



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1849

H.P. 1286

House of Representatives, February 27, 2018

An Act To Eliminate Inactive Boards and Commissions

Reported by Representative MARTIN of Sinclair for the Joint Standing Committee on State and Local Government pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2.

Reference to the Committee on State and Local Government suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 5 MRSA §55**, as enacted by PL 1999, c. 566, §1 and amended by PL 2003,
3 c. 20, Pt. OO, §2 and affected by §4, is repealed.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5 repealed.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 §1547, sub-§7**, as enacted by PL 2003, c. 451, Pt. F, §2 and
7 amended by c. 600, §4, is further amended to read:

8 **7. Other related organizations.** All legislatively created public instrumentalities
9 and related organizations for which the State is financially accountable or that have a
10 significant relationship with the State as defined by a governmental accounting standards
11 board that are not included in subsection 3, ~~including but not limited to eligible~~
12 ~~institutions as defined in section 13103~~, that receive funds from bond issues must comply
13 with the fiscal reporting policies established by the State Controller. The fiscal and
14 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
17 and 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 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. 4. 5 MRSA §12004-A, sub-§11**, as amended by PL 1989, c. 878, Pt. B, §4,
33 is repealed.

34 **Sec. 5. 5 MRSA §12004-C, sub-§9**, as enacted by PL 2015, c. 363, §2, is
35 repealed.

36 **Sec. 6. 5 MRSA §12004-G, sub-§3-D**, as enacted by PL 2005, c. 559, §1, is
37 repealed.

1 **Sec. 7. 5 MRSA §12004-G, sub-§4-B**, as enacted by PL 2001, c. 196, §1, is
2 repealed.

3 **Sec. 8. 5 MRSA §12004-G, sub-§10-E**, as enacted by PL 2013, c. 593, §1, is
4 repealed.

5 **Sec. 9. 5 MRSA §12004-G, sub-§30-D**, as enacted by PL 2009, c. 655, Pt. A,
6 §1, is repealed.

7 **Sec. 10. 5 MRSA §12004-I, sub-§2-E**, as enacted by PL 1999, c. 566, §2, is
8 repealed.

9 **Sec. 11. 5 MRSA §12004-I, sub-§4-B**, as enacted by PL 2007, c. 503, §1, is
10 repealed.

11 **Sec. 12. 5 MRSA §12004-I, sub-§4-C**, as enacted by PL 2015, c. 86, §1, is
12 repealed.

13 **Sec. 13. 5 MRSA §12004-I, sub-§22-B**, as amended by PL 2011, c. 206, §1, is
14 repealed.

15 **Sec. 14. 5 MRSA §12004-I, sub-§23-B**, as amended by PL 2003, c. 414, Pt. B,
16 §8 and affected by c. 614, §9, is repealed.

17 **Sec. 15. 5 MRSA §12004-I, sub-§30-A**, as enacted by PL 2003, c. 469, Pt. A,
18 §4, is repealed.

19 **Sec. 16. 5 MRSA §12004-I, sub-§36-D**, as enacted by PL 1997, c. 560, Pt. D,
20 §1, is repealed.

21 **Sec. 17. 5 MRSA §12004-I, sub-§57-E**, as amended by PL 2007, c. 34, §1, is
22 repealed.

23 **Sec. 18. 5 MRSA §12004-K, sub-§5**, as enacted by PL 1987, c. 786, §5, is
24 repealed.

25 **Sec. 19. 5 MRSA §12004-L, sub-§10**, as enacted by PL 1993, c. 381, §9, is
26 repealed.

27 **Sec. 20. 5 MRSA c. 383, sub-c. 5-A**, as amended, is repealed.

28 **Sec. 21. 5 MRSA §15303, sub-§6-B**, as enacted by PL 2001, c. 196, §10, is
29 repealed.

30 **Sec. 22. 7 MRSA §352**, as enacted by PL 2005, c. 559, §2, is repealed.

31 **Sec. 23. 7 MRSA §353**, as amended by PL 2009, c. 652, Pt. A, §5, is further
32 amended to read:

1 **§353. Sustainable agricultural water source program**

2 The ~~board~~ department shall work with the ~~department and the~~ Department of
3 Environmental Protection to facilitate implementation of the sustainable agricultural
4 water source program in accordance with this section. The Board of Environmental
5 Protection shall determine flow standards through rulemaking authorized under Title 38,
6 section 470-H.

7 **1. Site-specific standards.** Upon request of ~~the board~~, the department or a person
8 using or proposing to use surface waters for agricultural purposes, the Department of
9 Environmental Protection shall determine site-specific flow standards and water levels for
10 a water body used or being considered for use as a water source for agriculture.

11 **2. Compliance date for water use standards.** An agricultural producer has 5 years
12 from the effective date of rules adopted under Title 38, section 470-H to meet the
13 standards established in those rules if that agricultural producer is:

14 A. An agricultural producer who has filed or whose predecessor had filed a water use
15 report under Title 38, section 470-D prior to December 1st of the year in which rules
16 authorized by Title 38, section 470-H are finally adopted; or

17 B. An agricultural producer who can otherwise document a history of agricultural
18 water use at the site prior to December 1st of the year in which rules authorized by
19 Title 38, section 470-H are finally adopted.

20 An agricultural producer who has or whose predecessor had a permit or voluntary
21 agreement establishing withdrawal limits must adhere to those limits for the 5-year period
22 or until in compliance with the standards established in rule.

23 For the purposes of this subsection, "predecessor" means a person who preceded an
24 agricultural producer in the ownership or use of a parcel of land.

25 **3. Assistance to agricultural producers.** Agricultural producers may seek
26 assistance from the ~~board~~ department for the development of sustainable water sources,
27 including permitting assistance where applicable. An agricultural producer must have an
28 agricultural water use management plan prior to receiving financial support for the
29 development of an alternative water source.

30 **4. Compliance extension.** The Department of Environmental Protection, upon
31 recommendation of the ~~board~~ department, may grant an extension beyond the original 5
32 years to an agricultural producer who qualifies for the 5-year compliance date under
33 subsection 2 and has a strategy for compliance with the rules authorized by Title 38,
34 section 470-H if:

35 A. The agricultural producer requesting the extension has an agricultural water use
36 management plan ~~consistent with the board's model developed under section 352,~~
37 ~~subsection 3;~~

38 B. The agricultural water use management plan identifies water storage options for
39 the agricultural producer and alternative water sources;

40 C. The agricultural producer has applied for funding and permits as needed;

- 1 D. The agricultural producer has implemented all feasible water use reduction
2 options that are consistent with the agricultural water use management plan;
- 3 E. The agricultural producer has complied with water withdrawal limits established
4 in an existing permit or voluntary agreement; and
- 5 F. Unforeseen or exceptional circumstances, such as weather events, delays in
6 federal permitting or federal cost-share funding, have prevented implementation of
7 the agricultural water use management plan.

8 **5. Enforcement.** The ~~board~~ department shall examine water withdrawals for
9 agricultural uses that result in a violation of flow rates or water levels, consider any
10 unforeseen or exceptional circumstances of the agricultural producers, withdrawing water
11 from the water bodies and make recommendations to the Department of Environmental
12 Protection regarding compliance. Nothing in the responsibilities or actions of the ~~board~~
13 department limits the enforcement or compliance authority of the Department of
14 Environmental Protection under Title 38.

15 **6. Biennial report.** The ~~board~~ department shall submit a report on the sustainable
16 agricultural water source program to the joint standing committee of the Legislature
17 having jurisdiction over agricultural matters and the joint standing committee of the
18 Legislature having jurisdiction over natural resources matters by January 30th of
19 odd-numbered years beginning January 30, 2007.

20 **Sec. 24. 10 MRSA §949, sub-§2, ¶B,** as enacted by PL 2007, c. 420, §7, is
21 amended to read:

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

- 23 (1) Seven representatives from the for-profit business community within the 7
24 targeted technologies as defined in Title 5, section 15301;
- 25 (2) Seven representatives involved with nonprofit research institutions within the
26 7 targeted technologies as defined in Title 5, section 15301;
- 27 ~~(3) Four representatives of the Maine Biomedical Research Board established~~
28 ~~pursuant to Title 5, section 12004-G, subsection 4-B;~~
- 29 (4) Two representatives from nonprofit research laboratories with main offices
30 or headquarters in this State and demonstrated expertise and credentials in marine
31 research;
- 32 (5) One representative of the University of Maine and one representative of the
33 University of Southern Maine;
- 34 (6) Four representatives of private universities and colleges within the State;
- 35 (7) One representative of the University of Maine Center for Law and
36 Innovation;
- 37 (8) One representative of the Small Enterprise Growth Program as established in
38 section 381; and
- 39 (9) Two representatives with demonstrated expertise in venture capital.

1 **Sec. 25. 10 MRSA §8001, sub-§38, ¶K**, as enacted by PL 1995, c. 397, §11, is
2 repealed.

3 **Sec. 26. 12 MRSA §405-A, sub-§3, ¶¶B and C**, as enacted by PL 1987, c. 635,
4 are amended to read:

5 B. Having consulted with the office of the Governor or other agency of the State,
6 designated by the Governor, regarding the feasibility of this downstream
7 development; and

8 C. Having determined that there exists no economically feasible site downstream
9 from Grand Falls; and

10 **Sec. 27. 12 MRSA §405-A, sub-§3, ¶D**, as enacted by PL 1987, c. 635, is
11 repealed.

12 **Sec. 28. 12 MRSA §6034**, as amended by PL 2011, c. 128, §§1 and 2, is repealed.

13 **Sec. 29. 12 MRSA §6035**, as amended by PL 2005, c. 505, §4, is repealed.

14 **Sec. 30. 12 MRSA §6176**, as enacted by PL 2005, c. 505, §5, is amended to read:

15 **§6176. Commercial fishing safety**

16 The commissioner may adopt commercial fishing safety rules ~~recommended by the~~
17 ~~Commercial Fishing Safety Council~~. Rules authorized by this section must be adopted
18 and amended in accordance with the procedures outlined in subchapter 2 and are routine
19 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

20 **Sec. 31. 12 MRSA §10156**, as amended by PL 2007, c. 651, §§3 to 5, is repealed.

21 **Sec. 32. 20-A MRSA §8232, sub-§3**, as enacted by PL 2015, c. 363, §4, is
22 amended to read:

23 **3. Out-of-state tuition.** Students from other states and countries and students
24 pursuing a postgraduate high school year of education may attend the school on a space-
25 available basis by paying the cost of tuition, fees and room and board ~~as established by~~
26 ~~the board of trustees~~.

27 **Sec. 33. 20-A MRSA §8233, sub-§§1 and 4**, as enacted by PL 2015, c. 363, §4,
28 are repealed.

29 **Sec. 34. 20-A MRSA §§8234 and 8235**, as enacted by PL 2015, c. 363, §4, are
30 repealed.

31 **Sec. 35. 20-A MRSA §8236, sub-§3**, as enacted by PL 2015, c. 363, §4, is
32 amended to read:

33 **3. School admission.** Admittance of high school students and students pursuing a
34 postgraduate high school year of education ~~based on the enrollment criteria established by~~
35 ~~the board of trustees as provided in section 8235, subsection 11~~. Students who apply and

1 are accepted by the school are allowed to attend as provided in section 5205, subsection
2 6;

3 **Sec. 36. 20-A MRSA §8237**, as enacted by PL 2015, c. 363, §4, is repealed.

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

5 **Sec. 38. 22 MRSA §256-B, sub-§1, ¶K**, as enacted by PL 2005, c. 327, §2, is
6 repealed.

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

9 **Sec. 40. 22 MRSA §272, sub-§1**, as enacted by PL 1997, c. 560, Pt. D, §2, is
10 amended to read:

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

16 A. An ongoing, major media campaign to:

17 (1) Educate the public about the health hazards, costs and other relevant facts
18 surrounding the use of tobacco products;

19 (2) Encourage young people not to begin using tobacco products;

20 (3) Motivate the users of tobacco products to discontinue smoking; and

21 (4) Encourage public acceptance of smoke-free environments;

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

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

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

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

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

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

4 **Sec. 41. 22 MRSA §272, sub-§2**, as amended by PL 2011, c. 657, Pt. AA, §58, is
5 repealed.

6 **Sec. 42. 22 MRSA §328, sub-§17-A, ¶C**, as amended by PL 2011, c. 424, Pt. A,
7 §2 and affected by Pt. E, §1, is further amended to read:

8 C. The addition in the private office of a health care practitioner, as defined in Title
9 24, section 2502, subsection 1-A, of new technology that costs \$3,200,000 or more.
10 ~~The department shall consult with the Maine Quality Forum Advisory Council~~
11 ~~established pursuant to Title 24-A, section 6952, prior to determining whether a~~
12 ~~project qualifies as a new technology in the office of a private practitioner.~~ With
13 regard to the private office of a health care practitioner, "new health service" does not
14 include the location of a new practitioner in a geographic area.

15 **Sec. 43. 22 MRSA §8708-A**, as enacted by PL 2003, c. 469, Pt. C, §28, is
16 amended to read:

17 **§8708-A. Quality data**

18 The board shall adopt rules regarding the collection of quality data. The board shall
19 work with the Maine Quality Forum ~~and the Maine Quality Forum Advisory Council~~
20 ~~established in Title 24-A, chapter 87, subchapter 2~~ to develop the rules. The rules must
21 be based on the quality measures adopted by the Maine Quality Forum pursuant to Title
22 24-A, section 6951, subsection 2. The rules must specify the content, form, medium and
23 frequency of quality data to be submitted to the organization. In the collection of quality
24 data, the organization must minimize duplication of effort, minimize the burden on those
25 required to provide data and focus on data that may be retrieved in electronic format from
26 within a health care practitioner's office or health care facility. As specified by the rules,
27 health care practitioners and health care facilities shall submit quality data to the
28 organization. Rules adopted pursuant to this section are major substantive rules as
29 defined in Title 5, chapter 375, subchapter 2-A.

30 **Sec. 44. 24-A MRSA §6951, first ¶**, as amended by PL 2009, c. 359, §5 and
31 affected by §8, is further amended to read:

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

1 **Sec. 45. 24-A MRSA §6951, sub-§2**, as enacted by PL 2003, c. 469, Pt. A, §8, is
2 amended to read:

3 **2. Quality and performance measures.** The forum shall adopt a set of measures to
4 evaluate and compare health care quality and provider performance. ~~The measures must~~
5 ~~be adopted with guidance from the advisory council pursuant to section 6952.~~ The
6 quality measures adopted by the forum must be the basis for the rules for the collection of
7 quality data adopted by the Maine Health Data Organization pursuant to Title 22, section
8 8708-A.

9 **Sec. 46. 24-A MRSA §6952**, as amended by PL 2011, c. 90, Pt. J, §24, is
10 repealed.

11 **Sec. 47. 25 MRSA §2952, sub-§4**, as enacted by PL 1991, c. 837, Pt. B, §11 and
12 c. 841, §8, is repealed.

13 **Sec. 48. 25 MRSA §2954**, as repealed and replaced by PL 1993, c. 680, Pt. B, §2,
14 is repealed.

15 **Sec. 49. 25 MRSA §2955, first and 2nd ¶¶**, as repealed and replaced by PL
16 1993, c. 680, Pt. B, §3, are amended to read:

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

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

31 **Sec. 50. 25 MRSA §2955, sub-§1**, as repealed and replaced by PL 1993, c. 680,
32 Pt. B, §3, is amended to read:

33 **1. Director.** The agency is managed by a director who reports to the commissioner.
34 The director must be an experienced law enforcement officer. The Chief of the State
35 Police, the Maine Sheriffs' Association and the Maine Chiefs of Police Association may
36 each nominate one candidate as director for submission ~~to the Maine Drug Enforcement~~
37 ~~Agency Advisory Board.~~ ~~The advisory board shall submit one of the 3 nominations to~~
38 ~~the commissioner, who may appoint that person one of the 3 nominations with the~~
39 ~~approval of the Governor.~~ If ~~the commissioner or~~ the Governor does not approve of the
40 candidate ~~submitted~~, each of the nominating groups is requested to submit an additional

1 nomination to the commissioner. The director serves at the pleasure of the commissioner.
2 Eligibility for this appointment is not dependent upon the parent law enforcement agency,
3 if any, of the person selected. If the person selected is currently an employee of any state,
4 county or local law enforcement agency, the person must be placed on a temporary
5 assignment by the person's employing agency. The director reports directly to the
6 commissioner, notwithstanding any existing command structure of the person's
7 employing agency. Notwithstanding any other provision of law, the person retains and
8 continues to accrue seniority and retirement rights and benefits within the person's
9 employing agency for the time in which the person serves as director.

10 **Sec. 51. 25 MRSA §2956, sub-§1**, as repealed and replaced by PL 1999, c. 790,
11 Pt. A, §32, is amended to read:

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

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

25 **Sec. 52. 25 MRSA §2957**, as amended by PL 2011, c. 662, §17, is further
26 amended to read:

27 **§2957. Confidentiality**

28 Notwithstanding any other provisions of law, the investigative records of the agency
29 are confidential ~~and all meetings of the board are subject to Title 1, chapter 13,~~
30 ~~subchapter 1, except that those meetings may be held in executive session to discuss any~~
31 ~~ease investigations or any disciplinary actions.~~

32 **Sec. 53. 25 MRSA §2958**, as repealed and replaced by PL 1999, c. 790, Pt. D, §8,
33 is amended to read:

34 **§2958. Prosecution protocol**

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

- 1 6. The Maine Biomedical Research Board;
- 2 7. The Maine Drug Enforcement Agency Advisory Board;
- 3 8. The Maine Quality Forum Advisory Council;
- 4 9. The Pollution Prevention and Small Business Assistance Advisory Panel;
- 5 10. The Prison Industries Advisory Council;
- 6 11. The Sex Offender Management and Risk Assessment Advisory Commission;
- 7 12. The State Education and Employment Outcomes Task Force;
- 8 13. The Tobacco Prevention and Control Advisory Council;
- 9 14. The Board of Trustees of the Maine School for Marine Science, Technology,
10 Transportation and Engineering; and
- 11 15. The St. Croix International Waterway Commission.

12 It also eliminates a statutory reference to the Interagency Review Panel, which was
13 previously eliminated.

14 This bill is reported out by the Joint Standing Committee on State and Local
15 Government pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2.
16 As authorized by the law, and based on the Secretary of State's submission of boards and
17 commissions to eliminate, the bill eliminates boards and commissions that have not
18 reported on their activities to the Secretary of State for the last 2 calendar years or have
19 been inactive during the preceding 24 months.

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