

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1624

H.P. 1103

House of Representatives, March 1, 2016

An Act To Eliminate Inactive Boards and Commissions

Reported by Representative MARTIN of Sinclair 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.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
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2 **Sec. 1. 3 MRSA §168-B**, as enacted by PL 2009, c. 623, §2, is repealed.

3 **Sec. 2. 4 MRSA c. 35**, as amended, is repealed.

4 **Sec. 3. 5 MRSA §1547, sub-§7**, as enacted by PL 2003, c. 451, Pt. F, §2 and
5 amended by c. 600, §4, is further amended to read:

6 **7. Other related organizations.** All legislatively created public instrumentalities
7 and related organizations for which the State is financially accountable or that have a
8 significant relationship with the State as defined by a governmental accounting standards
9 board that are not included in subsection 3, ~~including but not limited to eligible~~
10 ~~institutions as defined in section 13103,~~ and that receive funds from bond issues must
11 comply with the fiscal reporting policies established by the State Controller. The fiscal
12 and reporting policies must include:

13 A. Internal control standards required by section 1541, subsection 10-A;

14 B. Quarterly reporting to the State Controller that includes a detail of transactions
15 and reconciliation of all accounts;

16 C. No later than October 15th annually, submission to the Department of
17 Administrative and Financial Services, Office of the State Controller of all financial
18 statements and schedules of expenditures of federal awards;

19 D. Financial statements that are prepared in accordance with the standards and
20 requirements established by a governmental accounting standards board; and

21 E. Submission annually to the Department of Administrative and Financial Services,
22 Office of the State Controller of a copy of the independent auditor's report, including
23 any findings, recommendations and management letter comments, and any other
24 materials considered necessary by the State Controller.

25 Legislatively created public instrumentalities and other related organizations required to
26 comply under this subsection who must also comply with the federal Office of
27 Management and Budget circulars, regulations issued by a governmental accounting
28 standards board or other accounting, auditing and reporting requirements may submit that
29 information to the State Controller to satisfy the requirements of this subsection.

30 **Sec. 4. 5 MRSA §1825-T**, as enacted by PL 2007, c. 193, §4, is repealed.

31 **Sec. 5. 5 MRSA §12004-G, sub-§3-D**, as enacted by PL 2005, c. 559, §1, is
32 repealed.

33 **Sec. 6. 5 MRSA §12004-G, sub-§4-B**, as enacted by PL 2001, c. 196, §1, is
34 repealed.

35 **Sec. 7. 5 MRSA §12004-G, sub-§23-A**, as enacted by PL 1995, c. 451, §2, is
36 repealed.

1 **Sec. 8. 5 MRSA §12004-I, sub-§3-C**, as enacted by PL 2005, c. 186, §1, is
2 repealed.

3 **Sec. 9. 5 MRSA §12004-I, sub-§29-D**, as amended by PL 2013, c. 588, Pt. A,
4 §5, is repealed.

5 **Sec. 10. 5 MRSA §12004-I, sub-§30-A**, as enacted by PL 2003, c. 469, Pt. A,
6 §4, is repealed.

7 **Sec. 11. 5 MRSA §12004-I, sub-§36-D**, as enacted by PL 1997, c. 560, Pt. D,
8 §1, is repealed.

9 **Sec. 12. 5 MRSA §12004-I, sub-§54-C**, as amended by PL 2009, c. 623, §3, is
10 repealed.

11 **Sec. 13. 5 MRSA §12004-I, sub-§57-C**, as reenacted by PL 2011, c. 598, §1, is
12 repealed.

13 **Sec. 14. 5 MRSA c. 383, sub-c. 5-A**, as amended, is repealed.

14 **Sec. 15. 5 MRSA §15303, sub-§6-B**, as enacted by PL 2001, c. 196, §10, is
15 repealed.

16 **Sec. 16. 7 MRSA §352**, as enacted by PL 2005, c. 559, §2, is repealed.

17 **Sec. 17. 7 MRSA §353**, as amended by PL 2009, c. 652, Pt. A, §5, is repealed.

18 **Sec. 18. 10 MRSA §949, sub-§2, ¶B**, as enacted by PL 2007, c. 420, §7, is
19 amended to read:

20 B. ~~Thirty~~ Twenty-six members appointed by the Governor:

21 (1) Seven representatives from the for-profit business community within the 7
22 targeted technologies as defined in Title 5, section 15301;

23 (2) Seven representatives involved with nonprofit research institutions within the
24 7 targeted technologies as defined in Title 5, section 15301;

25 ~~(3) Four representatives of the Maine Biomedical Research Board established~~
26 ~~pursuant to Title 5, section 12004-G, subsection 4-B;~~

27 (4) Two representatives from nonprofit research laboratories with main offices
28 or headquarters in this State and demonstrated expertise and credentials in marine
29 research;

30 (5) One representative of the University of Maine and one representative of the
31 University of Southern Maine;

32 (6) Four representatives of private universities and colleges within the State;

33 (7) One representative of the University of Maine Center for Law and
34 Innovation;

1 (8) One representative of the Small Enterprise Growth Program as established in
2 section 381; and

3 (9) Two representatives with demonstrated expertise in venture capital.

4 **Sec. 19. 12 MRSA §1893-C**, as enacted by PL 2005, c. 186, §2, is repealed.

5 **Sec. 20. 12 MRSA §6072-D, sub-§5**, as amended by PL 2011, c. 598, §7, is
6 further amended to read:

7 **5. Reports.** The commissioner shall report annually to the ~~Aquaculture Advisory~~
8 ~~Council under section 6080~~ joint standing committee of the Legislature having
9 jurisdiction over marine resources matters on all expenditures made from the fund in the
10 previous fiscal year and a summary of work accomplished and planned.

11 **Sec. 21. 12 MRSA §6080**, as reenacted by PL 2011, c. 598, §9, is repealed.

12 **Sec. 22. 22 MRSA §271, sub-§2**, as enacted by PL 1997, c. 560, Pt. D, §2, is
13 repealed.

14 **Sec. 23. 22 MRSA §272, sub-§1**, as enacted by PL 1997, c. 560, Pt. D, §2, is
15 amended to read:

16 **1. Program established.** The Tobacco Prevention and Control Program is
17 established in the bureau. The purposes of the program are to prevent the State's youths
18 from ever using tobacco products and to assist youths and adults who currently smoke
19 cigarettes and use other tobacco products to discontinue that use. The program includes
20 the following components:

21 A. An ongoing, major media campaign to:

22 (1) Educate the public about the health hazards, costs and other relevant facts
23 surrounding the use of tobacco products;

24 (2) Encourage young people not to begin using tobacco products;

25 (3) Motivate the users of tobacco products to discontinue smoking; and

26 (4) Encourage public acceptance of smoke-free environments;

27 B. Grants for funding community-based programs aimed at tobacco prevention and
28 control, including funding of tobacco prevention and control education for those
29 school administrative units that choose to offer such programs to primary, middle and
30 high school students; for community-based enforcement of state tobacco control
31 laws, including sales to minors and for cessation services;

32 C. Procedures for monitoring and evaluating the prevention and control program,
33 including:

34 (1) Monitoring and maintaining the program's effectiveness through an
35 evaluation of each component; and

36 (2) Assessing the prevalence of the use of tobacco products and knowledge
37 about and attitudes towards such use on a statewide and community basis; and

1 D. In conjunction with law enforcement and other state and federal agencies,
2 increased law enforcement efforts to increase compliance with laws regarding the
3 transportation, distribution and sale of cigarettes and tobacco products.

4 The bureau shall administer the program ~~with the review and advice provided by the~~
5 ~~council in subsection 2~~ and may contract for professional services to carry out the
6 program.

7 **Sec. 24. 22 MRSA §272, sub-§2**, as amended by PL 2011, c. 657, Pt. AA, §58, is
8 repealed.

9 **Sec. 25. 22 MRSA §328, sub-§17-A, ¶C**, as amended by PL 2011, c. 424, Pt. A,
10 §2 and affected by Pt. E, §1, is further amended to read:

11 C. The addition in the private office of a health care practitioner, as defined in Title
12 24, section 2502, subsection 1-A, of new technology that costs \$3,200,000 or more.
13 ~~The department shall consult with the Maine Quality Forum Advisory Council~~
14 ~~established pursuant to Title 24-A, section 6952, prior to determining whether a~~
15 ~~project qualifies as a new technology in the office of a private practitioner.~~ With
16 regard to the private office of a health care practitioner, "new health service" does not
17 include the location of a new practitioner in a geographic area.

18 **Sec. 26. 22 MRSA §8708-A**, as enacted by PL 2003, c. 469, Pt. C, §28, is
19 amended to read:

20 **§8708-A. Quality data**

21 The board shall adopt rules regarding the collection of quality data. The board shall
22 work with the Maine Quality Forum ~~and the Maine Quality Forum Advisory Council~~
23 established in Title 24-A, chapter 87, subchapter 2 to develop the rules. The rules must be
24 based on the quality measures adopted by the Maine Quality Forum pursuant to Title
25 24-A, section 6951, subsection 2. The rules must specify the content, form, medium and
26 frequency of quality data to be submitted to the organization. In the collection of quality
27 data, the organization must minimize duplication of effort, minimize the burden on those
28 required to provide data and focus on data that may be retrieved in electronic format from
29 within a health care practitioner's office or health care facility. As specified by the rules,
30 health care practitioners and health care facilities shall submit quality data to the
31 organization. Rules adopted pursuant to this section are major substantive rules as
32 defined in Title 5, chapter 375, subchapter 2-A.

33 **Sec. 27. 24-A MRSA §6951, first ¶**, as amended by PL 2009, c. 359, §5 and
34 affected by §8, is further amended to read:

35 The Maine Quality Forum, referred to in this subchapter as "the forum," is
36 established within Dirigo Health. The forum is governed by the board ~~with advice from~~
37 ~~the Maine Quality Forum Advisory Council pursuant to section 6952.~~ The forum must be
38 funded, at least in part, through the savings offset payments made pursuant to former
39 section 6913 and the access payment pursuant to section 6917. Except as provided in
40 section 6907, subsection 2, information obtained by the forum is a public record as

1 provided by Title 1, chapter 13, subchapter 1. The forum shall perform the following
2 duties.

3 **Sec. 28. 24-A MRSA §6951, sub-§2**, as enacted by PL 2003, c. 469, Pt. A, §8, is
4 amended to read:

5 **2. Quality and performance measures.** The forum shall adopt a set of measures to
6 evaluate and compare health care quality and provider performance. ~~The measures must~~
7 ~~be adopted with guidance from the advisory council pursuant to section 6952.~~ The quality
8 measures adopted by the forum must be the basis for the rules for the collection of quality
9 data adopted by the Maine Health Data Organization pursuant to Title 22, section
10 8708-A.

11 **Sec. 29. 24-A MRSA §6952**, as amended by PL 2011, c. 90, Pt. J, §24, is
12 repealed.

13 **Sec. 30. 38 MRSA §470-C, sub-§10**, as enacted by PL 2011, c. 120, §6, is
14 amended to read:

15 **10. Agricultural producers.** An agricultural producer that is subject to rules
16 adopted under section 470-H ~~and the provisions of Title 7, section 353.~~

17 **SUMMARY**

18 This bill eliminates boards and commissions that have reported inactivity during 2014
19 and 2015. The boards and commissions eliminated for inactivity are:

- 20 1. The Aquaculture Advisory Council;
- 21 2. The ATV Trail Advisory Council;
- 22 3. The Citizens' Code of Conduct Working Group;
- 23 4. The Judicial Compensation Commission;
- 24 5. The Legislative Youth Advisory Council;
- 25 6. The Maine Agricultural Water Management Board;
- 26 7. The Maine Biomedical Research Board;
- 27 8. The Maine Quality Forum Advisory Council; and
- 28 9. The Tobacco Prevention and Control Advisory Council.

29 This bill is reported out by the Joint Standing Committee on State and Local
30 Government pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2.
31 As authorized by the law, and based on the Secretary of State's submission of
32 recommendations regarding which boards and commissions to eliminate, the bill

1 eliminates boards and commissions that have been inactive during the preceding 24
2 months.

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