

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2437

S. P. 874

In Senate, January 24, 1974

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator MacLeod of Penobscot, **BY REQUEST.**

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Relating to Making Certain Boards and Commissions Advisory.

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

Sec. 1. Commission; duties. A special commission shall be constituted and appointed to supervise the preparation, in final legislative draft form, of proposed changes in the powers and duties of independent boards and commissions, such proposed revisions to be presented to the regular session of the 107th Maine Legislature. The proposed revisions shall make the independent boards and commissions advisory in nature wherever appropriate and shall vest line authority in the Governor. The revisions may, without limitation, incorporate such necessary repealers, amendments, additions and modifications of existing laws as, in the judgment of the commission, may be deemed necessary and appropriate to accomplish the purposes of this Act. The commission shall give due consideration to the independent or advisory nature of boards and commissions in other states. Those boards and commissions to be studied for the purposes of this Act shall include, but shall not be limited to, the following: The Arts and Humanities Commission; the Museum Commission; the Historic Preservation Commission; the Board of Education; the Personnel Board; the Retirement Board; the Land Use Regulation Commission; the Public Utilities Commission; the Board of Environmental Protection; the Maine Employment Security Commission and the Human Rights Commission. The commission shall give due consideration to the regulatory nature of those boards and commissions as well as to the public hearings held by certain of the boards and commissions in determining the appropriateness of making such boards and commissions advisory.

It is the purpose and intent hereof to provide the commission with sufficient funds to enable it to present to the Maine Legislature a revision of the present statutes relating to independent boards and commissions. The commission may hold public hearings as necessary to acquaint the public. The commission shall from time to time consult the boards and commissions whose powers and duties are being studied by the commission to aid in determining the proper role and authority of each.

Sec. 2. Membership. The membership of the commission shall be constituted and appointed as follows: One member shall be a Member of the Senate in the 106th Legislature, to be appointed by the President of the Senate; 2 members shall be Members of the House of Representatives in the 106th Maine Legislature, to be appointed by the Speaker of the House and 4 additional members shall be appointed by the Governor, with the advice and consent of the Executive Council. The Governor shall designate the chairman. Each member shall serve until the commission has completed its work, or until his prior death or resignation. In the event of the death or resignation of any member, his place shall be filled, upon written notice thereof from the commission, in the same manner as the original appointment.

Sec. 3. Meetings. The commission shall be appointed promptly upon the effective date of this Act. The commission shall adopt rules as to the administration of the commission and its affairs. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor and shall report periodically its progress to the Governor.

Sec. 4. Reimbursement of expenses. The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, clerical services, correspondence and other related and necessary expenditures.

Sec. 5. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$5,000 for the fiscal year ending June 30, 1975 to carry out the purposes of this Act.

STATEMENT OF FACT

Maine Management and Cost Survey recommendation No. 6, Executive Branch, proposes that independent boards and commissions be made advisory in nature wherever possible. The content and control of many government programs are presently vested in boards and commissions over which the Governor has little authority. The purpose of this recommendation is to vest line authority for government programs solely in the Governor wherever possible.

However, the Governor urges the creation of a commission to study the authority of independent boards and commissions to determine where changes may be advisable and to present legislation to implement any such changes to the regular session of the 107th Maine Legislature. Time has not been

sufficient to allow indepth study and preparation of legislation for the Special Session of the 106th Legislature. In addition, many boards and commissions may have their functions and authority altered by legislation submitted in response to other recommendations of the Maine Management and Cost Survey.

Finally, any federal requirements relating to the powers and duties of independent boards and commissions should be carefully reviewed before any action is taken.

For the reasons stated, the Governor suggests this study commission is the best approach to this recommendation of the Maine Management and Cost Survey. This bill was supported by the Governor in his Special Message of January 10, 1974 to the 106th Special Session of the Maine Legislature.