

LD 408 An Act To Amend the Laws Regarding the Operation of the Legislature

To: Members, Joint Standing Committee on State and Local Government

From: Lynne Caswell, Esq., Legislative Analyst

Date: March 7, 2022

electronic
file<https://legislature.maine.gov/sl原因-meeting-materials-130th-legislature>**SUMMARY**

The committee amendment replaces this concept draft bill so that the committee may fulfill its obligation under [3 MRSA §963](#) which states:

The joint standing committee of the Legislature having jurisdiction over state and local government matters shall review the provisions and effects of this chapter no later than June 30, 2022 and at least once every 10 years after June 30, 2022.

The amendment was emailed to the SLG interested parties' listserv and posted online on March 2, 2022.

The amendment updates the following 2 sections of the Government Evaluation Action ([3 M.R.S.A. ch. 35](#))

1. Section 963, Review.

The amendment updates the language in this section by specifically authorizing the committee to report out a bill in response to its review and moves the date of the review from June 30 to March 30 to ensure the review occurs during session.

2. Section 959, Scheduling guideline for review of agencies or independent agencies

- a. Updates the GEA report due dates by adding 8 years to the current date in statute; and
- b. Moves the following reports into committees with specific jurisdiction
 - Medical Marijuana Program report moved from the HHS Committee to the committee having jurisdiction over the program; and
 - Maine State Housing Authority report moved from the IDEA Committee to the committee having jurisdiction over housing matters.

FISCAL IMPACT - Preliminary (OFPR)

None provided as of this date.

BILL DRAFT

Amend this bill by striking out the title and substituting the following:

An Act To Update Dates and Committees of Jurisdiction for the State Government Evaluation Act Review of Agencies

Amend the bill by striking out everything after the title and inserting the following:

Be it enacted by the People of Maine as follows:

Sec. 1. 3 MRSA §959, is amended to read:

§959. Scheduling guideline for review of agencies or independent agencies

1. Scheduling guidelines. Except as provided in subsection 2, reviews of agencies or independent agencies must be scheduled in accordance with the following. Subsequent reviews must be scheduled on an ongoing basis every 8 years after the dates specified in this subsection.

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in ~~2017~~2025;
- (2) Board of Pesticides Control in ~~2019~~2027;
- (3) Wild Blueberry Commission of Maine in ~~2019~~2027;
- (4) Maine Dairy and Nutrition Council in ~~2015~~2023;
- (5) Maine Dairy Promotion Board in ~~2015~~2023;
- (6) Maine Milk Commission in ~~2015~~2023;
- (7) State Harness Racing Commission in ~~2015~~2023;
- (8) Maine Agricultural Bargaining Board in ~~2017~~2025;
- (9) Department of Agriculture, Conservation and Forestry in ~~2017~~2025; and
- (10) Land for Maine's Future Board in ~~2015~~2023.

B. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters shall use the following list as a guideline for scheduling reviews:

- (1) State Employee Health Commission in ~~2017~~2025; and
- (2) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over business and economic development matters, in ~~2015~~2023.

C. The joint standing committee of the Legislature having jurisdiction over innovation, development, economic advancement and business, ~~research and economic development~~ matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Development Foundation in ~~2021~~2029;
- (5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters, in ~~2015~~2023;
- (19) Department of Economic and Community Development in ~~2021~~2029;
- ~~(23) Maine State Housing Authority in 2015;~~

(32) Finance Authority of Maine in ~~2017~~2025; and

(45) State Board of Registration for Professional Engineers in ~~2019~~2027.

D. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall use the following list as a guideline for scheduling reviews:

(1) Department of Public Safety, except for the Emergency Services Communication Bureau, in ~~2015~~2023;

(2) Department of Corrections in ~~2019~~2027; and

(3) The Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management in ~~2015~~2023.

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

(2) Department of Education in ~~2024~~2029;

(2-A) State Board of Education in ~~2024~~2029;

(3) Maine Arts Commission in ~~2015~~2023;

(5) Maine Historic Preservation Commission in ~~2015~~2023;

(5-A) Notwithstanding section 952, Maine Historical Society in ~~2015~~2023;

(6) Maine Library Commission in ~~2015~~2023;

(6-A) Maine State Cultural Affairs Council in ~~2015~~2023;

(6-B) Maine State Library in ~~2015~~2023;

(6-C) Maine State Museum in ~~2015~~2023;

(7) Maine State Museum Commission in ~~2015~~2023;

(8) Office of State Historian in ~~2015~~2023;

(9) Board of Trustees of the Maine Maritime Academy in ~~2017~~2025;

(10) Board of Trustees of the University of Maine System in ~~2017~~2025;

(12) Maine Community College System in ~~2017~~2025; and

(13) Maine Health and Higher Educational Facilities Authority in ~~2019~~2027.

F. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall use the following list as a guideline for scheduling reviews:

(6) Department of Health and Human Services in ~~2017~~2025;

(7) Board of the Maine Children's Trust Incorporated in ~~2019~~2027; and

(9) Maine Developmental Disabilities Council in ~~2019~~2027; and

~~(10) The bureau or division within the Department of Administrative and Financial Services that administers and enforces the Maine Medical Use of Marijuana Act in 2025.~~

G. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall use the following list as a guideline for scheduling reviews:

(1) Department of Inland Fisheries and Wildlife in ~~2015~~2023; and

(2) Advisory Board for the Licensing of Taxidermists in ~~2015~~2023.

H. The joint standing committee of the Legislature having jurisdiction over judiciary matters shall use the following list as a guideline for scheduling reviews:

- (2) Maine Human Rights Commission in ~~2017~~2029;
- (3) Maine Indian Tribal-State Commission in ~~2019~~2027; and
- (4) Department of the Attorney General in ~~2019~~2027.

I. The joint standing committee of the Legislature having jurisdiction over labor and housing matters shall use the following list as a guideline for scheduling reviews:

- (2) Department of Labor in ~~2015~~2023;
- (3) Maine Labor Relations Board in ~~2017~~2025; and
- (4) Workers' Compensation Board in ~~2017~~2025.

J. The joint standing committee of the Legislature having jurisdiction over legal and veterans affairs shall use the following schedule as a guideline for scheduling reviews:

- (2) State Liquor and Lottery Commission in ~~2015~~2023;
- (3) The Department of Administrative and Financial Services with regard to the enforcement of the law relating to the manufacture, importation, storage, transportation and sale of all liquor and the laws relating to licensing and the collection of taxes on malt liquor and wine in ~~2015~~2023; and
- (4) Department of Defense, Veterans and Emergency Management in ~~2019~~2027, except for the Maine Emergency Management Agency within the department.

K. The joint standing committee of the Legislature having jurisdiction over marine resource matters shall use the following list as a guideline for scheduling reviews:

- (1) Atlantic States Marine Fisheries Commission in ~~2021~~2029;
- (2) Department of Marine Resources in ~~2021~~2029; and
- (4) Lobster Advisory Council in ~~2015~~2023.

L. The joint standing committee of the Legislature having jurisdiction over environment and natural resource matters shall use the following list as a guideline for scheduling reviews:

- (1) Department of Environmental Protection in ~~2017~~2025;
- (2) Board of Environmental Protection in ~~2017~~2025;
- (4) Saco River Corridor Commission in ~~2021~~2029; and
- (5) Board of Underground Oil Tank Installers in ~~2019~~2027.

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in ~~2019~~2027;
- (1-A) Maine Governmental Facilities Authority in ~~2021~~2029;
- (2) State Civil Service Appeals Board in ~~2021~~2029;
- (3) State Claims Commission in ~~2021~~2029;

(4) Maine Municipal Bond Bank in ~~2015~~2023;

(5) Office of Treasurer of State in ~~2015~~2023;

(6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services and the bureau or division within the department that administers and enforces the Maine Medical Use of Marijuana Act, in ~~2019~~2027; and

(7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in ~~2019~~2027.

N. The joint standing committee of the Legislature having jurisdiction over taxation matters shall use the following schedule as a guideline for scheduling reviews:

(1) State Board of Property Tax Review in ~~2019~~2027; and

(2) Department of Administrative and Financial Services, Bureau of Revenue Services in ~~2019~~2027.

O. The joint standing committee of the Legislature having jurisdiction over transportation matters shall use the following schedule as a guideline for scheduling reviews:

(1) Maine Turnpike Authority in ~~2021~~2029;

(2) The Bureau of Motor Vehicles within the Department of the Secretary of State in ~~2015~~2023;

(3) The Department of Transportation in ~~2017~~2025; and

(4) Maine State Pilotage Commission in ~~2017~~2025.

P. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall use the following list as a guideline for scheduling reviews:

(1) Public Advocate in ~~2019~~2027;

(2) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency in ~~2015~~2023;

(3) Public Utilities Commission, including the Emergency Services Communication Bureau, in ~~2021~~2029;
and

(5) Telecommunications Relay Services Council in ~~2017~~2025.

Q. The joint standing committee of the Legislature having jurisdiction over retirement matters shall use the following list as a guideline for scheduling reviews:

(1) Maine Public Employees Retirement System in ~~2021~~2029.

R. The joint standing committee of the Legislature having jurisdiction over professional licensing of health care professions matters shall use the following list as a guideline for scheduling reviews:

(1) Board of Dental Practice in ~~2019~~2027;

(2) Board of Osteopathic Licensure in ~~2019~~2027;

(3) Board of Licensure in Medicine in ~~2019~~2027;

(4) State Board of Nursing in ~~2019~~2027; and

(5) State Board of Optometry in ~~2019~~2027.

S. The joint standing committee of the Legislature having jurisdiction over medical marijuana shall use the following list as a guideline for scheduling reviews:

(1) The bureau or division within the Department of Administrative and Financial Services that administers and enforces the Maine Medical Use of Marijuana Act in 2025.

T. The joint standing committee of the Legislature having jurisdiction over housing shall use the following list as a guideline for scheduling reviews:

(1). Maine State Housing Authority in 2023.

Sec. 2. 3 MRSA §963, is amended to read:

§963. Review

The joint standing committee of the Legislature having jurisdiction over state and local government matters shall review the provisions and effects of this chapter no later than ~~June 30, 2022~~March 30, 2032 and at least once every 10 years ~~after June 30, 2022~~ thereafter. The committee may report out a bill during the session of the Legislature in which the review is completed.

SUMMARY

This amendment changes the title and replaces the concept draft bill. It updates the scheduling guideline dates in the Government Evaluation Act. It moves the report from the bureau or division within the Department of Administrative and Financial Services that administers and enforces the Maine Medical Use of Marijuana Act from the joint standing committee of the Legislature having jurisdiction over health and human services to the joint standing committee of the Legislature having jurisdiction over the medical use of marijuana. It moves the report from the Maine State Housing Authority from joint standing committee of the Legislature having jurisdiction over business to the joint standing committee of the Legislature having jurisdiction over housing matters. It requires the joint standing committee of the Legislature having jurisdiction over state and local government matters to review the provisions and effects of the Governmental Evaluation Act by March 30, 2032 and every 10 years thereafter. It authorizes the committee to report out a bill based on its review.