

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

CORRECTED COPY
April 19, 1995
(Please Destroy any copy
of L.D. 1369 that does
not have the notation
"Corrected Copy")



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1369

S.P. 510

Received by the Secretary, April 14, 1995

An Act to Amend the Law to Reflect Recent Changes in the Joint Rules.

Referred to the Committee on State and Local Government and ordered printed pursuant to Joint Rule 14.

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

MAY M. ROSS
Secretary of the Senate

Presented by President BUTLAND of Cumberland.
Cosponsored by Representative: GWADOSKY of Fairfield.

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

2 **Sec. 1. 3 MRSA §922**, as enacted by PL 1989, c. 483, Pt. A,
4 §4, is amended to read:

6 **§922. Scope**

8 This Act provides for a system of periodic justification of
9 agencies and independent agencies of State Government in order to
10 evaluate their efficacy and performance. Only those agencies,
11 independent agencies or parts thereof ~~which of those agencies and~~
12 independent agencies that receive support from the General Fund
13 or that are established, created or incorporated by reference in
14 the Maine Revised Statutes are subject to the provisions of this
15 chapter. The financial and ~~programmatic~~ review ~~shall include to~~
16 be conducted by the appropriations committee includes, but is not
17 be limited to, a review of agency ~~management and organization,~~
18 ~~program delivery, statutory mandate and~~ fiscal accountability.
19 The programmatic review to be conducted by the committee of
20 jurisdiction includes, but is not limited to, a review of agency
21 management and organization, program delivery and statutory
22 mandate and agency goals and priorities consistent with
23 legislative intent.

24 **Sec. 2. 3 MRSA §923**, as amended by PL 1993, c. 714, §2, is
26 further amended to read:

28 **§923. Definitions**

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

32 1. **Agency.** "Agency" means a governmental entity subject to
34 review pursuant to this chapter, but not subject to automatic
35 termination.

36 1-A. Appropriations committee. "Appropriations committee"
38 means the joint standing committee of the Legislature having
39 jurisdiction over appropriations and financial affairs.

40 2. **Committee of jurisdiction.** "Committee of jurisdiction"
42 means the joint standing committee of the Legislature having
43 jurisdiction over ~~audit and program review~~ the policy and
44 substantive matters of the agency subject to review by that
45 committee of jurisdiction.

46 3. **Independent agency.** "Independent agency" means a
48 governmental entity subject to review and to termination pursuant
49 to this chapter.

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

4 **1. Report required.** Each agency and independent agency
shall prepare and submit to the Legislature, through the
6 ~~eommittee~~ Legislative Council, a justification report by a date
specified by the ~~eommittee~~ council.

8
 Sec. 4. 3 MRSA §925-A, as enacted by PL 1993, c. 714, §5, is
10 amended to read:

12 **§925-A. Committee analysis and recommendations**

14 **1. Authority.** For each agency or independent agency or a
component part of each agency or independent agency subject to
16 review pursuant to section 922, the committee of jurisdiction may
conduct an analysis and evaluation that may include, but need not
18 be limited to, an evaluation of the justification report except
the financial summary, the extent to which the agency or
20 independent agency operates in accordance with legislative intent
and the degree of success achieved by the agency or independent
22 agency in meeting its statutory and administrative mandate. For
each of those agencies, the appropriations committee may conduct
an analysis and evaluation that includes, but need not be limited
to, an evaluation of the financial summary contained in the
justification report and an analysis of the agency's budget,
financial performance, fiscal affairs, program and agency goals
and agency priorities. In consultation with the Legislative
28 Council, the committee of jurisdiction and the appropriations
committee shall select agencies or independent agencies for
30 review either in accordance with the scheduling guideline
provided in section 927 or at any time determined necessary or
32 warranted by the ~~eommittee~~ council and the committees. The
Legislative Council shall provide the ~~eommittee~~ committees with
34 assistance as required to carry out the purposes of this chapter.

36 **2. Implementation of recommendations for change.** For those
agencies and independent agencies selected for review by the
38 Legislative Council, the committee of jurisdiction and the
appropriations committee, the ~~eommittee~~ committees shall submit
40 to the Legislature in a timely manner the findings,
42 administrative directives or legislation required to implement
its their recommendations made as a result of its their review,
44 analysis and evaluation.

46 **Sec. 5. 3 MRSA §926, sub-§1**, as amended by PL 1993, c. 714,
§6, is further amended to read:

48 **1. Termination process.** The Either the committee of
50 jurisdiction or the appropriations committee may recommend to the

1 Legislature that any independent agency be terminated if
2 indicated or warranted by the committee's review, analysis and
4 evaluation of the independent agency. An independent agency may
6 be accorded a grace period of not more than one year from the
8 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.

10 **Sec. 6. 3 MRSA §927, first ¶**, as repealed and replaced by PL
12 1993, c. 714, §8, is amended to read:

14 The Legislative Council, appropriations committee and
16 committee of jurisdiction may use the following list as a
18 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~~ committees pursuant to section 925-A.

20 **Sec. 7. 3 MRSA §927, sub-§6**, as amended by PL 1993, c. 600,
22 Pt. A, §§3 and 4, is further amended to read:

24 **6. 2006.**

26 A. Agencies:

- 28 (1) Department of Conservation;
- 30 (2) Department of Inland Fisheries and Wildlife;
- 32 (3) Baxter State Park Authority; and
- 34 (4) Department of Mental Health and Mental Retardation.

36 C. Independent agencies:

- 38 (1) Saco River Corridor Commission;
- 40 (2) Acupuncture Licensing Board;
- 42 (3) Board of Licensing of Auctioneers;
- 44 (4) Board of Licensing of Dietetic Practice;
- 46 (5) Board of Commercial Driver Education;
- 48 (6) Advisory Board for the Licensing of Taxidermists;
- 50 (7) Maine Turnpike Authority; and

(8) State Board of Optometry.

2
3 **Sec. 8. 3 MRSA §929**, as amended by PL 1993, c. 714, §11, is
4 further amended to read:

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

8 The chief staff administrator of a newly created or
9 substantially reorganized agency shall contact the ~~committee~~
10 Legislative Council to ensure placement of that agency in the
11 scheduling guideline outlined in section 927. The appropriations
12 committee, the committee of jurisdiction and the Legislative
13 Council shall determine the placement of that agency in the
14 scheduling guideline. All such newly created or substantially
15 reorganized agencies or independent agencies are subject to the
16 provisions of this chapter.

18
19 **STATEMENT OF FACT**

20
21 This bill amends the State Government Evaluation and
22 Justification Act to make the law consistent with recent changes
23 in the Joint Rules of the 117th Legislature. The functions
24 previously performed by the Joint Standing Committee on Audit and
25 Program Review, which has been eliminated, are redistributed
26 between the Joint Standing Committee on Appropriations and
27 Financial Affairs and the appropriate policy committee of the
28 Legislature.