

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of S.P. 832, L.D. 2106)
(New Title)
SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document No. 2392

S.P. 954 In Senate, April 12, 1986

Reported by Senator Andrews of Cumberland from the Committee on State Government and printed under Joint Rule 2. Original bill sponsored by President Pray of Penobscot. Cosponsored by Representative Diamond of Bangor, Senator Gill of Cumberland and Representative Carter of Winslow.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SIX

AN ACT to Reorganize the Department of
Finance and Administration and the
Department of Personnel.

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

Whereas, the reorganization of the Department of Finance and Administration into the Department of Finance and the Department of Administration and the reorganization of the Department of Personnel into the Department of Administration will have a significant impact upon the State's accounting procedures; and

Whereas, the 90-day period following the adjournment of the Legislature will occur roughly 2 weeks following the commencement of the 1986-87 fiscal year of State Government; and

1 Band of Maliseet Indians. Any distribution of excess
2 principal to the Houlton Band of Maliseet Indians
3 shall be exempt from taxation.

4 Sec. 110. 36 MRSA §575, as amended by PL 1973,
5 c. 460, §18, is further amended to read:

6 §575. Administration; rules

7 The State Tax Assessor shall have the powers and
8 duties provided in this subchapter. He shall adopt
9 and amend such rules and ~~regulations~~ as may be rea-
10 sonable and appropriate to carry out these responsi-
11 bilities. He may contract with municipal, State and
12 Federal Governments or their agencies to assist in
13 the carrying out of any of his assigned tasks. He is
14 authorized to hire such technical assistance as may
15 be required for the performance of his assigned
16 tasks. He is authorized to request such technical as-
17 sistance from the Forestry Bureau or the Department
18 of Finance and ~~Administration~~ as the respective de-
19 partment may be able to provide.

20 Sec. 111. 36 MRSA §653, sub-§1, ¶H is amended to
21 read:

22 H. Any municipality granting exemptions under
23 this subsection shall have a valid claim against
24 the State to recover 90% of the taxes lost by
25 reason of such exemptions as exceeds 3% of the
26 total local tax levy, upon proof of the facts in
27 form satisfactory to the Commissioner of Finance
28 and ~~Administration~~. Such claims shall be pre-
29 sented to the Legislature next convening.

30 Sec. 112. 36 MRSA §841-B, as repealed and re-
31 placed by PL 1985, c. 295, §54, is amended to read:

32 §841-B. Land Classification Appeals Board; purpose;
33 composition

34 The Land Classification Appeals Board, as estab-
35 lished by Title 5, section 12004, subsection 2, is
36 established to hear appeals from decisions of munic-
37 ipal tax assessors, chief assessors and the State Tax
38 Assessor acting as assessor of the unorganized terri-
39 tory relating to the Maine Tree Growth Tax Law or the

1 Farm and Open Space Tax Law. The board shall be com-
2 posed of 4 voting members: The Commissioner of Con-
3 servation or his designee; the Commissioner of Agri-
4 culture, Food and Rural Resources or his designee;
5 and 2 members, serving 4 years, to be appointed by
6 the Governor. One of these members shall be a munic-
7 ipal officer and one shall be a forest landowner.
8 The initial appointment of the municipal officer
9 shall be for a 2-year period. In the event of the
10 death or resignation of such an appointee, the Gover-
11 nor shall make an appointment to the appeals board
12 for the unexpired term. The Commissioner of Finance
13 ~~and Administration~~ or his designee shall serve in an
14 advisory capacity as a nonvoting member and as chair-
15 man of the board. In the case of a tie vote, the
16 Commissioner of Finance ~~and Administration~~ or his
17 designee shall vote to break the tie. The landowner
18 member and the municipal officer shall be compensated
19 according to Title 5, chapter 379. All other members
20 shall be compensated by the agency they represent for
21 actual expenses incurred in the performance of their
22 duties under this section.

23 Sec. 113. 36 MRSA §2863, sub-§1, ¶A, as enacted
24 by PL 1981, c. 711, §10, is amended to read:

25 A. "Commissioner" means the Commissioner of Fi-
26 nance ~~and Administration~~.

27 Sec. 114. 38 MRSA §1306-C, sub-§4, ¶A, as en-
28 acted by PL 1981, c. 430, §18, is amended to read:

29 A. A final order issued by the court under that
30 procedure shall provide for disposition of the
31 conveyance by the Department of ~~Finance~~ and Ad-
32 ministration, including official use by a public
33 agency or sale at public auction or by competi-
34 tive bidding.

35 Sec. 115. Transition provision. The Governor
36 shall appoint the Information Services Policy Board
37 prior to June 15, 1986. The Policy Review Board
38 shall begin to undertake the studies and analyses as
39 defined in this Part no later than July 10, 1986.
40 During this transition period, the Information Ser-
41 vices Policy Board shall receive staff assistance
42 from the Department of Administration. Any expenses

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STATEMENT OF FACT

This new draft incorporates the provisions of 3 other bills in order to assure consistency throughout many Titles of the Maine Revised Statutes. The specific details of the bill propose:

1. The creation of the Department of Finance to consist of the following:

- A. Bureau of the Budget;
- B. Bureau of Accounts and Control;
- C. Bureau of Taxation;
- D. Bureau of the Lottery; and
- E. Bureau of Alcoholic Beverages;

2. The creation of the Department of Administration to consist of the following:

- A. Office of Information Services;
- B. Bureau of Data Processing;
- C. Bureau of Human Resources, effective July 1, 1987;
- D. Bureau of Employee Relations;
- E. Bureau of State Employee Health;
- F. Bureau of Public Improvements;
- G. Bureau of Purchases;
- H. Division of Risk Management; and
- I. Board of Trustees - Group Accident and Sickness or Health Insurance;

3. The coordination of Data Processing activities throughout State Government under the direction of the Deputy Commissioner of Administration and the Information Services Policy Board to include:

- 1 A. Centralization of purchase or acquisition of
2 data processing equipment, services and software;
- 3 B. Supervision of data processing activities;
- 4 C. Implementation of training programs for data
5 processing personnel, computer program personnel
6 and systems analysts;
- 7 D. Creation of a comprehensive master plan for
8 data processing to include plans developed by
9 each department and agency of State Government;
10 and
- 11 E. Creation of standards of data processing;
- 12 4. The creation of the Information Services Pol-
13 icy Board to serve as a policy-making body with re-
14 spect to data processing and to consist of the fol-
15 lowing:
- 16 A. The Commissioner of Administration;
- 17 B. The Commissioner of Finance;
- 18 C. The Commissioner of Human Services;
- 19 D. The Commissioner of Labor;
- 20 E. The Commissioner of Transportation;
- 21 F. The Deputy Secretary of State, Division of
22 Motor Vehicles;
- 23 G. A representative from the Governor's office;
- 24 H. Two members representing other state agen-
25 cies; and
- 26 I. Two members representing the private sector
27 with experience, knowledge and training in the
28 administration of data processing systems.

29 This board will work with the Deputy Commissioner
30 of Administration, for information services, to es-
31 tablish data processing policies and to monitor data
32 processing activities in State Government. In addi-

1 tion, this board will study the proposition to cen-
2 tralize data processing personnel, professional and
3 support staff and data processing equipment. The
4 board may study alternative proposals to centraliza-
5 tion.

6 The board will present the findings and recommen-
7 dations as well as implementing legislation to the
8 113th Legislature by March 30, 1987, as an interim or
9 final report. The board may continue its analyses
10 and produce a final report to be presented to the
11 Second Regular Session of the 113th Legislature;

12 5. The creation of the Deputy Commissioner for
13 Information Services within the Department of Admin-
14 istration to assist in the development of data pro-
15 cessing policies and to implement these policies.
16 The deputy commissioner is required to be an
17 exceptionally well-qualified professional with expe-
18 rience, knowledge and training in the administration
19 and operation of data processing systems.

20 In order to attract a person of outstanding abil-
21 ities to this position, the new draft provides that
22 severance pay equal to 1/2 of his salary will be pro-
23 vided to a former deputy commissioner who has been
24 removed for reasons other than just cause;

25 6. The creation of the Bureau of Human Re-
26 sources, in Part B of the new draft, to be incorpo-
27 rated on July 1, 1987, within the Department of Ad-
28 ministration. The Bureau of Human Resources will act
29 as a service agency to other state agencies with an
30 emphasis on serving the needs of state agencies and
31 state employees. In addition, the new draft provides
32 that:

33 A. The Bureau of Human Resources will be di-
34 rected and staffed by persons well qualified by
35 education, training and experience in the manage-
36 ment of personnel systems. In addition, the di-
37 rector and staff of the office will be subject to
38 the political restrictions that currently apply
39 to classified state employees. The bureau will
40 be prohibited from engaging in collective bar-
41 gaining, and no person employed in the Governor's
42 Office of Employee Relations or similar organiza-

1 tion may be employed or serve in the Bureau of
2 Human Resources;

3 B. The Director of Human Resources will be as-
4 sisted by a Policy Review Board which will act in
5 an advisory capacity in some matters and serve in
6 a policy-making function in other areas. The
7 Policy Review Board specifically will:

8 (1) Address longevity incentives to encour-
9 age state employees to be conscientious and
10 remain in State Government;

11 (2) Review job classifications with employ-
12 ee recruitment and retention problems on an
13 annual basis and develop policies and proce-
14 dures to recognize and resolve this problem;

15 (3) Examine training and educational poli-
16 cies of agencies and evaluate the adoption
17 of a policy requiring each department to
18 budget adequate funds for the training and
19 education of state employees;

20 (4) Examine the job reclassification and
21 reallocation process and develop procedures
22 and policies with the purpose of proposing
23 recommendations to motivate state employees
24 to be conscientious and enterprising. In-
25 cluded in this task is an evaluation of the
26 adoption of a policy to require departments
27 to budget funds for job reclassifications
28 and reallocations that may be funded immedi-
29 ately following a decision authorizing the
30 reclassification;

31 (5) Examine the job performance evaluation
32 process and develop policies and procedures
33 to implement an effective process. This
34 will include an objective performance rat-
35 ing, the use of a simple and uncomplicated
36 evaluation form and a requirement of mutual
37 discussion between managers and subordinates
38 concerning job performance and the evalua-
39 tion; and

1 (6) Examine pay ranges, particularly confi-
2 dential and supervisory pay ranges, with re-
3 spect to the degree of appropriateness of
4 the various pay ranges compared to other pay
5 ranges, especially those for nonsupervisory
6 employees;

7 C. In addition to managing the civil service
8 system, the Director of Human Resources will:

9 (1) Meet, at least once a year, with the
10 commissioners and directors of each state
11 agency to discuss individually, with each
12 agency manager, the personnel needs and
13 problems of each agency;

14 (2) Develop training programs;

15 (3) Develop career information and an ex-
16 planation of the civil service system for
17 state employees;

18 (4) Undertake short-term and long-term
19 planning with respect to the positions,
20 qualifications and technologies required in
21 the civil service system in the short terms
22 and long terms; and

23 (5) Be responsible for overseeing the de-
24 velopment and implementation of communica-
25 tions between management and agency employ-
26 ees which will take into account the
27 uniqueness of each agency;

28 7. To transform the State Personnel Board into
29 the State Civil Service Appeals Board which will
30 serve only in an adjudicatory capacity to hear ap-
31 peals with respect to job classifications and
32 reclassifications, disciplinary action and other ap-
33 pealable issues;

34 8. The creation of a labor-management team to
35 study job classifications currently in or near a cri-
36 sis situation as a result of profound stress charac-
37 teristics associated with these job classifications.

1 The job classifications and members of the study
2 team will represent the Department of Corrections,
3 the Department of Human Services and the Department
4 of Mental Health and Mental Retardation which cur-
5 rently experience the most serious problems with
6 stressful jobs; and

7 9. The creation of the Bureau of State Employee
8 Health within the Department of Administration. The
9 Bureau of State Employee Health will administer the
10 Employee Assistance Program and a health program for
11 state employees. The purpose of the change is to
12 demonstrate the State's commitment to reduce the di-
13 rect costs of health insurance, disability retirement
14 and workers' compensation, as well as the indirect
15 costs associated with poor health of employees and
16 inadequate work place safety.

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