

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

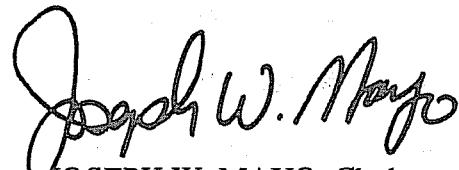
No. 1154

H.P. 849

House of Representatives, April 1, 1993

An Act to Reform the Audit and Program Review Process.

Reference to the Committee on Audit and Program Review suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative JOSEPH of Waterville.
Cosponsored by Senator: BERUBE of Androscoggin.

2 **Sec. 5. 3 MRSA §923**, as enacted by PL 1989, c. 483, Pt. A,
§4, is amended by adding a new first paragraph to read:

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

8 **Sec. 6. 3 MRSA §923, sub-§2**, as enacted by PL 1989, c. 483,
Pt. A, §4, is amended to read:

10 **2. Committee.** "Committee" means the joint standing
12 committee of the Legislature having jurisdiction over audit and
program management review matters.

14 **Sec. 7. 3 MRSA §923, sub-§4** is enacted to read:

16 **4. Impact.** "Impact" means the extent to which the agency
18 or independent agency has achieved its goals compared with the
resources expended in the effort.

20 **Sec. 8. 3 MRSA §924, sub-§2, ¶¶B-1 and B-2** are enacted to read:

22 **B-1.** A description of the public benefit of the agency and
24 whether the agency serves a broad-based or limited interest
26 and, to the extent possible, a comparison of the public
benefit of the program with the agency's mandate and
priorities;

28 **B-2.** A description of the needs, problems and opportunities
30 that fall within the agency's or independent agency's
32 jurisdiction but are not addressed by the agency or
34 independent agency and a description of any new programs or
services proposed to address these unmet needs, problems or
opportunities;

36 **Sec. 9. 3 MRSA §925, sub-§1-A** is enacted to read:

38 **1-A. Management review.** The State Auditor shall provide
40 the committee with management letters and all audit reports of
state departments and agencies, as well as of State Government as
42 a whole, for the committee's review and further inquiry into
management concerns identified in the audit reports. The State
44 Auditor shall assist the committee in its deliberations as
requested.

46 **Sec. 10. 3 MRSA §925, sub-§2**, as enacted by PL 1989, c. 483,
Pt. A, §4, is amended to read:

2 **2. Findings and recommendations.** The committee shall
3 submit to the Legislature the findings, recommendations and
4 legislation ~~required-to-implement~~ resulting from its study of the
5 agencies and independent agencies scheduled in section 927, as
6 well as management reviews undertaken in that same review cycle,
7 by the dates listed in section 927.

8 The committee shall submit to the Legislature its evaluations and
9 analyses of justification reports of unscheduled agencies
10 submitted pursuant to section 928 no later than 14 months after
11 those reports are submitted to the Legislature.

12 **Sec. 11. 5 MRSA §203, sub-§3,** as enacted by PL 1991, c. 9, Pt.
13 G, §1, is amended to read:

14 **3. Allocation of work.** Notwithstanding any other provision
15 of law, the Attorney General has discretion to allocate legal
16 work among the attorneys in the Department of the Attorney
17 General without reference to position counts contained in any
18 appropriation. If the provisions of this section are used to
19 seek reimbursement for legal services for which there is specific
20 appropriation, the Attorney General shall keep time records
21 demonstrating the amount of legal services performed for which
22 reimbursement is sought. The Attorney General shall submit a
23 quarterly report detailing the manner in which legal work has
24 been allocated among attorneys in that office pursuant to this
25 subsection to the joint standing committee of the Legislature
26 having jurisdiction over appropriations and financial affairs and
27 the joint standing committee of the Legislature having
28 jurisdiction over audit and ~~program~~ management review.

29 **Sec. 12. 12 MRSA §206,** as amended by PL 1985, c. 481, Pt. A,
30 §20, is further amended to read:

31 **§206. Establishment of fund**

32 There is established a fund to encourage local soil and
33 water conservation projects. The fund ~~shall-consist~~ consists of
34 all ~~moneys~~ money appropriated to it and any ~~moneys~~ money received
35 as donations or from other sources. ~~Moneys~~ Money in this fund
36 shall must be disbursed periodically by the State Soil and Water
37 Conservation Commission on a competitive basis to one or more of
38 the soil and water conservation districts for the funding of
39 innovative soil and water conservation projects. Any balance in
40 this fund, except ~~moneys~~ money appropriated by the State, shall
41 does not lapse, but shall ~~be~~ is carried forward from year to year
42 to be expended for the purposes set forth in this subchapter.
43 The commission shall establish by rule criteria for project
44 submission, evaluation and selection. These criteria shall must,
45 among other factors, address priority of need, boldness of
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2 approach, program feasibility and reproducibility and
3 verification of results. The commission may impose such
4 conditions on the use of funds awarded as in its judgment are
5 best suited to accomplish the purposes of this subchapter and
6 ~~insure~~ ensure that ~~moneys~~ money awarded by the commission are is
7 properly spent by the districts. Any final decision of the
8 commission to fund a project or to not fund a project shall
9 ~~constitute~~ constitutes "final agency action" for purposes of
10 Title 5, chapter 375, subchapter IV. The commission shall submit
11 an annual report on the status of the Challenge Grant Program to
12 the joint standing ~~committees~~ committee of the Legislature having
13 jurisdiction over agriculture ~~and-audit-and-program-review~~ , food
14 and rural resources matters, as well as the Finance Authority of
Maine for public hearing and critique.

16 **Sec. 13. 32 MRSA §3840, sub-§11, ¶D**, as repealed and replaced
17 by PL 1985, c. 763, Pt. A, §84, is amended to read:

18 D. The joint committee shall report to the joint standing
19 committees of the Legislature having jurisdiction over audit
20 and program management review and business and commerce and
21 education ~~by--the--First--Regular--Session--of--the--113th~~
22 Legislature.

24 **Sec. 14. 38 MRSA §570-E**, as enacted by PL 1985, c. 496, Pt.
25 A, §14, is amended to read:

26 **§570-E. Legislative review**

27 Rules adopted by the board under this subchapter shall must
28 be submitted for review by the joint standing committee of the
29 Legislature having jurisdiction over energy and natural resources
30 ~~and, until December 1, 1987, to the joint standing committee of~~
31 ~~the Legislature having jurisdiction over audit and program review~~
32 matters. In reviewing the rules ~~promulgated~~ adopted by the board
33 under this subchapter, these this legislative ~~committees shall~~
34 committee must be guided by the provisions of Title 5, chapter
35 377-A.

36 **Sec. 15. Maine Revised Statutes amended; revision clause.**
37 Wherever in the Maine Revised Statutes the words "Audit and
38 Program Review" appear or reference is made to those words, they
39 are amended to read and mean "Audit and Management Review," and
40 the Revisor of Statutes shall implement this revision when
41 updating, publishing and republishing the statutes.

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STATEMENT OF FACT

4 This bill repeals the provisions creating the Joint Standing
6 Committee on Audit and Program Review and establishes a Joint
8 Standing Committee on Audit and Management Review. The committee
 is charged with conducting management reviews based on
 information supplied by the State Auditor.