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
be held at the call of the chairman or at the call of
more than 1/2 of the membership. Members of the coun-
cil, except state employees, shall receive $25 per
day for their services at meetings and all members
shall receive necessary traveling expenses for at-
tending all meetings of the council be compensated
according to the provisions of Title 5, chapter 379.
All council expenses shall be paid from the fund es-
tablished by section 1919.

Sec. 142. 23 MRSA §1965, sub-§1, as amended by
PL 1983, c. 337, §1, is further amended to read:

1. Powers. The Maine Turnpike Authority, as
created by Private and Special Law 1941, chapter 69
and as continued in existence by this chapter autho-
rized by Title 5, section 12004, subsection 7, is and
shall continue to be a body both corporate and poli-
tic in the State and may:

A. Sue and be sued;
B. Have a seal and alter the seal at pleasure;
C. Adopt from time to time and amend bylaws cov-
ering its procedure and rules governing use of
the turnpike and any of the other services made
available in connection with the turnpike; devel-
op and adopt, in accordance with the Maine Admin-
istrative Procedure Act, Title 5, chapter 375,
rules governing the use of the turnpike and other
services; publish those bylaws, rules as publica-
tion is necessary or advisable and cause records
of its proceedings to be kept;
D. Construct, maintain, reconstruct and operate
a toll turnpike from a point at or near York in
York County to a point at or near Augusta in Ken-
nebec County, except that the traveled way shall
not be widened or expanded without the express
approval of the Legislature;
E. Acquire, hold and dispose of personal proper-
ty for its purposes;
F. Acquire in the name of the authority by pur-
chase, eminent domain, lease or otherwise, real
property and rights or easements therein deemed by it necessary or desirable for its purposes, and use that property;

G. Acquire any such real property by the exercise of the power of eminent domain in the manner provided by section 1967;

H. Charge and collect fees, fares and tolls for the use of the turnpike and other services made available in connection with the turnpike and use the proceeds of such fees, fares and tolls for the purposes provided in this chapter, both as subject to and in accordance with such agreement with bondholders as may be made as provided in this chapter;

I. Make contracts with the United States or any instrumentality or agency of the United States, this State or any of its agencies or instrumentalities, municipalities, public corporations, or bodies existing therein, private corporations, partnerships, associations and individuals;

J. Accept grants and the cooperation of the United States or any agency thereof in the construction, maintenance, reconstruction, operation and financing of the turnpike and do any and all things necessary in order to avail itself of that aid and cooperation and repay any such grant or portion thereof;

K. Employ such assistants, agents and servants, engineering, traffic, architectural and construction experts and inspectors and attorneys and such other employees as it deems necessary or desirable for its purposes;

L. Exercise any of its powers in the public domain of the United States, unless the exercise of those powers is not permitted by the laws of the United States;

M. Borrow money, make, issue and sell at public or private sale negotiable notes, bonds and other evidences of indebtedness or obligations of the authority for the purposes set forth in this
chapter and secure the payment of that obligation or any part thereof by pledge of all or any part of the operating revenues of the turnpike;

N. Enter into loan or security agreements with one or more lending institutions, including, but not limited to, banks, insurance companies and pension funds, or trustees for those institutions for purposes for which bonds may be issued and to exercise with respect to such loan or security agreements all of the powers delineated in this chapter for the issuances of bonds;

O. Provide an annual amount not to exceed a maximum of $4,700,000 as the department shall request and the authority shall determine pursuant to section 1974, subsection 4, after moneys have been set aside, or adequate provision has been made, to pay operating expenses and to meet the requirements of any resolution authorizing bonds of the authority, to be necessary for the use of the department each year for the construction, operation and maintenance of access roads and costs related thereto;

P. Provide from revenues to or for the use of the department funds for the maintenance, construction or reconstruction of interchanges determined pursuant to section 1974, subsection 3, for which the authority has not otherwise provided;

Q. Use toll revenues to provide payment of obligations, if any, as may be due to the United States in order to continue the use of the turnpike as a toll type facility;

R. Issue revenue bonds in accordance with this chapter for the purpose of payment to the Federal Government for any funds owed by the State as the result of maintaining tolls on the turnpike and issue additional revenue bonds for the construction and reconstruction of interchanges and related access roads and the reconstruction of the turnpike. The additional revenue bonds so issued shall not exceed $20,000,000 in aggregate principal amount outstanding at any one time, excluding
bonds issued to refund outstanding bonds;

S. Prior to the issuance of any bonds, the authority may issue interim certificates in such manner and with such conditions as the authority may determine to be exchanged for those bonds when issued; and

T. Take all other lawful action necessary and incidental to these powers.

Sec. 143. 23 MRSA §1965, sub-§2, ¶C, as amended by PL 1981, c. 698, §102, is further amended to read:

C. Before the issuance of any bonds under this chapter, the secretary and treasurer shall execute a security bond in the penalty of $100,000. Each security bond must be approved by the Attorney General and shall be conditioned upon the faithful performance of the duties of his office, which bond shall be filed in the office of the State Auditor. Each member of the authority shall receive $50 for each day in attendance at an official meeting and be reimbursed for necessary expenses incurred in the performance of his duties be compensated according to the provisions of Title 5, chapter 379. The Governor may remove a member from the authority only for gross misconduct.

Sec. 144. 23 MRSA §4209, sub-§7, as enacted by PL 1979, c. 505, §4, is amended to read:

7. Review. The Commissioner of Transportation shall establish a Public Transportation Advisory Committee, established by Title 5, section 12004, subsection 10, consisting of not more than 17 members. The members shall represent individuals, organizations and agencies as described in this section. The committee shall advise the Commissioner of Transportation regarding the administration of this section.

Sec. 145. 23 MRSA §4301, as enacted by PL 1975, c. 580, §4, is amended to read:

§4301. Board established
Environmental Protection, Administration

Personal Services

Reduces funds for per diem member of the Board of Environmental Protection. ($3,125)

Total ($3,125)

FINANCE AUTHORITY OF MAINE

Natural Resource Finance and Marketing Agency

Personal Services ($480)

Reduces funds for per diem for members of the Natural Resources Finance and Marketing Board.

Total ($480)

SECRETARY OF STATE, DEPARTMENT OF

Secretary of State, Administration

All Other $800

Capital Expenditures 350

Provides funds for gathering and compiling information required by this Act.

Total $1,150

TOTAL ALLOCATIONS ($9,585)

FISCAL NOTE

This new draft reduces expenses for per diem compensation in various dedicated funds not allocated by the Legislature.

STATEMENT OF FACT

This new draft revises the original bill by:

1. Redefining the term, "board," and excluding specific types of boards such as boards established
exclusively by executive order or established exclusively pursuant to federal law;

2. Redefining the term, "expenses," and the purposes for which expenses may be paid.

   A. Members of boards authorized to receive expenses will be entitled to a rate not to exceed the rate normally paid to state employees in the performance of work for the board;

3. Redefining the purposes for which per diem may be paid to include attendance at hearings, meetings of the board and meetings with advisory groups; activities necessary to achieve the statutory objectives of the board; and for mandatory training;

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

5. Revising the policy of per diem payment for advisory boards to allow a rate of payment not to exceed $25 per day; and

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