

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

September 22, 1977

Honorable Kathleen Watson Goodwin
409 High Street
Bath, Maine 04530

Dear Representative Goodwin:

I am writing in response to your request for an opinion regarding terms of membership on the Maine Committee on Aging as established pursuant to Title 22, M.R.S.A. § 5108, et seq. In specific you have inquired whether service on the Committee on Aging (hereinafter referred to as the Governor's Committee on Aging"), as established pursuant to a series of private and special laws, is to be considered service on the Maine Committee on Aging for purposes of determining eligibility for reappointment. As further discussed herein, a term on the Governor's Committee on Aging is not to be considered as a term on the Maine Committee on Aging for purposes of reappointment consistent with the requirements of Title 22, M.R.S.A. § 5109.

Discussion:

The Governor's Committee on Aging, first established in 1953 and continued from year to year until 1973, was distinct from the Maine Committee on Aging in responsibility and in membership criteria. The Governor's Committee on Aging as originally established consisted of 7 members who were charged with the responsibility of studying the problems of Maine's elderly, P. & S.L. of 1953, c. 173. This Committee was modified somewhat so that in 1965 the Committee consisted of 14 members described as follows:

Sec. 1. Committee on Aging; membership. The Governor, with the advice and consent of the Council, shall appoint a Committee on Aging of 14 members, hereinafter called the committee,

to consist of 2 members from the Legislature, one from the House of Representatives and one from the Senate. Twelve members shall be citizens of the State who have an interest in and knowledge of the problems of the aging population. In making appointments to the committee, the Governor shall give consideration to citizens who are currently providing leadership in senior citizen programs on the state and local level and give consideration also to the diverse problems of the aging by appointing people from a number of fields such as medicine, nursing, law, employment, social welfare, mental health, education, housing and business. Individuals shall be from private and public agencies and voluntary organizations. The Governor shall designate the chairman. The various state departments shall assist the committee in the furtherance of its duties."

The duties of the Committee remained essentially advisory though they were designated as the state agency responsible for handling otherwise unassigned federal programs for the elderly; see P. & S.L. 1965, c. 199; See also P. & S.L. 1959, c. 182; P. & S.L. 1961, c. 216; P. & S.L. 1963, c. 201. Legislation continuing the Committee remained in essentially this form through 1973, see P. & S.L. 1967, c. 287; P. & S.L. 1969, c. 221; P. & S.L. 1971, c. 120; P. & S.L. 1973, c. 129. Pursuant to Chapter 553, § 1, of the Public Laws of 1973, this Committee was made part of the Department of Health and Welfare.

Pursuant to the provisions of Chapter 630 of the Public Laws of 1973, as amended by Chapter 793 of the Public Laws of 1973, a Maine Committee on Aging was created. Membership on this Committee was described as follows:

"Members of the committee shall be citizens of the State who have an unselfish and demonstrated interest in older people, a knowledge of the status of survival common to Maine's elderly, and an unwavering allegiance to the challenge of the declaration of a people made by older Americans. At least 2 members of the committee shall be current members of the Legislature, one from the House of Representatives and one from the Senate. Thirteen members shall be citizens who are current leaders of Maine's elderly from a number of fields such as income, health, housing and community and social services and who have proven experience in private, public and voluntary organizations on the state, regional and community level such as state-wide membership groups, task forces on aging, regional and county councils of older people, and municipal level senior citizens clubs.

"At least 8 members shall themselves be older Americans. An official, employee, consultant or any other individual employed, retained or otherwise compensated by or representative of the executive branch of the State of Maine Government shall not be a member of the committee."

These criteria differ from those quoted above as to the Governor's Committee. While their function remained essentially advisory, the scope of their responsibility was greatly expanded and more specifically defined, see 22 M.R.S.A. § 5112.1 through § 5112.8. Indeed, the Governor's Committee continued to be separately authorized by the Legislature, see P. & S.L. 1973, c. 129, Part C. Because these two committees differ in number of members, criteria for membership and scope of authority, membership on the former Governor's Committee is not to be considered membership on the Maine Committee on Aging. Accordingly, persons having served only one term on the Maine Committee on Aging as constituted pursuant to Title 22 § 5108 and § 5109 are eligible for a second full term regardless of participation in the previous Governor's Committee.

Sincerely,



SARAH REDFIELD
Assistant Attorney General

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