

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Eliminate Inactive Boards and Commissions

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

Sec. 1. 3 MRSA §168-B, as enacted by PL 2009, c. 623, §2, is repealed.

Sec. 2. 4 MRSA c. 35, as amended, is repealed.

Sec. 3. 5 MRSA §1547, sub-§7, as enacted by PL 2003, c. 451, Pt. F, §2 and amended by c. 600, §4, is further amended to read:

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

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

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

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

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

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

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

Sec. 4. 5 MRSA §1825-T, as enacted by PL 2007, c. 193, §4, is repealed.

Sec. 5. 5 MRSA §12004-G, sub-§3-D, as enacted by PL 2005, c. 559, §1, is repealed.

- Sec. 6. 5 MRSA §12004-G, sub-§4-B**, as enacted by PL 2001, c. 196, §1, is repealed.
- Sec. 7. 5 MRSA §12004-G, sub-§23-A**, as enacted by PL 1995, c. 451, §2, is repealed.
- Sec. 8. 5 MRSA §12004-I, sub-§3-C**, as enacted by PL 2005, c. 186, §1, is repealed.
- Sec. 9. 5 MRSA §12004-I, sub-§29-D**, as amended by PL 2013, c. 588, Pt. A, §5, is repealed.
- Sec. 10. 5 MRSA §12004-I, sub-§30-A**, as enacted by PL 2003, c. 469, Pt. A, §4, is repealed.
- Sec. 11. 5 MRSA §12004-I, sub-§36-D**, as enacted by PL 1997, c. 560, Pt. D, §1, is repealed.
- Sec. 12. 5 MRSA §12004-I, sub-§54-C**, as amended by PL 2009, c. 623, §3, is repealed.
- Sec. 13. 5 MRSA §12004-I, sub-§57-C**, as reenacted by PL 2011, c. 598, §1, is repealed.
- Sec. 14. 5 MRSA c. 383, sub-c. 5-A**, as amended, is repealed.
- Sec. 15. 5 MRSA §15303, sub-§6-B**, as enacted by PL 2001, c. 196, §10, is repealed.
- Sec. 16. 7 MRSA §352**, as enacted by PL 2005, c. 559, §2, is repealed.
- Sec. 17. 7 MRSA §353**, as amended by PL 2009, c. 652, Pt. A, §5, is repealed.
- Sec. 18. 10 MRSA §949, sub-§2, ¶B**, as enacted by PL 2007, c. 420, §7, is amended to read:

B. Thirty~~Twenty-six~~ members appointed by the Governor:

- (1) Seven representatives from the for-profit business community within the 7 targeted technologies as defined in Title 5, section 15301;
- (2) Seven representatives involved with nonprofit research institutions within the 7 targeted technologies as defined in Title 5, section 15301;
- ~~(3) Four representatives of the Maine Biomedical Research Board established pursuant to Title 5, section 12004-G, subsection 4-B;~~
- (4) Two representatives from nonprofit research laboratories with main offices or headquarters in this State and demonstrated expertise and credentials in marine research;
- (5) One representative of the University of Maine and one representative of the University of Southern Maine;
- (6) Four representatives of private universities and colleges within the State;
- (7) One representative of the University of Maine Center for Law and Innovation;

(8) One representative of the Small Enterprise Growth Program as established in section 381; and

(9) Two representatives with demonstrated expertise in venture capital.

Sec. 19. 12 MRSA §1893-C, as enacted by PL 2005, c. 186, §2, is repealed.

Sec. 20. 12 MRSA §6072-D, sub-§5, as amended by PL 2011, c. 598, §7, is further amended to read:

5. Reports. The commissioner shall report annually to the ~~Aquaculture Advisory Council under section 6080~~ joint standing committee of the Legislature having jurisdiction over marine resources matters on all expenditures made from the fund in the previous fiscal year and a summary of work accomplished and planned.

Sec. 21. 12 MRSA §6080, as reenacted by PL 2011, c. 598, §9, is repealed.

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

Sec. 23. 22 MRSA §272, sub-§1, as enacted by PL 1997, c. 560, Pt. D, §2, is amended to read:

1. Program established. The Tobacco Prevention and Control Program is established in the bureau. The purposes of the program are to prevent the State's youths from ever using tobacco products and to assist youths and adults who currently smoke cigarettes and use other tobacco products to discontinue that use. The program includes the following components:

A. An ongoing, major media campaign to:

- (1) Educate the public about the health hazards, costs and other relevant facts surrounding the use of tobacco products;
- (2) Encourage young people not to begin using tobacco products;
- (3) Motivate the users of tobacco products to discontinue smoking; and
- (4) Encourage public acceptance of smoke-free environments;

B. Grants for funding community-based programs aimed at tobacco prevention and control, including funding of tobacco prevention and control education for those school administrative units that choose to offer such programs to primary, middle and high school students; for community-based enforcement of state tobacco control laws, including sales to minors and for cessation services;

C. Procedures for monitoring and evaluating the prevention and control program, including:

(1) Monitoring and maintaining the program's effectiveness through an evaluation of each component; and

(2) Assessing the prevalence of the use of tobacco products and knowledge about and attitudes towards such use on a statewide and community basis; and

D. In conjunction with law enforcement and other state and federal agencies, increased law enforcement efforts to increase compliance with laws regarding the transportation, distribution and sale of cigarettes and tobacco products.

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

Sec. 24. 22 MRSA §272, sub-§2, as amended by PL 2011, c. 657, Pt. AA, §58, is repealed.

Sec. 25. 22 MRSA §328, sub-§17-A, ¶C, as amended by PL 2011, c. 424, Pt. A, §2 and affected by Pt. E, §1, is further amended to read:

C. The addition in the private office of a health care practitioner, as defined in Title 24, section 2502, subsection 1-A, of new technology that costs \$3,200,000 or more. ~~The department shall consult with the Maine Quality Forum Advisory Council established pursuant to Title 24-A, section 6952, prior to determining whether a project qualifies as a new technology in the office of a private practitioner.~~ With regard to the private office of a health care practitioner, "new health service" does not include the location of a new practitioner in a geographic area.

Sec. 26. 22 MRSA §8708-A, as enacted by PL 2003, c. 469, Pt. C, §28, is amended to read:

§ 8708-A. Quality data

The board shall adopt rules regarding the collection of quality data. The board shall work with the Maine Quality Forum ~~and the Maine Quality Forum Advisory Council~~ established in Title 24-A, chapter 87, subchapter 2 to develop the rules. The rules must be based on the quality measures adopted by the Maine Quality Forum pursuant to Title 24-A, section 6951, subsection 2. The rules must specify the content, form, medium and frequency of quality data to be submitted to the organization. In the collection of quality data, the organization must minimize duplication of effort, minimize the burden on those required to provide data and focus on data that may be retrieved in electronic format from within a health care practitioner's office or health care facility. As specified by the rules, health care practitioners and health care facilities shall submit quality data to the organization. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 27. 24-A MRSA §6951, first ¶, as amended by PL 2009, c. 359, §5 and affected by §8, is further amended to read:

The Maine Quality Forum, referred to in this subchapter as "the forum," is established within Dirigo Health. The forum is governed by the board ~~with advice from the Maine Quality Forum Advisory Council pursuant to section 6952.~~ The forum must be funded, at least in part, through the savings offset payments made pursuant to former section 6913 and the access payment pursuant to section 6917. Except as provided in section 6907, subsection 2, information obtained by the forum is a public record as provided by Title 1, chapter 13, subchapter 1. The forum shall perform the following duties.

Sec. 28. 24-A MRSA §6951, sub-§2, as enacted by PL 2003, c. 469, Pt. A, §8, is amended to read:

2. Quality and performance measures. The forum shall adopt a set of measures to evaluate and compare health care quality and provider performance. ~~The measures must be adopted with guidance from the advisory council pursuant to section 6952.~~ The quality measures adopted by the forum must be the basis for the rules for the collection of quality data adopted by the Maine Health Data Organization pursuant to Title 22, section 8708-A.

Sec. 29. 24-A MRSA §6952, as amended by PL 2011, c. 90, Pt. J, §24, is repealed.

Sec. 30. 38 MRSA §470-C, sub-§10, as enacted by PL 2011, c. 120, §6, is amended to read:

10. Agricultural producers. An agricultural producer that is subject to rules adopted under section 470-H ~~and the provisions of Title 7, section 353.~~

SUMMARY

This bill eliminates boards and commissions that have reported inactivity during 2014 and 2015. The boards and commissions eliminated for inactivity are:

1. The Aquaculture Advisory Council;
2. The ATV Trail Advisory Council;
3. The Citizens' Code of Conduct Working Group;
4. The Judicial Compensation Commission;
5. The Legislative Youth Advisory Council;
6. The Maine Agricultural Water Management Board;
7. The Maine Biomedical Research Board;
8. The Maine Quality Forum Advisory Council; and
9. The Tobacco Prevention and Control Advisory Council.

This bill is reported out by the Joint Standing Committee on State and Local Government pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2. As authorized by the law, and based on the Secretary of State's submission of recommendations regarding which boards and commissions to eliminate, the bill eliminates boards and commissions that have been inactive during the preceding 24 months.

The committee has not taken a position on the substance of the bill and by reporting this bill out the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill. The committee is reporting the bill out for the sole purpose of turning the draft into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course. The committee is taking this action to ensure clarity and transparency in the legislative review of this bill.