

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1748, L.D. 2436, Bill, "An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act"

Amend the bill in Part A in section 27 by striking out all of that part designated "\$1526-A." and inserting in its place the following:

'\$1526-A. Information requests

The Secretary of State shall charge a fee of \$5 for responding in writing to a request for information on file.'

Further amend the bill in Part A in section 31 by striking out all of that part designated "\$906." and inserting in its place the following:

'\$906. Information requests

The Secretary of State shall charge a fee of \$5 for responding in writing to a request for information on file.'

Further amend the bill in Part A in section 34 by striking out all of subsection 37 and inserting in its place the following:

'37. Written response to a request for information on file, \$5.'

Further amend the bill in Part A in section 42, by striking out all of subsection 31 and inserting in its place the following:

'31. Annual report. Annual report of a eendeminium domestic or foreign corporation as provided by section 1301-A 1301, \$45 \$20.'

2 Further amend the bill in Part A by inserting after section  
42 the following:

4 'Sec. A-43. 13-B MRSA §1401, sub-§32 is enacted to read:

6  
8 32. Information request. Written response to a request for  
information on file, \$5.'

10 Further amend the bill in Part A by striking out all of  
sections 45 and 46 and inserting in their place the following:

12 'Sec. A-45. 21-A MRSA §621, first ¶, as enacted by PL 1985,  
14 c. 161, §6, is repealed and the following enacted to read:

16 The Secretary of State shall send the warrants to the  
18 municipal clerk, who shall present them to the municipal  
officers. The municipal officers of each municipality shall  
20 announce an election as follows.

22 'Sec. A-46. 22 MRSA §2167, 2nd ¶, as enacted by PL 1987, c.  
374, is amended to read:

24 Any In addition to the sanctions authorized in section 2172,  
26 any person, firm or corporation who violates this licensing  
requirement or any condition placed on any such license commits a  
28 civil violation for which a forfeiture of not more than \$500 may  
be adjudged for each offense and, in addition, the commissioner  
30 may suspend, revoke or refuse to renew any such license in  
accordance with Title 5, chapter 375, subchapter V.'

32 Further amend the bill in Part A in section 51 by striking  
out all of subsection 3 and inserting in its place the following:

34 '3. Board of directors established. The Governor shall  
36 appoint a board of directors for the organization. The board is  
composed of 7 members. Six of those members must represent the  
38 following interests: Two members must represent consumers of  
health insurance who are not otherwise affiliated with the  
40 provision or financing of health care; one member must represent  
~~domestic--commercial--insurers~~ insurance agents, brokers or  
42 companies; one member must represent nonprofit hospital and  
medical service organizations; one member must represent  
44 hospitals; and one member must be the Superintendent of  
Insurance, or a designee. The remaining member must be an  
46 insurance agent or broker or a representative of insurance  
48 agents, brokers or companies in the life and health field of  
insurance. Appointments are for 5-year terms, except that no  
50 more than 2 members' terms may expire in any one calendar year.  
Appointments for terms of less than 5 years may be made initially

2 and to replace vacancies, if necessary, to maintain the  
appropriate staggered terms of office. Members serve until their  
4 successors are appointed and qualified. The Governor shall  
designate the chair of the board. The chair of the board shall  
6 schedule an organizational meeting within 60 days of appointment.'

8 Further amend the bill in Part A by inserting after section  
A-52 the following:

10 'Sec. A-53. 24-A MRSA §6053, sub-§§6 and 7, as enacted by  
PL 1987, c. 542, Pt. H., §5, are amended to read:

12 '6. Develop and implement a program. Develop and implement  
14 a program to publicize the existence of the organization, the  
eligibility requirements and procedures for enrollment and to  
16 maintain public awareness of the organization, including  
furnishing all insurance agents licensed in this State with a  
18 written explanation of the organization and its operation; and

20 7. Report. Report to the joint standing committees of the  
Legislature having jurisdiction over appropriations and financial  
22 affairs, insurance and human resources matters by February 1st of  
each year. The report shall include the following:

24 A. Experience under the funding plan and recommendations  
26 for further funding;

28 B. Experience regarding administrative costs and  
recommendations regarding an amount of or the need for a  
30 statutory cap;

32 C. Experience regarding the subsidy program and  
recommendations for future aspects of the subsidy program;  
34 and

36 D. An annual audited financial statement certified by an  
independent certified public accountant; and

38 Sec. A-54. 24-A MRSA §6053, sub-§8 is enacted to read:

40 8. Establish an enrollment cap. Establish an enrollment  
42 cap not to exceed 600 enrollees, based on the funding available  
44 to cover anticipated claims and maintain adequate reserves.'

46 Further amend the bill in Part A by inserting at the end the  
following:

48 'Sec. A-83. Transition provision. Members serving on the  
Board of Directors of the Maine High-Risk Insurance Organization  
50 as the representative of domestic commercial insurers and as the

2 undesignated 7th member, pursuant to the Maine Revised Statutes,  
3 Title 24-A, section 6052, subsection 3, may continue to serve  
4 until their successors are appointed but may not serve for a  
5 period longer than 6 months from the effective date of this Act,  
6 pursuant to Title 24-A, section 6052, subsection 3.'

7 Further amend the bill in Part A by renumbering the sections  
8 to read consecutively.

9 Further amend the bill in Part B, by striking out all of  
10 section 5 and inserting in its place the following:

11 'Sec. B-5. 16 MRSA §614, sub-§1, as amended by PL 1985, c,  
12 552, is further amended to read:

13 1. Limitation on dissemination of intelligence and  
14 investigative information. Reports or records in the custody of a  
15 local, county or district criminal justice agency, in the custody  
16 of the office of State Fire Marshal or in the custody of the  
17 criminal law enforcement units of the Department of Marine  
18 Resources or the Department of Inland Fisheries and Wildlife or  
19 in the custody of the Maine Drug Enforcement Agency containing  
20 intelligence and investigative information shall--be are  
21 confidential and shall may not be disseminated, if public release  
22 or inspection of the report or record may:

23 A. Interfere with law enforcement proceedings;

24 B. Result in public dissemination of prejudicial  
25 information concerning an accused person or concerning the  
26 prosecution's evidence that will interfere with the ability  
27 of a court to impanel an impartial jury;

28 C. Result in public dissemination of information about the  
29 private life of an individual in which there is no  
30 legitimate public interest and which would be offensive to a  
31 reasonable person;

32 D. Disclose the identity of a confidential source;

33 E. Disclose confidential information furnished only by the  
34 confidential source;

35 F. Disclose investigative techniques and procedures or  
36 security plans and procedures not generally known by the  
37 general public; or

38 G. Endanger the life or physical safety of law enforcement  
39 personnel.'

Further amend the bill in Part B in section 12 by striking out all of that part designated "§2954.", and inserting in its place the following:

§2954. Maine Drug Enforcement Agency Advisory Board

In order to develop, coordinate and carry out a statewide drug enforcement program and strategy, there is established an ~~Intergovernmental~~ the Maine Drug Enforcement Policy Agency Advisory Board which ~~shall consist~~ consists of 3 representatives selected by the Governor with the advice of the Maine Chiefs of Police Association; one representative selected by the Governor with the advice of the Maine Sheriffs' Association; one representative selected by the Governor with the advice of the several district attorneys; 2 investigative agents, pursuant to section 2955, subsection 4, selected by the Governor with the advice of the investigative agents' colleagues; one supervisor, pursuant to section 2955, subsection 3, selected by the Governor with the advice of the supervisor's colleagues, one state law enforcement officer selected by the Governor with the advice of the Chief of the Maine State Police; the Commissioner of Corrections; the Attorney General; the Chief of the Maine State Police; a representative of the United States Attorney for the District of Maine; 3 other members appointed by the Governor for terms of 2 years, one of whom shall be a representative of municipal law enforcement, one of whom shall be a representative of the sheriffs of the respective counties and one of whom shall be a representative of the district attorneys of the respective counties; and the commissioner who shall serve ex officio appointed by the Governor; and 2 public members who are appointed by the Governor. The members who serve by virtue of holding the position of Attorney General, Chief of the Maine State Police or Commissioner of Corrections serve for the duration of their terms in these same positions. The remaining 12 members serve terms of 3 years respectively, except that initially, 4 members are appointed for terms of one year, 4 members are appointed for terms of 2 years and 4 members are appointed for terms of 3 years. The board shall provide advice, and consultation and ~~direction for the~~ to the agency regarding drug law enforcement effort within the State. This effort shall must include the integration and coordination of investigative and prosecutorial functions in the State with respect to drug law enforcement. ~~The board shall also make recommendations to the Legislature as it determines to be appropriate for the implementation of an effective drug law enforcement program.~~

~~The board, in addition to these responsibilities, with the commissioner, shall direct, coordinate and oversee the~~

~~integration of law enforcement officers from county, municipal and all state law enforcement agencies, into the bureau.~~

Further amend the bill in Part B in section 13 by striking out all of subsection 1 and inserting in its place the following:

'1. Director. The bureau shall be agency is managed by a director who shall ~~report~~ reports to the commissioner. The director must be an experienced law enforcement officer. The director shall ~~be appointed by the commissioner from a list of at least 3 persons recommended by the board and shall serve~~ is nominated by the Governor, reviewed by the joint standing committee of the Legislature having jurisdiction over state and local government matters and confirmed by the Legislature. The director serves at the pleasure of the commissioner. Eligibility for this appointment shall ~~may~~ not be 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 shall ~~must~~ be placed on a temporary assignment by the person's employing agency. The director shall report directly to the commissioner, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person shall ~~retain~~ retains and ~~continue~~ 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.'

Further amend the bill in Part B in section 13 by striking out all of subsection 4 and inserting in its place the following:

4. Task force investigative agents. The investigative complement of each task force shall ~~be comprised~~ is composed of task force investigative agents. Agents may be selected from municipal, county and state law enforcement agencies within the State and other state agencies, ~~provided~~ as long as the prospective agent has been certified pursuant to section 2803 ~~2803-A~~, subsection 1; or may be other experienced law enforcement officers, ~~provided~~ as long as each has been certified pursuant to section 2803 ~~2803-A~~, subsection 1. Agents shall ~~must~~ be selected and appointed at the discretion of the director with the concurrence of the commissioner from among those persons nominated by the chief administrative officer of a prospective agent's employing agency and other experienced law enforcement officers who apply. Agents shall Contractual agents may serve at the pleasure of the director a tour of duty with the agency for a period not to exceed 3 years at which time contractual agents must return to their employing agency. The commissioner may grant contractual agents a one-time extension of their tour of

2 duty with the agency not to exceed one year in length, with the  
3 approval of the director, the contractual agent, the contractual  
4 agent's employing agency and the board. Agents shall be  
5 entitled to receive compensation, paid from the budget of the  
6 bureau agency, equivalent to that of a detective in the State  
7 Police, with respect to both regular and overtime compensation  
8 with the additional credit given to seniority based upon law  
9 enforcement experience. If the person selected as an agent is  
10 currently an employee of any municipal, county or state law  
11 enforcement agency, or any other state agency, the person shall  
12 must be placed on a temporary assignment by the person's  
13 employing agency. An agent shall report directly to the task  
14 force supervisor, notwithstanding any existing command structure  
15 of the person's employing agency. Notwithstanding any other  
16 provisions of law, the person shall-retain retains and continue  
17 continues to accrue seniority and retirement rights and benefits  
18 within the person's employing agency for the time in which the  
19 person serves as an agent.

20 Any person employed as a senior agent or special agent  
21 investigator within the State Police may be temporarily assigned  
22 to the bureau agency. During such temporary assignment, the  
23 State Police shall-retain retains the positions of senior agent  
24 and special agent investigator.'

25 Further amend the bill in Part B in section 16 in that part  
26 designated "\$2958." in the first paragraph in the first line by  
27 striking out the following: "in collaboration with" and  
28 inserting in its place the following: 'and'  
29

30

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### STATEMENT OF FACT

34 This amendment retains a penalty provision for the  
35 Department of Agriculture, clarifies the membership of and  
36 establishes a transition provision for the Maine High-Risk  
37 Insurance Organization's Board of Directors, authorizes the Board  
38 of Directors of the Maine High-Risk Insurance Organization to  
39 establish an enrollment cap, limits the dissemination of  
40 intelligence and investigative information of the Maine Drug  
41 Enforcement Agency, clarifies the selection process for members  
42 of the Maine Drug Enforcement Agency Advisory Board, provides  
43 terms of office for the Maine Drug Enforcement Agency Advisory  
44 Board, clarifies the selection process for the director,  
clarifies the tour of duty for contractual agents, clarifies the



HOUSE AMENDMENT "A" to H.P. 1748, L.D. 2436

2 development of prosecution protocol, authorizes a \$5 fee to be  
3 charged for information requests provided by the Secretary of  
4 State, authorizes an annual \$20 filing fee for nonprofit  
5 corporations, and clarifies that the Secretary of State shall  
6 send election warrants to the municipal clerk.

Filed by Rep. Erwin of Rumford  
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