

**Subject: Testimony in Opposition to LD 2228**  
**“An Act to Eliminate Inactive Boards and Commissions”**

Dear Members of the Committee,

I write in opposition to LD 2228, not because inactive boards should be preserved indefinitely, but because this bill removes statutory oversight structures without addressing where their responsibilities have gone.

This legislation eliminates multiple boards and commissions on the basis that they failed to report or were inactive. However, the bill makes no effort to determine whether the *functions* of these entities have ceased to exist or have simply been absorbed elsewhere within state government.

That distinction is critical.

Boards and commissions, even when imperfect, provide three essential safeguards:

- Public visibility
- Structured reporting
- Independent or semi-independent oversight

When these entities are removed from statute, their functions do not necessarily disappear. In many cases, those responsibilities are transferred into executive agencies, departments, or internal administrative processes—areas that operate with significantly less transparency and fewer formal accountability mechanisms.

LD 2228 contains no requirement to:

- Audit where these responsibilities have gone
- Reassign them through statute
- Ensure continued public reporting or oversight

Instead, it relies on a technical cleanup process that includes removing statutory references and allowing the Revisor of Statutes to erase cross-references. This has the effect of eliminating not only the boards, but also their visibility within Maine law.

If these boards are truly unnecessary, then their responsibilities should be clearly repealed and discontinued. If their responsibilities still exist, then the Legislature should explicitly determine where those powers reside and how they will be overseen.

Without that step, this bill risks consolidating authority inside administrative agencies while reducing transparency and legislative visibility.

At a minimum, this bill should be amended to:

1. Identify whether each board's statutory duties are still being performed
2. Specify where those duties will reside going forward
3. Require continued reporting to the Legislature or the public

Eliminating inactive entities may appear to streamline government, but without structural reassignment and oversight, it can unintentionally weaken accountability.

For these reasons, I urge you to oppose LD 2228 in its current form or amend it to ensure transparency and proper legislative control over any remaining functions.

Respectfully,  
Matthew Rhodes Unity

## **Where Did the Authority Go? Understanding the Structural Impact of LD 2228**

The central issue with LD 2228 is not simply that it eliminates inactive boards and commissions. The more important question is where the authority and responsibilities of those entities have gone. This bill removes these bodies from statute, but it does not examine whether their functions have ceased or have been absorbed elsewhere within state government. In practice, when boards and commissions are eliminated, their responsibilities rarely disappear. Instead, they are typically transferred into other parts of the administrative system.

There is a consistent pattern in how this occurs. Most commonly, the functions of a board are absorbed directly into a primary state agency. Responsibilities that were once overseen by a public-facing board are handled internally by agency staff through administrative processes and rulemaking. In other cases, these functions are moved into sub-units within agencies, such as bureaus, offices, or programs, where they operate with less visibility and without independent oversight. In some instances, responsibilities are externalized to networks outside of formal statute, including contractors, nonprofit organizations, or informal advisory groups that do not have the same reporting requirements. Finally, many of these functions are tied into federal alignment structures, including grant programs, interstate compacts, and regional systems that guide policy implementation.

Looking at the specific boards eliminated under LD 2228, this pattern becomes clear. The Citizen Trade Policy Commission, which once provided a public-facing forum for trade policy input, is likely replaced by internal functions within the Department of Economic and Community Development, the Governor's Office, and regional trade partnerships. This represents a shift from citizen involvement toward executive-led policy direction.

The Maine Health Data Organization Advisory Committee, which provided oversight and input on health data governance, is likely absorbed into the Maine Health Data Organization itself and the Department of Health and Human Services, along with federal reporting frameworks. This reflects a transition from advisory oversight to internal control of data systems, which play a central role in modern policymaking.

The Marine Resources Advisory Council, which served as a point of contact between industry and government, is likely replaced by internal processes within the Department of Marine Resources and coordination with interstate fisheries bodies. This reduces direct industry-facing input and places more authority within agency rulemaking structures.

The Nutrient Management Review Board, which acted as a review layer between agricultural activity and environmental regulation, is likely absorbed into the Department of Agriculture, Conservation and Forestry and related environmental compliance programs, including those aligned with federal standards. This represents a shift from review and balance toward direct regulatory enforcement.

The State Education and Employment Outcomes Task Force, which coordinated education and workforce policy, is likely replaced by internal coordination between the Department of

Education, the Department of Labor, and workforce development systems. This reflects a move toward integrated, data-driven workforce alignment with less public visibility.

Similarly, the Maine Workforce, Research, Development and Student Achievement Institute likely transitions into partnerships between universities, workforce systems, and public-private initiatives. The Higher Education Interpersonal Violence Advisory Commission is likely replaced by institutional compliance structures within universities, particularly through Title IX systems. The Essential Support Workforce Advisory Committee is likely absorbed into Department of Health and Human Services programs and workforce funding systems tied to federal support.

Taken together, these examples show a consistent structural movement. Authority is shifting away from boards, commissions, and task forces that exist in statute and are visible to the public, and toward agencies, programs, and systems that operate internally or in coordination with broader state and federal frameworks. This does not necessarily reduce the size or scope of government. Instead, it changes how and where decisions are made.

This reflects a broader transition in governance. The older model relied more heavily on decentralized advisory bodies, visible oversight structures, and legislative anchoring of authority. The emerging model places greater emphasis on agency-centered governance, internal administrative processes, and reduced statutory visibility. Decision-making becomes more centralized within executive agencies and less dependent on independent or semi-independent boards.

The key point is that the authority exercised by these boards has not disappeared. It has been relocated. Without clear statutory reassignment or reporting requirements, that authority is now more difficult to trace, monitor, and influence. This is particularly relevant in a system shaped by administrative rulemaking, where agencies are already empowered to develop and implement policy within broad legislative frameworks.

In practical terms, this means that eliminating these boards without addressing the disposition of their responsibilities risks reducing transparency and weakening accountability. If the Legislature intends to eliminate these entities, it should also identify whether their functions still exist, where those functions are now located, and how they will be overseen going forward. Without that step, this bill does not simply clean up inactive structures. It contributes to a shift in governance that places more authority inside administrative systems while reducing public visibility into how that authority is exercised.

The issue, therefore, is not whether these boards were inactive. The issue is whether the powers they once held are now being exercised elsewhere without the same level of transparency or oversight. That is the question that remains unanswered in LD 2228.