

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1801

H.P. 1293

House of Representatives, March 4, 2014

An Act To Eliminate Inactive Boards and Commissions

Reported by Representative GRAHAM of North Yarmouth for the Joint Standing Committee on State and Local Government pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2.

Reference to the Committee on State and Local Government suggested and ordered printed pursuant to 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2 **Sec. 1. 3 MRSA §168-B**, as enacted by PL 2009, c. 623, §2, is repealed.

3 **Sec. 2. 4 MRSA §191**, as amended by PL 2011, c. 204, §1, is repealed.

4 **Sec. 3. 4 MRSA §192**, as enacted by PL 1981, c. 510, §1, is amended to read:

5 **§192. Personnel**

6 The State Court Administrator shall employ, ~~subject to the approval of the State~~
7 ~~Court Library Committee~~, and shall supervise a professionally trained person, who shall
8 ~~be~~ is designated the State Court Library Supervisor. The supervisor ~~shall have~~ has general
9 supervision of the professional functions of all county law libraries; and shall visit all
10 libraries whenever necessary, meet with county law library committees, coordinate
11 activities with the court administrator's offices, advise staff members of the clerks of
12 courts and carry out any additional duties assigned by the State Court ~~Library Committee~~
13 Administrator.

14 The law libraries in locations without employees ~~shall be~~ are maintained by the
15 offices of the clerks of courts and the duties of each clerk's office ~~shall be~~ are specified by
16 the State Court Administrator, ~~subject to the approval of the State Court Library~~
17 ~~Committee~~.

18 **Sec. 4. 4 MRSA §193**, as amended by PL 2011, c. 204, §2, is further amended to
19 read:

20 **§193. System of law libraries**

21 There must be a system of law libraries accessible to all citizens within the State,
22 ~~under the supervision of the State Court Library Committee~~.

23 These libraries must be located in:

- 24 Androscoggin County, Auburn;
- 25 Aroostook County, Caribou;
- 26 Aroostook County, Houlton;
- 27 Cumberland County, Portland;
- 28 Franklin County, Farmington;
- 29 Hancock County, Ellsworth;
- 30 Kennebec County, Augusta;
- 31 Knox County, Rockland;
- 32 Lincoln County, Wiscasset;
- 33 Oxford County, South Paris;
- 34 Penobscot County, Bangor;

1 Piscataquis County, Dover-Foxcroft;
2 Sagadahoc County, Bath;
3 Somerset County, Skowhegan;
4 Waldo County, Belfast;
5 Washington County, Machias; and
6 York County, Alfred.

7 All funds appropriated by the Legislature for the use and benefit of the law libraries
8 must be paid to the Administrative Office of the Courts and must be disbursed by that
9 office ~~under the direction of the State Court Library Committee.~~

10 The libraries located at Bangor and Portland are to serve as regional court law library
11 centers. The State Court ~~Library Committee~~ Administrator or the State Court
12 Administrator's designee shall allocate specific funds, in addition to the resources
13 received by the other law libraries, to the regional court law library centers in Bangor and
14 Portland to purchase legal resources, library equipment and supplies and necessary
15 personnel. Both regional court libraries must receive the same funds.

16 All other law libraries must have access to the regional court law library centers for
17 the resources not available locally.

18 **Sec. 5. 4 MRSA §194**, as enacted by PL 1981, c. 510, §1, is repealed.

19 **Sec. 6. 4 MRSA §196**, as amended by PL 2001, c. 250, §4, is further amended to
20 read:

21 **§196. Duties, county committee**

22 The County Law Library Committee shall, ~~in conjunction with the State Court~~
23 ~~Library Committee~~, establish local operating policies, such as, but not limited to, hours,
24 circulation policies and photocopy privileges. Each county committee shall exercise
25 supervision over the expenditures of private and nonstate funds, including endowments,
26 and may use those funds to upgrade its county law library. Each county committee shall
27 determine space requirements, ~~with the advice and assistance of the State Court Library~~
28 ~~Committee.~~

29 **Sec. 7. 4 MRSA §197, 2nd ¶**, as amended by PL 1981, c. 698, §4, is further
30 amended to read:

31 The treasurer shall, annually, before the last Wednesday in July, deposit in the office
32 of the State Court ~~Library Committee~~ Administrator a statement of the funds received and
33 expended by the treasurer during the preceding fiscal year.

34 **Sec. 8. 5 MRSA §§322 to 326**, as enacted by PL 1993, c. 590, §1, are repealed.

35 **Sec. 9. 5 MRSA §12004-G, sub-§23**, as enacted by PL 1987, c. 786, §5, is
36 repealed.

1 **Sec. 10. 5 MRSA §12004-I, sub-§3-C**, as enacted by PL 2005, c. 186, §1, is
2 repealed.

3 **Sec. 11. 5 MRSA §12004-I, sub-§18-C**, as enacted by PL 2001, c. 358, Pt. II, §1
4 and amended by PL 2003, c. 20, Pt. TT, §1, is repealed.

5 **Sec. 12. 5 MRSA §12004-I, sub-§47-H**, as enacted by PL 2011, c. 412, §1, is
6 repealed.

7 **Sec. 13. 5 MRSA §12004-I, sub-§54-C**, as amended by PL 2009, c. 623, §3, is
8 repealed.

9 **Sec. 14. 5 MRSA §12004-I, sub-§74-E**, as enacted by PL 2007, c. 377, §3, is
10 repealed.

11 **Sec. 15. 5 MRSA §12004-I, sub-§75-B**, as enacted by PL 1993, c. 590, §2, is
12 repealed.

13 **Sec. 16. 12 MRSA §1893-C**, as enacted by PL 2005, c. 186, §2, is repealed.

14 **Sec. 17. 20-A MRSA §19102, sub-§2**, as amended by PL 2001, c. 358, Pt. II, §3
15 and PL 2003, c. 20, Pt. TT, §1, is further amended to read:

16 **2. Learning technology plan.** The use of the fund must be based on a learning
17 technology plan, referred to in this section as the "plan," developed annually beginning
18 for school year 2002-03 by the commissioner ~~with the advice of the advisory board~~
19 ~~established under section 19109~~ and adopted by the Legislature. The annual plan must be
20 designed to achieve the goal of preparing students for a future economy that relies on
21 technology and innovation.

22 The plan developed annually by the commissioner ~~and the advisory board~~ must include,
23 but is not limited to, consideration of the following:

- 24 A. The appropriate structure, governance and oversight of the fund;
- 25 B. The current use of learning technology in classrooms in the State;
- 26 C. The current readiness of faculty to use technology in teaching;
- 27 D. The professional development needed to integrate technology into classroom
28 teaching;
- 29 E. Assessment of the strategy and goals for improving and equalizing access to and
30 the use of learning technology in all schools;
- 31 F. A plan for implementing the plan in several phases, with Phase I implementing the
32 plan for all schools, students and teachers at the 7th and 8th grade levels;
- 33 G. Strategies that coordinate the resources and goals of the fund and the plan with a
34 network of schools and libraries in the State administered by the Public Utilities
35 Commission and the telecommunications education access fund;

1 H. Strategies that coordinate learning technology in kindergarten to grade 12
2 education with initiatives and resources of the State's postsecondary education
3 institutions; and

4 I. Data tracking and assessment of the progress of implementing the goals of the
5 fund and the plan.

6 **Sec. 18. 20-A MRSA §19102, sub-§4**, as enacted by PL 2011, c. 380, Pt. CC, §1,
7 is amended to read:

8 **4. Learning technology program; evaluation for implementation in grades 7 to**
9 **12.** Notwithstanding any other provision of law, the commissioner shall conduct an
10 annual comprehensive review of the learning technology program and report to the joint
11 standing committee of the Legislature having jurisdiction over appropriations and
12 financial affairs and the joint standing committee of the Legislature having jurisdiction
13 over education matters on the progress and results of the comprehensive review by
14 February 15th annually. In conducting the comprehensive review, the commissioner
15 shall:

16 A. Through a competitive bidding process consistent with Title 5, chapter 155,
17 subchapter 1-A contract with an education policy research institute to assess the
18 effect of the laptop program on student performance in achieving the content
19 standards and performance indicators established by the statewide system of learning
20 results established in section 6209 using valid, standardized assessment measures;

21 B. Identify high-need areas for improvements in students' learning and skills;

22 C. Provide targeted training and professional development of teachers from the 7th
23 to 12th grade who participate in the laptop program; and

24 D. Contract with an education policy research institute to conduct a biennial audit
25 including an evaluation of the costs, effectiveness and achievement outcomes of the
26 learning technology program.

27 The commissioner, ~~with advice from the advisory board~~, shall submit a report that
28 includes findings and recommendations, including suggested legislation to revise and
29 update chapter 606-B and this chapter, for presentation to the joint standing committee of
30 the Legislature having jurisdiction over appropriations and financial affairs and the joint
31 standing committee of the Legislature having jurisdiction over education matters by
32 January 31st annually.

33 **Sec. 19. 20-A MRSA §19103, sub-§2**, as enacted by PL 2001, c. 358, Pt. II, §4
34 and amended by PL 2003, c. 20, Pt. TT, §1, is further amended to read:

35 **2. Fundraising plan.** The commissioner and the Commissioner of Administrative
36 and Financial Services shall, for the duration of the fund, identify and submit grant and
37 fundraising proposals in support of the priorities of the learning technology plan
38 established pursuant to section 19102 to federal, corporate, foundation or other 3rd-party
39 sources as appropriate.

40 ~~In conjunction with the advisory board established under section 19109, the~~ The
41 commissioner and the Commissioner of Administrative and Financial Services shall

1 develop a plan for fundraising and identifying grant sources that is designed to raise
2 sufficient funds to enable the learning technology plan to expand to the secondary school
3 level. The fundraising plan must identify specific funding sources, as appropriate,
4 timelines and an assessment of the probability of success.

5 In order to preserve the integrity of the educational purposes of the learning technology
6 plan, all fundraising and grant proposals must be consistent with the goals and terms of
7 the learning technology plan. The commissioner and the Commissioner of
8 Administrative and Financial Services ~~in conjunction with the advisory board established~~
9 ~~under section 19109~~ shall develop any necessary guidelines for fundraising and grant
10 proposals in order to carry out this requirement.

11 **Sec. 20. 20-A MRSA §19105, sub-§1**, as enacted by PL 2001, c. 358, Pt. II, §6,
12 is amended to read:

13 **1. Annual plan recommendation.** Prior to December 15th of each year, the
14 commissioner, after consultation with ~~the advisory board established under section 19109~~
15 ~~and~~ the Commissioner of Administrative and Financial Services and after receiving the
16 approval of the state board, shall recommend to the Governor and the Department of
17 Administrative and Financial Services, Bureau of the Budget the funding level for
18 implementing the annual learning technology plan.

19 **Sec. 21. 20-A MRSA §19108, sub-§2**, as enacted by PL 2001, c. 358, Pt. II, §6,
20 is repealed.

21 **Sec. 22. 20-A MRSA §19109**, as enacted by PL 2001, c. 358, Pt. II, §6 and
22 amended by PL 2003, c. 20, Pt. TT, §1, is repealed.

23 **Sec. 23. 20-A MRSA §19110**, as enacted by PL 2001, c. 358, Pt. II, §6, is
24 repealed.

25 **Sec. 24. 22 MRSA §2175, sub-§§1 to 3**, as amended by PL 2011, c. 587, §1, are
26 further amended to read:

27 **1. Program established; training approval.** The Maine Wild Mushroom
28 Harvesting Certification Program is established to ensure that properly trained persons
29 harvest, broker and sell wild mushrooms in order to protect public health and the safety of
30 the food supply. The program is administered by the Department of Health and Human
31 Services for the purpose of establishing training and certification requirements for
32 persons who commercially harvest, broker or sell wild mushrooms in this State. The
33 Commissioner of Health and Human Services shall approve training programs provided
34 by persons or entities outside the department ~~in accordance with the recommendations of~~
35 ~~the Maine Wild Mushroom Harvesting Advisory Committee under subsection 5.~~

36 **2. Certification of wild mushroom harvesters, brokers or sellers.** The
37 Commissioner of Health and Human Services, ~~upon consultation with the Maine Wild~~
38 ~~Mushroom Harvesting Advisory Committee under subsection 5,~~ shall certify persons with
39 appropriate training in mushroom harvesting, brokering or selling to sell, transfer or
40 otherwise deliver wild mushrooms within the State. Certification is valid for a period not

1 to exceed 5 years, unless the Department of Health and Human Services, by rule,
2 establishes another certification period.

3 **3. Refusal to certify; revocation of certification.** The Department of Health and
4 Human Services may decline to certify any person determined to lack the appropriate
5 training to safely harvest, broker or sell wild mushrooms, in accordance with
6 ~~recommendations of the Maine Wild Mushroom Harvesting Advisory Committee under~~
7 ~~subsection 5 and~~ rules adopted by the Department of Health and Human Services
8 pursuant to this section. The Department of Health and Human Services may revoke, in
9 accordance with the Maine Administrative Procedure Act, the certification of any person
10 in accordance with ~~recommendations of the Maine Wild Mushroom Harvesting Advisory~~
11 ~~Committee and~~ rules adopted by the Department of Health and Human Services pursuant
12 to this section.

13 **Sec. 25. 22 MRSA §2175, sub-§4-A** is enacted to read:

14 **4-A. Advisory role of Director of the Maine Center for Disease Control and**
15 **Prevention.** The Director of the Maine Center for Disease Control and Prevention within
16 the Department of Health and Human Services shall advise the Commissioner of Health
17 and Human Services on the following:

18 A. Certification of individuals who have completed approved training to engage in
19 the harvesting, brokering or selling of wild mushrooms in this State; and

20 B. Wild mushroom harvesting training programs and certification.

21 **Sec. 26. 22 MRSA §2175, sub-§5**, as amended by PL 2011, c. 587, §1 and c.
22 657, Pt. W, §5, is repealed.

23 **Sec. 27. 34-A MRSA §1209-A**, as amended by PL 2007, c. 653, Pt. A, §§21 to
24 24, is repealed.

25 **Sec. 28. 34-A MRSA §1803, sub-§5, ¶B**, as enacted by PL 2007, c. 653, Pt. A,
26 §30, is repealed.

27 SUMMARY

28 This bill eliminates boards and commissions that have failed to file an annual report
29 as required by the Maine Revised Statutes, Title 5, section 12005-A for both 2012 and
30 2013 and those that have reported inactivity during 2012 and 2013.

31 1. The board eliminated for failing to file an annual report is:

32 A. The Advisory Board of the Maine Learning Technology Fund.

33 2. The boards and commissions eliminated for inactivity are:

34 A. The ATV Trail Advisory Council;

35 B. The Blaine House Commission;

- 1 C. The Legislative Youth Advisory Council;
- 2 D. The Maine Wild Mushroom Harvesting Advisory Committee;
- 3 E. The State Court Library Committee; and
- 4 F. The State Sentencing and Corrections Practices Coordinating Council.

5 This bill is reported out by the Joint Standing Committee on State and Local
6 Government pursuant to Title 5, section 12006, subsection 2. As authorized by the law,
7 and based on the Secretary of State's submission of boards and commissions to eliminate,
8 the bill eliminates boards and commissions that have not reported on their activities to the
9 Secretary of State for the last 2 calendar years or have been inactive during the preceding
10 24 months.

11 The committee has not taken a position on the substance of the bill and by reporting
12 this bill out the committee is not suggesting and does not intend to suggest that it agrees
13 or disagrees with any aspect of this bill. The committee is reporting the bill out for the
14 sole purpose of turning the draft into a printed bill that can be referred to the committee
15 for an appropriate public hearing and subsequent processing in the normal course. The
16 committee is taking this action to ensure clarity and transparency in the legislative review
17 of this bill.