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STATE OF MAINE
ONE HUNDRED AND TWENTY EIGHTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

TO: Senator James Hamper, Senate Chair
Representative Drew Gattine, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Paul Davis, Senate Chair *PTD*
Representative Roland Danny Martin, House Chair *RM*
Joint Standing Committee on State and Local Government

DATE: April 3, 2017

SUBJECT: Recommendations on the Governor's Proposed Biennial Budget (LD 390)

The Joint Standing Committee on State and Local Government appreciates the opportunity to submit this memorandum to complete its report back on the Governor's proposed biennial budget, LD 390. On March 27, 2017, the SLG Committee provided to you, the committee's recommendations on its assigned portions of the budget, except for those portions relating to the Office of Information Technology (OIT) in the Department of Administrative and Financial Services (DAFS) and those relating to the proposed Department of Technology Services (DTS), which the committee had tabled pending further information requested from DAFS and OIT.

The committee held an additional work session and voted on the tabled items. The committee was divided in all votes on the budget initiative affecting OIT and DTS, with 5 members supporting the initiatives and 6 members opposed. The 6 members voting to oppose these initiatives expressed overall concerns about the elimination of positions embedded in the DAFS, OIT and DTS budget items and dissatisfaction with the timeliness and adequacy of the department's responses to information requested by the committee.

The 5 members voting to support these initiatives expressed the need to move forward on the budget in a timely manner, and noted that their support was informed by their review of the proposals, the effort made by the department to respond to information requests, and that position eliminations focused on vacant positions.

The (5-6) vote for each item and language section is detailed in the attached document.

cc: Members, Joint Standing Committee on Appropriations and Financial Affairs
Members, Joint Standing Committee on State and Local Government

Joint Standing Committee on State and Local Government

Review of Biennial Budget for
FY2017-18 and FY2018-19 (LD390)

APRIL 3, 2017 - REPORT BACK ON THE FOLLOWING:

Department of Administrative and Financial Services

Part A-1: Information Services 0155 (P1-P7)

Part A-1: Statewide Radio Network System 0112 (P8)

Part L: Central Administrative Applications (P9)

Part AA: Technology Lease-Purchase (P10)

Department of Technology Services

Part A-72: Statewide Radio Network System Z243 (P11)

Part A-72: Technology Services Z242 (P11-P15)

Part B-1: Technology Services Z242 (P16)

Part R: Department of Technology Services (P17-P36)

Information Services 0155

Initiative: BASELINE BUDGET

	History 2015-16	History 2016-17	2017-18	2018-19
GENERAL FUND				
All Other	\$12,981,564	\$12,879,126	\$12,879,126	\$12,879,126
GENERAL FUND TOTAL	\$12,981,564	\$12,879,126	\$12,879,126	\$12,879,126
	History 2015-16	History 2016-17	2017-18	2018-19
FEDERAL EXPENDITURES FUND				
All Other	\$500	\$500	\$500	\$500
FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500	\$500	\$500
	History 2015-16	History 2016-17	2017-18	2018-19
OTHER SPECIAL REVENUE FUNDS				
All Other	\$500	\$500	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500	\$500	\$500
	History 2015-16	History 2016-17	2017-18	2018-19
OFFICE OF INFORMATION SERVICES FUND				
POSITIONS - LEGISLATIVE COUNT	503.000	503.000	499.500	499.500
Personal Services	\$49,217,284	\$48,959,229	\$50,100,464	\$51,254,774
All Other	\$7,566,140	\$7,566,140	\$7,566,140	\$7,566,140
OFFICE OF INFORMATION SERVICES FUND TOTAL	\$56,783,424	\$56,525,369	\$57,666,604	\$58,820,914

Justification:

The Office of Information Technology (OIT) supports state government, providing several services directly to agencies; project management, performance management, eGov services, policy development, procurement review, accessibility, strategic planning and consulting services. From an enterprise perspective, OIT provides IT security for the State of Maine, support for enterprise applications, geographic information systems, production services, local and wide area network services, desktop support, document management, facility engineering, business continuity, application hosting, and communication systems to include voice, data, and video.

The Chief Information Officer (CIO) is actively involved in initiatives that promote sharing resources and partnerships among agencies, encourage the wise use of technology in all business processes, and improve information sharing and collaboration by providing state of the art tools for state workers. The CIO evaluates new system requests to ensure that they are aligned with agency strategic plans and provide a reasonable return on investment for Maine State Government. The CIO chairs the IT Executive Committee which provides executive leadership for agencies, and for state government as a whole, to ensure that its business needs and priorities are identified and supported.

Information Services 0155

Initiative: Transfers one Public Service Manager I position from the Department of Administrative and Financial Services, Information Services program, Office of Information Services Fund, to the Department of Professional and Financial Regulation, Administrative Services - Professional and Financial Regulation program, Other Special Revenue Funds. The employee retains all rights as a classified employee as well as all accrued fringe benefits, including but not limited to vacation and sick leave, health and life insurances, and retirement benefits.

Ref. #: 98

Committee Vote: 5-6

AFA Vote: _____

OFFICE OF INFORMATION SERVICES FUND

POSITIONS - LEGISLATIVE COUNT

Personal Services

2017-18 2018-19

(1,000) (1,000)

(\$111,251) (\$112,283)

OFFICE OF INFORMATION SERVICES FUND TOTAL

(\$111,251) (\$112,283)

Justification:

The position was originally conceived as a technical position for the Office of Information Technology (OIT) however the duties and responsibilities changed over the past five years. The position currently performs non-technical functions and works primarily with business users to understand enhancement needs, provides training for users and addresses problems. See PRS Change Package C-A-5.

Information Services 0155

Initiative: Transfers funding for the State's accounting, budgeting, payroll and other systems from the Information Services program to the new Central Administrative Applications program within the same fund.

Ref. #: 99

Committee Vote: 5-6

AFA Vote: _____

GENERAL FUND

All Other

2017-18 2018-19

(\$12,879,126) (\$12,879,126)

GENERAL FUND TOTAL

(\$12,879,126) (\$12,879,126)

Justification:

The funding for a number of statewide systems is currently appropriated in the Information Services Program, but managed by the Office of the State Controller on behalf of the department. Transferring the appropriation to a separate program will distinguish these funds from those appropriated and allocated to the Office of Information Technology. Related enabling language Part L.

Information Services 0155

Initiative: Eliminates one vacant Computer Operator position, 3 vacant Senior Programmer Analyst positions, 3 vacant OIT Business Analyst positions, 2 vacant OIT Project Manager positions, 2 vacant Public Service Coordinator I positions, one vacant System Analyst position, one vacant Public Service Coordinator II position and one vacant Programmer Analyst position.

Ref. #: 100

Committee Vote: 5-6

AFA Vote: _____

OFFICE OF INFORMATION SERVICES FUND

POSITIONS - LEGISLATIVE COUNT

Personal Services

2017-18 2018-19

(14,000) (14,000)

(\$1,338,836) (\$1,405,533)

OFFICE OF INFORMATION SERVICES FUND TOTAL

(\$1,338,836) (\$1,405,533)

Information Services 0155

Initiative: BASELINE BUDGET

	History 2015-16	History 2016-17	2017-18	2018-19
GENERAL FUND				
All Other	\$12,981,564	\$12,879,126	\$12,879,126	\$12,879,126
GENERAL FUND TOTAL	\$12,981,564	\$12,879,126	\$12,879,126	\$12,879,126
	History 2015-16	History 2016-17	2017-18	2018-19
FEDERAL EXPENDITURES FUND				
All Other	\$500	\$500	\$500	\$500
FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500	\$500	\$500
	History 2015-16	History 2016-17	2017-18	2018-19
OTHER SPECIAL REVENUE FUNDS				
All Other	\$500	\$500	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500	\$500	\$500
	History 2015-16	History 2016-17	2017-18	2018-19
OFFICE OF INFORMATION SERVICES FUND				
POSITIONS - LEGISLATIVE COUNT	503.000	503.000	499.500	499.500
Personal Services	\$49,217,284	\$48,959,229	\$50,100,464	\$51,254,774
All Other	\$7,566,140	\$7,566,140	\$7,566,140	\$7,566,140
OFFICE OF INFORMATION SERVICES FUND TOTAL	\$56,783,424	\$56,525,369	\$57,666,604	\$58,820,91

Justification:

The Office of Information Technology (OIT) supports state government, providing several services directly to agencies; project management, performance management, eGov services, policy development, procurement review, accessibility, strategic planning and consulting services. From an enterprise perspective, OIT provides IT security for the State of Maine, support for enterprise applications, geographic information systems, production services, local and wide area network services, desktop support, document management, facility engineering, business continuity, application hosting, and communication systems to include voice, data, and video.

The Chief Information Officer (CIO) is actively involved in initiatives that promote sharing resources and partnerships among agencies, encourage the wise use of technology in all business processes, and improve information sharing and collaboration by providing state of the art tools for state workers. The CIO evaluates new system requests to ensure that they are aligned with agency strategic plans and provide a reasonable return on investment for Maine State Government. The CIO chairs the IT Executive Committee which provides executive leadership for agencies, and for state government as a whole, to ensure that its business needs and priorities are identified and supported.

Information Services 0155

Initiative: Transfers one Public Service Manager I position from the Department of Administrative and Financial Services, Information Services program, Office of Information Services Fund, to the Department of Professional and Financial Regulation, Administrative Services - Professional and Financial Regulation program, Other Special Revenue Funds. The employee retains all rights as a classified employee as well as all accrued fringe benefits, including but not limited to vacation and sick leave, health and life insurances, and retirement benefits.

Ref. #: 98

Committee Vote: 5-6

AFA Vote: _____

OFFICE OF INFORMATION SERVICES FUND

POSITIONS - LEGISLATIVE COUNT

Personal Services

2017-18 2018-19

(1,000) (1,000)

(\$111,251) (\$112,283)

OFFICE OF INFORMATION SERVICES FUND TOTAL

(\$111,251) (\$112,283)

Justification:

The position was originally conceived as a technical position for the Office of Information Technology (OIT) however the duties and responsibilities changed over the past five years. The position currently performs non-technical functions and works primarily with business users to understand enhancement needs, provides training for users and addresses problems. See PRS Change Package C-A-5.

Information Services 0155

Initiative: Transfers funding for the State's accounting, budgeting, payroll and other systems from the Information Services program to the new Central Administrative Applications program within the same fund.

Ref. #: 99

Committee Vote: 5-6

AFA Vote: _____

GENERAL FUND

All Other

2017-18 2018-19

(\$12,879,126) (\$12,879,126)

GENERAL FUND TOTAL

(\$12,879,126) (\$12,879,126)

Justification:

The funding for a number of statewide systems is currently appropriated in the Information Services Program, but managed by the Office of the State Controller on behalf of the department. Transferring the appropriation to a separate program will distinguish these funds from those appropriated and allocated to the Office of Information Technology. Related enabling language Part L.

Information Services 0155

Initiative: Eliminates one vacant Computer Operator position, 3 vacant Senior Programmer Analyst positions, 3 vacant OIT Business Analyst positions, 2 vacant OIT Project Manager positions, 2 vacant Public Service Coordinator I positions, one vacant System Analyst position, one vacant Public Service Coordinator II position and one vacant Programmer Analyst position.

Ref. #: 100

Committee Vote: 5-6

AFA Vote: _____

OFFICE OF INFORMATION SERVICES FUND

POSITIONS - LEGISLATIVE COUNT

Personal Services

2017-18 2018-19

(14,000) (14,000)

(\$1,338,836) (\$1,405,533)

OFFICE OF INFORMATION SERVICES FUND TOTAL

(\$1,338,836) (\$1,405,533)

Justification:

Through analysis of its vacant positions, the department determined the positions were no longer necessary.

Information Services 0155

Initiative: Eliminates 2 Public Service Manager III positions and one Public Service Manager II position.

Ref. #: 101

Committee Vote: 5-6

AFA Vote: _____

OFFICE OF INFORMATION SERVICES FUND

POSITIONS - LEGISLATIVE COUNT

Personal Services

2017-18 **2018-19**

(3.000) (3.000)

(\$435,154) (\$437,988)

OFFICE OF INFORMATION SERVICES FUND TOTAL

(\$435,154) (\$437,988)

Justification:

These positions are dedicated to the ConnectME Authority. A new Office of Broadband Development within the Department of Economic and Community Development will take on ConnectMe responsibilities. See ECC C-A-7060 Language Part W.

Information Services 0155

Initiative: Transfers all positions and All Other funding from the Federal Expenditures Fund, Other Special Revenue Funds and the Office of Information Services Fund in the Department of Administrative and Financial Services, Information Services program to the Federal Expenditures Fund, Other Special Revenue Funds and the Office of Information Services Fund in the new Department of Technology Services, Technology Services program. Position detail is on file with the Bureau of Budget.

Ref. #: 102

Committee Vote: 5-6

AFA Vote: _____

FEDERAL EXPENDITURES FUND

All Other

2017-18 **2018-19**

(\$500) (\$500)

FEDERAL EXPENDITURES FUND TOTAL

(\$500) (\$500)

Ref. #: 103

Committee Vote: 5-6

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS

All Other

2017-18 **2018-19**

(\$500) (\$500)

OTHER SPECIAL REVENUE FUNDS TOTAL

(\$500) (\$500)

Ref. #: 104

Committee Vote: 5-6

AFA Vote: _____

OFFICE OF INFORMATION SERVICES FUND

2017-18 **2018-19**

POSITIONS - LEGISLATIVE COUNT	(473,500)	(473,500)
Personal Services	(\$47,447,382)	(\$48,510,359)
All Other	(\$7,535,440)	(\$7,535,440)
OFFICE OF INFORMATION SERVICES FUND TOTAL	(\$54,982,822)	(\$56,045,799)

Justification:

This initiative moves positions and All Other funding from the Department of Administrative and Financial Services, Information Services program to the new Department of Technology Services, Technology Services program. See INF C-A-7100. Language Part R.

Information Services 0155

Initiative: Transfers one Public Service Manager III position, one Public Service Manager II position, one Public Service Coordinator II position, one Public Service Coordinator I position, one Management Analyst II position and 3 Office Specialist I positions and associated All Other funding from the Information Services program, Office of Information Services Fund, to the Division of Financial and Personnel Services program, Financial and Personnel Services Fund.

Ref. #: 106

Committee Vote:

5-6

AFA Vote:

OFFICE OF INFORMATION SERVICES FUND

POSITIONS - LEGISLATIVE COUNT

Personal Services

All Other

2017-18 **2018-19**

(8,000) (8,000)

(\$767,841) (\$788,611)

(\$30,700) (\$30,700)

OFFICE OF INFORMATION SERVICES FUND TOTAL

(\$798,541) (\$819,311)

Justification:

These positions provide financial services for the Office of Information Technology and are more appropriately placed in the Service Center.

**INFORMATION SERVICES 0155
PROGRAM SUMMARY**

	History 2015-16	History 2016-17	2017-18	2018-19
GENERAL FUND				
All Other	\$12,981,564	\$12,879,126	\$0	\$0
GENERAL FUND TOTAL	\$12,981,564	\$12,879,126	\$0	\$0
FEDERAL EXPENDITURES FUND				
All Other	\$500	\$500	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500	\$0	\$0
OTHER SPECIAL REVENUE FUNDS				
All Other	\$500	\$500	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500	\$0	\$0
OFFICE OF INFORMATION SERVICES FUND				
POSITIONS - LEGISLATIVE COUNT	503,000	503,000	0.000	0.000
Personal Services	\$49,217,284	\$48,959,229	\$0	\$0
All Other	\$7,566,140	\$7,566,140	\$0	\$0
OFFICE OF INFORMATION SERVICES FUND TOTAL	\$56,783,424	\$56,525,369	\$0	\$

Statewide Radio Network System 0112

Initiative: BASELINE BUDGET

	History 2015-16	History 2016-17	2017-18	2018-19
GENERAL FUND				
All Other	\$6,699,151	\$6,699,151	\$6,699,151	\$6,699,151
GENERAL FUND TOTAL	\$6,699,151	\$6,699,151	\$6,699,151	\$6,699,151

Justification:

The Statewide Radio Network System was created under the management of the Chief Information Officer and Office of Information Technology to procure, install, commission and maintain a consolidated radio communications network to provide service to all State of Maine public safety and public service users. The main responsibility of this office is to ensure that the financial affairs of the fund are properly managed, maintain records for all agencies using the system and make this information available to state agencies, and require state agencies to become part of the statewide radio and network system when replacing their current systems or purchasing new systems.

Statewide Radio Network System 0112

Initiative: Transfers All Other funding from the Department of Administrative and Financial Services, Statewide Radio Network System program to the Department of Technology Services, Statewide Radio Network System program.

Ref. #: 91

Committee Vote: 5-6

AFA Vote: _____

	2017-18	2018-19
GENERAL FUND		
All Other	(\$6,699,151)	(\$6,699,151)
GENERAL FUND TOTAL	(\$6,699,151)	(\$6,699,151)

Justification:

Transfers All Other funding from the Department of Administrative and Financial Services, Statewide Radio Network System program to the Department of Technology Services, Statewide Radio Network System program.

**STATEWIDE RADIO NETWORK SYSTEM 0112
PROGRAM SUMMARY**

	History 2015-16	History 2016-17	2017-18	2018-19
GENERAL FUND				
All Other	\$6,699,151	\$6,699,151	\$0	\$0
GENERAL FUND TOTAL	\$6,699,151	\$6,699,151	\$0	\$0

PART L

Sec. L-1. 5 MRSA §284-A is enacted to read:

§284-A . Central Administrative Applications

1. Systems and Applications. The department shall be responsible for systems and applications that are used across multiple Executive branch agencies. The commissioner, or the commissioner's designee, is responsible for ensuring appropriate support for and usage of the systems and applications, and for recommending appropriate funding levels.

2 Nonlapsing Fund. Funds appropriated and allocated for the support of Central Administrative Applications shall not lapse, and must be carried forward.

Sec. L-2. Department of Administrative and Financial Services, Information Services Program, General Fund account carry-forward. Notwithstanding any other provision of law, any balance remaining in the Department of Administrative and Financial Services, Information Services program, General Fund account after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute at the close of fiscal year 2016-17 may not lapse and must be carried forward into the Department of Administrative and Financial Services, Central Administrative Applications program, General Fund account to be used for the same purposes.

PART L

SUMMARY

This Part establishes the Department of Administrative and Financial Services, Office of the Commissioner, as the Office responsible for systems and applications used across multiple Executive branch agencies. This Part also authorizes any remaining balances in the Department of Administrative and Financial Services, Information Services program, General Fund account at the close of fiscal year 2016-17 to be carried forward into the new Department of Administrative and Financial Services, Central Administrative Applications program, General Fund account to be used for the same purposes.

Committee Vote: 5-6

PART AA

Sec. AA-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of the State, on behalf of the Office of Information Technology may enter into financing arrangements on or after July 1, 2017 for: improvements to the State's technology infrastructure and data centers; purchase of enterprise software; modernization of databases, storage, and other components; and, improved security of Personally Identifiable Information and other confidential data. The financial agreements may not exceed \$21,000,000 in principal costs, 7 years in duration, and a 6% interest rate. The annual principal and interest costs must be paid from the appropriate line category appropriations in the Department of Administrative and Financial Services.

PART AA SUMMARY

This Part authorizes the Department of Administrative and Financial Services on behalf of the Office of Information Technology to enter into financing arrangements on or after July 1, 2017 for improvements to the State's technology infrastructure and software. The agreements are limited to a principal cost of \$21,000,000 and a 6% interest rate and cannot exceed seven years in duration.

Committee vote: 5-6

Sec. A-72. Appropriations and allocations. The following appropriations and allocations are made.

TECHNOLOGY SERVICES, DEPARTMENT OF

Statewide Radio Network System Z243

Initiative: Transfers All Other funding from the Department of Administrative and Financial Services, Statewide Radio Network System program to the Department of Technology Services, Statewide Radio Network System program.

Ref. #: 2211

Committee Vote: 5-6

AFA Vote: _____

	2017-18	2018-19
GENERAL FUND		
All Other	\$6,699,151	\$6,699,151
GENERAL FUND TOTAL	<u>\$6,699,151</u>	<u>\$6,699,151</u>

Statewide Radio Network System Z243

Initiative: Establishes baseline allocation, expenditures and dedicated revenue for the Statewide Radio and Network System Reserve Fund.

Ref. #: 2212

Committee Vote: 5-6

AFA Vote: _____

	2017-18	2018-19
STATEWIDE RADIO AND NETWORK SYSTEM RESERVE FUND		
All Other	\$5,000	\$5,000
STATEWIDE RADIO AND NETWORK SYSTEM RESERVE FUND TOTAL	<u>\$5,000</u>	<u>\$5,000</u>

Justification:

Establishes baseline funding for the Statewide Radio and Network System Reserve Fund.

STATEWIDE RADIO NETWORK SYSTEM Z243 PROGRAM SUMMARY

	History 2015-16	History 2016-17	2017-18	2018-19
GENERAL FUND				
All Other	\$0	\$0	\$6,699,151	\$6,699,151
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$6,699,151</u>	<u>\$6,699,151</u>

	History 2015-16	History 2016-17	2017-18	2018-19
STATEWIDE RADIO AND NETWORK SYSTEM RESERVE FUND				
All Other	\$0	\$0	\$5,000	\$5,000
STATEWIDE RADIO AND NETWORK SYSTEM RESERVE FUND TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$5,000</u>	<u>\$5,000</u>

Technology Services Z242

Initiative: Transfers positions and All Other funding from the Federal Expenditures Fund, Other Special Revenue Funds and the Office of Information Services Fund in the Department of Administrative and Financial Services, Information Services program to Federal Expenditures Fund, Other Special Revenue Funds and the Office of Information Services Fund in the new Department of Technology Services, Technology Services program. Position detail is on file with the Bureau of Budget.

Ref. #: 2201 Committee Vote: 5-6 AFA Vote: _____

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$500	\$500
FEDERAL EXPENDITURES FUND TOTAL	<hr/> \$500	<hr/> \$500

Ref. #: 2202 Committee Vote: 5-6 AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/> \$500	<hr/> \$500

Ref. #: 2203 Committee Vote: 5-6 AFA Vote: _____

OFFICE OF INFORMATION SERVICES FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	473,500	473,500
Personal Services	\$47,447,382	\$48,510,359
All Other	\$7,535,440	\$7,535,440
OFFICE OF INFORMATION SERVICES FUND TOTAL	<hr/> \$54,982,822	<hr/> \$56,045,799

Justification:

This initiatives moves positions and All Other funding from the Department of Administrative and Financial Services, Information Services program to the new Department of Technology Services, Technology Services program. See ADM C-A-7100.

Technology Services Z242

Initiative: Reorganizes one Chief Information Officer position to a Commissioner, Department of Technology Services position to align the classification with the duties of the position.

Ref. #: 2205 Committee Vote: 5-6 AFA Vote: _____

OFFICE OF INFORMATION SERVICES FUND	2017-18	2018-19
Personal Services	\$3,124	\$3,129
OFFICE OF INFORMATION SERVICES FUND TOTAL	<hr/> \$3,124	<hr/> \$3,129

Justification:

Provides funding for annual principal and interest payments on \$21,000,000 in borrowing requested by the Department of Information Technology for statewide initiatives.

**TECHNOLOGY SERVICES Z242
PROGRAM SUMMARY**

	History 2015-16	History 2016-17	2017-18	2018-19
GENERAL FUND				
POSITIONS - LEGISLATIVE COUNT	0.000	0.000	4.000	4.000
Personal Services	\$0	\$0	\$442,039	\$447,750
All Other	\$0	\$0	\$851,403	\$5,331,403
GENERAL FUND TOTAL	\$0	\$0	\$1,293,442	\$5,779,153
	History 2015-16	History 2016-17	2017-18	2018-19
FEDERAL EXPENDITURES FUND				
All Other	\$0	\$0	\$500	\$500
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0	\$500	\$500
	History 2015-16	History 2016-17	2017-18	2018-19
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$500	\$500
	History 2015-16	History 2016-17	2017-18	2018-19
OFFICE OF INFORMATION SERVICES FUND				
POSITIONS - LEGISLATIVE COUNT	0.000	0.000	469.500	469.500
Personal Services	\$0	\$0	\$47,008,467	\$48,065,738
All Other	\$0	\$0	\$7,535,440	\$7,535,440
OFFICE OF INFORMATION SERVICES FUND TOTAL	\$0	\$0	\$54,543,907	\$55,601,178

TECHNOLOGY SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$7,992,593	\$12,478,304
FEDERAL EXPENDITURES FUND	\$500	\$500
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
OFFICE OF INFORMATION SERVICES FUND	\$54,543,907	\$55,601,178
STATEWIDE RADIO AND NETWORK SYSTEM RESERVE FUND	\$5,000	\$5,000
DEPARTMENT TOTAL - ALL FUNDS	<u>\$62,542,500</u>	<u>\$68,085,482</u>

Sec. B-1. Appropriations and allocations. The following appropriations and allocations are made.

AUDITOR, OFFICE OF THE STATE

audit - Unorganized Territory 0075

Initiative: RECLASSIFICATIONS

Ref. #: 630

Committee Vote: _____

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS

Personal Services

All Other

OTHER SPECIAL REVENUE FUNDS TOTAL

	2017-18	2018-19
Personal Services	\$4,330	\$4,336
All Other	\$151	\$152
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,481	\$4,488

AUDITOR, OFFICE OF THE STATE

DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS

DEPARTMENT TOTAL - ALL FUNDS

	2017-18	2018-19
OTHER SPECIAL REVENUE FUNDS	\$4,481	\$4,488
DEPARTMENT TOTAL - ALL FUNDS	\$4,481	\$4,488

TECHNOLOGY SERVICES, DEPARTMENT OF

Technology Services Z242

Initiative: RECLASSIFICATIONS

Ref. #: 2209

Committee Vote: 5 - 6

AFA Vote: _____

OFFICE OF INFORMATION SERVICES FUND

Personal Services

All Other

OFFICE OF INFORMATION SERVICES FUND TOTAL

	2017-18	2018-19
Personal Services	\$64,170	\$70,298
All Other	(\$64,170)	(\$70,298)
OFFICE OF INFORMATION SERVICES FUND TOTAL	\$0	\$0

TECHNOLOGY SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS

OFFICE OF INFORMATION SERVICES FUND

DEPARTMENT TOTAL - ALL FUNDS

	2017-18	2018-19
OFFICE OF INFORMATION SERVICES FUND	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

Committee Vote : 5-6 (Part R in total)
PART R

Sec. R-1. 1 MRSA §534, sub-§1, ¶J, as enacted by PL 2005, c. 5, §3, is amended to read:

J. ~~The Chief Information Officer of the Department of Administrative and Financial Services or the Chief Information Officer's designee.~~ The Commissioner of Technology Services, or the commissioner's designee.

Sec. R-2. 1 MRSA §534, sub-§3, as amended by PL 2007, c. 37, §2, is further amended to read:

3. Staff. The Department of ~~Administrative and Financial Services, Office of Information Technology Services~~ shall provide staff to the board.

Sec. R-3. 1 MRSA §534, sub-§5, ¶B, as amended by PL 2007, c. 37, §3, is further amended to read:

B. Approve the criteria and specifications for a network manager and its duties developed by the ~~Chief Information Officer~~commissioner within the Department of ~~Administrative and Financial Services~~Technology Services;

Sec. R-4. 1 MRSA §535, sub-§1, as amended by PL 2007, c. 37, §4, is further amended to read:

1. Criteria and specifications; contract terms. ~~The Chief Information Officer within the Department of Administrative and Financial Services or the Chief Information Officer's~~Commissioner of Technology Services, or the commissioner's designee, in consultation with the board, shall develop criteria and specifications for a network manager and its duties. ~~The Chief Information Officer~~commissioner shall develop and release a request for proposals to solicit bids from private entities to serve as the network manager. ~~The Chief Information Officer~~commissioner shall develop the terms and conditions of the contract, which must include at least the following:

A. Perpetual licensing to the board of software and other intellectual property developed by the network manager for use by InforME; and

B. Procedures ensuring that executive branch and semiautonomous state agencies and the network manager comply with the standards and policies adopted by the ~~Chief Information Officer of the Office of Information Technology within the Department of Administrative and Financial Services~~Commissioner of Technology Services.

Sec. R-5. 2 MRSA §6, sub-§1, as amended by PL 2011, c. 657, Pt. Y, §1, is further amended to read:

1. **Range 91.** The salaries of the following state officials and employees are within salary range 91:

Commissioner of Transportation;
Commissioner of Agriculture, Conservation and Forestry;
Commissioner of Administrative and Financial Services;
Commissioner of Education;
Commissioner of Environmental Protection;
Executive Director of Dirigo Health;
Commissioner of Public Safety;
Commissioner of Professional and Financial Regulation;
Commissioner of Labor;
Commissioner of Inland Fisheries and Wildlife;
Commissioner of Marine Resources;
Commissioner of Corrections;
Commissioner of Economic and Community Development;
Commissioner of Defense, Veterans and Emergency Management; ~~and~~
Executive Director, Workers' Compensation Board; and
Commissioner of Technology Services.

Sec. R-6. 2 MRSA §6, sub-§2, as amended by PL 2015, c. 267, Pt. HHH, §1, is further amended to read:

2. **Range 90.** The salaries of the following state officials and employees are within salary range 90:

Superintendent of Financial Institutions;
Superintendent of Consumer Credit Protection;
State Tax Assessor;
Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;
Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;
Deputy Commissioner, Department of Administrative and Financial Services;
Deputy Commissioner, Department of Corrections;
Public Advocate;
Two deputy commissioners, Department of Health and Human Services;
~~Chief Information Officer;~~
Associate Commissioner, Department of Corrections;
Chief of the State Police; and
Securities Administrator, Office of Securities.

Sec. R-7. 5 MRSA c. 21 is enacted to read:

Chapter 21
Department of Technology Services

Subchapter 1: General Provisions

§480. Department established.

The Department of Technology Services is established as the primary department of State Government responsible for information technology. The department is responsible for oversight and coordination of information technology policy, planning, and service delivery; and, shall ensure consistency in programming services, stability in data processing functions, and operational reliability of systems, while maintaining responsiveness and flexibility to react to changing situations and needs.

The department is under the supervision and control of the commissioner, who is appointed by the Governor and serves at the pleasure of the Governor. The commissioner must have educational qualifications and professional experience directly related to the functions of and services provided by the department.

§481. Definitions.

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

1. Commissioner. “Commissioner” means the Commissioner of Technology Services, who shall serve as the state Chief Information Officer.

2. Computer system. "Computer system" has the same meaning as in Title 17-A, section 431.

3. Data processing. "Data processing" means the process that encompasses all computerized and auxiliary automated information handling, including systems analysis and design, conversion of data, computer programming, information storage and retrieval, data and facsimile transmission, requisite system controls, simulation and all related interactions between people and machines. "Data processing" also includes all word or text manipulation processing.

4. Department. "Department" means the Department of Technology Services.

5. Enterprise. "Enterprise" means collectively all departments and agencies of the executive branch.

6. Semiautonomous state agency. "Semiautonomous state agency" means an agency created by an act of the Legislature that is not a part of the Executive Department. This term does not include the Legislature, Judicial Department, Department of the Attorney General, Department of the Secretary of State, Office of the Treasurer of State and Office of the State Auditor.

7. Telecommunications. "Telecommunications" means, but is not limited to, the process of transmitting and receiving any information, including voice, data and video, by any medium, including wire, microwave, fiberoptics, radio, laser and satellite.

§482. Powers and duties of the commissioner.

The commissioner serves as the principal technology advisor to the Governor, and is responsible for information technology leadership, planning and performance management. The commissioner provides central leadership and vision in the use of technology across state government.

1. Appoint a deputy commissioner. The commissioner may appoint and set the salary for a deputy commissioner to assist in carrying out the responsibilities of the department. The deputy commissioner serves at the pleasure of the commissioner.

2. Set rules. The commissioner may set rules for carrying out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A;

3. Information technology leadership. The commissioner, or the commissioner's designee, shall:

- A. Set policies and standards for the implementation and use of information and telecommunications technologies, including privacy and security standards and standards of the federal Americans with Disabilities Act, for information technology;
- B. Assist the Governor's Office with development and support of information technology-related legislation;
- C. Identify and implement information technology best business practices;
- D. Facilitate research and development activities to identify and establish effective information technology service delivery in State Government; and
- E. Facilitate interjurisdictional collaboration, services, sharing and initiatives among agencies, instrumentalities and political subdivisions of State Government and with other states and the Federal Government.

4. Information technology planning. The commissioner, or the commissioner's designee, shall:

- A. Establish and manage a process for strategic information technology planning;
- B. Ensure integration between the enterprise strategic plan and department-specific information technology plans;
- C. Approve all departments' information technology plans; and
- D. Develop, implement and monitor compliance with statewide standards and architecture.

5. Information technology financial management. The commissioner, or the commissioner's designee, shall develop an information technology financial management process to:

- A. Protect current and future investments in information and telecommunications technologies in State Government;
- B. Identify ways to use information and telecommunications technologies to reduce cost of government and improve service to customers;
- C. Analyze business process improvement options that will yield benefits to the State;
- D. Establish performance and other outcomes measures and cost benefit analyses for information technology;
- E. Develop and administer a statewide information technology financial management and budget planning process;
- F. Establish internal service funds accounts. These funds include, but are not limited to, appropriations made to the fund, funds transferred to the department, and funds received for data processing and telecommunications planning services rendered to state agencies;
- G. Levy appropriate charges against all state agencies using services provided by the department and for the operations of department. The charges must be those fixed in a

schedule or schedules prepared and revised as necessary by the commissioner. The schedule of charges must be supported and explained by accompanying information; and H. Submit a budget of estimated revenues and costs to be incurred by the department as part of the unified current services budget legislation in accordance with sections 1663 to 1666. Notwithstanding section 1583, allocations may be increased or adjusted by the State Budget Officer, with approval of the Governor, to specifically cover those adjustments determined to be necessary by the commissioner. A request for adjustment to the allocation is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

6. Information technology procurement and contract management.

A. The commissioner, or the commissioner's designee, shall work with the Department of Administrative and Financial Services to:

- (1) Approve all major or nonstandard information and telecommunications technology initiatives, contracts and acquisitions, including enterprise initiatives;
- (2) Develop written standards for and approve the acquisition and use of all data processing and telecommunications services, equipment, software and systems by state agencies;
- (3) Approve the Division of Purchases' standards and evaluation procedures for standard information and telecommunications technology acquisitions and contracts; and
- (4) Comply with all other state procurement policies.

B. Non-compliance. The purchase of technology equipment, software or services may not be made except in accordance with this chapter. An Agency may not purchase technology equipment, software or services without documented approval of the commissioner, or the commissioner's designee. The Department of Administrative and Financial Services may not award contracts nor authorize payments for technology equipment, software or services without evidence of this prior approval.

(1) Non-compliance defined. A state agency is in noncompliance with this chapter if the agency enters into agreements for technology equipment, software, or services without documented approval by the commissioner; or, fails to adhere to the standards and policies established in accordance with this chapter.

(2) Penalty. Any state agency found to be in noncompliance as defined in this section is prohibited from further action related to acquiring or purchasing technology equipment, software or services until the commissioner or the commissioner's designee determines that the agency is in compliance with this chapter.

C. Emergency Needs. Notwithstanding the provisions of this section, the commissioner or the commissioner's designee may act to acquire or purchase technology equipment, software or services to maintain or meet the emergency needs of a state agency.

D. Information technology communications. The commissioner, or the commissioner's designee, shall provide information technology communications by serving as the lead advocate for information technology directions, policies, standards and plans for the executive branch and independent units of State Government, constitutional offices, the media and the general public.

7. Maintain central telecommunications services. The commissioner or the commissioner's designee shall maintain and operate central telecommunications services and may:

A. Employ or engage outside technical and professional services that may be necessary for telecommunications purposes;

B. Levy charges, according to a rate schedule based on uniform billing procedures against all units utilizing telecommunications services; and

C. Require departments and agencies to be a part of the central telecommunications service network. Capital items purchased through the department may not be given, transferred, sold or otherwise conveyed to any other department, agency or account without authorization through the normal budgetary process. Except as authorized by the commissioner, telecommunications services, equipment and systems are the responsibility and property of the department.

8. Provide services. The department shall direct, coordinate and oversee the provision of information technology services throughout state government.

9. Maintain central data processing services. The commissioner shall maintain and operate central data processing and geographic information systems pursuant to subchapter 2.

10. InforME responsibilities. The commissioner shall serve as the contracting authority under Title 1, chapter 14 and shall provide staff to the InforME Board established in Title 1, chapter 14.

11. Intergovernmental cooperation and assistance. The commissioner may enter into agreements with the Federal Government, the University of Maine System, the Maine Community College System and other agencies and organizations that will promote the objectives of this chapter.

§483. Information security and technology risk management

1. Protection of information files. The commissioner shall coordinate and oversee the storage, accessibility, and recovery of information files. Content of all data files are the property of the agency or agencies responsible for their collection and use.

2. Confidentiality. Computer programs, technical data, logic diagrams and source code related to data processing or telecommunications are confidential and are not public records, as defined in Title 1, section 402, subsection 3, to the extent of the identified trade secrets. To qualify for confidentiality under this subsection, computer programs, technical data, logic diagrams and source code must:

A. Contain trade secrets, as defined in Title 10, section 1542, subsection 4, held in private ownership; and

B. Have been provided to a state agency by an authorized independent vendor or contractor under an agreement by which:

(1) All trade secrets that can be protected are identified without disclosing the trade secret;

(2) The vendor or contractor retains all intellectual property rights in those trade secrets; and

(3) The state agency agrees to hold and use the programs, data, diagrams or source code without disclosing any identified trade secrets.

3. Public records. Except as provided in subsection 1, any document created or stored on a State Government computer must be made available in accordance with Title 1, chapter 13.

4. Response to requests for public records. Each agency that collects and uses data or information is responsible for responding to requests for public data or information hosted on state-owned computer devices and equipment. The department shall assist the agency in searching for and identifying all data and information stored within the department, and in compiling the data and information.

Subchapter 2: Geographic Information Systems

§485. Office of Geographic Information Systems Established

1. Office established. The Office of Geographic Information Systems is established within the Department of Technology Services.

2. Powers and Duties. The Office of Geographic Information Systems shall:

A. Geographic information system. Establish, maintain and operate a geographic data base information center, develop and administer standards, subject to the approval of the

commissioner, and provide geographic information system services to the public. A request to provide the Legislature or an office of the Legislature with existing information for the purposes of making policy decisions must be considered high priority:

B. GIS data repository. Create a GIS data repository for the proper management of GIS data and ensure the GIS data are documented, including ownership. Data must be stored and managed in a manner that facilitates the evolution of a distributed agency GIS network:

C. Data ownership. Maintain GIS base map data and other multipurpose data not specific to any state agency. All other GIS data are owned by the agency originally compiling the mapped data that were digitized for the GIS. Data owners are responsible for updating their GIS data and certifying its accuracy;

D. Accuracy level. Ensure that GIS data added on the GIS data repository are developed and maintained at an accuracy level and in a format that meets the GIS data standards, kept in a format that is compatible with the GIS and, upon request of a potential user, made available to the user;

E. Charges. Levy appropriate charges on those using the services provided by the office, except that charges may not be levied on the Legislature for existing information. The charges must be fixed in a schedule or schedules. The schedule of charges must be supported and explained by accompanying information and approved by the commissioner; and

F. Consultation with commissioner. Consult with the commissioner on all major policy issues, including fee schedules, related to the management of GIS data and development of GIS data standards.

3. Intergovernmental cooperation and assistance. The administrator may enter into such agreements with other agencies and organizations as will promote the objectives of this subchapter and accept funds from public and private organizations to be expended for purposes consistent with this subchapter.

4. Licensing agreements. GIS data are subject to licensing agreements and may be made available only in accordance with this subchapter and upon payment of fees established under this subchapter. The licensing agreement must protect the security and integrity of the GIS data, limit the liability of the data owners and the office providing the services and products and identify the source of the GIS data.

§486. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings:

1. Administrator. "Administrator" means the Administrator of the Office of Geographic Information Systems.

2. Geographic information system or GIS. "Geographic information system" or "GIS" means an entire formula, pattern, compilation, program, device, method, technique, process, digital data base or system that electronically records, stores, reproduces and manipulates by computer geographic information system data.

3. Geographic information system data or GIS data. "Geographic information system data" or "GIS data" means geographic information that has been compiled and digitized for use in geographic information systems by a state agency, either alone or in cooperation with other agencies.

4. Geographic information system services or GIS services. "Geographic information system services" or "GIS services" means the process of gathering, storing, maintaining and providing geographic information system data for geographic information systems. "Geographic information system services" or "GIS services" does not include general purpose data processing services.

§487. Priority of Responsibilities

The activities authorized under this subchapter do not take priority over the primary responsibilities of the Department of Technology Services. If there are not sufficient financial or personnel resources for the Office of Geographic Information Systems to perform certain GIS services and deliver GIS data and products as provided in this subchapter, the administrative management functions related to the Office of Geographic Information Systems, technical support for other state agency GIS users, office equipment maintenance and GIS data base management must take precedence.

Subchapter 3: Maine Library of Geographic Information

§488. Short Title

This subchapter may be known and cited as "the Maine Library of Geographic Information Act."

§489. Definitions

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

1. Association. "Association" means an organization:

A. Whose membership is identifiable by regular payment of organizational dues and regularly maintained membership lists;

B. That is registered with the State or is a corporation in the State; and

C. That exists for the purpose of advancing the common occupation or profession of its membership.

2. Data custodian. "Data custodian" means a federal data custodian, state data custodian or nonstate data custodian.

3. Federal data custodian. "Federal data custodian" means any branch, agency or instrumentality of the Federal Government.

4. Geographic information board. "Geographic information board" means the Maine Library of Geographic Information Board.

5. Geographic information system. "Geographic information system" or "GIS" means a computer system capable of assembling, storing, manipulating, analyzing and displaying information identified according to locations. A GIS includes operating personnel, hardware, software and the data that go into the system.

6. Maine Library of Geographic Information. "Maine Library of Geographic Information" or "library" means the statewide network created pursuant to this subchapter by which data custodians or their designees organize and catalog public geographic information and provide access to that information to all levels of government and to the public.

7. Nonstate data custodian. "Nonstate data custodian" means any agency or instrumentality of a political subdivision of the State.

8. Public geographic information. "Public geographic information" means public information that is referenced to a physical location. Public geographic information includes, but is not limited to, physical, legal, economic or environmental information or characteristics concerning land, water, groundwater, subsurface resources or air in this State relating to:

A. Topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife and associated natural resources;

B. Land ownership, land use, land use controls and restrictions, jurisdictional boundaries, tax assessments, land value and land survey records and references; and

C. Geodetic control networks, aerial photographs, maps, planimetric data, remote sensing data, historic and prehistoric sites and economic projections.

9. Public information. "Public information" means information that is stored, gathered, generated, maintained or financed by a data custodian. Information of state and nonstate data custodians is public information only if it is either:

A. A public record under Title 1, section 402, subsection 3; or

B. Otherwise expressly authorized by law to be released.

The presence of data in the library does not, by itself, make that information a public record.

10. State data custodian. "State data custodian" means any branch, agency or instrumentality of State Government.

11. State funds. "State funds" means bond revenues and General Fund money appropriated by the Legislature for the purposes of this chapter.

§490. Maine Library of Geographic Information Board

1. Purposes and duties. The Maine Library of Geographic Information Board, as established by section 12004-G, subsection 30-B, has the following purposes and duties:

A. To oversee the Maine Library of Geographic Information to ensure that it operates as a coordinated, cost-effective electronic gateway providing public access to data custodians' public geographic information. Nothing in this paragraph may be construed to affect the rights of persons to inspect or copy public records under Title 1, chapter 13, subchapter 1, or the duty of data custodians to provide for public inspection and copying of those records;

B. To establish and maintain standards, rules and policies for nonstate data custodians' geographic information that is incorporated into the Maine Library of Geographic Information. These standards, rules and policies must be consistent with the standards, rules and policies set by the commissioner that govern state data custodians' information technology. The geographic information board shall adopt rules to carry out this subchapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in chapter 375, subchapter 2-A. Standards and policies may concern, without limitation:

(1) Methods of access and delivery of information held by the library;

(2) Geographic information system technical specifications;

- (3) Data content, metadata and security, including guideline criteria for accepting 3rd-party data from data custodians or data volunteered by the private sector;
- (4) Privacy and privacy protection;
- (5) Mechanisms to correct inaccuracies; and
- (6) Data validation tools and processes.

C. To reduce redundancies in the creation, verification and maintenance of public geographic information and to enhance its utility for complex analyses;

- (1) Each state data custodian, or its designee, that acquires, purchases, verifies, maintains or produces geographic information with state funds or grants shall:
 - (a) Inform the geographic information board and the Office of Geographic Information Systems of the existence of this information and its geographic extent; and
 - (b) Upon request, provide to the library and office an electronic copy of all information classified as public, in a form compatible with standards set by the commissioner.

(2) Each nonstate data custodian, or its designee, that acquires, purchases, verifies, maintains or produces geographic information with state funds specifically provided for that purpose shall:

- (a) Inform the geographic information board and the Office of Geographic Information Systems of the existence of this information and its geographic extent; and
- (b) Upon request, provide to the library and the Office of Geographic Information Systems an electronic copy of all information classified as public, in a form compatible with standards set by the commissioner.

D. To set priorities and authorize the expenditure of state funds, including awarding of grants or subgrants to data custodians when available. The geographic information board may seek federal and other funding partners, accept gifts and grants and expend the funds acquired for purposes consistent with this subchapter;

E. To promote innovative uses of geographic information through the provision of verified, coordinated, intergovernmental information via the Maine Library of Geographic Information. The geographic information board shall seek advice from the general public, professional associations, academic groups and institutions and individuals with knowledge of and interest in geographic information regarding needed information and potential innovative uses of geographic information;

F. To enter into partnerships to promote the purposes of this subchapter;

G. To hear and resolve disputes that may arise between data custodians or with respect to information to be placed in the Maine Library of Geographic Information, enforcement of geographic information board standards, rules or policies or other related matters, all in accordance with the Maine Administrative Procedure Act. Complainants may directly present their case to the geographic information board, which has the power to hold

investigations, inquiries and hearings concerning matters brought to its attention and to make decisions with respect to the case. All interested parties must be given reasonable notice of the hearing and an opportunity to be heard. Hearings must be open to the public;

H. To conduct studies relating to the coordination, development and use of statewide geographic information;

I. To report annually by January 1st to the joint standing committees of the Legislature having jurisdiction over natural resources matters, and state and local government matters. The report must provide a review of the past year's activities, including, but not limited to, a description of standards adopted, data added to the library, partnerships established, disputes addressed, studies conducted and financial activity. The library shall also make this report available to the public. This report may also include suggested legislative language intended to address geographic information issues needing legislative action; and

J. To develop appropriate internal services to facilitate generalized access for and use of data by governmental agencies and the public. The library may not compete directly with private enterprise. The library shall work in partnership with nonstate data custodians to promote the purposes of this subchapter.

2. Membership. The geographic information board consists of 14 voting members as follows:

A. The commissioner, or the commissioner's designee;

B. Two members, who are responsible for overseeing GIS functions of a state department that is a data custodian of geographic information, appointed by the Governor;

C. Eight representatives as follows:

(1) A representative of the University of Maine System, appointed by the Chancellor of the University of Maine System;

(2) Two representatives of a statewide association of municipalities, one representative appointed by the President of the Senate from nominations made by the association's governing body and one representative appointed by the Speaker of the House from nominations made by the association's governing body;

(3) One representative of a statewide association of regional councils, appointed by the Speaker of the House from nominations made by the Department of Agriculture, Conservation and Forestry;

(4) One representative of a statewide association of counties, appointed by the Governor from nominations made by the association's governing body;

(5) One representative of a statewide association representing real estate and development interests, appointed by the President of the Senate;

(6) One representative of a statewide association representing environmental interests, appointed by the Speaker of the House; and

(7) One member representing public utilities, appointed by the Governor;

D. Two members of the private sector representing geographic information vendors, one member appointed by the President of the Senate and one member appointed by the Speaker of the House; and

E. One public member, appointed by the President of the Senate.

The terms for the members appointed pursuant to paragraphs B, C, D and E are 3 years. A member who designates another person to serve on the geographic information board as that member's designee shall provide written notice to the geographic information board's staff of the name and title of the designee.

3. Board chair. The geographic information board shall annually elect a chair from its membership at the first meeting in each year.

4. Staff. Staff support to the geographic information board is provided by the Department of Technology Services.

5. Quorum; action. Eight members of the geographic information board constitute a quorum. The affirmative vote of 7 members is necessary for any action taken by the geographic information board. A vacancy in the membership of the geographic information board does not impair the right of a quorum to exercise all the powers and perform the duties of the geographic information board. The geographic information board may use video conferencing and other technologies to conduct its business but is not exempt from Title 1, chapter 13, subchapter 1.

6. Meetings. The geographic information board shall meet at the call of the chair but not less than quarterly. Notice must be provided no less than 5 working days prior to the meeting. Notice may be in writing by facsimile or electronic transmission.

7. Memorandum of understanding. Information to be provided by a nonstate data custodian or its designee to the Maine Library of Geographic Information is governed by a memorandum of understanding between the geographic information board or its designee and the nonstate data custodian or its designee.

8. Data custodian responsibilities. Federal and nonstate data custodians may voluntarily contribute data to the Maine Library of Geographic Information, except that data developed with state funds must be submitted to the library. Data custodians or their designees are responsible for:

A. Ensuring that the public information is accurate, complete and current through the creation of adequate procedures;

- B. Updating source data bases following verification of suggested corrections that users submit in accordance with geographic information board standards;
- C. Complying with standards adopted by the geographic information board; and
- D. Providing reasonable safeguards to protect confidentiality.

§491. Liability

The geographic information board and any of the parties submitting data to the Maine Library of Geographic Information for public use may not be held liable for any use of those data.

§492. Copyrights and Fees

Copyright or licensing restrictions may not be fixed by the geographic information board or data custodians to the information made available through the Maine Library of Geographic Information. The geographic information board may set fees for electronic copies of library data that are no more than 3 times the actual cost of reproduction. Fee schedules must be set annually and made readily available to requestors.

§493. Geospatial Data Account

1. Accounts established. There are established within the office separate accounts, referred to in this section as "the accounts," to be administered by the geographic information board.

2. Sources of funding. The following must be paid into the accounts:

- A. All money appropriated for inclusion in the accounts;
- B. All interest earned from investments of the accounts;
- C. Any money allocated from Other Special Revenue Funds accounts for the purpose of the accounts;
- D. Proceeds from any bonds issued for the purpose of the accounts; and
- E. Matching funds received from the Federal Government or other legal entity for geospatial data acquisition expenditures made from the accounts pursuant to subsection 4.

3. Use of accounts. The purpose of the accounts is to continue projects developed by the geographic information board. The accounts must be used to provide and maintain to the extent practicable statewide GIS data sets necessary for the efficient delivery of state services and to

conserve state expenditures through partnerships with other GIS stakeholders interested in acquiring the same data sets. The accounts may be used at the discretion of the geographic information board for acquiring geospatial data primarily including but not limited to the following data sets:

A. An orthoimagery program. Imagery collected through this program must be from all areas of the State and be 4-band images that include the red, green, blue and near infrared bands; and

B. An elevation data set. A consistent statewide elevation data set must be collected using light detection and ranging technology or an equivalent method.

4. Matching funds. State funds used to purchase geospatial data must be matched by funding from other sources at at least a one-to-one ratio.

5. Annual report. The commissioner shall submit a written report to the Governor and the Legislature on the accounts' balance and expenditures by January 15 of each year.

Subchapter 4: Statewide Radio and Network System

§494. Statewide Radio and Network System Reserve Fund

1. Fund established. The Statewide Radio and Network System Reserve Fund, referred to in this section as the "fund," is established as an internal service fund in the Department of Technology Services, referred to in this section as the "department," for the purposes of managing the fund and acquiring, expanding, upgrading and replacing a statewide radio and network system for use by state agencies. The office may charge a fee to agencies using the statewide radio and network system in accordance with an established rate structure. Revenues derived from operations must be used to pay the costs of the lease-purchase to acquire a system, expand, upgrade and replace the system, and to manage the fund.

A. The office shall work closely with all departments and agencies to identify radio and network requirements for the statewide system to ensure that agency program requirements are met to the maximum extent possible. The department shall:

(1) Ensure that the annual costs of the lease or lease-purchase are paid in a timely manner and that the financial affairs of the fund are properly managed;

(2) Maintain records of radio and network system requirements for all agencies using the system and make this information available to state agencies;

(3) Require state agencies to become part of the statewide radio and network system when replacing their current systems or purchasing new systems;

(4) Acquire, expand, upgrade or replace the statewide radio and network system in accordance with an established replacement plan; and

(5) Transfer radio equipment and network infrastructure into the fund from agencies using the system, purchase, lease, lease-purchase or enter into other financing agreements, in accordance with section 1587, for the acquisition, expansion, upgrade or replacement of the system or any of its components in accordance with paragraph B when it can be demonstrated that any such action or agreement provides a clear cost or program advantage to the State.

B. The commissioner, in conjunction with the agencies using the statewide radio and network system, operating as a board that may be referred to as "the Statewide Radio Network Board," shall establish the following:

- (1) Standards for statewide radio and network system operations;
- (2) Specifications for systems and components to be acquired by the State; and
- (3) Standards for the exemption or waiver of state agencies from the requirements of this section.

C. The office shall establish, through the Department of Administrative and Financial Services, Office of the State Controller, the Statewide Radio and Network System Reserve Fund account. The funds deposited in the account may include, but are not limited to, appropriations made to the account, funds received from state departments and agencies using the services provided by the office, earnings by the fund from the Treasurer of State's pool and proceeds from the sale of system assets under the administrative control of the fund by the state surplus property program in the Department of Administrative and Financial Services in accordance with paragraph B and other provisions of law.

D. The fund may levy charges according to a rate schedule recommended by the commissioner against all departments and agencies using the services of the statewide radio and network system.

E. Service charges for the statewide radio and network system must be calculated to provide for system acquisition costs, expansion costs, upgrade costs, necessary capital investment and fund management costs, replacement costs and sufficient working capital for the fund.

F. Each department or agency using the services of the statewide radio and network system must budget adequate funds to pay for costs described in paragraph E.

Sec. R-8. 5 MRSA §947-B, sub-§1, as amended by PL 2013, c. 1, Pt. D, §§1-4, is further amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Administrative and Financial Services. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter:

A.

- B. Director, Bureau of Human Resources;
- C.
- D. Director, Bureau of Alcoholic Beverages and Lottery Operations;
- E. Director, Bureau of General Services;
- F. Deputy Commissioners, Department of Administrative and Financial Services;
- G. State Controller;
- H. State Tax Assessor;
- I. State Budget Officer;
- J. ~~Chief Information Officer;~~
- K. Associate Commissioner, Administrative Services;
- L. Associate Commissioner for Tax Policy within the Bureau of Revenue Services; and
- M. Director, Legislative Affairs and Communications.

Sec. R-9. 5 MRSA §1520, as amended by PL 2007, c. 240, Pt. PP, §1, is repealed.

Sec. R-10. 5 MRSA c. 163, as amended by PL 2015, c. 267, Pt. YYY, §§1 and 2, is repealed.

Sec. R-11. 30-A MRSA §3008, sub-§7, as enacted by PL 2007, c. 548, §1, is amended to read:

7. Model franchise agreement. The Department of ~~Administrative and Financial Services, Office of Information Technology Services~~, referred to in this subsection as "the offeedepartment," shall develop a model franchise agreement for use by any municipality and any cable system operator that mutually choose to adopt the model franchise agreement or any of its provisions. The offeedepartment shall make the model franchise agreement available on its publicly accessible website. In the development of the model franchise agreement, the offeedepartment shall, at a minimum, consider the following issues:

- A. Franchise fees;
- B. Build-out requirements;
- C. Public, educational and governmental access channels and reasonable facility support for such channels;
- D. Customer service standards;
- E. The disparate needs of the diverse municipalities in this State; and
- F. The policy goal of promoting competition in the delivery of cable television service.

This subsection does not allow the offeedepartment to establish prices for any cable television service or to regulate the content of cable television service.

Sec. R-12. Transition provisions. The following provisions govern the transition of the Department of Administrative and Financial Services, Office of Information Technology, referred to in this section as "the office," to the Department of Technology Services, referred to in this section as "the department."

1. The department is the successor in every way to the powers, duties and functions of the office.
2. All existing rules, regulations, policies and procedures in effect, in operation or adopted in or by the office or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the department.
3. All existing contracts, agreements and compacts currently in effect in the office continue in effect.
4. Any positions authorized and allocated subject to the personnel laws to the office are transferred to the department and may continue to be authorized.
5. All records, property and equipment previously belonging to or allocated for the use of the office become, on the effective date of this Act, part of the property of the department.
6. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the office may be utilized by the department until existing supplies of those items are exhausted.

PART R SUMMARY

This Part creates the Department of Technology Services.

