

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1395

H.P. 987

House of Representatives, April 20, 1995

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**An Act to Provide for Sunset Review by the Legislative Joint Standing  
Committee of Jurisdiction.**

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Received by the Clerk of the House on April 18, 1995. 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 "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JOY of Crystal.

Cosponsored by Representatives: AIKMAN of Poland, BIRNEY of Paris, DONNELLY of Presque Isle, JONES of Pittsfield, KNEELAND of Easton, LOOK of Jonesboro, STEDMAN of Hartland, WATERHOUSE of Bridgton, WINSOR of Norway, Senator: KIEFFER of Aroostook.

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

2  
3 **Sec. 1. 3 MRSA §923, sub-§2**, as enacted by PL 1989, c. 483,  
4 Pt. A, §4, is amended to read:

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

12 **Sec. 2. 3 MRSA §924, sub-§1**, as amended by PL 1993, c. 714,  
13 §3, is further amended to read:

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

20 **Sec. 3. 3 MRSA §924, sub-§2, ¶D-2**, as enacted by PL 1991, c.  
21 837, Pt. A, §3, is amended to read:

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

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

32 **§925-A. Committee analysis and recommendations**

34 **1. Authority.** For each agency or independent agency or a  
35 component part of each agency or independent agency subject to  
36 review pursuant to section 922, the committee of jurisdiction may  
37 conduct an analysis and evaluation that may include, but need not  
38 be limited to, an evaluation of the justification report, the  
39 extent to which the agency or independent agency operates in  
40 accordance with legislative intent and the degree of success  
41 achieved by the agency or independent agency in meeting its  
42 statutory and administrative mandate. In consultation with the  
43 Legislative Council, the committee of jurisdiction shall select  
44 agencies or independent agencies for review either in accordance  
45 with the scheduling guideline provided in section 927 or at any  
46 time determined necessary or warranted by the committee. The  
47 Legislative Council shall notify in writing by certified mail an  
48 agency or independent agency selected for review. The  
49 Legislative Council shall provide the committee of jurisdiction  
50 with assistance as required to carry out the purposes of this  
chapter.

2           **2. Implementation of recommendations for change;**  
3 **termination.** For those agencies and independent agencies  
4 selected for review by the committee of jurisdiction, the  
5 committee shall submit to the Legislature in a timely manner the  
6 findings, administrative directives or legislation required to  
7 implement its recommendations made as a result of its review,  
8 analysis and evaluation. An agency or independent agency  
9 selected for review automatically terminates one year from the  
10 date notice is mailed under subsection 1, unless the agency  
11 existence is extended by legislation approved by a 2/3 vote of  
12 the members present and voting in each house.

13           **Sec. 5. 3 MRSA §926**, as amended by PL 1993, c. 714, §6, is  
14 further amended to read:

15           **§926. Termination of agencies; grace period**

16           **1. Termination process.** ~~The committee may recommend to the~~  
17 ~~Legislature that any independent agency be terminated if~~  
18 ~~indicated or warranted by the committee's review, analysis and~~  
19 ~~evaluation of the independent agency.~~ An agency or independent  
20 agency may be accorded a grace period of not more than one year  
21 from the effective date of the legislation approving termination  
22 provided in section 925-A, subsection 2 in which to complete its  
23 business. During the grace period, the statutory powers and  
24 duties of the independent agency are not limited or reduced.

25           **2. Disposition of property, funds and records.** During the  
26 period of grace, the Legislature shall determine the disposition  
27 of:

28           A. All property, including any land, buildings, equipment  
29 and supplies used by the independent agency;

30           B. All funds remaining in any account of the independent  
31 agency; and

32           C. All records resulting from the activities of the  
33 independent agency.

34           **3. Expiration of grace period.** Upon the expiration of the  
35 grace period, the independent agency shall cease its activities  
36 and terminate.

37           **Sec. 6. 3 MRSA §927, first ¶**, as repealed and replaced by PL  
38 1993, c. 714, §8, is amended to read:

39           The committee of jurisdiction may use the following list as  
40 a guideline for scheduling reviews of agencies or independent  
41

2 agencies. Notwithstanding this list of agencies arranged by  
year, an agency or independent agency may be reviewed at any time  
4 by the committee pursuant to section 925-A.

6 **Sec. 7. 3 MRSA §927-A**, as enacted by PL 1993, c. 714, §9, is  
amended to read:

8 **§927-A. Maine Historical Society**

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

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

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

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

30  
32 **STATEMENT OF FACT**

34 This bill amends the State Government Evaluation and  
Justification Act. It retains the current standards and schedule  
36 for sunset review of agencies but requires the legislative  
committees of jurisdiction to perform the review rather than the  
38 recently abolished Audit and Program Review Committee. The bill  
also calls for automatic termination of agencies subject to  
40 review within one year unless continued by legislation approved  
by a 2/3 vote of both houses. A grace period of up to one year  
42 is established for agencies to wrap up their activities before  
termination.