

MAINE STATE LEGISLATURE

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No. 1885

H.P. 1319

House of Representatives, May 2, 2007

An Act To Repeal Inactive Boards and Commissions

Reported by Representative BARSTOW of Gorham for the Joint Standing Committee on State and Local Government pursuant to Joint Order 2006, H.P. 1255.

Reference to the Committee on State and Local Government suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 3 MRSA §2-B**, as amended by PL 1999, c. 2, §1, is repealed.

3 **Sec. 2. 3 MRSA c. 10, sub-c. 1**, as amended, is repealed.

4 **Sec. 3. 3 MRSA §231, sub-§2**, as enacted by PL 1985, c. 775, §4, is amended to
5 read:

6 **2. Membership.** The members of the commission from Maine ~~shall be the~~ are 2
7 Senators appointed by the President of the Senate and the 2 members of the House of
8 Representatives ~~who are appointed to the Maine Canadian Legislative Advisory~~
9 ~~Commission pursuant to section 227 by the Speaker of the House.~~

10 **Sec. 4. 3 MRSA §959, sub-§1, ¶L**, as amended by PL 2003, c. 600, §1, is further
11 amended to read:

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

- 14 (1) Department of Environmental Protection in 2007;
15 (2) Board of Environmental Protection in 2007;
16 ~~(3) Advisory Commission on Radioactive Waste and Decommissioning in 2005;~~
17 (4) Saco River Corridor Commission in 2005; and
18 (5) Board of Underground Oil Tank Installers in 2011.

19 **Sec. 5. 3 MRSA §959, sub-§1, ¶P**, as amended by PL 2005, c. 605, §2, is further
20 amended to read:

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

- 23 (1) Public Advocate in 2005;
24 (2) Board of Directors, Maine Municipal and Rural Electrification Cooperative
25 Agency in 2007;
26 (3) Public Utilities Commission in 2007; and
27 (4) The Emergency Services Communication Bureau within the Public Utilities
28 Commission in 2009; and
29 ~~(5) Telecommunications Relay Services Advisory Council in 2013.~~

30 **Sec. 6. 5 MRSA §1826-C**, as amended by PL 2003, c. 515, §§5 to 8 and c. 689,
31 Pt. B, §6, is repealed.

32 **Sec. 7. 5 MRSA §2031**, as amended by PL 2005, c. 683, Pt. C, §2, is repealed.

33 **Sec. 8. 5 MRSA §12004-G, sub-§2**, as enacted by PL 1987, c. 786, §5, is
34 repealed.

1 **Sec. 9. 5 MRSA §12004-G, sub-§7-F**, as enacted by PL 2003, c. 704, §1, is
2 repealed.

3 **Sec. 10. 5 MRSA §12004-G, sub-§10-B**, as enacted by PL 2001, c. 658, §1 and
4 as affected by §5, is repealed.

5 **Sec. 11. 5 MRSA §12004-G, sub-§12**, as amended by PL 1989, c. 104, Pt. C,
6 §§3 and 10, is repealed.

7 **Sec. 12. 5 MRSA §12004-G, sub-§14-E**, as enacted by PL 2005, c. 12, Pt. PP,
8 §2, is repealed.

9 **Sec. 13. 5 MRSA §12004-G, sub-§21-B**, as enacted by PL 2001, c. 708, §2, is
10 repealed.

11 **Sec. 14. 5 MRSA §12004-G, sub-§26**, as amended by PL 1991, c. 93, §1, is
12 repealed.

13 **Sec. 15. 5 MRSA §12004-G, sub-§26-D**, as enacted by PL 1997, c. 506, §2, is
14 repealed.

15 **Sec. 16. 5 MRSA §12004-G, sub-§30-C**, as enacted by PL 2005, c. 605, §3, is
16 repealed.

17 **Sec. 17. 5 MRSA §12004-I, sub-§3-A**, as enacted by PL 1999, c. 566, §4, is
18 repealed.

19 **Sec. 18. 5 MRSA §12004-I, sub-§6-F**, as enacted by PL 1999, c. 474, §1, is
20 repealed.

21 **Sec. 19. 5 MRSA §12004-I, sub-§18-E**, as enacted by PL 2003, c. 710, §1, is
22 repealed.

23 **Sec. 20. 5 MRSA §12004-I, sub-§24-B**, as enacted by PL 1991, c. 698, §1, is
24 repealed.

25 **Sec. 21. 5 MRSA §12004-I, sub-§29-C**, as amended by PL 1997, c. 184, §11, is
26 repealed.

27 **Sec. 22. 5 MRSA §12004-I, sub-§47-E**, as enacted by PL 1999, c. 786, Pt. A,
28 §1, is repealed.

29 **Sec. 23. 5 MRSA §12004-J, sub-§2-A**, as amended by PL 1997, c. 700, §1, is
30 repealed.

31 **Sec. 24. 5 MRSA §12004-K, sub-§1**, as enacted by PL 1987, c. 786, §5, is
32 repealed.

1 **Sec. 25. 5 MRSA §12004-K, sub-§10**, as enacted by PL 1987, c. 786, §5, is
2 repealed.

3 **Sec. 26. 5 MRSA c. 389**, as amended, is repealed.

4 **Sec. 27. 10 MRSA §997-A, sub-§2**, as enacted by PL 1999, c. 474, §2, is
5 amended to read:

6 **2. Establishment of fund.** The Agriculturally Derived Fuel Fund, referred to in this
7 section as the "fund," is established as a nonlapsing fund under the jurisdiction and
8 control of the authority. The authority, ~~in consultation with the Agricultural Products~~
9 ~~Utilization Commission, as established in Title 5, section 12004-I, subsection 6-F,~~ may
10 apply for and accept any appropriation, grant, gift or service made available from public
11 or private sources consistent with the purpose of this section.

12 **Sec. 28. 10 MRSA §997-A, sub-§3**, as enacted by PL 1999, c. 474, §2, is
13 amended to read:

14 **3. Application of fund.** Money in the fund may be used for direct loans and direct
15 subsidies to a business or cooperative for the design and construction of a facility to
16 produce an agriculturally derived fuel. The authority, pursuant to Title 5, chapter 375,
17 subchapter H-A, ~~in consultation with the Agricultural Products Utilization Commission 2-~~
18 A shall adopt rules for determining eligibility, feasibility, terms, conditions and security
19 for direct loans, secured loans and investments. Money in the fund not needed to meet
20 the obligations of the authority as provided in this section may be invested in a manner
21 permitted by law. For the purposes of this section, "business" means an individual,
22 company, corporation or any other entity organized for a common business purpose and
23 "cooperative" means an association organized as a cooperative in accordance with Title
24 13, chapter 85, subchapter H 2.

25 **Sec. 29. 10 MRSA §997-B**, as amended by PL 1999, c. 731, Pt. VVV, §3, is
26 repealed.

27 **Sec. 30. 12 MRSA §544, sub-§3, ¶D**, as enacted by PL 1999, c. 556, §13, is
28 amended to read:

29 D. The Natural Areas Program may levy appropriate charges to those using, for
30 commercial gain, the inventory and information services provided by the Natural
31 Areas Program to recover the costs of providing the services and a reasonable portion
32 of the costs associated with building and maintaining the biological and conservation
33 database. Charges must be fixed in a schedule prepared and revised as necessary by
34 the Natural Areas Program, ~~reviewed by the Natural Areas Advisory Board~~ and
35 supported and explained by accompanying information.

36 **Sec. 31. 12 MRSA §544-A**, as enacted by PL 1999, c. 556, §13, is repealed.

37 **Sec. 32. 12 MRSA §544-B, sub-§2**, as enacted by PL 1999, c. 556, §13, is
38 amended to read:

1 **2. Register of critical areas.** The commissioner, ~~with the advice of the board,~~ shall
2 maintain a register of critical areas that must contain natural areas classified as critical
3 areas as follows.

4 A. In determining the classification of an area or site as a registered critical area,
5 the commissioner shall consider:

- 6 (1) The unique or exemplary natural qualities of the area or site;
- 7 (2) The intrinsic fragility of the area or site and sensitivity to alteration or
8 destruction;
- 9 (3) The voluntary commitment to conserve or protect the area or site;
- 10 (4) The present or future threat of alteration or destruction; and
- 11 (5) The economic implications of inclusion of an area or site on the register.

12 The commissioner, with the advice of the board, may remove a registered critical area
13 from the register if the commissioner determines that the area or site no longer
14 qualifies as a critical area.

15 B. Each registered critical area must be documented with at least the following
16 information:

- 17 (1) A general description of the area or site;
- 18 (2) A list of the endangered or threatened species or other unique or exemplary
19 natural features occurring at the area or site, and reasons for inclusion in the
20 register;
- 21 (3) The size and location of the area or site; and
- 22 (4) The name or names of the property owner or owners, contingent upon the
23 consent of the owner or owners.

24 C. The commissioner shall notify owners of natural areas of the natural value of
25 their land and the implications of voluntary conservation. Subsequently a natural
26 area may be placed upon the Register of Critical Areas with at least 60 days' notice
27 before registration and the consent of the landowner.

28 **Sec. 33. 12 MRSA §544-B, sub-§3, ¶B,** as enacted by PL 1999, c. 556, §13, is
29 amended to read:

30 B. The commissioner may establish procedures to substantiate the identification of
31 endangered and threatened native plant species. In determining and revising the list,
32 the commissioner shall use the rare plant database of the Natural Areas Program, ~~the~~
33 ~~advice of the Natural Areas Advisory Board~~ and the knowledge of botanists in the
34 State. In addition, the commissioner shall consult with federal agencies, interested
35 state agencies, other states or provinces having a common interest and other
36 interested persons and organizations. The commissioner shall determine criteria for
37 each category. When establishing the list, the commissioner shall consider aspects of
38 plant biology that contribute to a species' rarity such as:

- 1 (1) Endemism. The plant species or subspecies may be geographically
2 restricted to the State or areas immediately adjacent to the State;
- 3 (2) Scarcity. A plant species or subspecies may be numerically scarce
4 throughout its distribution in North America and occur in only a few locations in
5 the State;
- 6 (3) Special habitat. A plant species or subspecies may require habitat that is
7 scarce in the State;
- 8 (4) Limit of range. A plant species or subspecies in the State may be at the edge
9 of its distribution or disjunct from its main distribution; and
- 10 (5) Population decline or vulnerability. A plant species or subspecies may be
11 threatened or seriously declining due to habitat modification or destruction or
12 from overcollection for commercial, recreational or educational purposes.

13 **Sec. 34. 20-A MRSA c. 7**, as amended, is repealed.

14 **Sec. 35. 20-A MRSA c. 406**, as amended, is repealed.

15 **Sec. 36. 20-A MRSA §12523**, as enacted by PL 2003, c. 710, §2, is repealed.

16 **Sec. 37. 22 MRSA §2692**, as enacted by PL 1999, c. 786, Pt. A, §3, is repealed.

17 **Sec. 38. 22 MRSA §2693, sub-§1, ¶A**, as amended by PL 2003, c. 494, §10, is
18 further amended to read:

19 A. By July 1, 2005, the department shall adopt rules establishing the procedures for
20 adoption and periodic review of maximum retail prices, the procedures for
21 establishing maximum retail prices for new prescription drugs and for reviewing
22 maximum retail prices of selected drugs and the procedures for phasing out or
23 terminating maximum retail prices. ~~Prior to adopting rules pursuant to this~~
24 ~~paragraph, the commissioner shall consult with and consider the recommendations of~~
25 ~~the commission regarding the rules.~~

26 **Sec. 39. 22 MRSA §2693, sub-§1, ¶C**, as enacted by PL 1999, c. 786, Pt. A, §3,
27 is amended to read:

28 C. In establishing maximum retail prices under this paragraph, the commissioner
29 ~~shall consider the advice of the commission and~~ shall follow procedures set forth by
30 rules adopted by the department.

31 **Sec. 40. 24-A MRSA c. 56-B**, as amended, is repealed.

32 **Sec. 41. 26 MRSA §51**, as amended by PL 2003, c. 673, Pt. Q, §1, is repealed.

33 **Sec. 42. 30-A MRSA §4722, sub-§1, ¶Y**, as amended by PL 2005, c. 644, §1, is
34 further amended to read:

35 Y. Expand access to housing for young professionals and young families. The
36 Maine State Housing Authority shall develop recommendations to create or modify

1 programs with the goal of expanding access to housing for young professionals and
2 young families. The Maine State Housing Authority shall specifically consider
3 strategies to assist renters and first-time home buyers who are under 35 years of age
4 and explore options for linking assistance levels to student loan obligations. The
5 Maine State Housing Authority shall collaborate with the Maine Community College
6 System, vocational high schools and community action programs to encourage the
7 development of affordable housing in high-cost housing areas of the State.

8 (1) The Maine State Housing Authority shall report its findings and
9 recommendations regarding expanded access to housing for young professionals
10 and young families to the ~~Future for Youth in Maine State Work Action Tactics~~
11 ~~Team established in Title 5, section 13161~~ and to the joint standing committee of
12 the Legislature having jurisdiction over housing matters no later than January 15,
13 2005 and annually thereafter;

14 **Sec. 43. 30-A MRSA §5241, sub-§5**, as enacted by PL 2001, c. 669, §1, is
15 repealed.

16 **Sec. 44. 35-A MRSA §7104, sub-§7, ¶A**, as enacted by PL 2005, c. 305, §2, is
17 amended to read:

18 A. In establishing the total level of support for the state universal service fund, the
19 commission shall include funding levels for telecommunications relay services as
20 ~~recommended by the Telecommunications Relay Services Advisory Council, as~~
21 ~~established in section 8704~~, unless the commission determines, upon its own motion
22 or upon the request of a provider of intrastate telecommunications services, that the
23 recommended funding levels may be unreasonable. If the commission determines
24 that the funding levels may be unreasonable, the commission shall open a proceeding
25 to determine a reasonable funding level for telecommunications relay services,
26 including related outreach programs. Upon the conclusion of the proceeding, the
27 commission shall establish funding support for telecommunications relay services,
28 including related outreach programs, that it has found to be reasonable within the
29 state universal service fund. The commission shall require contributions to the state
30 universal service fund on a quarterly basis to meet the established funding support
31 levels.

32 **Sec. 45. 35-A MRSA §8702, sub-§1**, as enacted by PL 1989, c. 851, §7, is
33 repealed.

34 **Sec. 46. 35-A MRSA §8703, sub-§8**, as enacted by PL 1989, c. 851, §7, is
35 repealed.

36 **Sec. 47. 35-A MRSA §8704**, as amended by PL 2005, c. 605, §§5 and 6, is
37 repealed.

38 **Sec. 48. 38 MRSA §551-A**, as enacted by PL 1991, c. 698, §12, is repealed.

1 **SUMMARY**

2 This bill repeals boards and commissions that did not file annual reports in 2005 or
3 2006, or that filed an annual report but indicated inactivity for 2005 and 2006. The
4 boards and commissions being repealed are:

- 5 1. Education Commission of the States;
- 6 2. Future for Youth in Maine State Work Action Tactics Team, "S.W.A.T.";
- 7 3. Maine Higher Educational Attainment Council;
- 8 4. Pharmaceutical Cost Management Council;
- 9 5. Prescription Drug Advisory Commission;
- 10 6. Telecommunications Relay Services Advisory Council;
- 11 7. Work Center Purchases Committee;
- 12 8. Agricultural Products Utilization Commission;
- 13 9. Commission on Safety and Health in the Maine Workplace;
- 14 10. Maine Engineers Recruitment and Retention Advisory Committee;
- 15 11. Maine-Canadian Legislative Advisory Commission;
- 16 12. Natural Areas Advisory Board;
- 17 13. Oil Spill Advisory Committee;
- 18 14. The State Compensation Commission; and
- 19 15. The Board of Directors of the Maine Consumer Choice Health Plan.

20 It also removes references to the Advisory Commission on Radioactive Waste and
21 Decommissioning, which has a sunset date of June 30, 2006; the General River Corridor
22 Commissions, which were never formed; and the Commission on Performance
23 Budgeting, which is repealed July 1, 2007.