

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

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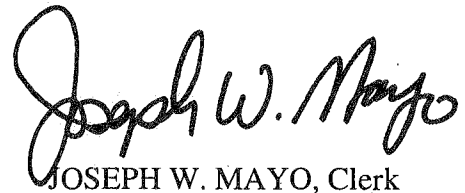
H.P. 565

House of Representatives, February 4, 1997

**An Act to Continue the Participating Local District Consolidated Plan
Advisory Committee.**

(EMERGENCY)

Submitted by the Maine State Retirement System pursuant to Joint Rule 204.
Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and
Representatives: JOY of Crystal, SAMSON of Jay.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 Whereas, provisions establishing the Participating Local
District Advisory Committee were inadvertently allowed to lapse
in 1996; and

8
10 Whereas, the advisory committee is essential to the
operation of the consolidated plan for participating local
districts, because its members, who represent participating local
12 district employers and employees, are instrumental in the design
and oversight of the consolidated plan; and

14
16 Whereas, 224 participating local districts are now in the
consolidated plan; and

18 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
20 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
22 safety; now, therefore,

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

26 **Sec. 1. 5 MRSA §18802-A is enacted to read:**

28 **§18802-A. Participating Local District Advisory Committee**

30 **1. Composition; appointment.** The Participating Local
32 District Advisory Committee, referred to in this chapter as the
"advisory committee," is composed of the following 12 members:

34 **A. Five voting members who are members of labor**
36 organizations that represent participating local district
employees, appointed by the Governor after being nominated by
their respective labor organizations as follows:

38 (1) One member nominated by the Maine Education
40 Association;

42 (2) One member nominated by the American Federation of
44 State, County and Municipal Employees;

46 (3) One member nominated by the Service Employees
International Union;

48 (4) One member nominated by the International
50 Association of Fire Fighters; and

2 (5) One member nominated by the International
3 Brotherhood of Teamsters, Chauffeurs, Warehousemen and
4 Helpers of America;

5 B. Five voting members who represent participating local
6 districts appointed by the Governor after being nominated as
7 follows:

8 (1) Three members nominated by the Maine Municipal
9 Association; and

10 (2) Two members nominated by the Maine School
11 Management Association;

12 C. One nonvoting member appointed by the Governor; and

13 D. The executive director or the executive director's
14 designee, to serve as an ex officio nonvoting member.

15 2. Compensation of members. The members of the advisory
16 committee are not entitled to receive compensation for their
17 participation in the advisory committee's activities.

18 3. Chair. The executive director, or a designee, shall
19 serve as chair.

20 4. Term. The terms of the members are as follows.

21 A. Each member, except the initial appointees, shall serve
22 a term of 5 years.

23 B. A member shall continue to serve after the expiration of
24 that member's term until a qualified successor is
25 appointed. The member's continuation as a member does not
26 change the expiration of that member's term.

27 C. The term of a member appointed to succeed a member whose
28 term has expired expires 5 years after the expiration date
29 of the term of the previous member, regardless of the
30 effective date of the new appointment. There is no limit to
31 the number of terms to which a member may be appointed.

32 D. The appointing authority shall appoint a person to fill
33 a vacancy caused by death, resignation or ineligibility
34 within 60 days. This appointment is for the unexpired
35 portion of the term and must be made from a nomination
36 provided by the organization the former member represented,
37 as provided by subsection 1. With the agreement of the
38 member being replaced and of the nominating and appointing
39 authorities, the member being replaced shall serve until a
40 qualified successor is appointed.

2 replacement is appointed. Otherwise, a vacancy exists until
3 a replacement is appointed.

4 E. The terms of the initial appointments are as follows.

6 (1) Members who represent participating local district
7 employees are appointed by the Governor, one each, to
8 terms of 1, 2, 3, 4 and 5 years.

10 (2) Members who represent participating local
11 districts are appointed by the Governor, one each, to
12 terms of 1, 2, 3, 4 and 5 years.

14 F. A member is considered to have resigned if:

16 (1) The member severs the affiliation with the
17 organization that nominated the member in accordance
18 with subsection 1; or

20 (2) The member is absent from 3 consecutive meetings
21 of the advisory committee without good cause as
22 determined by the advisory committee.

24 5. Transaction of business. The transaction of business by
25 the advisory committee is governed as follows.

26 A. Seven members constitute a quorum for the transaction of
27 any business.

28 B. Each member is entitled to one vote.

30 C. Except as provided by subsection 6, 6 affirmative votes
31 are necessary for the passage of any resolution or any other
32 action by the advisory committee.

34 6. Proposal for plan design or amendment. The advisory
35 committee shall present to the board proposals for the
36 consolidated retirement plan and amendments to the plan. Passage
37 of any resolution or any other action by the advisory committee
38 relating to proposals for the consolidated retirement plan or
39 proposed amendments to the consolidated retirement plan requires
40 8 affirmative votes.

42 **Sec. 2. Retroactivity.** This Act applies retroactively to June
43 30, 1996.

44 **Sec. 3. Transition.** The members of the Participating Local
45 District Advisory Committee holding office on June 29, 1996, may
46 continue to hold office if otherwise qualified and fulfill the
47 duties of members of the advisory committee until expiration of
48
49
50

2 the term in which they were serving on June 29, 1996 or until a
3 replacement is appointed. Vacancies must be filled according to
4 the Maine Revised Statutes, Title 5, section 18802-A, subsection
5 4.

6 **Emergency clause.** In view of the emergency cited in the
7 preamble, this Act takes effect when approved.
8

10 **SUMMARY**

12 The provisions establishing the Participating Local District
13 Advisory Committee were inadvertently allowed to lapse in 1996.
14 The advisory committee, made up of participating local district
15 employer and employee representatives, is essential to the
16 operation of the consolidated plan for participating local
17 districts. This bill retroactively provides for the continued
18 existence of the advisory committee.