

# MAINE STATE LEGISLATURE

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M  
of S.

L.D. 2193

DATE: *April 3, 2002* (Filing No. S-570)

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STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1695, L.D. 2193, Bill, "An Act to Create the Office of Program Evaluation and Government Accountability"

Amend the amendment by striking out all of that part designated "§991." (page 1, lines 45 to 50 and page 2 lines 1 to 10 in amendment) and inserting in its place the following:

**§991. Office of Program Evaluation and Government Accountability**

The Office of Program Evaluation and Government Accountability is created for the purpose of providing program evaluation of agencies and programs of State Government. The office also is established to ensure that public funds provided to local and county governments, quasi-municipal governments, special districts, utility districts, regional development agencies or any municipal or nonprofit corporation are expended for the purposes for which they were allocated, appropriated or contracted. When authorized by the committee, the office also may examine or direct an examination of any state contractor financed in whole or part by public funds and any expenditure by any public official or public employee during the course of public duty, including, but not limited to, any expenditure of private money for agency purposes.'

Further amend the amendment on page 2 by striking out all of the first indented paragraph (page 2, lines 12 to 15 in amendment) and inserting in its place the following:

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2 'Further amend the bill in section 1 in that part designated  
"§992." by striking out all of subsection 1 (page 1, lines 31 and  
4 32 in L.D.) and inserting in its place the following:

6 '1. Committee. "Committee" means a joint legislative  
committee established to oversee legislative matters.'

8  
10 Further amend the bill in section 1 in that part designated  
"§992." in subsection 3 in the last line (page 1, line 38 in  
12 L.D.) by striking out the following: "995" and inserting in its  
place the following: '991'

14 Further amend the bill in section 1 by striking out all of  
that part designated "§993." (page 2, lines 13 to 28 in L.D.) and  
16 inserting in its place the following:

18 '§993. Committee membership; chairs

20 The membership of the committee and the selection of chairs  
are established by joint rule of the Legislature.'

22  
24 Further amend the bill in section 1 in that part designated  
"§994." by striking out all of subsection 1 (page 2, line 34 in  
26 bill) and inserting in its place the following:

28 '1. Director. To hire the director of the office from a  
list of candidates recommended by the Legislative Council.'

30 Further amend the amendment on page 2 by inserting after  
subsection 10 the following:

32  
34 'Further amend the bill in section 1 by striking out all of  
that part designated "§995." (page 3, lines 27 to 33 in L.D.)'

36 Further amend the amendment on page 2 by striking out all of  
the 2nd indented paragraph from the end (page 2, lines 38 to 41  
38 in amendment) and inserting in its place the following:

40 'Further amend the bill in section 1 in that part designated  
"§996." by striking out all of subsection 1 (page 3, lines 37 to  
42 46 in L.D.) and inserting in its place the following:

44 '1. Appointment. Not earlier than April 1, 2003, the  
committee shall appoint a director of the office for the purposes  
46 of conducting program evaluations pursuant to this chapter. The  
director must be selected from among a list of 3 to 5 candidates  
48 recommended to the committee by the Legislative Council. The  
committee may reject any or all of the candidates recommended by  
50 the council and request the council to recommend a new list of 3

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2 to 5 candidates. The recommendation process may be repeated as  
4 often as the committee requires to fulfill its duty to appoint a  
6 director. The director must be appointed to an initial 5-year  
8 term, which is subject to renewal by the committee every 5 years  
10 thereafter. During the term of the contract, the director may be  
12 terminated only for cause by a 2/3 vote of the committee. The  
14 Legislative Council shall establish the compensation of the  
16 director. The director's duties must be performed independently  
18 but under the general policy direction of the committee.'

20 Further amend the bill in section 1 in that part designated  
22 "~~§996.~~" by striking out all of subsection 3 (page 4, lines 9 to  
24 14 in L.D.)'

26 Further amend the amendment on page 2 by inserting after the  
28 last indented paragraph the following:

30 'Further amend the bill in section 1 in that part designated  
32 "~~§996.~~" by renumbering the subsections to read consecutively.

34 Further amend the bill in section 1 by renumbering the  
36 sections to read consecutively.'

38 Further amend the amendment in section 2 in the first  
40 paragraph in the 2nd line (page 3, line 16 in amendment) by  
42 striking out the following: "995" and inserting in its place the  
44 following: '991'

46 Further amend the amendment on page 3 by striking out all of  
48 lines 34 to 39 and inserting in their place the following:

50 'Further amend the bill by striking out all of section 2  
(page 7, lines 29 to 34 in L.D.)'

Further amend the amendment in the 2nd section 3 by striking  
out all of the 4th line (page 3, line 49 in amendment) and  
inserting in its place the following:

**'Office of Program Evaluation and Government Accountability'**

## SUMMARY

This amendment provides for the establishment of the Office  
of Program Evaluation and Government Accountability as included  
in the bill, but provides that the Government Oversight  
Committee, the committee that oversees the work of the office, is  
a joint committee of the Legislature established under Joint  
Rules of the Legislature. The joint rules will establish the  
membership of the committee and the how the chairs are selected.  
This amendment makes technical changes to carry out those changes.


# SENATE AMENDMENT

**Re/S.**

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2           This amendment also provides that the Director of the Office  
of Program Evaluation and Government Accountability is appointed  
4 by the committee, but that the Legislative Council recommends a  
list of 5 candidates from which the committee may select the  
6 director. The amendment also sets the term of appointment for  
the director at 5 years.

8  
10           This amendment corrects the title of the office in the  
appropriation and allocation section of the amendment.

12  
14 SPONSORED BY:   
(Senator PENDLETON)

16 COUNTY: Cumberland

18

**SENATE AMENDMENT**