

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 262

H. P. 202

House of Representatives, February 3, 1977

Referred to the Committee on Performance Audit. Sent up for concurrence and 2,000 copies ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Spencer of Standish.

Cosponsors: Mr. Mackel of Wells, Mr. Ault of Wayne, Mr. Wilfong of Stow.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Require Periodic Justification of State Government Programs.

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

3 MRSA c. 23 is enacted to read:

CHAPTER 23
JUSTIFICATION OF STATE GOVERNMENT PROGRAMS

§ 501. Short title

This Act may be referred to as the Maine Sunset Law.

§ 502. Purpose

The number and size of state agencies and programs have increased without sufficient legislative oversight and governmental accountability. It is the purpose of this legislation to establish a system for periodic justification of state government programs and the termination, continuation or reorganization of state agencies. The Legislature will be required to evaluate the need for the continued existence of present and future state agencies on a periodic basis.

§ 503. Definitions

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

1. Department. "Department" means the Department of Agriculture, Business Regulation, Conservation, Educational and Cultural Services, Envi-

ronmental Protection, Finance and Administration, Human Services, Indian Affairs, Inland Fisheries and Wildlife, Manpower Affairs, Marine Resources, Defense and Veterans Services, Mental Health and Corrections, Public Safety, Transportation, the Maine State Retirement System and the Board of Trustees of the University of Maine, including any bureau, agency, office, commission or other body or official which by law is within one of these organizations.

2. Independent agency. "Independent agency" means an agency, bureau, commission, office or official of State Government which is not within or part of one of the departments set forth in subsection 1 and which is not, or is not part of, the Legislature, the judicial branch, a county, a municipality or a special district.

§ 504. Justification reports

1. Justification reports. Each department and independent agency designated in section 506 shall prepare and submit to the Legislature a justification report according to the schedule set forth in section 507 and at least once every 10 years thereafter. Each independent agency so designated shall, unless continued or modified by law, terminate according to the schedule. However, each terminated agency shall have a grace period, not to exceed one year, in which to complete its duties. If an independent agency is continued or modified by law, then this agency or its successor shall submit a new termination report at least once every 10 years until terminated.

2. Future departments or independent agencies. The Legislature shall establish schedules for the periodic justification or termination of departments or independent agencies created or reorganized after the effective date of this chapter.

§ 505. Contents of justification reports

Each justification report shall include, but not be limited to, the following information.

1. Program and objectives. Each report shall include a description of the department or independent agency and each of its programs or advisory boards or commissions, including a reference to authorizing legislation and an organizational chart.

2. Financial statement. Each report shall account for all funds received by source and all moneys disbursed by program.

3. Objectives. Each report shall include an analysis, quantified as much as possible, of the extent to which the objectives of the department or agency have been achieved.

The Legislature shall by law establish a format for the justification reports and shall establish appropriate procedures for review of such reports.

§ 506. Justification and termination dates

For the following departments and independent agencies, the justification or termination schedule shall be as provided in this section.

1. Group A departments. The justification for the programs of the following Group A departments shall be reviewed by the Legislature no later than June 30, 1980:

A. Department of Business Regulation, Title 10, section 8001.

2. Group A independent agencies. The following Group A independent agencies shall terminate, not including a grace period, no later than June 30, 1980:

A. State Board of Registration for Professional Foresters, Title 32, section 5004;

B. Board of Accountancy, Title 32, section 3971;

C. Arborist Examining Board, Title 32, section 2001;

D. Maine State Board for Registration of Architects, Title 32, section 151;

E. Board of Examiners for the Examination of Applicants for Admission to the Bar, Title 4, section 801;

F. State Board of Barbers, Title 32, section 351;

G. Board of Chiropractic Examination and Registration, Title 32, section 501;

H. State Board of Cosmetology, Title 32, section 1601;

I. Board of Dental Examiners, Title 32, section 1071;

J. State Board of Registration for Professional Engineers, Title 32, section 1301;

K. State Board of Funeral Service, Title 32, section 1451;

L. State Board of Registration for Land Surveyors, Title 32, section 1671;

M. Board of Licensure of Administrators of Medical Care Facilities other than Hospitals, Title 32, section 63;

N. Board of Registration in Medicine, Title 32, section 3263;

O. State Board of Nursing, Title 32, section 2151;

P. State Board of Optometry, Title 32, section 2415;

Q. Board of Osteopathic Examination and Registration, Title 32, section 2561;

R. Penobscot Bay and River Pilotage Commission, Title 38, section 89;

S. Board of Commissioners of the Profession of Pharmacy, Title 32, section 2851;

T. Board of Examiners in Physical Therapy, Title 32, section 3001;

U. Plumbers' Examining Board, Title 32, section 3401;

V. Examiners of Podiatrists, Title 32, section 3601; and

W. State Board of Social Worker Registration, Title 32, section 4186.

3. Group B departments. The justification for the programs of the following Group B departments shall be reviewed by the Legislature no later than June 30, 1982:

- A. Department of Transportation, Title 23, section 4205;
- B. Department of Agriculture, Title 7, section 1;
- C. Department of Public Safety, Title 25, section 2901; and
- D. Department of Defense and Veterans Services, Title 37-A.

4. Group B independent agencies. The following Group B independent agencies shall terminate, not including the grace period, no later than June 30, 1982:

- A. Passenger Tramway Safety Board, Title 25, section 1941;
- B. Civil Air Patrol, Title 6, section 16;
- C. State Planning Office, Title 5, section 3303;
- D. Maine-Canadian Exchange Office, Title 5, section 6003;
- E. Director of State Lotteries, Title 8, section 352;
- F. State Lottery Commission, Title 8, section 351; and
- G. Advisory Committee on Maine Public Broadcasting, Title 20, section 2601.

5. Group C departments. The justification for the programs of the following Group C departments shall be reviewed by the Legislature no later than June 30, 1984:

- A. Department of Conservation, Title 12, section 5011;
- B. Department of Inland Fisheries and Wildlife, Title 12, section 1951;
- C. Department of Environmental Protection, Title 38, section 341;
- D. Department of Marine Resources, Title 12, section 3451; and
- E. Department of Manpower Affairs, Title 26, section 1401.

6. Group C independent agencies. The following Group C independent agencies shall terminate, not including a grace period, no later than June 30, 1984:

- A. Baxter State Park Authority, Title 12, section 901;
- B. Coastal Island Trust Commission, Title 12, section 641;
- C. Saco River Corridor Commission, P & SL 1973, chapter 150;
- D. Soil and Water Conservation Commission, Title 12, section 1;
- E. State Entomologist, Title 12, section 521;

- F. Inspector of Dams and Reservoirs, Title 38, section 811;
- G. Maine Sardine Council, Title 36, section 4693;
- H. Public Utilities Commission, Title 35, section 1;
- I. State Development Office, Title 5, section 7001; and
- J. Office of Energy Resources, Title 5, section 5003.

7. Group D departments. The justification for the programs of the following Group D departments shall be reviewed by the Legislature no later than June 30, 1986:

- A. Department of Human Services, Title 22, section 1;
- B. Department of Indian Affairs, Title 22, section 4702; and
- C. Department of Mental Health and Corrections, Title 34, section 1.

8. Group D independent agencies. The following Group D independent agencies shall terminate, not including a grace period, no later than June 30, 1986:

- A. Maine Health Facilities Authority, Title 22, section 2054;
- B. Health Facilities Advisory Council, Title 22, section 1709;
- C. Maine Medical Laboratory Commission, Title 22, section 2026;
- D. Board of Trustees, Group Accident and Sickness or Health Insurance, Title 5, section 285;
- E. District Health Officers, Title 22, section 401;
- F. Board of Sanitation, Licensing and Inspection, Title 5, section 311;
- G. State Planning and Advisory Council on Developmental Disabilities, Title 34, section 2064;
- H. Board of Visitors (to the state institutions), Title 34, section 41;
- I. Maine Committee on Problems of the Mentally Retarded, Title 34, section 2063;
- J. Industrial Accident Commission, Title 39, section 91;
- K. Governor's Committee on Employment of the Handicapped, Title 26, section 791; and
- L. Maine Criminal Justice Planning and Assistance Agency, Title 5, section 3350.

9. Group E departments. The justification for the programs of the following Group E departments shall be reviewed by the Legislature no later than June 30, 1988:

- A. Department of Finance and Administration, Title 5, section 281;
- B. Department of Educational and Cultural Services, Title 20, section 1;

C. Maine State Retirement System, Title 5, section 1002; and

D. Board of Trustees of the University of Maine, P & SL 1967, chapter 229.

10. Group E independent agencies. The following Group E independent agencies shall terminate, not including the grace period, no later than June 30, 1988:

A. Educational Leave Advisory Board, Title 5, section 723;

B. State Personnel Board, Title 5, section 591;

C. Administrative Court, Title 5, section 2401;

D. State Employees Appeals Board, Title 5, section 751;

E. Forestry Appeal Board, Title 36, section 565;

F. Municipal Valuation Appeals Board, Title 36, section 291;

G. Commissioner of Personnel, Title 5, section 592 and section 631;

H. Maine Human Rights Commission, Title 5, section 4561;

I. Maine Vocational Development Commission, Title 26, section 1263;

J. Post-secondary Education Commission of Maine, Title 20, section 71;

K. State Historian, Title 27, section 261; and

L. Maine Labor Relations Board, Title 26, chapter 9-A.

§ 507. Review time schedule

Departments or independent agencies designated in section 506 shall submit their justification reports to the Legislature according to the following schedule: Group A—no later than October 31, 1978; Group B—no later than October 31, 1980; Group C—no later than October 31, 1982; Group D—no later than October 31, 1984; Group E—no later than October 31, 1986.

§ 508. Legal claims

Termination, modification or establishment of departments or independent agencies as a result of the review required by this chapter shall not extinguish any legal claims against the State, any state employee or state department or independent agency. Specifically, the provisions of this chapter shall not relieve the State or any department or independent agency of responsibility for making timely payment of the principal and interest of any debt issued in the form of a bond or a note.

STATEMENT OF FACT

The purpose of this bill is to require the Legislature to review the continued justification for programs in State Government on a periodic basis. Once every 10 years independent agencies will automatically terminate unless the Legislature acts to continue their existence.