

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 994

S.P. 368

In Senate, March 28, 1995

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### **An Act to Require State Agencies to Prepare Impact Statements.**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Senators: BERUBE of Androscoggin, CAREY of Kennebec, LAWRENCE of York, Representatives: CHASE of China, GWADOSKY of Fairfield, JACQUES of Waterville, KERR of Old Orchard Beach, MITCHELL of Vassalboro, VIGUE of Winslow.

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

4 **Sec. 1. 3 MRSA c. 35** is enacted to read:

6 **CHAPTER 35**

8 **IMPACT STATEMENTS**

10 **§1001. Definitions**

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

14 1. **Agency.** "Agency" means an agency or independent agency subject to review under chapter 33.

16 2. **Impact.** "Impact" is the benefit, result or outcome of the operation of a government program or service. "Impact" includes the effect attributable to the operation of a program or service. A program or service may be operated to cause more than one specific type of impact. An impact is expected to be positive or constructive for the constituency that the service or program is designed to benefit.

24 **§1002. Impact statements**

26 At least once in each biennium, the director of an agency shall prepare an impact statement to evaluate the extent to which the agency's programs and services are achieving the goals of the agency and the efficiency of those programs and services. The impact statement must contain the following information:

32 1. **Programs and services provided.** The programs and services provided by the agency, the agency's goals in providing its programs and services and the degree to which the goals are being achieved;

38 2. **Public benefit.** A report of the impact of each program and service of the agency that identifies the specific public benefit of each program and service and whether the program or service serves a broad-based or a limited interest and that aggregates, to the extent practical, the relation of the impact obtained by each program and service to the agency's general mission;

44 3. **Services not provided.** The needs, problems and opportunities not addressed by the agency's programs and services to the extent that the needs, problems and opportunities are the responsibility of the agency and any new programs and services proposed to address those needs, problems and opportunities;

2           4. Coordination. The extent of the agency's coordination  
with other agencies providing similar programs and services and  
recommendations, if any, for further coordination;

4  
6           5. Alternatives. Alternate courses of action for providing  
the agency's programs and services in a more effective and  
efficient manner; and

8  
10          6. Nonprovision; impact. The impact, including the  
immediate and long-term costs, of not providing the agency's  
programs and services.

12  
14          The acquisition of data used as the basis for ascertaining  
the impact of a program or service must be conducted as a routine  
and regular element of the agency that delivers the program or  
service or by another component of the agency that performs data  
acquisition, evaluation and dissemination functions as an  
internal service operation.

20        **§1003. Submission of impact statements**

22          The director of an agency shall submit the impact statement  
required by section 1002 to the Governor according to a schedule  
established by the Governor.

26          When any standing or select committee of the Legislature  
considers legislation that may alter the ability of an agency to  
maintain current achievement of program or service goals:

30          1. Request by committee. The standing or select committee  
may request an impact statement with respect to the issue at  
hand; and

34          2. Submission by agency. The agency may submit an impact  
statement with respect to the issue at hand as part of the  
agency's presentation regarding that issue.

38        **§1004. Role of department**

40          1. Criteria for statement preparation. The Department of  
Audit, in consultation with the Office of Fiscal and Program  
Review, shall establish impact specifications for each program  
and service of each agency. Any agency may submit proposed  
impact specifications for consideration by the Department of  
Audit. The impact specifications for any program or service must  
include:

48           A. The identification of each impact attributable to the  
operation of the program or service;

50           B. The scale used to measure the impact;

2           C. The procedure used to infer impact if it is not directly  
measurable;

4           D. Any factors in the environment of program or service  
operation that mitigate against achieving a higher value of  
6           impact; and

8           E. The optimal value of impact that could possibly be  
achieved.

10           2. Compilation of information. The Department of Audit, in  
12           consultation with the Department of Administrative Services,  
Bureau of Information Services, shall establish a format for the  
14           presentation of the information required by section 1002. The  
format must be suitable for use in presenting both cost and  
16           impact information for:

18           A. Existing programs and services;

20           B. Existing programs and services after proposed revisions,  
upgrades and restructuring; and

22           C. Proposed new programs and services.

24           3. Audit and analysis. The Department of Audit shall audit  
26           the impact statements as part of the audit process.

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## STATEMENT OF FACT

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32           The purpose of this bill is to establish impact measurement,  
evaluation and reporting to serve as a foundation for enabling  
34           the Legislature to judge the relative value of any program or  
service. The bill requires all state agencies to prepare impact  
36           statements for the purpose of evaluating the extent to which the  
agencies' programs and services are achieving their goals and the  
38           efficiency of state agencies in conducting their programs and  
services. The bill requires agencies to submit the impact  
40           statements to the Governor. The Department of Audit is required  
to develop criteria to be used by agencies to conduct evaluations  
and a system for compiling the information required for the  
42           evaluations and to audit the impact statements.