

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

H.P. 114 - L.D. 158

**An Act To Eliminate Inactive Boards and Commissions**

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

**Sec. 1. 5 MRSA §55-A**, as enacted by PL 2003, c. 238, §1 and affected by §2, is repealed.

**Sec. 2. 5 MRSA §90-T**, as enacted by PL 2011, c. 304, Pt. D, §2, is repealed.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 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~~, 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~~ that 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**Sec. 4. 5 MRSA §12004-G, sub-§4-B**, as enacted by PL 2001, c. 196, §1, is repealed.

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 D, §3, is repealed.

**Sec. 6. 5 MRSA §12004-I, sub-§4-B**, as enacted by PL 2007, c. 503, §1, is repealed.

**Sec. 7. 5 MRSA §12004-I, sub-§22-B**, as amended by PL 2011, c. 206, §1, is repealed.

**Sec. 8. 5 MRSA §12004-K, sub-§12**, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. 9. 5 MRSA §12004-L, sub-§10**, as enacted by PL 1993, c. 381, §9, is repealed.

**Sec. 10. 5 MRSA c. 383, sub-c. 5-A**, as amended, is repealed.

**Sec. 11. 5 MRSA §15303, sub-§6-B**, as enacted by PL 2001, c. 196, §10, is repealed.

**Sec. 12. 10 MRSA §949, sub-§2, ¶B**, as enacted by PL 2007, c. 420, §7, is amended by amending subparagraph (3) to read:

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

**Sec. 13. 25 MRSA §2952, sub-§4**, as enacted by PL 1991, c. 837, Pt. B, §11 and c. 841, §8, is repealed.

**Sec. 14. 25 MRSA §2954**, as repealed and replaced by PL 1993, c. 680, Pt. B, §2, is repealed.

**Sec. 15. 25 MRSA §2955, first ¶**, as repealed and replaced by PL 1993, c. 680, Pt.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

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

**Sec. 16. 25 MRSA §2955, 2nd ¶**, as repealed and replaced by PL 1993, c. 680, Pt.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

The investigative component of each task force is comprised of law enforcement officers drawn from municipal, county and state law enforcement agencies, who, during the period in which they serve in the task force, must be placed on a temporary assignment by their employing law enforcement agencies and in the nonclassified positions within the agency as established. All agency investigative personnel may not be state employees, for the purposes of Title 26, chapter 9-B. All agency investigative personnel shall act in accordance with rules, policies and procedures established by the commissioner. In

determining the number, areas of responsibility and investigative complement of these task forces, the commissioner shall take into account geography, population, and the need for service and the advice provided by the board.

**Sec. 17. 25 MRSA §2955, sub-§1**, as repealed and replaced by PL 1993, c. 680, Pt. B, §3, is amended to read:

**1. Director.** The agency is managed by a director who reports to the commissioner. The director must be an experienced law enforcement officer. The Chief of the State Police, the Maine Sheriffs' Association and the Maine Chiefs of Police Association may each nominate one candidate as director for submission to the ~~Maine Drug Enforcement Agency Advisory Board~~. ~~The advisory board shall submit one of the 3 nominations to the commissioner, who may appoint that person~~ one of the candidates with the approval of the Governor. If the commissioner or the Governor does not approve of the ~~candidate~~ 3 candidates submitted, each of the nominating groups is requested to submit an additional nomination. The director serves at the pleasure of the commissioner. Eligibility for this appointment is not dependent upon the parent law enforcement agency, if any, of the person selected. If the person selected is currently an employee of any state, county or local law enforcement agency, the person must be placed on a temporary assignment by the person's employing agency. The director reports directly to the commissioner, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any ~~other~~ provision of law to the contrary, the person retains and continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as director.

**Sec. 18. 25 MRSA §2956, sub-§1**, as repealed and replaced by PL 1999, c. 790, Pt. A, §32, is amended to read:

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

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

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

**§2957. Confidentiality**

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

**Sec. 20. 25 MRSA §2958**, as repealed and replaced by PL 1999, c. 790, Pt. D, §8, is amended to read:

**§2958. Prosecution protocol**

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

**Sec. 21. 34-A MRSA §3002-B**, as enacted by PL 2007, c. 503, §2, is repealed.

**Sec. 22. 38 MRSA §343-D**, as amended by PL 2011, c. 206, §§5 and 6 and affected by §37, is repealed.

**Sec. 23. 38 MRSA §353-A, sub-§4**, as amended by PL 1993, c. 500, §3 and affected by §5, is further amended to read:

**4. Maximum and minimum fees.** The minimum annual fee is \$250 per year. The maximum annual fee is \$150,000 per year. Beginning November 1, 1994, the minimum annual fee surcharge is \$100 per year and the maximum annual fee surcharge is \$50,000 per year. The commissioner may reduce any fee required under the federal Clean Air Act Amendments of 1990 to take into account the financial resources of a small business stationary source ~~as defined in section 343-D, subsection 1, which for the purposes of this subsection means a source that meets the eligibility requirements of 42 United States Code, Section 7661f.~~