

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 430

S.P. 151

In Senate, January 23, 1997

**An Act to Clarify the Provisions that Implement Performance Budgeting
in State Government.**

Submitted by the State Planning Office pursuant to Joint Rule 204.
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 Senator AMERO of Cumberland.
Cosponsored by Representative AHEARNE of Madawaska and
Senator DAGGETT of Kennebec, Representative: LANE of Enfield.

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

2
3 **Sec. 1. 5 MRSA §1710-K**, as repealed and replaced by PL 1995,
4 c. 705, §1, is amended by repealing and replacing the headnote to
5 read:

6 **§1710-K. Performance budgeting; definitions**

7
8 **Sec. 2. 5 MRSA §1710-K, sub-§1, ¶F**, as enacted by PL 1995, c.
9 705, §1, is amended to read:

10
11 F. "State agency" means a department, agency, organization,
12 corporation or association that receives a direct
13 appropriation or allocation from the State or is required to
14 comply with chapter 149, except as otherwise provided in
15 Public Law 1993, chapter 545.

16
17 **Sec. 3. 5 MRSA §1710-K, sub-§2**, as enacted by PL 1995, c. 705,
18 §1, is repealed.

19
20 **Sec. 4. 5 MRSA §1710-L**, as enacted by PL 1995, c. 395, Pt. B,
21 §1, is amended to read:

22
23 **§1710-L. Commission on Performance Budgeting established;**
24 **membership; appointment**

25
26 The Commission on Performance Budgeting, as established in
27 section 12004-L, subsection 29-C, is established to monitor,
28 track and guide performance budgeting in State Government and to
29 periodically report to the Legislature and the Governor on
30 recommendations for improvements in performance budgeting.

31
32 **1. Membership.** The commission is composed of the following
33 13 14 members:

34
35 A. Two members of the Senate and 2 members of the House of
36 Representatives who serve on the joint standing committee of
37 the Legislature having jurisdiction over appropriations and
38 financial affairs, appointed by the presiding officers of
39 their respective legislative bodies;

40
41 B. One member of the Senate and one member of the House of
42 Representatives who serve on the joint standing committee of
43 the Legislature having jurisdiction over state and local
44 government matters, appointed by the presiding officers of
45 their respective legislative bodies;

46
47 C. Four members representing state departments, appointed
48 by the Governor;

2 D. The Director of the State Planning Office;

4 E. The State Budget Officer; and

6 F. The State Controller; and

8 G. One member representing the judiciary, appointed by the Chief Justice.

10 At least one of the legislative members appointed by the
12 President of the Senate and one of the members appointed by the
14 Speaker of the House of Representatives must belong to the
political party that has the 2nd largest number of members in the
legislative body of that appointed member.

16 2. **Chair.** The Governor, the President of the Senate and
18 the Speaker of the House of Representatives shall appoint a chair
from among the members of the commission.

20 3. **Time of appointment; terms.** Commission members must be
22 appointed in July January and serve 2-year terms, except that the
initial commission members must be appointed within 30 days of
24 the effective date of this section and serve until June--1997
January 1998. ~~The--commission--shall--hold--its--first--meeting,~~
~~called--by--the--Director--of--the--State--Planning--Office,--before~~
26 ~~August-1,--1995.~~

28 **Sec. 5. 5 MRSA §1710-M, sub-§1,** as enacted by PL 1995, c.
30 395, Pt. B, §1, is amended to read:

32 1. **Provision of guidance and advice.** Provide strategic
guidance and advice to the Legislature and the Governor regarding
34 performance budgeting in State Government, including the methods
and strategies used by departments and agencies for the
36 collection and evaluation of information related to programs and
services provided, public benefits, services not provided,
38 coordination, alternatives and impact. The commission shall also
provide guidance and advice on the methods and strategies for
implementing performance budgeting in State Government;

40 **Sec. 6. 5 MRSA §1710-O,** as enacted by PL 1995, c. 395, Pt.
42 B, §1, is amended to read:

44 **§1710-O. Meetings**

46 The commission shall meet at least quarterly. Additional
48 meetings may be called by a majority vote of the commission or by
the chair of the commission. All meetings are open to the public.

2 **Sec. 7. 5 MRSA §1710-P, sub-§3**, as enacted by PL 1995, c. 705,
§2, is amended to read:

4 **3. Submission of the final strategic plan and program**
5 **selection for legislative review.** No later than February 1,
6 1997, each state agency shall submit its final strategic plan and
7 budget proposal for the selected program to be piloted for
8 performance budgeting for review by the joint standing committee
9 of the Legislature having jurisdiction over that agency's
10 matters. Copies of each final strategic plan and pilot budget
11 proposal must be provided to the Director of the State Planning
12 Office, the State Budget Officer and the Director of the Office
13 of Fiscal and Program Review.

14 **Sec. 8. 5 MRSA §1710-P, sub-§3-A** is enacted to read:

16 **3-A. Pilot performance budgets.** The State Budget Officer
17 and the Director of the Office of Fiscal and Program Review shall
18 coordinate the submission of agencies' pilot budget proposals to
19 the joint standing committee of the Legislature having
20 jurisdiction over appropriations and financial affairs for the
21 purposes of reviewing and evaluating the pilots.

24 **Sec. 9. 5 MRSA §1710-P, sub-§§4, 5 and 7**, as enacted by PL 1995,
c. 705, §2, are amended to read:

26 **4. Selection of program by policy area.** By September 1,
27 1997, each state agency shall identify at least one program or
28 significant subprogram within a policy area that has the same or
29 similar goals and objectives as one or more other state agencies;
30 develop jointly with those state agencies measurable objectives;
31 and coordinate strategies for achieving those objectives. During
32 selection of the program, and development of the joint goals and
33 objectives, each agency shall consult with and receive comments
34 from the joint standing committee of the Legislature having
35 jurisdiction over that agency's matters, the State Budget Officer
36 and the Director of the Office of Fiscal and Program Review.

38 Each state agency shall submit its joint measurable objectives
39 and strategies to the Director of the State Planning Office, who
40 shall provide copies to the State Budget Officer, the Office of
41 Fiscal and Program Review and the joint standing committee of the
42 Legislature having jurisdiction over the agency's matters.

44 **5. Development of policy areas.** By December 31, 1997, the
45 State Budget Officer and the Legislative Council or the council's
46 designee, in consultation with state agencies, shall develop ~~a~~
47 ~~plan to~~ group all state agencies into policy areas, which must be
48 formed around common goals and measurable objectives. Any ~~plan~~
49 ~~grouping~~ that proposes to transfer or modify the existing
50

2 statutory mission or mandate of an agency must be submitted to
and approved by the Legislature prior to implementation.

4 **7. Development of joint budget proposals.** By September 1,
6 1998, state agencies within each policy area shall develop budget
proposals that are tied to their joint measurable objectives and
8 in their strategic plan.

10 **Sec. 10. 5 MRSA §1710-P, sub-§8,** as amended by PL 1995, c.
560, Pt. K, §82 and affected by §83 and enacted by c. 705, §2, is
12 amended to read:

14 **8. Demonstration project; job training programs.** The
Department of Labor, the Department of Education, the Department
16 of Human Resources Services, the Department of Mental Health,
Mental Retardation and Substance Abuse Services and the Maine
18 Technical College System shall at a minimum select job training
~~as one of the policy areas in which they~~ and develop joint
20 strategic planning and budgeting goals and objectives and
coordinate strategies as a demonstration project for the
22 purposes of carrying out the requirements of subsections 4 to 7
~~for the biennium beginning July 1, 1997.~~

24 **Sec. 11. 5 MRSA §12004-I, sub-§29-C,** as enacted by PL 1995, c.
395, Pt. B, §2, is amended to read:

26	29-C.	Commission on	Not	5 MRSA
28	Finance	Performance	Authorized	@1710-K
30		Budgeting		<u>§1710-L</u>

32 SUMMARY

34 This bill corrects technical errors in Public Law 1995,
chapter 705. It exempts public instrumentalities, such as the
36 Maine Sardine Council, Lobster Promotion Council, Maine Potato
Board, Maine Dairy Promotion Board and Maine Dairy and Nutrition
38 Council, from the strategic planning and performance budgeting
requirements; adds a member of the judiciary to the Commission on
40 Performance Budgeting; extends the terms of initial commission
members by 6 months; clarifies duties of the commission;
42 clarifies that the chair of the commission may call meetings;
clarifies that pilot performance budgets will not be the basis
44 for appropriations or allocations; clarifies that oversight
committees will be consulted in the development of joint goals
46 and objectives for the pilot strategic planning by policy areas;
clarifies that the State Planning Office will receive copies of
48 agencies' final strategic plans; clarifies that state agencies
will be grouped into policy areas; clarifies that the Department
50 of Human Resources is the Department of Human Services and

2 clarifies that "job training" is not a policy area, but a strategy for which joint goals and objectives are to be developed.