

**§5012. Duties of commissioner**

The commissioner is the chief executive officer of the Department of Agriculture, Conservation and Forestry. The commissioner shall coordinate and supervise the activities and programs of the divisions and agencies that are part of the department; undertake comprehensive planning and analysis with respect to the functions and responsibilities of the department; and develop and implement, whenever necessary, procedures and practices to promote economy, efficiency and coordination in and between the various agencies and divisions of the department. The commissioner shall reorganize or combine the divisions of the department or the planning, operations and other functions among the divisions of the department as the commissioner considers necessary to improve the efficiency of department services. From time to time the commissioner shall recommend to the Governor and Legislature such changes in the laws relating to the organization, functions, services or procedures of the agencies and divisions of the department as the commissioner considers desirable. The commissioner shall prepare a budget for the department and shall organize and maintain the office of the commissioner. [PL 2009, c. 213, Pt. L, §1 (AMD); PL 2011, c. 657, Pt. W, §§5, 7 (REV).]

The commissioner has the power to appoint a deputy commissioner and division heads and other staff of the department, subject to the Civil Service Law, and prescribe their duties as necessary for the proper performance of the duties of the department. [PL 2009, c. 213, Pt. L, §2 (AMD); PL 2011, c. 657, Pt. W, §7 (REV).]

The deputy commissioner and division heads serve at the pleasure of the commissioner, except that dismissal of the Executive Director of the Maine Land Use Planning Commission requires the consent of a majority of the members of that commission. [PL 2009, c. 213, Pt. L, §3 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2011, c. 682, §38 (REV).]

The commissioner may, subject to the approval of the Governor, apply for and accept on behalf of the State any funds, other personal or real property, including emergency relief funds, grants, bequests, gifts, contributions or services and other intangible assets from any person, corporation or government, including the Government of the United States for the purpose of economic opportunity, business growth and other strategic investments. Such funds must be received by the Treasurer of State on behalf of the State and deposited in an appropriate new or existing account in the department. The commissioner shall adopt rules to implement and administer grant or other fund disbursement programs using funds in the account. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner may adjudicate appeals of grant or other disbursement decisions made under the programs. Notwithstanding any provision of law to the contrary, an adjudicatory hearing on an appeal must be held in accordance with the Maine Administrative Procedure Act. [PL 2023, c. 412, Pt. W, §1 (AMD).]

The commissioner may, on behalf of the department, enter into such agreements with any person, corporation or state or local government agency or authority as will promote the objectives of the department. [PL 1987, c. 308, §8 (AMD).]

The commissioner may from time to time make noncash awards for outstanding contributions in the field of natural resource management. [PL 1977, c. 360, §19 (NEW).]

The department may prepare and distribute printed and audio-visual materials on matters within its statutory jurisdiction. There is established within the department a revolving fund for the use of the department to cover the printing and distribution costs of these materials. The commissioner shall fix the prices at which publications of the department may be sold or delivered. The department shall retain, without charge, an appropriate number of each publication for complimentary distribution. The commissioner may fix the price at which United States Geological Survey and other maps, charts and other publications may be sold or delivered, provided that these publications are specifically authorized for resale by the originating agency and are specifically concerned with information on the state's natural resources. Income from the sale of publications that were charged to the revolving fund shall

be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of the revolving funds. [PL 1981, c. 542, §2 (NEW).]

The department shall publish a compendium of laws affecting forestry including, without limitation, laws regarding boundary lines, trespass, timber harvest, wood measurement, forest fire prevention, forest land taxation, shoreland zoning and the site location of development law. The department shall publish the first compendium by January 1, 1989, and subsequent editions by 90 days after the adjournment of the 2nd regular session of the Legislature. The department shall make the compendium available to the public at cost. The department may use the revolving fund established under this section for printing and distribution. [PL 1987, c. 749, §1 (AMD).]

The commissioner may work with representatives from the College of Forest Resources and the College of Business Administration in the University of Maine System, representatives from the forest industry and representatives from the business and finance community to develop curricula for a joint Master of Business Administration and Master of Science in Forestry degree program and to develop initiatives for forest products marketing, including continuing education courses for foresters in marketing and finance and to establish a faculty position in forest products marketing. [PL 1989, c. 875, Pt. J, §1 (NEW).]

Prior to final negotiations and legislative and administrative review of the sale of state-designated lands or an interest in designated lands that contain significant deer wintering habitat, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over conservation matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters regarding the proposed sale. For purposes of this section, "designated lands" has the same meaning as in section 598-A. [PL 2011, c. 381, §2 (NEW).]

#### SECTION HISTORY

PL 1973, c. 460, §16 (NEW). PL 1975, c. 771, §157 (AMD). PL 1977, c. 360, §§18,19 (AMD). PL 1981, c. 542, §2 (AMD). PL 1983, c. 819, §§A15,A16 (AMD). PL 1987, c. 308, §§6-8 (AMD). PL 1987, c. 749, §1 (AMD). PL 1989, c. 875, §J1 (AMD). PL 1997, c. 24, §§QQ1,2 (AMD). PL 2009, c. 213, Pt. L, §§1-3 (AMD). PL 2011, c. 381, §2 (AMD). PL 2011, c. 657, Pt. W, §§5-7 (REV). PL 2011, c. 682, §38 (REV). PL 2023, c. 120, §1 (AMD). PL 2023, c. 412, Pt. W, §1 (AMD).

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