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**LD 584 An Act to Make the Director of the Office of Cannabis Policy
an Appointed Position Subject to Confirmation by the Legislature**

Testimony of Kirsten LC Figueroa

March 10, 2025

Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs. I am Kirsten Figueroa, Commissioner of the Department of Administrative and Financial Services (DAFS). I am providing this testimony in opposition to LD 584.

DAFS is a comprehensive department, consisting of ten divisions and more than 1,400 positions. DAFS employees are respected as conscientious stewards of the State's assets: fiscal, human, physical and technical. We are valued for the professional expertise we provide. We lead and collaborate with open doors, open minds, and open hearts.

The DAFS Commissioner “may appoint and employ deputy commissioners, bureau chiefs and the director of legislative affairs [as well as an associate commissioner for administrative services, associate commissioner of Tax Policy, Director of Compliance], to be under the commissioner's immediate supervision, direction and control, and to serve at the commissioner's pleasure and perform such duties as the commissioner may prescribe, except as otherwise provided by law”. Of the fourteen appointments, eight are Bureau leads, including the Director of Cannabis Policy.

This bill proposes that one of the fourteen appointed positions in DAFS, one of the eight Bureau chiefs, the Director of Cannabis Policy, rather than serving at the pleasure of the Commissioner of the department that houses the cannabis policy office, be appointed by the Governor, and, like the Governor’s Cabinet appointments which this position is not, be subject to legislative review and confirmation. Furthermore, it implements this change nearly immediately.

It is unclear why this bureau director-level position, among the many in DAFS and the dozens of those designated as major policy-influencing in state government, should be singled out this way, and the Department is concerned about what it would mean for the long-term stability of OCP.

I would like to express to the Committee that the staff at OCP are a group of professionals who have been working their best within a new and still evolving policy space to effectively and fairly regulate Maine’s adult use and medical cannabis industries as set forth by statute.

For the last six years, since the establishment of the Office in February of 2019, the OCP team has been incredibly dedicated and instrumental to figuring this out with you, for cannabis businesses, consumers, and patients, and for communities across the State.

The Office is currently led by Director John Hudak, a nationally recognized expert in cannabis policy who has worked in the space since the first states began legalizing recreational cannabis. Prior to joining OCP, Director Hudak served as Deputy Director of the Center for Effective Public Management and as a Senior Fellow in Governance Studies at the Brookings Institution, an esteemed nonprofit public policy organization based in Washington, DC. He led Brookings' research into cannabis policy, regulation, implementation, and politics for over 10 years. In addition, Director Hudak previously served as a consultant to numerous state and local governments, helping them design and improve their cannabis rules and regulations. His vast experience and qualifications are why he was recruited and appointed Director of OCP, and we are lucky to have him.

The Director of OCP position has always been subject to scrutiny, as have cannabis regulators across the country—it is not unique to Director Hudak. Director Hudak has always been clear and transparent about his past working relationships prior to joining OCP, both during the hiring process and publicly since he started in his role. And, Director Hudak's required financial disclosure statements, publicly available online, show he has no direct or indirect pecuniary interest in the state's cannabis operating systems, including Metrc. The State of Maine entered into a six-year contract with its current vendor Metrc in February 2020, three years before Director Hudak came to work for the State of Maine. That contract ends in February 2026 and is currently out for competitive bid.

This position is the kind that is already challenging to fill with well-qualified candidates, and adding legislative confirmation to the process is likely to discourage some from considering the position. This concern is heightened by the fact that Maine's regulated cannabis industry continues to operate adjacent to a large illicit market. An extended vacancy at the leadership level would undermine the state's cannabis policy direction as well as impact the long-term stability of OCP, a relatively young state agency that has performed admirably while navigating a unique, ever-changing policy space.

We respectfully urge Committee members to vote LD 584 ought not to pass and to maintain parity between the appointment of OCP's Director with that of directors at DAFS and throughout agencies across State government.

This concludes my testimony. Thank you.