

**Maine Revised Statute Title 3, Chapter 35:
STATE GOVERNMENT EVALUATION**

Table of Contents

Section 951. SHORT TITLE.....	3
Section 952. SCOPE.....	3
Section 953. DEFINITIONS.....	3
Section 954. DESIGNATION BY LEGISLATIVE POLICY COMMITTEE.....	3
Section 955. COMMITTEE SCHEDULE.....	4
Section 956. PROGRAM EVALUATION REPORT.....	5
Section 957. COMMITTEE ANALYSIS AND RECOMMENDATIONS.....	6
Section 958. TERMINATION OF INDEPENDENT AGENCIES.....	6
Section 959. SCHEDULING GUIDELINE FOR REVIEW OF AGENCIES OR INDEPENDENT AGENCIES.....	7
Section 960. FUTURE OR REORGANIZED AGENCIES AND INDEPENDENT AGENCIES.....	11
Section 961. LEGISLATIVE COUNCIL.....	11
Section 962. LEGAL CLAIMS.....	12
Section 963. REVIEW.....	12

3 §951. SHORT TITLE

This chapter may be known and cited as the "State Government Evaluation Act." [1995, c. 488, §2 (NEW).]

SECTION HISTORY

1995, c. 488, §2 (NEW).

3 §952. SCOPE

This chapter provides for a system of periodic review of agencies and independent agencies of State Government in order to evaluate their efficacy and performance. Only those agencies, independent agencies or parts of those agencies and independent agencies that receive support from the General Fund or that are established, created or incorporated by reference in the Maine Revised Statutes are subject to the provisions of this chapter. The financial and programmatic review must include, but is not limited to, a review of agency management and organization, program delivery, agency goals and objectives, statutory mandate and fiscal accountability. [1995, c. 488, §2 (NEW).]

SECTION HISTORY

1995, c. 488, §2 (NEW).

3 §953. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 488, §2 (NEW).]

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

[1995, c. 488, §2 (NEW) .]

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

[1995, c. 488, §2 (NEW) .]

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

[1995, c. 488, §2 (NEW) .]

SECTION HISTORY

1995, c. 488, §2 (NEW).

3 §954. DESIGNATION BY LEGISLATIVE POLICY COMMITTEE

1. Authorization. On or before April 1st of any first regular session, the committee of jurisdiction shall review the list of agencies scheduled for review in section 959.

[1995, c. 488, §2 (NEW) .]

2. Waiver from review. The committee of jurisdiction may, with a 2/3 vote of all committee members, do one of the following with regard to an agency review:

A. Exempt an agency or independent agency from review and establish a new review date; [1995, c. 488, §2 (NEW).]

B. Establish a modified review process in which an agency or independent agency may be asked to provide less information than required by this section or additional information; or [1995, c. 488, §2 (NEW).]

C. Add an additional agency or independent agency for review, except that an agency that has been reviewed in accordance with this chapter in the legislative session immediately preceding the current legislative session may not be added for review. [1995, c. 488, §2 (NEW).]

[1995, c. 488, §2 (NEW) .]

SECTION HISTORY

1995, c. 488, §2 (NEW).

3 §955. COMMITTEE SCHEDULE

1. Review established. The committee of jurisdiction shall establish its agency review schedule in accordance with this chapter and upon approval of the necessary resources by the Legislative Council. The committee of jurisdiction shall provide each agency with a written notice of its intent to review an agency by no later than May 1st of the first regular session of the Legislature.

[1995, c. 488, §2 (NEW) .]

2. Submission of program evaluation report. Each agency and independent agency shall prepare and submit no later than November 1st prior to the second regular session of the Legislature, a program evaluation report as required in section 956, to the Legislature through the committee of jurisdiction.

[1995, c. 488, §2 (NEW) .]

3. Conduct review. The committee of jurisdiction shall begin its agency review process no later than February 1st of the second regular session of the Legislature and in accordance with this chapter.

[1995, c. 488, §2 (NEW) .]

4. Report issued. For those agencies and independent agencies selected for review by the committee of jurisdiction, the committee shall submit to the Legislature no later than March 15th of the second regular session of the Legislature the findings, administrative recommendations or legislation required to implement recommendations made as a result of its review, analysis and evaluation.

[1995, c. 488, §2 (NEW) .]

5. Follow-up review. The committee of jurisdiction shall establish in its final report a specified time in which the committee may review the progress of an agency in meeting the recommendations of the committee report. A follow-up review may consist of written progress reports, public hearings with the agency and committee or any other method approved by the committee of jurisdiction in its final report.

[1995, c. 488, §2 (NEW) .]

SECTION HISTORY

1995, c. 488, §2 (NEW).

3 §956. PROGRAM EVALUATION REPORT

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

[1995, c. 488, §2 (NEW) .]

2. Program evaluation report; contents. Each report must include the following information in a concise but complete manner:

A. Enabling or authorizing law or other relevant mandate, including any federal mandates; [1995, c. 488, §2 (NEW) .]

B. A description of each program administered by the agency or independent agency, including the following for each program:

- (1) Established priorities, including the goals and objectives in meeting each priority;
- (2) Performance criteria, timetables or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and
- (3) An assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet the goals and objectives; [1995, c. 488, §2 (NEW) .]

C. Organizational structure, including a position count, a job classification and an organizational flow chart indicating lines of responsibility; [1995, c. 488, §2 (NEW) .]

D. Compliance with federal and state health and safety laws, including the Americans with Disabilities Act, the federal Occupational Safety and Health Act, affirmative action requirements and workers' compensation; [1995, c. 488, §2 (NEW) .]

E. Financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 10 years; [1995, c. 488, §2 (NEW) .]

F. When applicable, the regulatory agenda and the summary of rules adopted; [1995, c. 488, §2 (NEW) .]

G. Identification of those areas where an agency has coordinated its efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements, including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements; [1999, c. 661, §1 (AMD) .]

H. Identification of the constituencies served by the agency or program, noting any changes or projected changes; [1995, c. 488, §2 (NEW) .]

I. A summary of efforts by an agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives; [1995, c. 488, §2 (NEW) .]

J. Identification of emerging issues for the agency or program in the coming years; [1999, c. 661, §1 (AMD) .]

K. Any other information specifically requested by the committee of jurisdiction; [2001, c. 321, Pt. A, §1 (AMD) .]

L. A comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program; [2001, c. 495, §1 (AMD) .]

M. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement; and [2001, c. 495, §2 (AMD) .]

N. A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:

- (1) The statutory authority for each filing requirement;
- (2) The date each filing requirement was adopted or last amended by the agency;
- (3) The frequency that filing is required;
- (4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and
- (5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication. [2001, c. 495, §3 (NEW).]

[2001, c. 495, §1-3 (AMD) .]

SECTION HISTORY

1995, c. 488, §2 (NEW). 1999, c. 661, §§1,2 (AMD). 2001, c. 321, §§A1-3 (AMD). 2001, c. 495, §§1-3 (AMD).

3 §957. 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 952, the committee of jurisdiction may conduct an analysis and evaluation that may include, but need not be limited to, an evaluation of the program evaluation report, including the extent to which the agency or independent agency has increased or reduced filing requirements and paperwork duplication burdens on the public; the extent to which the agency or independent agency operates in accordance with its legislative authority; 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 shall select agencies or independent agencies for review either in accordance with the scheduling guidelines provided in this chapter or at any time determined necessary or warranted by the committee.

[2001, c. 495, §4 (AMD) .]

SECTION HISTORY

1995, c. 488, §2 (NEW). 2001, c. 495, §4 (AMD).

3 §958. TERMINATION OF INDEPENDENT AGENCIES

1. Termination process. The committee of jurisdiction may recommend to the Legislature that any independent agency be terminated if indicated or warranted by the 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.

[1995, c. 488, §2 (NEW) .]

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

- A. All property, including any land, buildings, equipment and supplies used by the independent agency; [1995, c. 488, §2 (NEW).]
- B. All funds remaining in any account of the independent agency; and [1995, c. 488, §2 (NEW) .]

C. All records resulting from the activities of the independent agency. [1995, c. 488, §2 (NEW).]

[1995, c. 488, §2 (NEW) .]

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

[1995, c. 488, §2 (NEW) .]

SECTION HISTORY

1995, c. 488, §2 (NEW).

3 §959. SCHEDULING GUIDELINE FOR REVIEW OF AGENCIES OR INDEPENDENT AGENCIES

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Scheduling guidelines. Except as provided in subsection 2, reviews of agencies or independent agencies must be scheduled in accordance with the following. Subsequent reviews must be scheduled on an ongoing basis every 8 years after the dates specified in this subsection.

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in 2009;
- (2) Department of Conservation in 2011;
- (3) Blueberry Advisory Committee in 2011;
- (4) Board of Pesticides Control in 2011;
- (5) Wild Blueberry Commission of Maine in 2011;
- (6) Seed Potato Board in 2011;
- (7) Maine Dairy and Nutrition Council in 2007;
- (8) Maine Dairy Promotions Board in 2007;
- (9) Maine Milk Commission in 2007;
- (10) State Harness Racing Commission in 2007;
- (11) Maine Agricultural Bargaining Board in 2009;
- (12) Department of Agriculture, Food and Rural Resources in 2009; and
- (14) Land for Maine's Future Board in 2007. [2005, c. 550, §1 (AMD).]

B. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters shall use the following list as a guideline for scheduling reviews:

- (1) State Employee Health Commission in 2009; and
- (2) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over business and economic development matters, in 2007. [2003, c. 600, §1 (AMD).]

C. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Development Foundation in 2005;

- (5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, in 2007;
- (19) Department of Economic and Community Development in 2005;
- (23) Maine State Housing Authority in 2007;
- (32) Finance Authority of Maine in 2009;
- (36) Board of Dental Examiners in 2011;
- (37) Board of Osteopathic Licensure in 2011;
- (38) Board of Licensure in Medicine in 2011;
- (41) State Board of Nursing in 2011;
- (42) State Board of Optometry in 2011;
- (45) State Board of Registration for Professional Engineers in 2011; and
- (50) Maine Science and Technology Foundation in 2007. [2005, c. 155, §1 (AMD); 2005, c. 294, §1 (AMD).]

D. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall use the following list as a guideline for scheduling reviews:

- (1) Department of Public Safety, except for the division designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and the collection of taxes on malt liquor and wine and the Emergency Services Communication Bureau, in 2001;
- (2) Department of Corrections in 2011; and
- (3) The Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management in 2008. [2005, c. 634, §1 (AMD).]

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

- (2) Department of Education in 2005;
- (2-A) State Board of Education in 2005;
- (3) Maine Arts Commission in 2015;
- (5) Maine Historic Preservation Commission in 2015;
- (5-A) Notwithstanding section 952, Maine Historical Society in 2015;
- (6) Maine Library Commission in 2015;
- (6-A) Maine State Cultural Affairs Council in 2015;
- (6-B) Maine State Library in 2015;
- (6-C) Maine State Museum in 2015;
- (7) Maine State Museum Commission in 2015;
- (8) Office of State Historian in 2015;
- (9) Board of Trustees of the Maine Maritime Academy in 2009;
- (10) Board of Trustees of the University of Maine System in 2009;
- (12) Maine Community College System in 2009;
- (13) Maine Health and Higher Educational Facilities Authority in 2011; and
- (14) Maine Educational Loan Authority in 2011. [2007, c. 560, §1 (AMD).]

F. (TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 2007, c. 695, Pt. D, §3) The joint standing committee of the Legislature having jurisdiction over health and human services matters shall use the following list as a guideline for scheduling reviews:

- (2) Office of Substance Abuse in 2005;
- (3) Maine Advisory Committee on Mental Retardation in 2007;
- (6) Department of Health and Human Services in 2009;
- (7) Board of the Maine Children's Trust Incorporated in 2011;
- (9) Maine Developmental Disabilities Council in 2011. [2005, c. 397, Pt. C, §3 (AMD).]

F. (TEXT EFFECTIVE UPON CONTINGENCY: See PL 2007, c. 695, Pt. D, §3) The joint standing committee of the Legislature having jurisdiction over health and human services matters shall use the following list as a guideline for scheduling reviews:

- (2) Office of Substance Abuse in 2005;
- (6) Department of Health and Human Services in 2009;
- (7) Board of the Maine Children's Trust Incorporated in 2011; and
- (9) Maine Developmental Disabilities Council in 2011. [2007, c. 356, §1 (AMD); 2007, c. 695, Pt. D, §3 (AFF).]

G. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall use the following list as a guideline for scheduling reviews:

- (1) Department of Inland Fisheries and Wildlife in 2007;
- (2) Advisory Board for the Licensing of Taxidermists in 2007; and
- (3) Atlantic Salmon Commission in 2011. [2005, c. 477, §1 (AMD).]

H. The joint standing committee of the Legislature having jurisdiction over judiciary matters shall use the following list as a guideline for scheduling reviews:

- (2) Maine Human Rights Commission in 2009;
- (3) Maine Indian Tribal-State Commission in 2011; and
- (4) Department of the Attorney General in 2011. [2003, c. 600, §1 (AMD).]

I. The joint standing committee of the Legislature having jurisdiction over labor matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Public Employees Retirement System in 2013;
- (2) Department of Labor in 2007;
- (3) Maine Labor Relations Board in 2009; and
- (4) Workers' Compensation Board in 2009. [2007, c. 695, Pt. A, §6 (AMD).]

J. The joint standing committee of the Legislature having jurisdiction over legal and veterans affairs shall use the following schedule as a guideline for scheduling reviews:

- (2) State Liquor and Lottery Commission in 2007;
- (3) The division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and the collection of taxes on malt liquor and wine in 2007; and
- (4) Department of Defense, Veterans and Emergency Management in 2011, except for the Maine Emergency Management Agency within the department. [2005, c. 634, §2 (AMD).]

K. The joint standing committee of the Legislature having jurisdiction over marine resource matters shall use the following list as a guideline for scheduling reviews:

- (1) Atlantic States Marine Fisheries Commission in 2005;
- (2) Department of Marine Resources in 2005;
- (4) Lobster Advisory Council in 2007; and
- (5) Maine Sardine Council in 2007. [2003, c. 600, §1 (AMD).]

L. The joint standing committee of the Legislature having jurisdiction over natural resource matters shall use the following list as a guideline for scheduling reviews:

- (1) Department of Environmental Protection in 2007;
- (2) Board of Environmental Protection in 2007;
- (4) Saco River Corridor Commission in 2005; and
- (5) Board of Underground Oil Tank Installers in 2011. [2007, c. 395, §1 (AMD).]

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in 2011;
- (1-A) Maine Governmental Facilities Authority in 2005;
- (2) State Civil Service Appeals Board in 2005;
- (3) State Claims Commission in 2005;
- (4) Maine Municipal Bond Bank in 2007;
- (5) Office of Treasurer of State in 2007;
- (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services, in 2011;
- (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2011; and
- (9) State Planning Office, except for the Land for Maine's Future Board, in 2007. [2003, c. 600, §1 (AMD).]

N. The joint standing committee of the Legislature having jurisdiction over taxation matters shall use the following schedule as a guideline for scheduling reviews:

- (1) State Board of Property Tax Review in 2011; and
- (2) Department of Administrative and Financial Services, Bureau of Revenue Services in 2011. [2003, c. 600, §1 (AMD).]

O. The joint standing committee of the Legislature having jurisdiction over transportation matters shall use the following schedule as a guideline for scheduling reviews:

- (1) Maine Turnpike Authority in 2005;
- (2) The Bureau of Motor Vehicles within the Department of the Secretary of State in 2007;
- (3) The Department of Transportation in 2007; and
- (4) Maine State Pilotage Commission in 2009. [2003, c. 600, §1 (AMD).]

P. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall use the following list as a guideline for scheduling reviews:

- (1) Public Advocate in 2005;
- (2) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency in 2007;

(3) Public Utilities Commission, including the Emergency Services Communication Bureau, in 2007; and

(5) Telecommunications Relay Services Advisory Council in 2013. [2009, c. 122, §3 (AMD) .]

[2009, c. 122, §3 (AMD) .]

2. Waiver. Notwithstanding this list of agencies arranged by year, an agency or independent agency may be reviewed at any time by the committee pursuant to section 954.

[1995, c. 488, §2 (NEW) .]

SECTION HISTORY

1995, c. 488, §2 (NEW). 1995, c. 560, §K82 (AMD). 1995, c. 671, §§1-3 (AMD). 1995, c. 560, §K83 (AFF). 1997, c. 245, §19 (AMD). 1997, c. 455, §31 (AMD). 1997, c. 526, §14 (AMD). 1997, c. 683, §D1 (AMD). 1997, c. 727, §§A1,2 (AMD). 1999, c. 127, §§C1-15 (AMD). 1999, c. 415, §1 (AMD). 1999, c. 585, §1 (AMD). 1999, c. 603, §§1,2 (AMD). 1999, c. 687, §A1 (AMD). 1999, c. 706, §1 (AMD). 1999, c. 790, §§D2,3 (AMD). 1999, c. 790, §D14 (AFF). 2001, c. 354, §3 (AMD). 2001, c. 439, §§EEEE1,2 (AMD). 2001, c. 471, §§D4,5 (AMD). 2001, c. 519, §1 (AMD). 2001, c. 548, §1 (AMD). 2001, c. 597, §1 (AMD). 2001, c. 697, §A1 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 451, §§T1,2 (AMD). 2003, c. 578, §1 (AMD). 2003, c. 600, §1 (AMD). 2003, c. 20, §OO4 (AFF). 2005, c. 155, §1 (AMD). 2005, c. 294, §1 (AMD). 2005, c. 397, §C3 (AMD). 2005, c. 477, §1 (AMD). 2005, c. 550, §1 (AMD). 2005, c. 605, §§1,2 (AMD). 2005, c. 634, §§1,2 (AMD). 2007, c. 356, §1 (AMD). 2007, c. 395, §1 (AMD). 2007, c. 560, §1 (AMD). 2007, c. 695, Pt. A, §6 (AMD). 2007, c. 356, §31 (AFF). 2007, c. 695, Pt. D, §3 (AFF). 2009, c. 122, §3 (AMD).

3 §960. FUTURE OR REORGANIZED AGENCIES AND INDEPENDENT AGENCIES

The chief staff administrator of a newly created or substantially reorganized agency or independent agency shall contact the committee to ensure placement of that agency or independent agency in the scheduling guideline outlined in section 959. The committee and the Legislative Council shall determine the placement of that agency or independent agency in the scheduling guideline. [1995, c. 488, §2 (NEW) .]

SECTION HISTORY

1995, c. 488, §2 (NEW).

3 §961. LEGISLATIVE COUNCIL

The Legislative Council shall issue rules necessary for the efficient administration of this chapter and shall provide the committees of jurisdiction with assistance as required to carry out the purposes of this chapter. [1995, c. 488, §2 (NEW) .]

SECTION HISTORY

1995, c. 488, §2 (NEW).

3 §962. LEGAL CLAIMS

Termination, modification or establishment of agencies or independent agencies as a result of the review required by this chapter does not extinguish any legal claims against the State, any state employee or state agency or independent agency. The provisions of this chapter do not relieve the State or any agency or independent agency of responsibility for making timely payment of the principal and interest of any debt issued in the form of a bond or note. [1995, c. 488, §2 (NEW).]

SECTION HISTORY

1995, c. 488, §2 (NEW).

3 §963. REVIEW

The joint standing committee of the Legislature having jurisdiction over state and local government matters shall review the provisions and effects of this chapter no later than June 30, 2000 and at least once every 10 years after June 30, 2000. [1995, c. 488, §2 (NEW).]

SECTION HISTORY

1995, c. 488, §2 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 124th Legislature, and is current through December 31, 2009, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.