



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 785

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H.P. 536

House of Representatives, February 28, 2013

### **An Act To Ensure the Periodic Review and Revision of Statutory Provisions**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PRIEST of Brunswick.  
Cosponsored by Senator VALENTINO of York and  
Representatives: BEAULIEU of Auburn, DeCHANT of Bath, GUERIN of Glenburn,  
MOONEN of Portland, MORIARTY of Cumberland, PEAVEY HASKELL of Milford,  
VILLA of Harrison, Senator: BURNS of Washington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 1 MRSA c. 33** is enacted to read:

3 **CHAPTER 33**

4 **PERIODIC REVIEW AND REVISION OF STATUTORY PROVISIONS**

5 **§2701. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms  
7 have the following meanings.

8 **1. Agency.** "Agency" has the same meaning as in Title 3, section 953, subsection 1.

9 **2. Committee of jurisdiction.** "Committee of jurisdiction" has the same meaning as  
10 in Title 3, section 953, subsection 2.

11 **3. Independent agency.** "Independent agency" has the same meaning as in Title 3,  
12 section 953, subsection 3.

13 **4. Program evaluation report.** "Program evaluation report" means the report  
14 submitted to the Legislature by an agency or an independent agency in accordance with  
15 Title 3, section 956.

16 **§2702. Report to committee**

17 The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis,  
18 referred to in this section as "the offices," shall review each program evaluation report  
19 submitted to the Legislature under Title 3, chapter 35, and any legislation recommended  
20 by a committee of jurisdiction as a result of the committee's review, analysis and  
21 evaluation of the program evaluation report. The offices shall identify those statutory  
22 provisions that are:

23 **1. Identified for review.** Identified, pursuant to Title 3, section 956, subsection 2,  
24 paragraph O, in a program evaluation report as potentially requiring legislative review  
25 regarding the necessity of amendment to align the statute with federal law, other state law  
26 or judicial decisions; and

27 **2. Not addressed in legislation.** Not addressed in legislation recommended by a  
28 committee of jurisdiction as a result of the committee's review, analysis and evaluation of  
29 the program evaluation report.

30 No later than November 1st prior to each first regular session of the Legislature, the  
31 offices shall develop a report that lists the provisions identified under this section and  
32 shall submit the report to each joint standing committee of the Legislature having  
33 jurisdiction over any of the statutory provisions identified under this section and to the  
34 joint standing committee of the Legislature having jurisdiction over judiciary matters.

1 **§2703. Committee authority**

2 During the first regular session of the Legislature following submission of a report  
3 pursuant to section 2702, each joint standing committee of the Legislature that receives a  
4 report pursuant to section 2702 shall review the report and shall make recommendations  
5 to the joint standing committee having jurisdiction over judiciary matters. The joint  
6 standing committee having jurisdiction over judiciary matters shall review the report, and  
7 may report out a bill to the first or second regular session of the Legislature to make  
8 statutory changes the committee determines necessary to align the statutes with federal  
9 law, other state law or decisions of the United States Supreme Court or the Supreme  
10 Judicial Court.

11 **Sec. 2. 3 MRSA §956, sub-§2, ¶M**, as amended by PL 2001, c. 495, §2, is  
12 further amended to read:

13 M. Agency policies for collecting, managing and using personal information over the  
14 Internet and nonelectronically, information on the agency's implementation of  
15 information technologies and an evaluation of the agency's adherence to the fair  
16 information practice principles of notice, choice, access, integrity and enforcement;  
17 ~~and~~

18 **Sec. 3. 3 MRSA §956, sub-§2, ¶N**, as enacted by PL 2001, c. 495, §3, is  
19 amended to read:

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

- 22 (1) The statutory authority for each filing requirement;
- 23 (2) The date each filing requirement was adopted or last amended by the agency;
- 24 (3) The frequency that filing is required;
- 25 (4) The number of filings received annually for the last 2 years and the number  
26 anticipated to be received annually for the next 2 years; and
- 27 (5) A description of the actions taken or contemplated by the agency to reduce  
28 filing requirements and paperwork duplication; and

29 **Sec. 4. 3 MRSA §956, sub-§2, ¶O** is enacted to read:

30 O. Identification of provisions contained in the agency's or independent agency's  
31 enabling or authorizing statutes that may require legislative review to determine the  
32 necessity of amendment to align the statutes with federal law, other state law or  
33 decisions of the United States Supreme Court or the Supreme Judicial Court.

34 **SUMMARY**

35 This bill requires that program evaluation reports filed by state agencies pursuant to  
36 the State Government Evaluation Act identify provisions contained in the agency's or  
37 independent agency's enabling or authorizing statutes that may require legislative review  
38 to determine the necessity of amendment to align the statutes with federal law, other state

1 law or judicial decisions. The bill directs the Office of the Revisor of Statutes and the  
2 Office of Policy and Legal Analysis to review the program evaluation reports and any  
3 resulting legislation and to submit a report that lists statutory provisions that are identified  
4 as potentially requiring legislative review regarding the necessity of amendment to align  
5 the statute with federal law, other state law or judicial decisions to the relevant joint  
6 standing committees, as well as to the joint standing committee of the Legislature having  
7 jurisdiction over judiciary matters. Under the bill, each joint standing committee of the  
8 Legislature receiving a report is directed to make recommendations to the joint standing  
9 committee of the Legislature having jurisdiction over judiciary matters, which is  
10 authorized to report out a bill to make statutory changes to align the statutes with federal  
11 law, other state law or decisions of the United States Supreme Court or the Supreme  
12 Judicial Court.