

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 2011

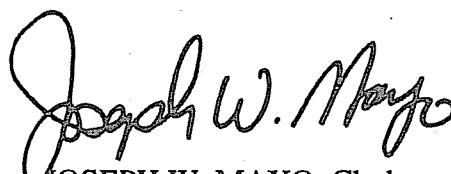
H.P. 1485

House of Representatives, April 11, 1994

An Act Regarding State Government Evaluation and Justification.

(EMERGENCY)

Reported by Representative ERWIN from the Joint Standing Committee on Audit and Program Review pursuant to the Maine Revised Statutes, Title 3, chapter 33.


JOSEPH W. MAYO, Clerk

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, this legislation is intended to enhance the
6 legislative process used to conduct evaluation, oversight and
justification of state government agencies; and

8 Whereas, in the judgment of the Legislature, these facts
10 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

16 **Sec. 1. 3 MRSA §921**, as enacted by PL 1989, c. 483, Pt. A,
18 §4, is amended to read:

20 **§921. Short title**

22 This chapter shall ~~may~~ be known and ~~may--be~~ cited as the
24 "Maine-Sunset State Government Evaluation and Justification Act."

26 **Sec. 2. 3 MRSA §924, sub-§1**, as amended by PL 1991, c. 376,
§1, is further amended to read:

28 **1. Report required.** Each agency and independent agency
shall prepare and submit to the Legislature, through the
30 committee, a justification report ~~no-later-than-February-1st-of~~
~~the-calendar-year-prior-to-the-review-year-specified-in-section~~
32 927 by a date specified by the committee.

34 **Sec. 3. 3 MRSA §925**, as enacted by PL 1989, c. 483, Pt. A,
§4, is repealed.

36 **Sec. 4. 3 MRSA §925-A** is enacted to read:

38 **§925-A. Committee analysis and recommendations**

40 **1. Authority.** For each agency or independent agency or a
42 component part of each agency or independent agency subject to
review pursuant to section 922, the committee may conduct an
44 analysis and evaluation that may include, but need not be limited
to, an evaluation of the justification report, the extent to
46 which the agency or independent agency operates in accordance
with legislative intent and the degree of success achieved by the
48 agency or independent agency in meeting its statutory and
administrative mandate. In consultation with the Legislative
50 Council, the committee may select agencies or independent

2 agencies for review either in accordance with the scheduling
4 guideline provided in section 927 or at any time determined
6 necessary or warranted by the committee. The Legislative Council
8 shall provide the committee with assistance as required to carry
10 out the purposes of this chapter.

12 2. Implementation of recommendations for change. For those
14 agencies and independent agencies selected for review by the
16 committee, the committee shall submit to the Legislature in a
18 timely manner the findings, administrative directives or
20 legislation required to implement its recommendations made as a
22 result of its review, analysis and evaluation.

24 **Sec. 5. 3 MRSA §926, sub-§1, as enacted by PL 1989, c. 483,**
26 **Pt. A, §4, is amended to read:**

28 **1. Termination process. Unless--continued--by--Act--of** The
30 committee may recommend to the Legislature prior to June 30th of
32 the year specified in section 927, each that any independent
34 agency be terminated if indicated or warranted by the committee's
36 review, analysis and evaluation of the independent agency. An
38 independent agency shall may be accorded a grace period of not
40 more than one year from June 30th of the year specified in
42 section 927, the effective date of the legislation approving
44 termination in which to complete its business prior--to
46 termination. During the grace period, the statutory powers and
48 duties of the independent agency shall are not be limited or
reduced.

Sec. 6. 3 MRSA §927, as amended by PL 1993, c. 410, Pt. E, §1
and Pt. R, §1 and as affected by §4, is further amended by
repealing and replacing the headnote to read:

§927. Scheduling guideline for review of agencies or independent
agencies

Sec. 7. 3 MRSA §927, first ¶, as enacted by PL 1989, c. 483,
Pt. A, §§4 and 62, is repealed and the following enacted in its
place:

The committee may use the following list as a guideline for
scheduling reviews of agencies or independent agencies.
Notwithstanding this list of agencies arranged by year, an agency
or independent agency may be reviewed at any time by the
committee pursuant to section 925-A.

Sec. 8. 3 MRSA §927-A is enacted to read:

2 **§927-A. Maine Historical Society**

4 Notwithstanding the fact that the Maine Historical Society
6 is a private, nonprofit corporation, it must be reviewed by the
8 committee no later than June 30, 1997, and at least every 10
years thereafter, as long as it receives an appropriation from
the State. The termination provisions of this chapter do not
apply to the Maine Historical Society.

10 **Sec. 9. 3 MRSA §928**, as enacted by PL 1989, c. 483, Pt. A,
12 §4, is repealed.

14 **Sec. 10. 3 MRSA §§929 and 930**, as enacted by PL 1989, c. 483,
Pt. A, §4, are amended to read:

16 **§929. Future or reorganized agencies and independent agencies**

18 ~~The Legislature shall establish schedules for the submittal~~
20 ~~of periodic justification reports by agencies and independent~~
22 ~~agencies created or substantially reorganized after the effective~~
24 ~~date of this chapter and for the termination of independent~~
26 ~~agencies created or substantially reorganized after the effective~~
28 ~~date of this chapter. The chief staff administrator of a newly~~
created or substantially reorganized agency shall contact the
committee to ensure placement of that agency in the scheduling
guideline outlined in section 927. The committee and the
Legislative Council shall determine the placement of that agency
in the scheduling guideline. All such agencies or independent
agencies shall be are subject to the provisions of this chapter.

30 **§930. Legislative Council**

32 ~~The Legislative Council shall be responsible for and,~~
34 ~~subject to the approval of the Legislature, shall may issue rules~~
36 ~~necessary for the efficient administration of this chapter.~~

38 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

40 **STATEMENT OF FACT**

42 This bill makes changes to the legislative process used to
44 conduct evaluation, oversight and justification of state
46 government agencies.