

MAINE STATE LEGISLATURE

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90K
R. of S.

L.D. 2330

(Filing No. S-725)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 910, L.D. 2330, Bill, "An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring"

Amend the bill in Part A in section 1 in subsection 10 in the 3rd line from the end (page 1, line 23 in L.D.) by striking out the following: "at" and inserting in its place the following: 'after'

Further amend the bill in Part A in section 2 in subsection 1 in the 3rd line (page 1, line 46 in L.D.) by inserting after the following: "allocations," the following: 'fees.'

Further amend the bill in Part A in section 2 in subsection 3 by striking out the last sentence.

Further amend the bill in Part A by striking out all of section 4.

Further amend the bill in Part A in section 5 by striking out all of that part designated "~~§1666-A.~~" and inserting in its place the following:

'§1666-A. Strategic planning

The Governor or Governor-elect, with the assistance of the Bureau of the Budget, shall develop state budgets from strategic plans developed by the departments with advice from the State Planning Office in accordance with Title 5, section 3304, subsection 3, paragraph F that establish expected outcomes and measurable performance objectives and that set program priorities.'

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2 Further amend the bill in Part A by striking out all of
section 6.

4 Further amend the bill in Part A in section 9 in paragraph O
6 in the first line (page 5, line 35 in L.D.) by inserting after
the following: "Governor" the following: 'and the Bureau of the
8 Budget'

10 Further amend the bill in Part A by striking out all of
sections 10 to 12 and inserting in their place the following:

12 **'Sec. A-10. Effective date; capital and operating budgets.** All
14 requirements in this Part regarding the division of budget bills
into operating and capital budgets are effective for the biennium
16 beginning with fiscal year 1995-96 contingent upon the
appropriation of funds for implementation.

18 **Sec. A-11. Effective date; actual figures.** The provisions in the
20 Maine Revised Statutes, Title 5, section 1665, subsection 1
regarding the use of actual figures for the 12-month period
22 immediately prior to the submission date for the budget are
effective for the biennium beginning with fiscal year 1995-96
24 contingent upon the appropriation of funds for implementation.'

26 Further amend the bill in Part B by striking out all of
sections 3 and 4 and inserting in their place the following:

28 **'Sec. B-3. 3 MRSA c. 33, first 2 lines** are repealed and the
30 following enacted in their place:

32 CHAPTER 33
34 AUDIT AND MANAGEMENT REVIEW OF
STATE GOVERNMENT PROGRAMS

36 **Sec. B-4. 3 MRSA §§921 and 922,** as enacted by PL 1989, c.
483, Pt. A, §4, are amended to read:

38 **§921. Short title**

40 This chapter shall--be is known and may be cited as the
42 "Maine-Sunset Audit and Management Review Act."

44 **§922. Scope**

46 This Act provides for a system of periodic justification
management and program reviews of agencies and independent
48 agencies of State Government in order to evaluate their effieeay
impact and performance. Only those agencies, independent
50 agencies or parts thereof-which of agencies that receive support

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from the General Fund or that are established, created or incorporated by reference in the Maine Revised Statutes are subject to the provisions of this chapter. The ~~financial management and programmatic review~~ reviews include, but are not be limited to, a ~~review~~ reviews of agency management and organization, program delivery, statutory mandate, and fiscal accountability and impact.

Sec. B-5. 3 MRSA §923, as enacted by PL 1989, c. 483, Pt. A, §4, is amended by adding a new first paragraph to read:

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

Sec. B-6. 3 MRSA §923, sub-§2, as enacted by PL 1989, c. 483, Pt. A, §4, is amended to read:

2. Committee. "Committee" means the joint standing committee of the Legislature having jurisdiction over audit and ~~program~~ management review matters.

Sec. B-7. 3 MRSA §923, sub-§4 is enacted to read:

4. Impact. "Impact" means the extent to which the agency or independent agency has achieved its goals compared with the resources expended in the effort.

Sec. B-8. 3 MRSA §924, sub-§2, ¶¶B-1 and B-2 are enacted to read:

B-1. A description of the public benefit of the agency and whether the agency serves a broad-based or limited interest and, to the extent possible, a comparison of the public benefit of the program with the agency's mandate and priorities;

B-2. A description of the needs, problems and opportunities that fall within the agency's or independent agency's jurisdiction but are not addressed by the agency or independent agency and a description of any new programs or services proposed to address these unmet needs, problems or opportunities;

Sec. B-9. 3 MRSA §925, sub-§1-A is enacted to read:

1-A. Management review. The State Auditor shall provide the committee with management letters and all audit reports of state departments and agencies, as well as for State Government

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2 as a whole, for the committee's review and further inquiry into
3 management concerns identified in the audit. The State Auditor
4 shall assist the committee in its deliberations as requested.

6 **Sec. B-10. 3 MRSA §925, sub-§2, as enacted by PL 1989, c. 483,**
7 **Pt. A, §4, is amended to read:**

8 **2. Findings and recommendations.** The committee shall
9 submit to the Legislature the findings, recommendations and
10 legislation ~~required to implement~~ resulting from its study of the
11 agencies and independent agencies scheduled in section 927, as
12 well as management reviews undertaken in that same review cycle,
13 by the dates listed in section 927.

14 The committee shall submit to the Legislature its evaluations and
15 analyses of justification reports of unscheduled agencies
16 submitted pursuant to section 928 no later than 14 months after
17 those reports are submitted to the Legislature.'

20 Further amend the bill in Part B by striking out all of
21 sections 6 to 9.

22 Further amend the bill in Part B by striking out all of
23 section 11 and inserting in its place the following:

26 'Sec. B-11. Maine Revised Statutes amended; revision clause.
27 Wherever in the Maine Revised Statutes the words "Audit and
28 Program Review" appear or reference is made to those words, they
29 are amended to read and mean "Audit and Management Review," and
30 the Revisor of Statutes shall implement this revision when
31 updating, publishing and republishing the statutes.'

32 Further amend the bill in Part B by striking out all of
33 section 13 and inserting in its place the following:

36 'Sec. B-13. 32 MRSA §3840, sub-§11, ¶D, as repealed and
37 replaced by PL 1985, c. 763, Pt. A, §84, is amended to read:

38 D. The joint committee shall report to the joint standing
39 committees of the Legislature having jurisdiction over audit
40 and ~~program~~ management review and business and commerce and
41 education ~~by the First Regular Session of the 113th~~
42 Legislature.'

44 Further amend the bill in Part B by striking out sections 15
45 to 18.

48 Further amend the bill by striking out all of Parts C and D.

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2 Further amend the bill in Part E by striking out all of
4 sections 3 to 14 and inserting in their place the following:

6 **Sec. E-3. 5 MRSA §13053**, as amended by PL 1987, c. 816, Pt.
8 P, §6, is repealed.

8 **Sec. E-4. 5 MRSA §13053-A** is enacted to read:

10 **§13053-A. Department mission**

12 The Department of Economic and Community Development is
14 established to encourage economic and community planning and
16 development policies and programs of the State and to coordinate
18 these programs and policies within the context of a state
20 economic development strategy. The department is also
established to work with municipalities and regional and local
planning and economic development organizations to build strong
local and regional economies and to implement programs and
services through these local and regional organizations.

22 The central mission of the department is to encourage
24 economic development by coordinating and supporting economic
26 development activities of both the public and private sectors and
by serving as a business ombudsman. The department shall support
local and regional efforts to encourage economic development.

28 The department shall provide assistance to municipalities,
30 upon request, for community development and planning and economic
32 development. This assistance may include, but not be limited to,
technical and financial assistance, coordination with state
agencies and coordination with the private sector.

34 **Sec. E-5. Reorganization of Department of Economic and Community**
36 **Development.** The Department of Economic and Community
38 Development shall reorganize around the functions it provides
that are essential to its central mission of fostering job
creation and job retention. Those functions are:

- 40 1. **Business development.** Business retention and creation;
- 42 2. **Tourism.** Tourism;
- 44 3. **Research, information and advocacy.** Research,
46 information and advocacy for existing and prospective businesses;
and
- 48 4. **Community development and planning.** Technical
assistance and grant assistance including but not limited to

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2 community development block grants to support community efforts
to manage change and stimulate economic development opportunities.

4 The department shall present its reorganization plan, with
6 the necessary legislation, to the joint standing committee of the
Legislature having jurisdiction over state and local government
8 matters no later than January 30, 1993.'

10 Further amend the bill by striking out all of Part F and
inserting in its place the following:

12 'Sec. F-1. 10 MRSA §934, first ¶, as enacted by PL 1989, c. 875,
Pt. K, §1 and affected by §3, is amended to read:

14
16 The Board of Directors of the Maine World Trade Association
consists of 7 private sector directors, ~~5--public--sector~~
18 ~~directors,--2~~ 3 ex officio directors and the president of the
association. Each director is entitled to one vote.

20 Sec. F-2. 10 MRSA §934, sub-§2, as enacted by PL 1989, c. 875,
Pt. K, §1 and affected by §3, is amended to read:

22
24 2. Ex officio directors. The Commissioner of Economic and
Community Development shall serve as one ex officio director and
26 the Governor shall appoint 2 additional ex officio directors from
among the ~~ex-officie~~ members under section 933, subsection 3.

28 Sec. F-3. 10 MRSA §934, sub-§3, as enacted by PL 1989, c. 875,
Pt. K, §1 and affected by §3, is repealed.

30 Sec. F-4. 10 MRSA §934, sub-§3-A is enacted to read:

32
34 3-A. Length of term. Private sector directors shall serve
a term of not more than 5 years. Ex officio directors shall
36 serve terms coincident with the terms of their public sector
appointments.'

38 Further amend the bill by striking out all of Parts G and H.

40 Further amend the bill in Part I in section 1 in the first
42 paragraph in the 5th and 6th lines (page 25, lines 2 and 3 in
L.D.) by striking out the following: "~~as--evidenced--by--their~~
~~facsimile-signatures,~~" and inserting in its place the following:
44 'as evidenced by their facsimile signatures,'

46 Further amend the bill in Part I in section 2 by striking
out the last sentence and inserting in its place the following:
48 'The Department of Human Services shall phase in as soon as
possible, but not later than July 1, 1994, the use of electronic

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2 transfer technology to reimburse municipalities for all General
Assistance money owed under the Maine Revised Statutes, Title 22,
4 chapter 1161.'

6 Further amend the bill in Part I by striking out all of
sections 3 and 4.

8 Further amend the bill in Part I in section 5 in the 2nd
line (page 25, line 33 in L.D.) by striking out the following:
10 "all" and inserting in its place the following: 'available'

12 Further amend the bill in Part I in section 5 in the last
line (page 25, line 34 in L.D.) by inserting after the
14 following: "funds." the following: 'Retirement beneficiaries who
take advantage of the electronic transfer option do not receive a
16 monthly statement of benefit transfer, but receive at least an
annual summary statement of benefits transferred and a statement
18 whenever there is a change in their benefit.'

20 Further amend the bill in Part I in section 6 by striking
out the last sentence and inserting in its place the following:
22 'The Department of Human Services shall phase in these
technological improvements as soon as possible, but not later
24 than July 1, 1994, and shall implement a single eligibility
process for all of its income maintenance programs by January 1,
26 1994.'

28 Further amend the bill in Part I by striking out all of
section 7.

30 Further amend the bill by striking out all of Part J.

32 Further amend the bill in Part K by inserting after section
34 8 the following:

36 'Sec. K-9. Legislative intent. It is the intent of the
Legislature that the successor Interdepartmental Council be
38 established within existing appropriated resources for the
current Interdepartmental Council.'

40 Further amend the bill by striking out all of Parts L, M and
42 N.

44 Further amend the bill by striking out all of Part O and
inserting in its place the following:

46 'Sec. O-1. Existing state leases. All state leases for real
48 property must be renegotiated to reflect rental rates equal to or
lower than current market rates within 60 days after the
50 effective date of this Act. Funding for leases not renegotiated

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by that date are automatically deappropriated 61 days after the effective date of this Act. Leases that do not include a clause allowing termination by the State are exempt from this section.

Sec. O-2. Surplus state property. The Director of the Bureau of General Services shall develop a list of state surplus real property and, with the Governor's approval, put those properties that serve no recreational purpose up for sale no later than October 15, 1992. The proceeds of the sale of state surplus real property must be deposited to the General Fund.

Sec. O-3. Report. The Director of the Bureau of General Services shall submit a report on the status of lease renegotiation and the sale of state surplus real property to the joint standing committee having jurisdiction over state and local government matters no later than January 1, 1993.

Sec. O-4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1992-93

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Bureau of General Services

All Other \$135,000

Provides funds to contract for lease renegotiation services.'

Further amend the bill in Part R by inserting at the end the following:

Sec. R-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1992-93

JUDICIAL DEPARTMENT

**Courts - Supreme, Superior, District
and Administrative**

Positions-Legislative Count (-1.0)
Personal Services (\$18,000)
All Other (40,000)

Capital Expenditures 10,000

Provides for the deappropriation of funds from the elimination of one full-time Accounting Clerk position due to the decentralization of the bill approval process and reduced telecommunications costs from not leasing phones and controlling costs of services. Capital Expenditure funds are necessary due to decentralization of the payroll function.

JUDICIAL DEPARTMENT TOTAL

(\$48,000)

Further amend the bill in Part S by inserting before section 1 the following:

'Sec. S-1. 5 MRSA §3358, sub-§5, as enacted by PL 1991, c. 417, §1, is amended to read:

5. Meetings. The commission may meet as often as necessary but, if funding permits, must meet at least quarterly. If funding permits, a meeting may be called by the chair or by any 4 members. Minutes of all meetings must be taken and maintained by the commission.

A quorum for the commission consists of more than half the members appointed at the time of the meeting.'

Further amend the bill in Part S in section 2 in paragraph B by striking out all of divisions (9) and (10) and inserting in their place the following:

(9) A review of mandatory sentencing under current law and its relationship to the Maine Criminal Code with recommendations for reducing the use of mandatory sentencing;

(10) A review of the current law regarding intensive supervision, including analysis of the barriers to greater use of intensive supervision and recommendations for removing those barriers; and

(11) A review of the employment of prisoners under current law, including analysis of the benefits and costs of implementing a policy for the mandatory employment of prisoners.'

Further amend the bill in Part S by striking out all of sections 3 and 4 and inserting in their place the following:

'Sec. S-3. 5 MRSA §3358, sub-§7-A is enacted to read:

7-A. Rate of compensation. Members of the commission are compensated at a rate authorized by the commission, pursuant to section 12004-J, subsection 10, when funding has been obtained. No reimbursement for expenses or per diems is authorized for any member of the commission until funding has been obtained.

Sec. S-4. Appointments to the Maine Criminal Justice Commission. The appointments to the Maine Criminal Justice Commission must be made by the effective date of this Act. All appointing authorities shall notify the Governor when their appointments have been made.

Sec. S-5. First meeting. The convener designated by the Governor shall convene the first meeting of the Maine Criminal Justice Commission by the effective date of this Act. If the first meeting is not convened by this time, the chair of the Legislative Council shall convene the first meeting within 15 days after the effective date of this Act. No reimbursement for expenses or per diems is authorized for any member of the commission until funds are available.'

Further amend the bill by striking out Parts T and U.

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by relettering the Parts to read consecutively.

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

	1992-93
APPROPRIATIONS/ALLOCATIONS	
General Fund	\$87,000
REVENUES	
Other Funds	(\$20,000)

2
4 Part B of the bill affects the sunset review process and the
6 State Auditor. The additional costs associated with providing
8 information and assistance to the Joint Standing Committee on
10 Audit and Management Review can be absorbed by the Department of
12 Audit utilizing existing budgeted resources. The Legislature can
14 absorb the costs associated with the changes to the Joint
16 Standing Committee on Audit and Program Review including renaming
18 the committee and expanding the nature of its reviews utilizing
20 existing budgeted resources.

22 The preparation of fiscal notes to include projections for 2
24 bienniums and the development of budget outlines can be absorbed
26 within existing resources of the Legislature.

28 The Bureau of the Budget within the Department of
30 Administrative and Financial Services can absorb the programming
32 costs related to developing a new biennial budget format.

34 Part E of the bill proposes to reorganize the Department of
36 Economic and Community Development. It can not be determined if
38 any savings or costs will occur as a result of this
40 reorganization.

42 The reduction in the number of members of the Board of
44 Directors of the Maine World Trade Association, as proposed in
46 Part F of the bill, may result in minor administrative savings to
48 the Maine World Trade Association.

It can not be determined if the administrative savings
associated with the implementation of a system of electronic
transfer of cash assistance payments, as proposed in Part I of
the bill, will offset the loss of General Fund interest income.

Part K establishes a successor to the existing
Interdepartmental Council within existing appropriated resources
of the current council.

The renegotiation of leases required in Part O will require
a one-time General Fund appropriation of \$135,000 in fiscal year
1992-93 to the Department of Administrative and Financial
Services to allow the department to contract for that service.

Part O also proposes the sale of state surplus property.
While it is estimated that this sale could generate approximately
\$500,000, it is not possible to determine in which fiscal year
those proceeds would be received.

This bill provides a General Fund deappropriation of \$48,000 to the Judicial Department in fiscal year 1992-93 as a result of projected cost savings associated with the decentralization of the bill approval and payroll processes.

Dedicated revenue to the Department of Administrative and Financial Services' Intergovernmental Telecommunications Fund will be reduced by \$20,000 in fiscal year 1992-93 as the result of cost savings measures to be implemented by the Judicial Department.'

STATEMENT OF FACT

This amendment strikes Parts C, D, G, H, J, L, M, N, T and U of the original bill.

In Part A the consensus forecasting section is stricken out and the provisions regarding the budget process are amended. In Part B the audit and program review process is amended to include management and program reviews of government agencies and independent agencies and changes to the office of State Auditor are eliminated. Changes in Parts E and F of the original bill amend the board of the Maine World Trade Association and the mission and organization of the Department of Economic and Community Development, respectively. Part I is amended to provide for a phase in of electronic transfer payments. Part O is replaced with a requirement that, wherever legally possible, all real property leases with the State be renegotiated and all surplus properties with no recreational value be put up for sale.

The amendment also strikes the repeal of the Criminal Law Advisory Committee and amends provisions of the Maine Criminal Justice Commission in Part S. The amendment adds appropriation sections and a fiscal note to the bill.

Reported by Senator Berube for the Committee on State and Local Government. Reproduced and Distributed Pursuant to Senate Rule 12.

(3/26/92)

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