

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1571, L.D. 2081)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2389

H.P. 1807

House of Representatives, April 2, 1984

Reported by Representative Gwadosky from the Committee on State Government and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT to Establish Standards and a
Policy for the Compensation of Members of
Boards, Commissions and Similar Organizations.

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

Sec. 1. 1 MRSA §1002, sub-§§1 and 4, as enacted by PL 1975, c. 621, §1, are amended to read:

1. Membership. The Commission on Governmental Ethics and Election Practices, ~~hereinafter~~ established by Title 5, section 12004, subsection 8, called the "commission," shall consist of 7 members to be appointed as follows:

A. The President of the Senate and the floor leaders of the 2 major parties in the Senate shall each appoint one member, with the concurrence of 2/3 vote of the Senate. Each such member

1 The Board of Emergency Municipal Finance, as
2 heretefere established authorized by Title 5, section
3 12004, subsection 8, and hereinafter designated in
4 this subchapter as the "board," shall be composed of
5 the 3 persons who legally hold the offices of Commis-
6 sioner of Finance and Administration, Treasurer of
7 State and State Tax Assessor. Upon the succession of
8 any person to any of these respective offices, he or
9 she shall immediately become a member of the board
10 and the person who formerly held such office shall
11 cease to be such a member. The person holding the of-
12 fice of State Tax Assessor shall be the chairman of
13 the board. The members of the board shall ~~not receive~~
14 any compensation for their services as such members
15 except their expenses be compensated according to the
16 provisions of Title 5, chapter 379.

17 Sec. 186. 30 MRSA §6212, sub-§1, as enacted by
18 PL 1979, c. 732, §§1 and 31, is amended to read:

19 1. Commission created. There is hereby estab-
20 lished a The Maine Indian Tribal-State Commission is
21 established pursuant to Title 5, section 12004, sub-
22 section 4. The commission shall consist of 9 members,
23 4 to be appointed by the Governor of the State sub-
24 ject to review by the Joint Standing Committee on Ju-
25 diciary and to confirmation by the Legislature, 2
26 each to be appointed by the Passamaquoddy Tribe and
27 the Penobscot Nation and a chairman to be selected in
28 accordance with subsection 2. The members of the com-
29 mission, other than the chairman, shall each serve
30 for a term of 3 years and may be reappointed. In the
31 event of the death, resignation or disability of any
32 member, the appointing authority may fill the vacancy
33 for the unexpired term.

34 Sec. 187. 30 MRSA §6212, sub-§4, as enacted by
35 PL 1979, c. 732, sub-§§1 and 31, is amended to read:

36 4. Personnel, fees, expenses of commissioners.
37 The commission shall have authority to employ such
38 personnel as it deems necessary and desirable in or-
39 der to effectively discharge its duties and responsi-
40 bilities. Such employees shall not be subject to
41 state personnel laws or rules.

42 The commission members shall be paid \$75 per day for

1 their services and shall be reimbursed for reasonable
2 expenses including travel according to the provisions
3 of Title 5, chapter 379.

4 Sec. 188. 32 MRSA §63, sub-§1, as amended by PL
5 1975, c. 771, §331, is further amended to read:

6 1. Membership. There shall be a The State Board
7 of Licensure of Administrators of Medical Care Facil-
8 ities other than Hospitals consisting, as estab-
9 lished by Title 5, section 12004, subsection 1, shall
10 consist of 8 members appointed by the Governor. The
11 members shall be citizens of the United States and
12 residents of the State of Maine. One member shall be
13 a physician licensed to practice medicine or osteopa-
14 thy with not less than 5 years of active practice
15 within the State. One member shall be a hospital ad-
16 ministrator with not less than 5 years active prac-
17 tice in the State as a hospital administrator. One
18 member shall be a registered nurse with not less than
19 5 years active practice in nursing homes in the
20 State. Two members shall be representatives of the
21 public. Three members shall be administrators of med-
22 ical care facilities other than hospitals with not
23 less than 5 years of such active experience in the
24 State.

25 Sec. 189. 32 MRSA §63, sub-§9, as amended by PL
26 1971, c. 518, §3, is repealed and the following en-
27 acted in its place:

28 9. Compensation. Members of the board shall be
29 compensated according to the provisions of Title 5,
30 chapter 379.

31 Sec. 190. 32 MRSA §88, as enacted by PL 1981, c.
32 661, §2, is amended by adding before subsection 1 the
33 following new paragraph:

34 The Emergency Medical Services' Advisory Board,
35 as established by Title 5, section 12004, subsection
36 10, shall advise the department with respect to the
37 conflict of the emergency medical services' program.

38 Sec. 191. 32 MRSA §88, sub-§1, ¶C, as enacted by
39 PL 1981, c. 661, sub-§2, is amended to read:

1	Environmental Protection, Administration	
2	Personal Services	<u>(\$3,125)</u>
3	Reduces funds for per diem mem-	
4	ber of the Board of Environmen-	
5	tal Protection.	
6	Total	(\$3,125)
7	<u>FINANCE AUTHORITY OF MAINE</u>	
8	Natural Resource Finance and Marketing Agency	
9	Personal Services	<u>(\$ 480)</u>
10	Reduces funds for per diem for	
11	members of the Natural Resources	
12	Finance and Marketing Board.	
13	Total	(\$ 480)
14	<u>SECRETARY OF STATE, DEPARTMENT OF</u>	
15	Secretary of State, Administration	
16	All Other	\$ 800
17	Capital Expenditures	<u>350</u>
18	Provides funds for gathering and	
19	compiling information required	
20	by this Act.	
21	Total	\$1,150
22	TOTAL ALLOCATIONS	(\$9,585)

23 FISCAL NOTE

24 This new draft reduces expenses for per diem com-
25 pensation in various dedicated funds not allocated by
26 the Legislature.

27 STATEMENT OF FACT

28 This new draft revises the original bill by:

- 29 1. Redefining the term, "board," and excluding
30 specific types of boards such as boards established

1 exclusively by executive order or established exclu-
2 sively pursuant to federal law;

3 2. Redefining the term, "expenses," and the pur-
4 poses for which expenses may be paid.

5 A. Members of boards authorized to receive ex-
6 penses will be entitled to a rate not to exceed
7 the rate normally paid to state employees in the
8 performance of work for the board;

9 3. Redefining the purposes for which per diem
10 may be paid to include attendance at hearings, meet-
11 ings of the board and meetings with advisory groups;
12 activities necessary to achieve the statutory objec-
13 tives of the board; and for mandatory training;

14 4. Establishing a new classification of boards
15 which are independent organizations established to
16 evaluate a department, department or agency policies
17 and to report findings to the Executive Department
18 and the Legislature;

19 5. Revising the policy of per diem payment for
20 advisory boards to allow a rate of payment not to ex-
21 ceed \$25 per day; and

22 6. Removing the requirement that a synopsis of
23 the minutes of each board meeting be included in each
24 board's annual report to the Secretary of State.

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