

The Government Evaluation Act

Purpose

The enacting of legislation, review of agency rules, and the appropriation of funds by the Legislature are some of the ways that the Legislature directs and provides oversight of executive branch functions. The Government Evaluation Act (GEA) is another process which establishes a method specifically structured to assist the Legislature with its duty to serve as a check and balance on those who administer the laws of the State. The Act (3 MRSA chapter 35) provides for regular, periodic legislative review of the efficacy and performance of state government agencies and applies to all agencies and governmental entities that receive General Fund money or that are established by statute.

Process

GEA review is conducted by the joint standing committee of jurisdiction. The Act specifies a schedule for the review of agencies, but the reviewing committee may, by 2/3 vote, modify the schedule.

Once a GEA review is initiated by a committee and the committee notifies the agency it intends to go forward with the review (see timeline below), the agency must compile and submit a “program evaluation report,” which must include the information listed at the end of this summary (the committee may direct that other information be provided).

Review Timeline: First Regular Session

By March 1 st	By April 1 st	By May 1 st	By Nov. 1 st
Committee of jurisdiction requests list of units/ programs of agency subject to review in 2 nd session.	Agency must supply list requested by committee of jurisdiction. Committee reviews list of agencies subject to review in 2 nd session.	Committee notifies agency of intent to review during the 2 nd Regular Session.	Agency must submit the Program Evaluation Report to the committee of jurisdiction.

Review Timeline: Second Regular Session

By February 1 st	By March 15 th	Follow-up
Committee of jurisdiction must begin its review of agencies scheduled.	Committee must submit to the full Legislature its findings, recommendations and any legislation required to implement recommendations.	Note: The Committee may establish a follow-up review procedure for the agency.

Review Schedule in Current Law for the 127th Legislature by Committee Jurisdiction

Agriculture, Conservation and Forestry

- Maine Dairy and Nutrition Council
- Maine Dairy Promotion Board
- Maine Milk Commission
- State Harness Racing Commission
- Land for Maine's Future Board

Business Research and Economic Development

- Department of Professional and Financial Regulation (*in conjunction with Insurance and Financial Services*)
- Maine State Housing Authority

Criminal Justice

- Department of Public Safety (*except Emergency Services Communication Bureau*)
- The Maine Emergency Management Agency

Education and Cultural Affairs

- Maine Arts Commission
- Maine Historic Preservation Commission
- Maine Historical Society
- Maine Library Commission
- Maine State Cultural Affairs Council
- Maine State Library
- Maine State Museum
- Maine State Museum Commission
- Office of State Historian

Health and Human Services

- No reviews scheduled in law

Inland Fisheries and Wildlife

- Department of Inland Fisheries and Wildlife
- Advisory Board for the Licensing of Taxidermists

Insurance and Financial Services

- Department of Professional and Financial Regulation, (*in conjunction with Business and Economic Development*)

Judiciary

- No reviews scheduled in law

Labor

- Department of Labor

Legal and Veterans' Affairs

- State Liquor and Lottery Commission
- The Department of Administrative and Financial Services (*specific functions relating to liquor*)

Marine Resources

- Lobster Advisory Council
- Maine Sardine Council

Natural Resources

- No reviews scheduled in law

State and Local Government

- Maine Municipal Bond Bank
- Office of Treasurer of State

Taxation

- No reviews scheduled in law

Transportation

- The Bureau of Motor Vehicles within the Department of the Secretary of State in 2015

Utilities and Energy

- Public Advocate
- Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency
- Public Utilities Commission (including the Emergency Services Communication Bureau)
- Telecommunications Relay Services Advisory Council

Under the law, an agency's "program evaluation report" must include the following:

- Enabling or authorizing law or other relevant mandate, including any federal mandates;
- A description of each program administered by the agency or independent agency, including the following for each program:
 - Established priorities, including the goals and objectives in meeting each priority;
 - Performance measures or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and
 - An assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance measures. 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;
- Organizational structure, including a position count, a job classification and an organizational flow chart indicating lines of responsibility;
- Financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 10 years;
- 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;
- Identification of the constituencies served by the agency or program, noting any changes or projected changes;
- A summary of efforts by an agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives;
- Identification of emerging issues for the agency or program in the coming years;
- Any other information specifically requested by the committee of jurisdiction;
- 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;
- 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;
- A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:
 - The statutory authority for each filing requirement;
 - The date each filing requirement was adopted or last amended by the agency;
 - The frequency that filing is required;
 - 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
 - A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication;
- A list of reports required by the Legislature to be prepared or submitted by the agency or independent agency;
- A copy of the single-page list of organizational units and programs within each organizational unit required pursuant to section 955, subsection 1, placed at the front of the report; and
- Identification of provisions contained in the agency's or independent agency's enabling or authorizing statutes that may require legislative review to determine the necessity of amendment to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.¹

* Prepared by nonpartisan committee staff (January 2016)

¹ The committee of jurisdiction can use its authority under the GEA law to report out legislation to amend identified statutes to align them with federal law, other state law or judicial decisions. Pursuant to 1 MRSA §2701-2703, after the 2nd Regular Session, the Office of the Revisor of Statutes and the Office of Policy and Legal Analysis develop a list of any provisions the agencies have identified as potentially requiring alignment that were not aligned through legislation and provide that list to the committees of jurisdiction and the Judiciary Committee in the following 1st Regular Session; the committees are then required to make recommendations to the Judiciary Committee, which has authority to report out a bill to accomplish any alignment it determines to be necessary.