

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 221

H. P. 211

House of Representatives, February 9, 1977

Reported by Mrs. Berube from Committee on Performance Audit pursuant to H. P. 2173 and 2,000 printed under Joint Rules No. 17.

EDWIN H. PERT, Clerk

Filed by the Joint Standing Committee on Performance Audit under Joint Rule 17, pursuant to House Paper 2173.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Clarify the Powers of the Department of Audit
when it is Acting as a Legislative Staff Agency.**

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

Sec. 1. 5 MRSA § 242-B, sub-§ 3, as last repealed and replaced by PL 1975, c. 591, is amended by adding at the end the following new sentence:

When acting under the order of the Legislative Council or request of the Joint Standing Committee on Performance Audit, the State Auditor shall exercise only those powers authorized under section 243-A.

Sec. 2. 5 MRSA § 243, sub-§ 6 is amended by adding at the end the following new sentence:

When serving as a staff agency to the Legislature or any of its committees, the Department of Audit shall exercise only those powers authorized under section 243-A.

Sec. 3. 5 MRSA § 243-A is enacted to read:

§ 243-A. Legislative staff powers

The State Auditor or Department of Audit shall provide assistance as authorized under section 242-B, subsection 3, or serve as a legislative staff agency under section 243, subsection 6, only when authorized to do so in writing by the Legislature, Legislative Council or a legislative committee. The written authorization shall specify the scope of the review and analysis, the manner in which it is to be undertaken, and the authority of the Department of Audit or State Auditor to make recommendations or reports, or to

release documents to the public. No reports or documents prepared under the authority of this section shall be released to anyone other than the body authorizing the department's study, without the permission of the authorizing body. No member of the department shall make recommendations or suggestions to the agency or department under study without prior approval from the authorizing body.

When undertaking a study, review or analysis under this section, section 242-B, subsection 3, or section 243, subsection 6, the department shall exercise only those powers authorized by this section or the written authorization; and the department, when so acting, shall be deemed to be a "legislative agency" under Title 1, section 402, subsection 3.

STATEMENT OF FACT

The purpose of this bill is to enact the recommendations of the Performance Audit Committee's study of the State Lottery, H. P. 2173. A detailed statement of the intentions, purposes and provisions of this bill is contained in the committee's narrative report. Generally, this bill does the following:

1. Requires the Department of Audit to act as a legislative staff agency only on the written authorization of the Legislature, Legislative Council or legislative committees.
2. Prohibits the release of reports or documents prepared as part of a legislative study, unless the authorizing body approves the release.
3. Prohibits the department from making recommendations to the agency or department being studied, without the prior approval of the authorizing body.
4. Makes the department a legislative agency under the "right-to-know" law, when undertaking a legislative study, and limits its powers to those granted in the written authorization.