



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

March 10, 2025

Honorable Craig Hickman, Chair
Honorable Laura Supica, Chair
Joint Standing Committee on Veterans and Legal Affairs
State House, Room 437
Augusta, Maine 04333

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

Dear Senator Hickman, Representative Supica and members of the Joint Standing Committee on Veterans and Legal Affairs:

I am writing to convey the opposition of the Governor's Office to LD 584. We believe this bill represents an unjustified intrusion into executive branch operations, and would inappropriately subject the Director of the Office of Cannabis Policy (OCP) to political influence.

Several hundred state employees occupy what are designated as "major policy-influencing positions" in statute. 5 M.R.S. §§ 931-959. Very few of these positions are subject to legislative confirmation. Among the handful that are confirmable, most lead quasi-independent agencies, as is true for the Superintendents of Insurance, Consumer Credit Protection, and Financial Institutions.

The Director of OCP does not lead a quasi-independent agency, and instead answers directly to the Commissioner of Administrative and Financial Services. There is no reason why this bureau director-level position, among the dozens of those designated as major policy-influencing in state government, should be singled out for legislative confirmation.

As a relatively new regulatory agency navigating a unique, ever-changing policy landscape, we are aware that this Committee has previously expressed concerns about the operation of OCP. The Administration worked constructively to address those concerns last year, and negotiated changes to the authority of OCP and the role of its Director. Those reforms were embodied in LD 40, enacted into law by the 131st Legislature as PL 2024 c. 679. The



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Administration understood that these amendments fully resolved the Committee's concerns about OCP, and that these issues would not be resurrected in new legislation this session. To the extent tension has existed between individual Committee members and the current Director of OCP, that does not justify permanently singling out this position for legislative confirmation.

This bill is also likely to result in unintended consequences. Making this position confirmable may seem innocuous given the Committee's present membership, but that membership will change, with unpredictable results. The only certainty is that the Director of OCP would be more susceptible to political pressure, whatever the politics of the day may be, as well as potential pressure from commercial interests. This concern is heightened by the fact that Maine's regulated cannabis industry continues to operate adjacent to a large illicit market. OCP as an institution is best served by directors who serve in the tradition of career professionals, while still remaining answerable to the DAFS Commissioner.

Finally, it is worth noting that positions like this one can be challenging to fill with well qualified candidates. Adding legislative confirmation to the process is likely to discourage some from considering the position, and may lead to extended vacancies. All of this would undermine the long-term stability of OCP.

We ask that you reject this bill. Thank you for your consideration.

Sincerely,



Gerald D. Reid
Chief Counsel
Office of Governor Mills