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Legislative Document

No. 158

H.P. 114

House of Representatives, January 21, 2021

An Act To Eliminate Inactive Boards and Commissions

Received by the Clerk of the House on January 19, 2021. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TUELL of East Machias.

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

2 **Sec. 1. 5 MRSA §55**, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4,
3 is repealed.

4 **Sec. 2. 5 MRSA §55-A**, as enacted by PL 2003, c. 238, §1 and affected by §2, is
5 repealed.

6 **Sec. 3. 5 MRSA §90-T**, as enacted by PL 2011, c. 304, Pt. D, §2, is repealed.

7 **Sec. 4. 5 MRSA §1547, sub-§7**, as enacted by PL 2003, c. 451, Pt. F, §2 and
8 amended by c. 600, §4, is amended to read:

9 **7. Other related organizations.** All legislatively created public instrumentalities and
10 related organizations for which the State is financially accountable or that have a significant
11 relationship with the State as defined by a governmental accounting standards board that
12 are not included in subsection 3, ~~including but not limited to eligible institutions as defined~~
13 ~~in section 13103~~, that receive funds from bond issues must comply with the fiscal reporting
14 policies established by the State Controller. The fiscal and reporting policies must include:

15 A. Internal control standards required by section 1541, subsection 10-A;

16 B. Quarterly reporting to the State Controller that includes a detail of transactions and
17 reconciliation of all accounts;

18 C. No later than October 15th annually, submission to the Department of
19 Administrative and Financial Services, Office of the State Controller of all financial
20 statements and schedules of expenditures of federal awards;

21 D. Financial statements that are prepared in accordance with the standards and
22 requirements established by a governmental accounting standards board; and

23 E. Submission annually to the Department of Administrative and Financial Services,
24 Office of the State Controller of a copy of the independent auditor's report, including
25 any findings, recommendations and management letter comments, and any other
26 materials considered necessary by the State Controller.

27 Legislatively created public instrumentalities and other related organizations required to
28 comply under this subsection ~~who~~ that must also comply with the federal Office of
29 Management and Budget circulars, regulations issued by a governmental accounting
30 standards board or other accounting, auditing and reporting requirements may submit that
31 information to the State Controller to satisfy the requirements of this subsection.

32 **Sec. 5. 5 MRSA §12004-G, sub-§4-B**, as enacted by PL 2001, c. 196, §1, is
33 repealed.

34 **Sec. 6. 5 MRSA §12004-G, sub-§10-E**, as enacted by PL 2013, c. 593, §1, is
35 repealed.

36 **Sec. 7. 5 MRSA §12004-I, sub-§2-E**, as enacted by PL 1999, c. 566, §2, is
37 repealed.

38 **Sec. 8. 5 MRSA §12004-I, sub-§2-G**, as amended by PL 2011, c. 304, Pt. D, §3,
39 is repealed.

1 **Sec. 9. 5 MRSA §12004-I, sub-§4-B**, as enacted by PL 2007, c. 503, §1, is
2 repealed.

3 **Sec. 10. 5 MRSA §12004-I, sub-§17**, as enacted by PL 1987, c. 786, §5, is
4 repealed.

5 **Sec. 11. 5 MRSA §12004-I, sub-§22-B**, as amended by PL 2011, c. 206, §1, is
6 repealed.

7 **Sec. 12. 5 MRSA §12004-I, sub-§36-D**, as enacted by PL 1997, c. 560, Pt. D, §1,
8 is repealed.

9 **Sec. 13. 5 MRSA §12004-K, sub-§12**, as enacted by PL 1987, c. 786, §5, is
10 repealed.

11 **Sec. 14. 5 MRSA §12004-L, sub-§10**, as enacted by PL 1993, c. 381, §9, is
12 repealed.

13 **Sec. 15. 5 MRSA c. 383, sub-c. 5-A**, as amended, is repealed.

14 **Sec. 16. 5 MRSA §15303, sub-§6-B**, as enacted by PL 2001, c. 196, §10, is
15 repealed.

16 **Sec. 17. 10 MRSA §949, sub-§2, ¶B**, as enacted by PL 2007, c. 420, §7, is
17 amended by amending subparagraph (3) to read:

18 (3) ~~Four representatives of the Maine Biomedical Research Board established~~
19 ~~pursuant to Title 5, section 12004-G, subsection 4-B~~ from bioscience research
20 laboratories;

21 **Sec. 18. 20-A MRSA §5151, sub-§2, ¶D**, as amended by PL 2007, c. 667, §9, is
22 further amended to read:

23 D. Function as a liaison among the commissioner, department staff, ~~advisory~~
24 ~~committee~~ and school administrative units and private schools as it pertains to truants,
25 dropouts and reintegration, alternative education programs, alternative learning and
26 adult education;

27 **Sec. 19. 20-A MRSA §5151, sub-§2, ¶K**, as amended by PL 2001, c. 452, §12, is
28 further amended to read:

29 K. Evaluate the scope of the problem of dropouts and truants and programs and
30 policies directed to meet it, including reintegration planning and aftercare services
31 provided for juvenile offenders who have been released from juvenile facilities and
32 have enrolled in schools in the State; and

33 **Sec. 20. 20-A MRSA §5151, sub-§2, ¶L**, as enacted by PL 1985, c. 774, §5, is
34 repealed.

35 **Sec. 21. 20-A MRSA §5152**, as amended by PL 2007, c. 667, §§10 and 11, is
36 repealed.

37 **Sec. 22. 20-A MRSA c. 437**, as amended, is repealed.

38 **Sec. 23. 22 MRSA §271, sub-§2**, as enacted by PL 1997, c. 560, Pt. D, §2, is
39 repealed.

1 **Sec. 24. 22 MRSA §272, sub-§1**, as enacted by PL 1997, c. 560, Pt. D, §2, is
2 amended by amending the first blocked paragraph to read:

3 The bureau shall administer the program ~~with the review and advice provided by the~~
4 ~~council in subsection 2~~ and may contract for professional services to carry out the program.

5 **Sec. 25. 22 MRSA §272, sub-§2**, as amended by PL 2011, c. 657, Pt. AA, §58, is
6 repealed.

7 **Sec. 26. 25 MRSA §2952, sub-§4**, as enacted by PL 1991, c. 837, Pt. B, §11 and
8 c. 841, §8, is repealed.

9 **Sec. 27. 25 MRSA §2954**, as repealed and replaced by PL 1993, c. 680, Pt. B, §2,
10 is repealed.

11 **Sec. 28. 25 MRSA §2955, first ¶**, as repealed and replaced by PL 1993, c. 680, Pt.
12 B, §3, is amended to read:

13 The commissioner shall establish and operate within the Maine Drug Enforcement
14 Agency such regional investigative task forces as the commissioner determines, ~~in~~
15 ~~consultation with the board~~, are required for effective drug law enforcement throughout the
16 State.

17 **Sec. 29. 25 MRSA §2955, 2nd ¶**, as repealed and replaced by PL 1993, c. 680, Pt.
18 B, §3, is amended to read:

19 The investigative component of each task force is comprised of law enforcement
20 officers drawn from municipal, county and state law enforcement agencies, who, during
21 the period in which they serve in the task force, must be placed on a temporary assignment
22 by their employing law enforcement agencies and in the nonclassified positions within the
23 agency as established. All agency investigative personnel may not be state employees, for
24 the purposes of Title 26, chapter 9-B. All agency investigative personnel shall act in
25 accordance with rules, policies and procedures established by the commissioner. In
26 determining the number, areas of responsibility and investigative complement of these task
27 forces, the commissioner shall take into account geography, population, and the need for
28 service ~~and the advice provided by the board~~.

29 **Sec. 30. 25 MRSA §2955, sub-§1**, as repealed and replaced by PL 1993, c. 680,
30 Pt. B, §3, is amended to read:

31 **1. Director.** The agency is managed by a director who reports to the commissioner.
32 The director must be an experienced law enforcement officer. The Chief of the State
33 Police, the Maine Sheriffs' Association and the Maine Chiefs of Police Association may
34 each nominate one candidate as director for submission to the ~~Maine Drug Enforcement~~
35 ~~Agency Advisory Board~~. ~~The advisory board shall submit one of the 3 nominations to the~~
36 commissioner, who may appoint ~~that person~~ one of the candidates with the approval of the
37 Governor. If the commissioner or the Governor does not approve of the ~~candidate~~ 3
38 candidates submitted, each of the nominating groups is requested to submit an additional
39 nomination. The director serves at the pleasure of the commissioner. Eligibility for this
40 appointment is not dependent upon the parent law enforcement agency, if any, of the person
41 selected. If the person selected is currently an employee of any state, county or local law
42 enforcement agency, the person must be placed on a temporary assignment by the person's
43 employing agency. The director reports directly to the commissioner, notwithstanding any

1 existing command structure of the person's employing agency. Notwithstanding any ~~other~~
2 provision of law to the contrary, the person retains and continues to accrue seniority and
3 retirement rights and benefits within the person's employing agency for the time in which
4 the person serves as director.

5 **Sec. 31. 25 MRSA §2956, sub-§1**, as repealed and replaced by PL 1999, c. 790,
6 Pt. A, §32, is amended to read:

7 **1. Rules.** The commissioner shall, ~~with the advice of the board~~, adopt rules, practices
8 and policies respecting the administration of the agency. The rules, practices and policies
9 of the agency must be in conformity with state law and must accomplish the goal of an
10 integrated drug enforcement effort. These rules, practices and policies may include:

- 11 A. The qualifications, hiring, term of service and disciplinary standards for
12 commanders, supervisors and agents;
- 13 B. Protection as to financial and employment security for any law enforcement officer
14 selected as any official of the agency with respect to the person's position with any
15 municipal, county or state law enforcement policy or political subdivision;
- 16 C. Standard operating procedures for the agency;
- 17 D. Procurement procedures; or
- 18 E. Procedures for dissemination of records.

19 **Sec. 32. 25 MRSA §2957**, as amended by PL 2011, c. 662, §17, is further amended
20 to read:

21 **§2957. Confidentiality**

22 Notwithstanding any ~~other provisions~~ provision of law to the contrary, the investigative
23 records of the agency are confidential ~~and all meetings of the board are subject to Title 1,~~
24 ~~chapter 13, subchapter 1, except that those meetings may be held in executive session to~~
25 ~~discuss any case investigations or any disciplinary actions.~~

26 **Sec. 33. 25 MRSA §2958**, as repealed and replaced by PL 1999, c. 790, Pt. D, §8,
27 is amended to read:

28 **§2958. Prosecution protocol**

29 The Attorney General, after consultation with the 8 district attorneys, the United States
30 Attorney for the District of Maine and the ~~board~~ agency, shall establish by rule a protocol
31 that governs the selection of the state or federal court system for prosecution of drug cases
32 investigated by the agency.

33 **Sec. 34. 34-A MRSA §3002-B**, as enacted by PL 2007, c. 503, §2, is repealed.

34 **Sec. 35. 38 MRSA §343-D**, as amended by PL 2011, c. 206, §§5 and 6 and affected
35 by §37, is repealed.

36 **Sec. 36. 38 MRSA §353-A, sub-§4**, as amended by PL 1993, c. 500, §3 and
37 affected by §5, is further amended to read:

38 **4. Maximum and minimum fees.** The minimum annual fee is \$250 per year. The
39 maximum annual fee is \$150,000 per year. Beginning November 1, 1994, the minimum
40 annual fee surcharge is \$100 per year and the maximum annual fee surcharge is \$50,000

1 per year. The commissioner may reduce any fee required under the federal Clean Air Act
2 Amendments of 1990 to take into account the financial resources of a small business
3 stationary source as defined in section 343-D, subsection 1, which for the purposes of this
4 subsection means a source that meets the eligibility requirements of 42 United States Code,
5 Section 7661f.

6 **SUMMARY**

7 This bill eliminates boards and commissions that did not file annual reports with the
8 Secretary of State in either 2018 or 2019 or that filed a report that indicated inactivity for
9 2018 and 2019. The boards and commissions being eliminated are:

- 10 1. Advisory committee on truancy, dropouts and alternative education;
- 11 2. Advisory Committee on Fair Competition with Private Enterprise;
- 12 3. Maine Biomedical Research Board;
- 13 4. Maine Drug Enforcement Agency Advisory Board;
- 14 5. Maine-New Hampshire Interstate Bridge Authority;
- 15 6. Pollution Prevention and Small Business Assistance Advisory Panel;
- 16 7. Prison Industries Advisory Council;
- 17 8. Regulatory Fairness Board;
- 18 9. State Education and Employment Outcomes Task Force; and
- 19 10. Tobacco Prevention and Control Advisory Council.