA c. 405, as enacted by PL 1991, c. 9, Pt. S, §2,
32 is repealed.

34 **Sec. 3.** PL 1991, c. 9, Pt. S, §§3 to 5 are repealed.

36 **Sec. 4. Special Commission on Governmental Restructuring**
established. The Special Commission on Governmental Restructuring
38 is established as an independent commission that shall advise,
consult and assist the executive and legislative branches of
40 State Government with designing a plan for the restructuring of
government. The commission shall develop and present to the
42 Governor and the Legislature by December 15, 1991 a final plan to
maximize citizen participation in public policy making, to use
44 public resources more effectively and to consolidate and
restructure State Government in such a way that efficiency is
46 assured and cost savings result.

48 It is the intent of the Legislature that the plan include a
proposal to obtain this objective by consolidating, restructuring
50 and streamlining existing advisory groups that provide advice and
input to government. It is also the intent of the Legislature

2 that the plan include a special focus on those programs and
services of government related to the provision of human services.

4 1. The commission consists of no more than 22 members. The
Governor shall appoint 10 members. The President of the Senate
6 and the Speaker of the House of Representatives shall jointly
appoint 10 members. The Governor, the President of the Senate
8 and the Speaker of the House of Representative shall together
choose 2 additional members to serve as cochair of the
10 commission. No member of the commission may be an official,
employee, consultant or any other individual employed or retained
12 by the executive branch or a current member of the Legislature.
Members must be appointed within 48 hours of the effective date
14 of this Act.

16 2. The following resources are available to the commission.

18 A. Any balances of funds appropriated to the commission
remaining at the end of a fiscal year do not lapse but are
20 carried forward from year to year to be expended for the
same purposes.

22 B. In addition to funds appropriated for the purposes of
24 this Act and funds otherwise available, the State Planning
Office and the Office of the Executive Director of the
26 Legislative Council shall, to the extent possible, jointly
provide staff and administrative assistance to support the
28 activities of the commission. The State Planning Office
shall provide this assistance within its existing budgeted
30 resources.

32 3. It is the intent of the Legislature to consolidate,
restructure and realign functions of the departments of
34 government, including, but not limited to, the Department of
Human Services, including the Office of Alcohol and Drug Abuse
36 Prevention; the Department of Mental Health and Mental
Retardation; the Executive Department, Office of Substance Abuse;
38 the Department of Education; the Department of Labor and the
Executive Department, Division of Community Services. It is
40 further the intent of the Legislature to streamline
administration and services through functional integration of
42 similar operations. It is further the intent of the Legislature
to create unified and functionally integrated operating agencies
44 to coordinate and consolidate the effective delivery of services
to those populations.

46 4. In conducting their study, the commission shall review
48 all other studies that have been conducted in the past 5 years
that have examined the restructuring or reorganization of State
50 Government.

2 5. The Special Commission on Governmental Restructuring
3 shall submit interim reports by June 1, 1991 and September 15,
4 1991 and a final report by December 15, 1991. The commission's
5 reports and final plan for the restructuring of government must
6 be submitted to the Joint Standing Committee on State and Local
7 Government and the Joint Standing Committee on Appropriations and
8 Financial Affairs.

9 **Sec. 5. Appropriation.** The following funds are appropriated
10 from the General Fund to carry out the purposes of this Act.

11 **1990-91**

12 **MENTAL HEALTH AND MENTAL RETARDATION,**
13 **DEPARTMENT OF**

14 **Special Commission on Governmental**
15 **Restructuring**

16 All Other (\$25,000)

17 Deappropriates funds for the staffing of the
18 Special Commission on Governmental
19 Restructuring.

20 **DEPARTMENT OF MENTAL HEALTH AND MENTAL**
21 **RETARDATION**

22 **TOTAL** (\$25,000)

23 **OFFICE OF THE EXECUTIVE DIRECTOR OF THE**
24 **LEGISLATIVE COUNCIL**

25 **Special Commission on Governmental**
26 **Restructuring**

27 All Other \$25,000

28 Provides funding for the staffing of the
29 Special Commission on Governmental
30 Restructuring.

31 **OFFICE OF THE EXECUTIVE DIRECTOR OF THE**
32 **LEGISLATIVE COUNCIL**

33 **TOTAL** \$25,000

34 **Emergency clause.** In view of the emergency cited in the
35 preamble, this Act takes effect when approved.

STATEMENT OF FACT

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4 This bill repeals the language that established the Special
Commission on Governmental Restructuring. The commission is
6 reestablished in the bill as an independent commission. Under
the bill, the commission has more realistic deadlines for interim
and final reports.

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