

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 electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

the unfunded liability costs and administrative costs to the Maine State Retirement System and payment of the retiree health insurance premiums to the Department of Administrative and Financial Services on behalf of Maine Technical College System employees who elect to participate in a defined contribution plan offered by the Board of Trustees of the Maine Technical College System as provided in the Maine Revised Statutes, Title 20-A, section 12722, subsection 2 at the same percentage as the Maine Technical College System contributes on behalf of its employees who are active members of the retirement system.

Sec. 6. Salary increases from collective bargaining. The Department of Administrative and Financial Services shall work with representatives of the Maine Technical College System and representatives of the technical college bargaining units to develop long-term strategies to create funding methods for future salary increases resulting from the technical college collective bargaining process.

Sec. 7 Effective date. This Act takes effect September 1, 1998.

Effective September 1, 1998.

CHAPTER 764

H.P. 1438 - L.D. 2002

An Act to Delay the Implementation of Performance Budgeting for State Government

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

Whereas, Public Law 1995, chapter 705 and Public Law 1997, chapter 184 required the implementation of performance budgeting in State Government; and

Whereas, this bill delays the implementation to allow the departments and agencies of State Government to further refine their strategic plans and to solicit additional input from the Legislature; and

Whereas, several of the deadlines that are extended would occur prior to the expiration of the 90-day period; and

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,

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

Sec. 1. 5 MRSA §1710-K, sub-§1, as amended by PL 1997, c. 184, §2, is further amended to read:

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

A. "Commission" means the Commission on Performance Budgeting.

B. "Measurable objective" means a specific quantifiable outcome that defines how an agency will achieve its goals and that defines the actual impact on the public being served rather than the level of effort expended by the agency. The use of a measurable objective is a tool to assess the effectiveness of an agency's performance and the public benefit derived.

C. "Performance budgeting" means the method for developing and finalizing an agency's request for appropriations or allocations derived from its strategic plan and consistent with an agency's statutory responsibilities. Performance budgeting allocates resources based on the achievement of measurable objectives, which in turn are related to the agency's mission and goals.

~~D. "Policy area" means a broad functional category into which executive departments, state agencies, organizations, corporations, associations or programs and subprograms are grouped according to the degree to which they share the same or similar goals; encompass activities that share a common purpose; have common or similar customers; have common or similar measurable objectives; and may be analyzed by similar methods as defined by the State Budget Officer and the Legislative Council or the council's designee.~~

E. "Program" means a grouping of activities and expected results that are directed toward the accomplishment of a set of goals and objectives consistent with statutorily defined missions and ~~represent~~ represents a department, bureau, division or operational entity to which the Legislature appropriates or allocates resources as defined by the State Budget Officer and the Legislative Council or the council's designee Legislature.

F. "State agency" means a an executive department, executive agency, independent agency, organization, corporation or association that receives a direct appropriation or allocation from the State or is required to comply with chapter

149, except that for the purposes of this chapter "state agency" does not include the Maine Sardine Council, the Maine Lobster Promotion Council, the Maine Potato Board, the Maine Dairy Promotion Board, the Maine Dairy and Nutrition Council, the Maine Blueberry Commission or the Maine Indian Tribal-State Commission. "State agency" does not include the legislative branch or the judicial branch.

G. "Strategic plan" means a long-range, policy-oriented document that maps an explicit path between the present and a vision of the future. A strategic plan is derived from an assessment, goal-setting and decision-making process that relies on careful consideration of an agency's capabilities and environment. A strategic plan identifies a state agency's statutorily defined mission, goals, measurable objectives and strategies and leads to priority-based resource allocation and other decisions. For purposes of implementing this chapter, the ~~State Planning Office Bureau of the Budget~~ may prescribe the format and process for developing a the strategic plan for performance budgeting.

H. ~~"Subprogram" means a grouping of activities and expected results that is directed toward a set of measurable objectives and represents a subset of a program.~~

I. "Department or agency goals" means general ends toward which a department or agency directs its efforts based on issues that have been identified as priorities. They are broad statements of department or agency policy, as derived from the statutorily defined mission, that are ambitious and provide a direction toward which the department or agency intends to head.

J. "Strategy" means the methods to achieve department or agency goals and objectives. A strategy may be employed by a department or agency bureau, division, program or organizational entity having identifiable management responsibility and measures of accountability approved by the Legislature.

Sec. 2. 5 MRSA §1710-L, sub-§1, as amended by PL 1997, c. 184, §4, is further amended to read:

1. Membership. The commission is composed of the following 44 13 members:

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

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

C. ~~Four~~ Six members representing state departments, appointed by the Governor; and

~~D. The Director of the State Planning Office;~~

~~E. The State Budget Officer;~~

~~F. The State Controller; and~~

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

At least one of the legislative members appointed by the President of the Senate and one of the members appointed by the 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.

Sec. 3. 5 MRSA §1710-L, sub-§2, as enacted by PL 1995, c. 395, Pt. B, §1, is amended to read:

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

Sec. 4. 5 MRSA §1710-M, sub-§4-A is enacted to read:

4-A. Auditing. No later than January 15, 1999, recommend to the Legislature and the Governor the most cost-effective method for State Government to annually validate measurable objectives and conduct audits of the performance budgets for the most recent fiscal year.

Sec. 5. 5 MRSA §1710-N, as enacted by PL 1995, c. 395, Pt. B, §1, is amended to read:

§1710-N. Staffing

The commission ~~may~~ shall receive staff assistance from the Legislative Council, ~~the~~ The State Planning Office, the Bureau of the Budget, the Department of Audit and the Department of Administrative and Financial Services shall provide staff assistance upon the request of the chair of the commission. The heads of all departments and agencies of State Government shall cooperate with the commission on matters related to performance budgeting including, as necessary, the provision of staff to work with the Bureau of the Budget, the State Planning Office, the Legislative Council, the Depart-

ment of Audit and the Department of Administrative and Financial Services.

Sec. 6. 5 MRSA §1710-P, as amended by PL 1997, c. 184, §§7 to 10, is further amended to read:

§1710-P. Performance budgeting

State Government shall fully implement performance budgeting according to the following schedule.

~~1. **Development of a draft strategic plan.** By August 1, 1996, each state agency shall develop a draft strategic plan. During preparation of the plan, each agency shall consult with and receive comments from the joint standing committee of the Legislature having jurisdiction over that agency's matters. Each state agency shall provide copies of its draft strategic plan to the Director of the State Planning Office, the State Budget Officer, the Director of the Office of Fiscal and Program Review and the joint standing committee of the Legislature having jurisdiction over that agency's matters.~~

1-A. **Development of draft strategic plan.** By December 1, 1998, each state agency shall develop a draft strategic plan. During preparation of the plan, each agency shall consult with and receive comments from the joint standing committee of the Legislature having jurisdiction over that agency's matters. Each state agency shall provide copies of its draft strategic plan to the Director of the State Planning Office, the State Budget Officer, the Director of the Office of Fiscal and Program Review, the Director of the Office of Policy and Legal Analysis and the joint standing committee of the Legislature having jurisdiction over that agency's matters for their review and comment.

~~2. **Selection of a program within each agency.** By September 1, 1996, each state agency shall develop for one program budget proposals that are tied to measurable objectives for that program. During selection of the program, each agency shall consult with and receive comments from the joint standing committee of the Legislature having jurisdiction over that agency's matters, the State Budget Officer and the Director of the Office of Fiscal and Program Review.~~

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

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

3-B. **Submission of final strategic plan for legislative review.** No later than December 1, 1999, each state agency shall submit its final strategic plan for review and comment to the joint standing committee of the Legislature having jurisdiction over that agency's matters. Copies of each final strategic plan must be provided to the Director of the State Planning Office, the State Budget Officer, the Director of the Office of Fiscal and Program Review and the Director of the Office of Policy and Legal Analysis.

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

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

~~5. **Development of policy areas.** By December 31, 1997, the State Budget Officer and the Legislative Council or the council's designee, in consultation with state agencies, shall group all state agencies into policy areas, which must be formed around common goals and measurable objectives. Any grouping that proposes to transfer or modify the existing statutory mission or mandate of an agency must be submitted to and approved by the Legislature prior to implementation.~~

~~6. **Development of joint strategic plans.** By June 30, 1998, state agencies within each policy area shall develop joint strategic plans that identify common goals, measurable objectives and strategies for all programs. Plans must be submitted to the Director of the State Planning Office. The Director of the State Planning Office shall provide copies to the~~

joint standing committees of the Legislature having jurisdiction over the matters encompassed by each policy area.

6-A. Interagency coordination of strategic plans. By September 1, 2001, each state agency shall identify programs within the agency that have the same or similar goals and objectives as one or more other state agencies; consult with those agencies; coordinate strategies for achieving those goals and objectives so the goals, objectives and strategies of the agencies are not in conflict; and submit revised strategic plans for review and comment to the Director of the State Planning Office, the State Budget Officer, the Director of the Office of Fiscal and Program Review, the Director of the Office of Policy and Legal Analysis and the joint standing committee of the Legislature having jurisdiction over that agency's matters.

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

8. Demonstration project; job training programs. The Department of Labor, the Department of Education, the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Maine Technical College System shall at a minimum select job training and develop joint goals and objectives and coordinate strategies as a demonstration project for the purposes of carrying out the requirements of subsections 4 to 7.

9. Prototype performance budget. By December 31, 1999, the Governor shall present a prototype budget bill and budget document to the Second Regular Session of the 119th Legislature for its review in a performance budget format utilizing performance measures and indicators that reflect legislatively approved appropriations and allocations for fiscal years 1999-2000 and 2000-01. The Second Regular Session of the 119th Legislature shall, by resolve, make recommendations to the Governor for changes or modifications to the prototype budget bill and budget document for use in the 2002-2003 biennial budget submission.

10. Development of state agency budget proposals consistent with strategic plans. By September 1, 2000, in accordance with section 1665, each state agency and associations receiving or desiring to receive state funds under provisions of law shall prepare and submit to the Bureau of the Budget proposals for the 2002-2003 biennium in a strategic plan and performance budget format prescribed by the Bureau of the Budget. Goals, measurable objectives and strategies for each program must be identified in a budget document and a budget bill. In accordance

with section 1666, the Governor, with assistance from the Bureau of the Budget, shall review, revise, alter, and increase or decrease the budget proposals in a strategic plan and performance budgeting approach for submission to the First Regular Session of the 120th Legislature including a budget document and budget bills representing the Governor's budget recommendations and priorities in a strategic plan and performance budget format for the 2002-2003 biennium.

11. Biennial strategic plan revisions and performance budgets. Each state agency shall periodically review, and after consultation with the joint standing committee of the Legislature having jurisdiction over that agency's matters, update and revise its strategic plan, including goals, measurable objectives and strategies for fulfilling its statutory responsibilities. Revised plans must be submitted no later than December 1, 2000 and no later than December 1st of each even-numbered year thereafter to the Director of the State Planning Office, the State Budget Officer, the Director of the Office of Fiscal and Program Review, the Director of the Office of Policy and Legal Analysis and the joint standing committee of the Legislature having jurisdiction over that agency's matters for their review and comment.

12. Participation. The legislative branch and the judicial branch may elect to participate or to not participate in any aspect of this chapter.

The goals, measurable objectives and strategies, as revised, that support each program for which an appropriation or allocation is provided or sought must be identified in each budget document and budget bill representing the Governor's budget recommendations and priorities for subsequent biennia.

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

§1710-Q. Repeal

This chapter is repealed July 1, 2003-2007.

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

Effective April 16, 1998.

CHAPTER 765

S.P. 739 - L.D. 2017

**An Act to Provide Access to
Veterinary Education for Maine
Students**