

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1348

H.P. 959

House of Representatives, April 18, 1995

**An Act to Reform the Process of Periodic Review of Programs and Agencies.**

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Received by the Clerk of the House on April 13, 1995. Referred to the Committee on State and Local Government and ordered printed pursuant to Joint Rule 14.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ROBICHAUD of Caribou.  
Cosponsored by Representatives: BAILEY of Township 27, CAMPBELL of Holden, CARLETON of Wells, GERRY of Auburn, JOYCE of Biddeford, LaFOUNTAIN of Biddeford, PLOWMAN of Hampden, STONE of Bangor, WINGLASS of Auburn, Senators: AMERO of Cumberland, KIEFFER of Aroostook, LONGLEY of Waldo.

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

**Sec. 1. 3 MRSA §923, sub-§1-A** is enacted to read:

**1-A. Appropriations committee.** "Appropriations committee" means the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

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

**2. Committee or committee of jurisdiction.** "Committee" or "committee of jurisdiction" means the joint standing committee of the Legislature having jurisdiction over audit-and-program-review the same policy and substantive matters as an agency subject to review under this chapter.

**Sec. 3. 3 MRSA §924, sub-§1,** as amended by PL 1993, c. 714, §3, is further amended to read:

**1. Report required.** Each agency and independent agency shall prepare and submit to the Legislature, through the committee of jurisdiction, a justification report by a date specified by the committee.

**Sec. 4. 3 MRSA §924, sub-§2, ¶D-2,** as enacted by PL 1991, c. 837, Pt. A, §3, is amended to read:

**D-2.** A list of agency programs in which gender inequity is identified and highlighted for consideration by the committee of jurisdiction, a list of employees, by gender, showing job classification and salary range, and promotions and layoffs in the preceding year according to gender; and

**Sec. 5. 3 MRSA §925-A,** as enacted by PL 1993, c. 714, §5, is amended to read:

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

**1. Authority.** For each agency or independent agency or a component part of each agency or independent agency subject to review pursuant to section 922, the committee of jurisdiction may conduct an analysis and evaluation that may include, but need not be limited to, an evaluation of the justification report, the extent to which the agency or independent agency operates in accordance with legislative intent and the degree of success achieved by the agency or independent agency in meeting its statutory and administrative mandate. In consultation with the Legislative Council, the committee of jurisdiction shall select agencies or independent agencies for review either in accordance with the scheduling guideline provided in section 927 or at any time determined necessary or warranted by the committee. The

Legislative Council shall provide the committee of jurisdiction with assistance as required to carry out the purposes of this chapter.

**2. Implementation of recommendations for change.** For those agencies and independent agencies selected for review by the committee of jurisdiction, the committee shall submit a written report to the Legislature appropriations committee in a timely manner. The report must contain the findings, administrative directives or legislation required to implement its the committee of jurisdiction's recommendations made as a result of its review, analysis and evaluation. Following review of the report, the appropriations committee may introduce legislation to accomplish necessary changes in agencies' operations.

**Sec. 6. 3 MRSA §926, sub-§1,** as amended by PL 1993, c. 714, §6, is further amended to read:

**1. Termination process.** The appropriation committee may recommend to the Legislature that any independent agency be terminated if indicated or warranted by the appropriation committee's review, analysis and evaluation of the independent agency. An independent agency may be accorded a grace period of not more than one year from the effective date of the legislation approving termination in which to complete its business. During the grace period, the statutory powers and duties of the independent agency are not limited or reduced.

**Sec. 7. 3 MRSA §927, first ¶,** as repealed and replaced by PL 1993, c. 714, §8, is amended to read:

The committee committees of jurisdiction 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 of jurisdiction pursuant to section 925-A.

**Sec. 8. 3 MRSA §927, sub-§6,** as amended by PL 1993, c. 600, Pt. A, §§3 and 4, is further amended to read:

**6. 2006.**

**A. Agencies:**

- (1) Department of Conservation;
- (2) Department of Inland Fisheries and Wildlife;
- (3) Baxter State Park Authority; and

2 (4) Department of Mental Health and Mental Retardation.

4 B. Independent agencies:

6 (1) Saco River Corridor Commission;

8 (2) Acupuncture Licensing Board;

10 (3) Board of Licensing of Auctioneers;

12 (4) Board of Licensing of Dietetic Practice;

14 (5) Board of Commercial Driver Education;

16 (6) Advisory Board for the Licensing of Taxidermists;

18 (7) Maine Turnpike Authority; and

20 (8) State Board of Optometry.

22 **Sec. 9. 3 MRSA §927, sub-§7**, as amended by PL 1993, c. 585,  
24 §1, is further amended to read:

24

7. 2007.

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A. Agencies:

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(1) Department of Environmental Protection; and

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(2) Department of Marine Resources.

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B. Independent agencies:

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(2) Atlantic Sea Run Salmon Commission;

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(3) Public Utilities Commission;

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(4) Atlantic States Marine Fisheries Commission;

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(5) Maine Development Foundation;

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(6) Board of Directors, Maine Municipal and Rural  
44 Electrification Cooperative Agency;

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46 (7) Lobster Advisory Council;

48 (8) Board of Environmental Protection;

50 (9) Board of Underground Oil Storage Tank Installers;

2 (10) Telecommunications Relay Services Advisory  
Council; and

4 (11) Public Advocate.

6 **Sec. 10. 3 MRSA §927-A**, as enacted by PL 1993, c. 714, §9, is  
8 amended to read:

10 **§927-A. Maine Historical Society**

12 Notwithstanding the fact that the Maine Historical Society  
14 is a private, nonprofit corporation, it must be reviewed by the  
committee of jurisdiction no later than June 30, 1997, and at  
16 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.

18 **Sec. 11. 3 MRSA §929**, as amended by PL 1993, c. 714, §11, is  
20 further amended to read:

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

24 The chief staff administrator of a newly created or  
substantially reorganized agency shall contact the committee of  
26 jurisdiction to ensure placement of that agency in the scheduling  
guideline outlined in section 927. The committee of jurisdiction  
28 and the Legislative Council shall determine the placement of that  
agency in the scheduling guideline. All such agencies or  
30 independent agencies are subject to the provisions of this  
chapter.

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34 **STATEMENT OF FACT**

36 This bill amends the State Government Evaluation and  
Justification Act. It authorizes legislative committees of  
38 jurisdiction to perform an initial review of each agency in  
accordance with a suggested schedule for review. The committee  
40 of jurisdiction submits a report of its recommendations to the  
Joint Standing Committee on Appropriations and Financial Affairs  
42 for consideration during the budget process. Following review of  
the committee of jurisdiction's report, the Joint Standing  
44 Committee on Appropriations and Financial Affairs may introduce  
legislation to implement necessary changes in the operations of  
46 the agency reviewed. The bill makes changes in the current  
schedule for agency review to permit the Legislature to adopt  
48 necessary rules and adjust its procedures prior to implementation  
of the new procedures established by this bill.