

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)

LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME II

SECOND REGULAR SESSION

April 3 - April 16, 1986

Index

SECOND SPECIAL SESSION

May 28 - May 30, 1986

Index

THIRD CONFIRMATION SESSION

July 15, 1986

Index

FOURTH CONFIRMATION SESSION

August 29, 1986

Index

THIRD SPECIAL SESSION

October 17, 1986

Index

FIFTH CONFIRMATION SESSION

November 24, 1986

Index

Which was READ and ORDERED PLACED ON FILE.

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Bill "An Act to Create the Family Division of the District Court and to Establish Full-time, Appointed Probate Judges" (H.P. 1504) (L.D. 2119).

Sincerely,

S/Edwin H. Pert
Clerk of the House

The Following Communication:

COMMITTEE ON TAXATION
ONE HUNDRED AND TWELFTH LEGISLATURE

April 14, 1986

Which was READ and ORDERED PLACED ON FILE.

The Honorable Charles P. Pray
President of the Senate
112th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Taxation during the Second Regular Session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	51
Unanimous reports	46
Leave to Withdraw	8
Ought to Pass	4
Ought Not to Pass	11
Ought to Pass as Amended	8
Ought to Pass in New Draft	15
Divided reports	5

Respectfully submitted,

S/R. Donald Twitchell
Senate Chair

S/John A. Cashman
House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333

April 14, 1986

Honorable Joy J. O'Brien
Secretary of the Senate
112th Legislature
Augusta, Maine 04333

ORDERS OF THE DAY

The following matters, in consideration of which the Senate was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 29.

The Chair laid before the Senate the Tabled and Later assigned (April 14, 1986) matter:

Bill "An Act to Reorganize the Department of Finance and Administration and the Department of Personnel"

S.P. 954 L.D. 2392

Tabled - April 14, 1986, by Senator VIOLETTE of Aroostook.

Pending - FURTHER CONSIDERATION

(In Senate, April 12, 1986, PASSED TO ENGROSSED.)

(In House, April 12, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-721) in NON-CONCURRENCE.)

On motion by Senator ANDREWS of Cumberland the Senate RECEDED.

House Amendment "A" (H-721) READ and ADOPTED.

On further motion by same Senator, Senate Amendment "A" (S-527) READ.

On further motion by same Senator, Senate Amendment "A" (S-530) to Senate Amendment "A" (S-527) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator ANDREWS: Mr. President, Men and Women of the Senate. The two amendments that I just offered were more technical in nature. One of them provided a fiscal note to this Bill, the latter one. The one before, that brought some technical amendments to this piece of legislation. If you haven't taken a look at this Bill, you probably will want to. It is the thickest one that you have at your desk. This was a major piece of work from the Joint Standing Committee on State Government. It is the product of our consideration, of our three major areas of State Government. One had to do with the reorganization of State Government that came as a result of a concern for the data processing needs of the state, to modernize the operation of State Government, to make it more efficient and more effective, and to develop a coordinated use of data processing. As you can well imagine, with the various bureaus, departments, agencies and offices of State Government around the State, all facing the need to modernize their information system. The need for coordination among those departments, bureaus and agencies is extremely great, particularly when you have issue after issue, that we discuss and debate here in the Legislature, that involves more than one department. What happened was the Governor established a task force, called the Governors Management Task Force on data processing in State Government, the make up of this Task Force was largely individuals from the private sector who work in, not only data processing, but management organization.

We asked that task force to get together and take a hard, thorough look at State Government, it's organization, the assets and liabilities to various approaches to the problem of data processing and coordination of data processing. We asked them to file a comprehensive report providing us with a critique and analysis, as well as some recommendations for action, based upon their successful models in the private sector. They came to the State Government Committee here with a very comprehensive report. They said if you are going to modernize and make efficient your data processing system, and make major investments in that system, then you are going to have to deal with the question of reorganization of State Government and better coordination among the bureaus, agencies and departments. The Bill before us is the product of the recommendations of that Task Force, combined with some extensive study and discussion among the State Government Committee, and various departments and agencies in State Government.

What essentially we have is the creation of the Department of Finance, which is going to consist of the Bureau of Budget, the Bureau of Accounts and Control, the Bureau of Taxation, the Bureau of the Lottery, and the Bureau of Alcoholic Beverages. We also have split off from the Finance Administration, we have two departments that will be created. The second department is the Department of Administration, which will include the Office of Information Services, the Bureau of Data Processing, the Bureau of Human Resources, which will be effective on July 1, 1987, the Bureau of Employee Relations, the Bureau of State Employee Health, the Bureau of Public Improvements, the Bureau of Purchases, the Division of Risk Managements, and the Board of Trustees of Group Accident and Sickness or health insurance.

The Department of Finance will consist of organizations that either produce revenue for the General Fund, or define the General Fund income and expenditures. The Department of Administration consists of those aspects of State Government designed to perform services for State Agencies and Departments. These services are primarily common administrative types of services needed by all state agencies such as the purchase of materials and equipment, construction or renovation of facilities and data processing. So we made the basic division within Finance and Administration and focused those two new departments, in those two respective areas, so we could have better coordination and a more efficient system.

With respect to data processing, which got this whole thing rolling, we are talking about the centralization of purchase or acquisition of data processing equipment and software. I think it probably goes without saying why we need to have that centralization of services, you don't want one department making a major investment in one type of data processing system, and then have another department making another major investment in a different type of data processing system. You want to have a data processing system that can be coordinated and be a basic link up between departments. That is what this Bill is going to do.

It is also going to provide for supervision of data processing activities. It is going to provide for the coordinated implementation of training programs for data processing personnel, computer program personnel and systems analysis. It calls for the creation of a comprehensive master plan for data processing to include plans to develop by each department and agency of State Government. That brings those departments and agencies together to develop that master plan so that we can have a maximum input from those departments and agencies, so the system is going to meet their needs, but at the same time we have the same kind of coordination that will make an integrated system work. We are going to establish a creation of standards for data processing, the Bill creates the Information Services Policy Board, which is going to serve as a policy making body with respect to this new data processing system.

This specific Board is going to work with the Deputy Commissioner of Administration for Information Services, which is a new position that we are creating, and it is a highly demanding position. We are going to have very high standards for this position that we are creating, we are going to require an exceptionally well qualified professional. This person is going to be the quarterback, so to speak, for this new data processing system, and it is going to bring those departments and agencies together. It is going to bring this policy making body together, and it is going to coordinate the creation and implementation of this system. This Board, this Information Services Policy Board, will present it's findings and recommendations, as well as implementing legislation to the First Session of the next Legislature and we have a deadline for them of March 30, 1987.

In other words the Committee was concerned that the steps that we take in developing this system, allow for a maximum degree of input by the various departments, bureaus and agencies.

Let me be quite frank with you and tell you that there was tremendous concern among some of those departments and some of those agencies and personnel for this new system. They were concerned that there would be this new system developed that would not incorporate their needs, that would not be able to be used by their department, it would create problems and confusion in efficiencies, and they were very concerned about developing a system without their input to make certain that the system works for them. We took that input to heart, as a State Government Committee, and we said that the actual implementation of this system will not take place until, first of all, we have this Policy Board in place. Secondly, we have this key staff person that is going to coordinate this. Thirdly, we are going to allow for this entire system to be developed and then presented before implementation to the First Session of the next Legislature, so that it will allow us, as a Legislature, to provide our final stamp of approval, on the system, before it actually goes into full operation.

The Bill also proposes, as I said, there were three major elements here, one was the reorganization of data processing, the second was the issue of personnel. The State Government Committee made an extensive study of our personnel system beginning last year. They worked very hard and came up with a comprehensive piece of legislation dealing with our personnel system. This legislation creates the Bureau of Human Resources, that will be incorporated within the Department of Administration on July 1, 1987. The Bureau of Human Resources will act as a service agency, a personnel service agency, to all other state agencies with the emphasis of serving the needs of state agencies and state employees. The Bureau of Human Resources will be directed and staffed by persons qualified by education, training, and experience of management of personnel systems. In addition, the director and staff of the office will be subject to the political restrictions that currently apply to classified state employees. The Bureau will not engage in collective bargaining, but will serve as a resource for collective bargaining negotiations.

We felt that it was important to make that distinction, they would serve as a resource for those negotiations, but not actually be involved in those negotiations. The Director of Human Resources will be assisted by a policy review board which will act in an advisory capacity in some manners and serve as a policy making function in other areas. All of those areas are spelled out in this legislation. I won't take the time to do it here on the floor, but some of these aspects, I thought it was important for you to understand before we enact this Bill and also for the Record.

The Policy Review Board is going to examine, and we have a delayed date as you know, July 1, 1987, to allow this Policy Review Board to carefully examine and develop policies with respect to job classifications and reclassifications, with respect to job incentives, with respect to performance evaluation, with respect to training managers and superiors, and with respect to communications between management and labor. All of those areas were areas of concern identified by the personnel subcommittee of the State Government Committee and those concerns were identified by state personnel in a survey that we conducted last year. By the way, all of those areas will be studied and a program and a policy will be developed and presented again to us next year, allowing us time to take the action necessary to put this in place, and that bureau will not take place until July 1, 1987, to give us the chance to take any action that we feel necessary next year.

Finally, last but not least, the Bill creates the Bureau of State Employee Health, again within the Department of Administration. This Bureau will administer the employee assistance program and a health program for state employees. Another feature of this that ties into the personnel system and the reorganization system, and that is why we put this all in one comprehensive piece of legislation. This Bill will establish a labor management team to study job classifications with severe stress in the Department of Mental Health and Mental Retardation, Corrections, and in the Department of Human Services. These job classifications involve positions with severe retention problems, as well as, positions that create serious stress problems. We decided that we needed to look at this issue as a whole. We have problems recruiting people in these areas. There is a tremendous turnover rate because of the stress, and as many of you know who have been following the advances that the private sector has made in stress reduction, and health promotion and the dividends that those new programs are paying for the private sector, in terms of reduce loss work days, reduced liability, the State, we determined, was lacking in this area and we needed to take some very positive constructive steps to develop health promotion, disease prevention, stress reduction programs within this new comprehensive approach to the reorganization of State Government, and so we are going to do that within this Bureau of State Employee Health and establish this labor of management team approach to develop specific steps that we can do that. All of those three areas are incorporated into this Bill.

I would like to congratulate the number of people who were involved in developing this legislation and there were dozens and dozens of people from both parties and from the private sector. There were some corporations in this State that donated tremendous resources in terms of bringing this personnel into State Government and allowing them the time and resources to really help the State develop this comprehensive plan. They have provided us with an enormous service and have made this all possible.

The labor unions who are representing State employees have gone the extra mile to help us to develop this very comprehensive piece of legislation, the staff in the Governor's office, the management staff within State Government have also gone the extra mile and leaders from both parties have made an enormous contribution to making this all work. I think this is a classic example of the private sector and the public sector working together and both parties of this Legislature working together. The Administration, management, and labor working together to come up with a plan that I think really has a shot for tremendous success. We have taken steps to get this ball rolling, we have made certain that in key policy areas the Legislature is going to be actively involved in the final decision making process of those policy areas and taking together we have made a major step forward. Thank you very much.

On motion by Senator ANDREWS of Cumberland, Senate Amendment "A" (S-530) to Senate Amendment "A" (S-527) ADOPTED.

Senate Amendment "A" (S-527) as Amended by Senate Amendment "A" (S-530), thereto ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The Chair laid before the Senate the Tabled and Later assigned (April 14, 1986) matter:

Bill "An Act to Provide Community Education and Family Health Services"

S.P. 835 L.D. 2124
(C "A" S-494)

Tabled - April 14, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of Senator PEARSON of Penobscot to RECONSIDER RECEDING and CONCURRING

(In Senate, April 12, 1986, RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494).)

(In House, April 12, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494) in NON-CONCURRENCE.)

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending the motion of Senator PEARSON of Penobscot to RECONSIDER RECEDING and CONCURRING.

The Chair laid before the Senate the Tabled and Later assigned (April 14, 1986) matter:

Bill "An Act Relating to Medical and Legal Professional Liability"

S.P. 958 L.D. 2400
(S "A" S-521)

Tabled - April 14, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, April 14, 1986, READ A SECOND TIME.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "B" (S-523) READ.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President, I think that it is important to point out that I am offering this amendment to L.D. 2400, because I think it is something important that we had discussed earlier, about doing something in this particular field that would have an impact on the medical malpractice insurance rates and the crisis in that particular field, forcing a lot of people to drop certain practices in medicine, because of the outlandish rates that they were being charged. After talking to people in the medical community in my area, and with people that were in the Judicial Department, I felt that in Maine what we were doing here was setting a contingency fee rate that was not really appropriate to the Maine structure. It may be in other states and across the Country where they have tremendous settlements, in that to set up this kind of a fee structure on a flat level would have an impact, but as I was told most of the cases in Maine have never hit that particular level and would not be impacted by this type of legislation. The danger here was that we were giving a flat 33 1/3 to the first \$100,000 without allowing for any flexibility at all in that particular case. What this amendment does is allows the judge to review six particular standards that would have to be met before the attorney, in the particular case, was to receive his fee.

I think that some people who are attorneys would be a little bit uncomfortable with that, but I think that rather than be inflexible with a flat fee and not very much work done and a non-complex case we were giving people a reward, rather than make it a dis-incentive to bring those things about to the judge. I know from the people in the Judicial Branch had a lot of concern about laws that were very inflexible and didn't allow for much Judicial latitude and I think it would offer that kind of compromise. I would move for the adoption of Senate Amendment "B" (S-523).

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.