

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

Date: (Filing No. S- )

**JUDICIARY**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 55, L.D. 127, “An Act to Strengthen Legislative Oversight of Government Agencies and Programs by Reaffirming the Legislature's Access to Confidential Records”

Amend the bill by striking out the title and substituting the following:

**'An Act to Establish the Government Oversight Committee’s Access to Confidential Materials'**

Amend the bill by striking out all of the emergency preamble.

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 3 MRSA §995, sub-§2,** as enacted by PL 2001, c. 702, §2, is amended to read:

**2. Duties.** The director shall supervise the staff of the office in accordance with policies adopted by the committee and consistent with the policies of the Legislative Council. The director shall prepare and present a biennial budget to the committee for its approval. Money appropriated or allocated to the office must be expended in the discretion of the director and the committee only. The director shall prepare and present a biennial briefing to the committee on the confidentiality and nondisclosure policies, standards and procedures that the office adheres to when conducting program evaluations under this chapter. The director also shall prepare and present an annual work plan to the committee for its consideration and approval. The director also may contract with private individuals or entities for the conduct of program evaluations under this chapter. The director may request the committee to issue subpoenas.

**Sec. 2. 3 MRSA §997, sub-§2,** as enacted by PL 2001, c. 702, §2, is amended to read:

**2. Submission of final report to committee.** The director shall notify the committee when each final program evaluation report under this chapter is completed. The report must then be placed on the agenda for a future committee meeting. At the meeting where

**COMMITTEE AMENDMENT**

1 a report appears on the agenda for the first time, the director ~~will~~ shall release that report  
2 to the committee and to the public simultaneously, except that the director may share a  
3 confidential copy of the final report with the committee prior to its public release after the  
4 review and response period of the evaluated agency or other entity is completed pursuant  
5 to subsection 1. The committee shall treat the copy of the final report as confidential until  
6 it is released to the public by the director. The committee, at its discretion, may vote to  
7 endorse, to endorse in part or to decline to endorse the report submitted by the director. If  
8 the committee determines it is necessary, the committee may report out to the Legislature  
9 legislation to implement the findings and recommendations of any program evaluation  
10 report presented to it by the office.'

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
12 number to read consecutively.

### 13 SUMMARY

14 This amendment replaces the bill and changes the title. The amendment requires the  
15 Director of the Office of Program Evaluation and Government Accountability to prepare  
16 and present a biennial briefing to the Government Oversight Committee on the  
17 confidentiality and nondisclosure policies, standards and procedures that the office adheres  
18 to when conducting program evaluations. The amendment also permits the director to share  
19 a confidential copy of a program evaluation report with the committee prior to its public  
20 release but not before the review and response period of the evaluated agency or other  
21 entity is completed. The amendment also removes the emergency preamble and emergency  
22 clause.

### 23 FISCAL NOTE REQUIRED

24 (See attached)