

## 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 that 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 modify the schedule by 2/3 vote.

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 certain items specified in law (3 MRSA §956); the committee may direct that other information be provided. After the committee completes its review, it submits its findings and recommendations to the Legislature; the report may include legislation necessary to implement recommendations.

#### Important Dates: First Regular Session<sup>1</sup>

<b>By May 1st</b>	<b>By November 1st</b>
Committee must notify the agency of its intent to review the agency during the 2nd Regular Session.	Agency must submit the Program Evaluation Report to the committee.

#### Important Dates: Second Regular Session

<b>By February 1st</b>	<b>By March 15th</b>
Committee must begin its review of agencies subject to review.	Committee must submit to the full Legislature its findings, recommendations and any legislation required to implement its recommendations. Committee may establish a follow-up review procedure for the agency.

<sup>1</sup> The law also provides that if a committee requests by March 1st in the First Regular Session a list of units and programs of an agency subject to review, the agency must supply that list by April 1st.

## Review Schedule in Current Law for the 129th Legislature by Committee Jurisdiction

### Agriculture, Conservation and Forestry Matters

- Board of Pesticides Control
- Wild Blueberry Commission of Maine

### Business and Economic Development Matters

- Board of Dental Practice
- Board of Osteopathic Licensure
- Board of Licensure in Medicine
- State Board of Nursing
- State Board of Optometry
- State Board of Registration for Professional Engineers

### Criminal Justice and Public Safety Matters

- Department of Corrections

### Education and Cultural Affairs Matters

- Maine Health and Higher Educational Facilities Authority

### Health and Human Services Matters

- Board of the Maine Children's Trust Incorporated
- Maine Developmental Disabilities Council

### Inland Fisheries and Wildlife Matters

- No reviews scheduled in law

### Insurance and Financial Services Matters

- No reviews scheduled in law

### Judiciary Matters

- Maine Indian Tribal-State Commission
- Department of the Attorney General

### Labor Matters

- No reviews scheduled in law

### Legal and Veterans Affairs Matters

- Department of Defense, Veterans and Emergency Management (except for Maine Emergency Management Agency)

### Marine Resource Matters

- No reviews scheduled in law

### Natural Resource Matters

- Board of Underground Oil Tank Installers

### Retirement Matters

- No reviews scheduled in law

### State and Local Government Matters

- Capitol Planning Commission
- Department of Administrative and Financial Services (except for the Bureau of Revenue Services)
- Department of the Secretary of State (except for the Bureau of Motor Vehicles)

### Taxation Matters

- State Board of Property Tax Review
- Department of Administrative and Financial Services, Bureau of Revenue Services

### Transportation Matters

- No reviews scheduled in law

### Utilities and Energy Matters

- Public Advocate

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DAVID R. MIRAMANT, DISTRICT 12  
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STATE OF MAINE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY

May 1, 2019

Barry Hobbins, Public Advocate  
Office of the Public Advocate  
112 State House Station  
Augusta, ME 04333-0112

Re: Government Evaluation Act Review

Dear Mr. Hobbins:

The Joint Standing Committee on Energy, Utilities and Technology is writing to inform you that the committee intends to review your office in accordance with the schedule and process established in Government Evaluation Act, 3 MRSA Ch. 35.

Pursuant to the law, the Committee respectfully requests that the Office of the Public Advocate (OPA) prepare a program evaluation report and submit this report no later than November 1, 2019. Title 3, section 956 provides a list of information to be included in the evaluation report.

We will plan to begin our review of the OPA no later than February 1, 2020 and submit our findings no later than March 15, 2020. We look forward to working with you on this review process. Please feel free to contact one of us or our committee analyst if you have questions about the process.

Sincerely,

Handwritten signature of Mark W. Lawrence in black ink.

Mark W. Lawrence  
Senate Chair

Handwritten signature of Seth A. Berry in black ink.

Seth A. Berry  
House Chair

cc: Members, Joint Standing Committee on Energy, Utilities and Technology