

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1333**

H. P. 1042

House of Representatives, March 21, 1975

On Motion of Mr. Cooney of Sabattus, referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hinds of South Portland.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT** Allowing a Bureau Chief in the Department of Business  
Regulation to Serve Simultaneously as the Commissioner.

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

Whereas, the Department of Business Regulation does not presently have a permanently appointed and approved commissioner; and

Whereas, it is imperative that the Legislature clarify the right of the Governor, subject to approval by the Executive Council, to appoint a head of one of the bureaus in the Department of Business Regulation to serve simultaneously as the commissioner; and

Whereas, appointment of a bureau head to serve simultaneously as Commissioner of Business Regulation will result in substantial savings in salary and administration costs to the State of Maine; and

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

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

10 MRSA § 8002, last ¶, as repealed and replaced by PL 1973, c. 585, § 4, is amended to read:

The commissioner shall not have authority to exercise or interfere with the exercise of any discretionary statutory authority granted to the follow-

ing, which authority shall be exclusively within the specific bureau, commission or board, **except that this section shall not prohibit a bureau chief in the department from serving simultaneously as the Commissioner of Business Regulation:** The Bureau of Banks and Banking, formerly the Department of Banks and Banking; the Bureau of Insurance, formerly the Department of Insurance; the Real Estate Commission; the Boxing Commission; the Running Horse Racing Commission and the Land Damage Board.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### FISCAL NOTE

The enactment of this bill could result in a savings of at least \$48,000 for the next biennium.

#### STATEMENT OF FACT

This bill is intended to clarify the right of the Governor, subject to approval by the Executive Council, to appoint a chief of one of the bureaus in the Department of Business Regulation to serve simultaneously as the Commissioner of Business Regulation.