

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE
FIRST SPECIAL SESSION

(Filing No. H-1140)

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1997, L.D. 2197, Bill, "AN ACT Redistributing the Powers of the Executive Council."

Amend said amendment by striking out all of the 12th, 13th and 14th paragraphs and inserting in place thereof the following:

'Further amend said Bill in section 51 by striking out in the last 2 lines (same in L.D.) the underlined words "shall hold office during the pleasure of the Governor" and inserting in place thereof the following: 'to serve a term coterminous with the Governor subject to removal for cause by the Governor with the ~~Advice and consent of the Joint Standing Committee on Appropriations and Financial Affairs.~~ Notwithstanding section 3, the commissioner shall serve until his successor is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant'

Further amend said amendment by inserting after the 33rd paragraph the following:

'Further amend said Bill in section 96 in the 18th and 19th lines (14th and 15th lines in L.D.) by striking out the underlined words "shall hold office during the pleasure of the Governor" and

inserting in place thereof the following: 'to serve a term coterminous with the Governor subject to removal for cause by the Governor with the advice and consent of the Joint Standing Committee on Agriculture. Notwithstanding Title 5, section 3, the commissioner shall serve until his successor is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant'

Further amend said amendment by inserting after the 34th paragraph the following:

' Further amend said Bill in section 122 in the 7th and 8th lines (6th and 7th lines in L.D.) by striking out the underlined words "shall serve during the pleasure of the Governor" and inserting in place thereof the following: 'to serve a term coterminous with the Governor subject to removal for cause by the Governor with the advice and consent of the Joint Standing Committee on Business Legislation. Notwithstanding Title 5, section 3, the commissioner shall serve until his successor is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant'

Further amend said Bill in section 142 in the last 2 lines (same in L.D.) by striking out the underlined words "shall serve during the pleasure of the Governor" and inserting in place thereof the following: 'to serve a term coterminous with the Governor subject to removal for cause by the Governor with the advice and consent of the Joint Standing Committee on Fisheries and Wildlife. Notwithstanding Title 5, section 3, the commissioner shall serve until his successor is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant'

Further amend said Bill in section 156 in the 9th and 10th lines (8th and 9th lines in L.D.) by striking out the following: "at the pleasure of the Governor; and the" and inserting in place thereof the following: 'a term coterminous with the Governor subject to removal for cause by the Governor with the advice and consent of the Joint Standing Committee on Natural Resources. Notwithstanding Title 5, section 3, the commissioner shall serve until his successor is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant. ~~and the~~ The'

Further amend said amendment by inserting after the 35th paragraph the following:

'Further amend said Bill in section 166 in the last 2 lines (same in L.D.) by striking out the underlined words "at the pleasure of the Governor" and inserting in place thereof the following: 'a term coterminous with the Governor subject to removal for cause by the Governor with the advice and consent of the Joint Standing Committee on Education. Notwithstanding Title 5, section 3, the commissioner shall serve until his successor is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant'

Further amend said Bill in section 170 in the last line (same in L.D.) by striking out the stricken out word and punctuation "~~Commissioner~~," and inserting in place thereof the following: '~~Commissioner~~, subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature,'

Further amend said Bill in section 171 in the 3rd line from the end (same in L.D.) by striking out the stricken out word and punctuation "~~Commissioner~~," and inserting in place thereof the following: '~~Commissioner~~, subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature,'

Further amend said Bill in section 172 in the 5th line (4th line in L.D.) by striking out the stricken out word and punctuation "~~Council~~," and inserting in place thereof the following: '~~Council~~, subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature,'

Further amend said Bill in section 173 in the next to the last line (same in L.D.) by striking out the stricken out word and punctuation "~~Council~~," and inserting in place thereof the following: '~~Council~~, subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature,'

Further amend said Bill in section 207 in the last line (same in L.D.) by striking out the underlined words "at the pleasure of the Governor" and inserting in place thereof the following 'a term coterminous with the Governor subject to removal for cause by the Governor with the advice and consent of the Joint Standing Committee on Health and Institutional Services. Notwithstanding Title 5, section 3, the commissioner shall serve until his successor is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant'

Further amend said amendment by inserting after the 49th paragraph the following:

'Further amend said Bill in section 257 in the 9th and 10th lines (8th and 9th lines in L.D.) by striking out the underlined words and punctuation "at the pleasure of the Governor, and the following as heretofore created and established:" and inserting in place thereof the following: 'a term coterminous with the Governor subject to removal for cause by the Governor with the advice and consent of the Joint Standing Committee on Transportation. Notwithstanding Title 5, section 3, the commissioner shall serve until his successor is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant. The following, as heretofore created and established, are incorporated into the Department of Transportation:

Further amend said Bill in section 268 in the 3rd, 4th and 5th lines from the end (3rd and 4th lines from the end in L.D.) by striking out the following: "at the pleasure of the Governor, and the following as heretofore created and established:" and inserting in place thereof the following: 'a term coterminous with the Governor subject to removal for cause by the Governor with the advice and consent of the Joint Standing Committee on State Government. Notwithstanding Title 5, section 3, the commissioner shall serve until his successor

is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant.

~~and-the~~ The following as heretofore created and established are incorporated into the Department of Public Safety:

Further amend said Bill in section 289 in the 4th and 5th lines from the end (4th line in L.D.) by striking out the following: "and the following as heretofore created and established:" and inserting in place thereof the following: 'to serve a term coterminous with the Governor subject to removal for cause by the Governor with the advice and consent of the Joint Standing Committee on Labor. Notwithstanding Title 5, section 3, the commissioner shall serve until his successor is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant. ~~and-the~~ The following as heretofore created and established are incorporated into the Department of Manpower Affairs:

Further amend said amendment by inserting after the 65th paragraph the following:

'Further amend said Bill in section 376 in the last line (same in L.D.) by striking out the underlined words "at the pleasure of the Governor" and inserting in place thereof the following: 'a term coterminous with the Governor subject to removal for cause by the Governor with the advice

and consent of the Joint Standing Committee on Health and Institutional Services. Notwithstanding Title 5, section 3, the commissioner shall serve until his successor is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant'

Further amend said amendment by striking out all of the 71st, 72nd and 73rd paragraphs and inserting in place thereof the following:

'Further amend said Bill in section 418 by striking out in the last 3 lines (same in L.D.) the following: "at the pleasure of the Governor, and the Board of Environmental Protection, which is the successor of the Environmental Improvement Commission." and inserting in place thereof the following: 'a term coterminous with the Governor subject to removal for cause by the Governor and the Board of Environmental Protection with the advice and consent of the Joint Standing Committee on Natural Resources. Notwithstanding Title 5, section 3, the commissioner shall serve until his successor is appointed and qualified, except that he shall not serve more than 120 days subsequent to the expiration of his term, after which the position of commissioner shall be declared vacant. and-the-Board-of-Environmental Protection, which-is-the-successor-of-the-Environmental Improvement-Commission.'

Statement of Fact

This amendment provides that each commissioner of a department affected by this bill shall serve terms coterminous with the term of the Governor appointing them and shall be removable for cause. It further provides that he continues to serve after his term expires until his successor is appointed and qualified, with the limitation that 120 days after his term expires the position of commissioner is declared vacant.

The amendment also provides that gubernatorial appointments to the Post Secondary Education Commission shall be subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature.

Filed by Mr. Kelleher of Bangor.

Reproduced and distributed under the direction of the Clerk of
the House.
3/30/76

(Filing No. H-1140)