

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2197

H. P. 1997 House of Representatives, February 4, 1976
Reported by Mr. Cooney from Committee on State Government pursuant
to H. P. 1781. Sent up for concurrence and 1,200 copies ordered printed.
EDWIN H. PERT, Clerk
Filed under Joint Rule 3 pursuant to H. P. 1781.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT Redistributing the Powers of the Executive Council.

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

Sec. 1. 1 MRSA § 12, first sentence, is amended to read:

The Governor ~~with the advice and consent of the Council~~ reserving such jurisdiction, may cede to the United States for purposes named in its Constitution any territory not exceeding 10 acres, but not including any highway; nor any public or private burying ground, dwelling house or meetinghouse, without consent of the owner.

Sec. 2. 1 MRSA § 13, first ¶, is amended to read:

Whenever the public exigencies require it, the Governor ~~with the advice and consent of the Council~~ may take in the name of the State, by purchase and deed, or in the manner denoted, any lands or ~~right of ways~~ rights-of-way, for the purpose of erecting, using or maintaining any fort, fortification, arsenal, military connection, way, railroad, lighthouse, beacon or other aid to navigation, with all necessary rights, powers and privileges incident to their use, and may deliver possession and cede the jurisdiction thereof to the United States, on such terms as are deemed expedient.

Sec. 3. 1 MRSA § 14, is amended to read:

§ 14. Survey of land to be taken; filing and recording

When the Governor ~~and Council determine~~ determines that a public exigency requires the taking of any land or rights as provided for in section

13, ~~they~~ he shall cause the same to be surveyed, located and so described that the same can be identified, and a plan thereof ~~with a copy of the order in Council~~ shall be filed in the office of the Secretary of State and there recorded. The filing of said plan ~~and copy~~ shall vest the title to such land and rights in the State of Maine or their grantees, to be held during the pleasure of the State and, if transferred to the United States, during the pleasure of the United States.

Sec. 4. ~~1~~ **MRSA § 814**, first sentence, as last repealed and replaced by PL 1975, c. 470, § 1, is amended to read:

Whenever the Governor ~~and Council determine~~ determines that public exigencies require the construction of additional buildings, structures, parking spaces or other facilities for the expansion of State Government in the Capitol Area, ~~he~~ he may purchase or take by eminent domain real estate in Augusta.

Sec. 5. ~~2~~ **MRSA § 4** is amended to read:

§ 4. Acceptance of federal grants

The Governor ~~with the advice and consent of the Council~~ is authorized and empowered to accept for the State any federal funds or any equipment, supplies or materials apportioned under federal law and to do such acts as are necessary for the purpose of carrying out such federal law. The Governor ~~with the advice and consent of the Council~~ is authorized and empowered to authorize and direct departments or agencies of the State, to which are allocated the duties involved in the carrying out of such state laws as are necessary to comply with the terms of the ~~federal act~~ **Federal Act** authorizing such granting of federal funds or such equipment, supplies or materials, to expend such sums of money and do such acts as are necessary to meet such federal requirements.

Sec. 6. ~~2~~ **MRSA § 5** is amended to read:

§ 5. Acceptance of gifts

The Governor ~~with the advice and consent of the Council~~ is authorized to accept in the name of the State any and all gifts, bequests, grants or conveyances to the State of Maine.

Sec. 7. ~~2~~ **MRSA § 6**, first ¶, as amended by P & SL 1973, c. 209, § 4, is amended to read:

Notwithstanding any other provisions of law, the Governor ~~with the advice and consent of the Council~~ is authorized to adjust the salaries of the following state officials as indicated:

Sec. 8. ~~2~~ **MRSA c. 3**, as amended, is repealed.

Sec. 9. ~~3~~ **MRSA § 1** is amended to read:

§ 1. Certified rolls of members elect

The Secretary of State shall, on or before the day preceding the meeting of the Legislature, furnish to the Secretary of the preceding Senate a certified roll, under the seal of the State, of the names and residences of Senators-elect,

according to the report of the Governor and Council, and to the Clerk of the preceding House of Representatives a certified roll, under the seal of the State, of the names and residences of the Representatives-elect, according to the report of the Governor and Council, and shall report the vacancies if any exist.

Sec. 10. 3 MRSA § 4, first ¶, as enacted by PL 1967, c. 427, § 1, is amended to read:

A postaudit of all accounts and other financial records of the Legislature and the Executive Department of the Governor, except the Governor's Expense Account, shall be performed at least once every 2 years by independent public accountants designated by the Governor and Council.

Sec. 11. 3 MRSA c. 6 is enacted to read:

CHAPTER 6

CONFIRMATION OF APPOINTMENTS

§ 151. Confirmation procedure

The nomination and confirmation of all judicial officers whose confirmation by the Legislature is required by the Constitution and of all other civil and military officers whose confirmation by the Legislature is required by law shall be according to the procedure provided in this section.

The procedure shall be as follows.

The Governor shall send to both the President of the Senate and the Speaker of the House of Representatives a written notice of the name of the nominee and of the office to which that person is nominated. The President of the Senate shall forward such notice to the chairman of the Joint Standing Committee which is charged by law with reviewing nominations to that office.

The Joint Standing Committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public. Notice of the hearing shall be published in the state paper at least 7 days before the hearing. The notice shall contain the time and place of the hearing, the name of the nominee, the office to which such person has been nominated and a general description of the duties of that office. At the hearing, the committee shall take written or oral testimony which shall be limited to relevant comments and questions regarding the qualifications of the nominee to carry out the duties of the office.

The committee shall recommend confirmation or denial by majority vote of committee members present and voting. The vote of the committee shall be taken only upon an affirmative motion to recommend confirmation of the nominee. A tie vote of the committee shall be considered a recommendation of denial. Such vote shall be taken no later than 20 days from the date of the Governor's written notice of the nomination to the President of the Senate and the Speaker of the House of Representatives. The committee vote shall be by the yeas and nays.

The chairman of the committee shall send written notice of the committee's recommendation to the President of the Senate. The committee's recommendation shall be reviewed by the Senate, which shall vote by the yeas and nays on every such recommendation. Upon review and vote by the Senate, the committee's recommendation shall become final action of confirmation or denial unless the Senate by vote of $\frac{2}{3}$ of those members present and voting overrides the committee's recommendation. The vote of the Senate shall be taken no later than 45 days from the date of the Governor's written notice of the nomination to the President of the Senate and the Speaker of the House of Representatives.

The Governor may withdraw a nomination at any time prior to the Senate vote by sending a written notice of withdrawal to the President of the Senate.

§ 152. Designation of committee for review of nominations for
judicial offices and of Attorney General

Nominations by the Governor for the offices of Justice of the Supreme Judicial Court, Justice of the Superior Court and Attorney General, when there is a vacancy in such office occurring when the Legislature is not in session, shall be subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, as provided by the Constitution and by law.

Sec. 12. 3 MRSA § 173, sub-§ 3, 2nd sentence, as enacted by PL 1971, c. 480, § 1, is amended to read:

The State Law Librarian ~~subject to the approval of the Governor and Council~~ shall fix the prices at which these items may be sold and delivered, and shall thereafter makes sales at the prices fixed.

Sec. 13. 3 MRSA § 173, sub-§ 3, ¶ A, 2nd ¶, as enacted by PL 1971, c. 480, § 1, is amended to read:

A copy of all revisions of the statutes, and supplements thereto, and the session laws shall be furnished to each county law library, Justice and Ex-justice of the Supreme Judicial Court, Justice and Ex-justice of the Superior Court, District Court, ~~Councilor~~ the Governor, Reporter of Decisions, Judge of the United States District Court for Maine, United States District Attorney for Maine, Clerk of the United States District Court for Maine, the Library of the United States Court of Appeals for the first circuit, Senator and Representative from Maine in the Congress of the United States, the Secretary of the Senate and the Clerk of the House.

Sec. 14. 3 MRSA § 173, sub-§ 3, ¶ B, first sentence, as enacted by PL 1971, c. 480, § 1, is amended to read:

A copy of the printed decisions of the Supreme Judicial Court, commonly called Maine Reports, and of the advance sheets, which are purchased by the State in accordance with Title 4, section 702, shall be distributed by the State Law Librarian to the following: Each county law library, college library, county attorney, judge of probate, register of probate, clerk of courts, District Court, ~~Councilor~~ Senator and Representative from Maine in the Con-

gress of the United States, Justice and Ex-justice of the Supreme Judicial Court, Justice and Ex-justice of the Superior Court; the Governor, Judge of the United States District Court for Maine, United States District Attorney for Maine, Clerk of the United States District Court for Maine, Judge of the United States Court of Appeals for the first circuit.

Sec. 15. 3 MRSA § 241, first sentence, is amended to read:

The Commission on Uniform State Laws, as heretofore established, shall consist of 3 members to be appointed for a term of 4 years by the Governor ~~with the advice and consent of the Council.~~

Sec. 16. 4 MRSA § 2, last 2 sentences, are amended to read:

If said court find that said Justice of the Supreme Judicial or Superior Court is permanently and totally disabled by reason of physical or mental incapacity and because thereof is unable to perform the duties of his office, the Chief Justice shall certify said fact to the Governor ~~and Council.~~ Upon receipt of such certificate from the court, the Governor ~~and Council~~ shall make due inquiry into the matter and, if they confirm the finding of said court, the Governor ~~with the advice and consent of the Council~~ shall appoint an additional Justice of the Supreme Judicial or Superior Court, as the case may be.

Sec. 17. 4 MRSA § 6, 2nd sentence is amended to read:

The Governor ~~with the advice and consent of the Council~~ may upon being notified of the retirement of any such justice under this section appoint, **subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature,** such justice to be an Active Retired Justice of the Supreme Judicial Court for a term of 7 years from such appointment, unless sooner removed, and such justice may be reappointed for a like term, and such justice so appointed and designated shall thereupon constitute a part of the court from which he has retired and shall have the same jurisdiction and be subject to the same restrictions therein as before retirement, except that he shall act only in such cases and matters and hold court only at such terms and times as he may be directed and assigned to by the Chief Justice of the Supreme Judicial Court, and said Chief Justice is empowered and authorized to so assign and designate any such Active Retired Justice of the Supreme Judicial Court as to his services and may direct as to which term of the law court he shall attend, and if the Chief Justice so orders, he may hear all matters and issue all orders, notices, decrees and judgments in vacation that any Justice of the Supreme Judicial Court is authorized to hear or issue.

Sec. 18. 4 MRSA § 104, 2nd sentence is amended to read:

The Governor ~~with the advice and consent of the Council,~~ **subject to review, by the Joint Standing Committee on Judiciary and to confirmation by the Legislature,** may, upon being notified of the retirement of any such justice under this section, appoint such justice to be an Active Retired Justice of the Superior Court for a term of 7 years from such appointment, unless sooner removed, and such justice may be reappointed for a like term, and such justice so appointed and designated shall thereupon constitute a part of the

court from which he has retired and shall have the same jurisdiction and be subject to the same restrictions therein as before retirement, except that he shall act only in such cases and matters and hold court only at such terms and times as he may be directed and assigned to by the Chief Justice of the Supreme Judicial Court.

Sec. 19. 4 MRSA § 157, first sentence, as last repealed and replaced by PL 1973, c. 788, § 5, is amended to read:

The Governor, ~~with the advice and consent of the Council~~ subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, shall appoint to the District Court 5 judges at large and 15 judges.

Sec. 20. 4 MRSA § 157-B, 2nd sentence, as enacted by PL 1973, c. 417, § 3, is amended to read:

The Governor ~~with the advice and consent of the Council~~, subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, may, upon being notified of the retirement of any such judge under this section, appoint such judge to be an Active Retired Judge of the District Court for a term of 7 years from such appointment, unless sooner removed, and such judge may be reappointed for a like term, and such judge so appointed and designated shall thereupon constitute a part of the court from which he has retired and shall have the same jurisdiction and be subject to the same restrictions therein as before retirement, except that he shall act only in such cases and matters and hold court only at such sessions and times as he may be directed and assigned to by the Chief Judge of the District Court.

Sec. 21. 4 MRSA § 451, 2nd sentence, as repealed and replaced by PL 1965, c. 240, § 1, is amended to read:

The council shall be composed of the Chief Justice of the Supreme Judicial Court, who shall also serve as chairman, the Attorney General, the Chief Judge of the District Court, and the Dean of the University of Maine School of Law, each to serve ex officio, and an ~~active~~ Active or ~~retired~~ Retired Justice of the Supreme Judicial Court, 2 Justices of the Superior Court, one Judge of the District Court, one judge of a probate court, one clerk of the judicial courts, 2 members of the bar and 3 laymen, to be appointed by the Governor ~~with the advice and consent of the Executive Council~~.

Sec. 22. 4 MRSA § 955-A, first sentence, as enacted by PL 1965, c. 74, is amended to read:

Whenever the Governor ~~and Council~~, upon complaint, after due notice and hearing, shall find that a notary public or justice of the peace has performed any duty imposed upon him by law in an improper manner, or has performed acts not authorized by law, the Governor may remove such notary public or justice of the peace from office.

Sec. 23. 5 MRSA § 1 is amended by inserting after the 2nd sentence the following:

The term of office of such a temporary deputy commissioner so appointed to an office to which appointments are by law subject to confirmation by the Legislature shall be at the pleasure of the Governor and shall not extend beyond the date of qualification of a successor appointed to such office or 6 months from the date of appointment, whichever shall first occur.

Sec. 24. 5 MRSA § 2, first ¶ is repealed and the following enacted in place thereof.

All civil officers, appointed in accordance with law, whose tenure of office is not fixed by law or limited by the Constitution, otherwise than during the pleasure of the Governor, except ministers of the gospel appointed to solemnize marriages and persons appointed to qualify civil officers, shall hold their respective offices for 4 years and no longer, unless reappointed, and shall be subject to removal at any time within said term by the Governor for cause.

Sec. 25. 5 MRSA § 3 is repealed and the following enacted in place thereof:

§ 3. Civil officers serve until successors qualify

All civil officers, other than judicial officers, appointed in accordance with law and whose terms of office are fixed by law, shall hold office during the term for which they were appointed and until their successors in office have been appointed and qualified, unless sooner removed in accordance with law.

Sec. 26. 5 MRSA § 4, first sentence, is amended to read:

The Governor ~~with the advice and consent of the Council~~ may appoint in every county persons who shall be designated as dedimus justices, before whom the oath required by the Constitution to qualify civil officers may be taken and subscribed.

Sec. 27. 5 MRSA § 5 is repealed and the following enacted in place thereof:

§ 5. Oath of office; before whom taken

The Justices of the Supreme Judicial Court and of the Superior Court and all state officials elected by the Legislature shall take and subscribe the oath or affirmation required by the Constitution, before the Governor. Every other person elected or appointed to any civil office shall take and subscribe the oath before any magistrate commissioned by the Governor for that purpose, except when the Constitution otherwise provides.

Sec. 28. 5 MRSA § 6, first ¶ is repealed and the following enacted in place thereof:

All public officers appointed in accordance with law shall, within 30 days after being commissioned, qualify to perform the duties of their office and the certificate of such qualification shall be filed in the office of the Secretary of State. Any such officer who fails to qualify and file a certificate of qualification in the office of the Secretary of State within 30 days shall be deemed

to have forfeited his appointment and the office may be declared vacant by the Governor and a new appointment made.

Sec. 29. 5 MRSA § 8, last sentence, is amended to read:

The Governor ~~with the advice and consent of the Council~~ may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles be available.

Sec. 30. 5 MRSA § 47, as enacted by PL 1975, c. 524, is repealed.

Sec. 31. 5 MRSA § 81, first ¶, last 2 sentences are repealed and the following enacted in place thereof:

The secretary shall designate one of his deputies as first deputy secretary of state. When a vacancy happens in the office of Secretary of State during the recess of the Legislature, the first deputy secretary of state shall act as Secretary of State until a Secretary of State is elected by the Legislature. Such deputy shall take the oath required of the elected Secretary of State and have the same compensation while he performs the duties of the office.

Sec. 32. 5 MRSA § 84, first 2 sentences, are amended to read:

The Secretary of State shall prepare and present to the Governor ~~and Council~~ under the seal of the State, in order that the same may receive the signature of the Governor, a commission for every person appointed or a certificate of election to every person elected to any office for which a commission or certificate of election is required; enter in a suitable book the time when and the person by whom any commission or certificate of election is taken from his office, and the time when any certificate of the qualification of any officer is filed therein. When a duty must be paid as a prerequisite of holding the office, the Secretary of State shall notify every person appointed to such office of the fact and on receipt of evidence of its payment shall then, and no sooner, present said commission or certificate to the Governor ~~and Council~~.

Sec. 33. 5 MRSA § 93, first and last sentences of the first ¶, as enacted by PL 1973, c. 625, § 16, are amended to read:

The Secretary of State ~~with the advice and consent of the Governor and Council~~ shall appoint a State Archivist who shall be qualified by special training or experience in archival or historical work.

The compensation of the State Archivist shall be fixed by the Governor ~~and Council~~.

Sec. 34. 5 MRSA § 121, last 2 sentences are repealed and the following enacted in place thereof:

In the event of a vacancy in the office of Treasurer of State, the deputy treasurer of state shall act as the Treasurer of State until a Treasurer of State is elected by the Legislature. During the absence or disability of the Treasurer of State, the deputy treasurer of state shall perform the duties of the office. When a vacancy occurs, he shall give bond to the State, with

sureties, to the satisfaction of the Governor, for the faithful discharge of his trust.

Sec. 35. 5 MRSA § 122, first sentence, is amended to read:

The condition of the Treasurer of State's bond shall be for the faithful discharge of all the duties of his office, and that during his continuance in office he will not engage in trade or commerce, or act as broker, agent or factor for any merchant or trader; and that he, or his executors, administrators or sureties, or their executors or administrators, shall render a just and true account of all his agents' and servants' doings and transactions in the office to the Legislature, or to such committee as it appoints, on the first day of each regular session of the Legislature, previous to the choice of a new treasurer, and at any other time when required by the Legislature or the Governor ~~and Council~~; and that he will settle and adjust said account and faithfully deliver to his successor in office or to such person as the Legislature appoints, all moneys, books, property and appurtenances of said office, in his, or any of his agents' possession, and pay over all balances found due on such adjustment.

Sec. 36. 5 MRSA § 124 is amended to read:

§ 124. Governor may require new bond

When it appears to the Governor ~~and Council~~ that the Treasurer of State's bond is not sufficient for the full security of the State, they shall make written demand upon him for a new bond. If he neglects for 10 days thereafter to file such bond to their satisfaction, they shall remove him and declare the office vacant.

Sec. 37. 5 MRSA § 127 is amended to read:

§ 127. Governor may hear complaints; removal from office

Upon written complaint of any person that the Treasurer of State is mentally ill or insolvent, or has absconded or concealed himself to avoid his creditors, or is absent from the State and neglecting his duties to the hazard of the trust reposed in him, or has violated any provision of section 125, or has failed faithfully to perform the duties of his office, the Governor ~~and Council~~ shall forthwith examine into the charges and if any of them is found true, ~~they~~ he shall remove him and declare the office vacant.

Sec. 38. 5 MRSA § 135, 2nd sentence, as last amended by PL 1973, c. 426, is further amended to read:

When there are excess moneys in the State Treasury which are not needed to meet current obligations he may, with the concurrence of the State Controller or the Commissioner of Finance and Administration and with the consent of the Governor ~~and Council~~, invest such amounts in bonds, notes, certificates of indebtedness or other obligations of the United States of America which mature not more than 24 months from the date of investment or in repurchase agreements secured by obligations of the United States of America which mature within the succeeding 24 months, or prime commercial paper.

Sec. 39. 5 MRSA § 135, 6th sentence, is amended to read:

All custodial contracts and agreements shall be subject to the approval of the Governor ~~and the Executive Council.~~

Sec. 40. 5 MRSA § 137, is amended to read:

§ 137. Purchase of unmaturred bonds of State

Whenever, from time to time in the judgment of the Treasurer of State, it may be done to the financial advantage of the State, he may, with the advice and consent of the Governor ~~and Council,~~ purchase with any funds in the State Treasury not otherwise appropriated and, when so purchased, may cancel any outstanding, unmaturred bonds of the State.

Sec. 41. 5 MRSA § 138, 3rd ¶, first sentence, as last amended by PL 1973, c. 585, § 11, is further amended to read:

The Treasurer of State, with the approval of the Commissioner of Finance and Administration, the Bank Superintendent and the Attorney General, shall have the power to enter into contracts or agreements approved by the Governor ~~and Council~~ with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of the securities belonging to the permanent trust funds of this State.

Sec. 42. 5 MRSA § 139, 2nd ¶, first sentence, as last amended by PL 1973, c. 585, § 11, is further amended to read:

The Treasurer of State, with the approval of the Commissioner of Finance and Administration, the Bank Superintendent and the Commissioner of Educational and Cultural Services, shall have the power to enter into a contract or agreement approved by the Governor ~~and Council~~ with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of the securities belonging to any trust fund created from funds derived or that may be derived from the sale and lease of lands reserved for public uses.

Sec. 43. 5 MRSA § 139-A, first ¶, as amended by PL 1973, c. 585, § 11, is further amended to read:

The Treasurer of State, with the approval of the Commissioner of Finance and Administration, the Bank Superintendent and the Attorney General, shall have the power to enter into contracts or agreements approved by the Governor ~~and Council,~~ with any national bank, trust company or safe deposit company located in New England or New York City, for custodial care and servicing of any securities deposited with the treasurer as a guaranty fund required by statutes.

Sec. 44. 5 MRSA § 142, last ¶, is amended to read:

All contracts and agreements entered into between the Treasurer of State and custodian banks and safe deposit companies selected for the safekeeping or custodial care of the negotiable securities referred to in this section shall have the approval of the Governor ~~and the Executive Council.~~

Sec. 45. 5 MRSA § 143, is amended to read:

§ 143. Register of investments and Treasurer of State's report

The Treasurer of State shall keep a register of all investments made under section 142, showing the date, amount and number of each bond, by whom issued and the time when it will mature, and in his annual report to the Governor ~~and Council~~, he shall include an exhibit of the condition of said sinking funds.

Sec. 46. 5 MRSA § 150, as last amended by PL 1971, c. 176, § 1, is further amended to read:

§ 150. Temporary loans by State

The Treasurer of State, with the approval of the Governor ~~and Council~~, may negotiate a temporary loan or loans in anticipation of the issuance of bonds authorized but not yet issued. Such temporary loan or loans shall be repaid from the proceeds of the bonds within one year from the date of the loan.

The Treasurer of State, with the approval of the Governor ~~and Council~~, may negotiate a temporary loan or loans in anticipation of taxes levied for that fiscal year but not exceeding a total of \$10,000,000. The Treasurer of State is directed to pay such loan or loans in anticipation of taxes during such year and there is appropriated for any year in which the Treasurer of State and the Governor ~~and Council~~ deem it necessary to borrow in anticipation of taxes the sum of \$10,000,000.

Sec. 47. 5 MRSA § 151, last ¶, is amended to read:

Whenever there shall accumulate in the State Treasury to the account of any board or commission charged with the duty of issuing licenses for the conduct of any profession, trade or business, sums of money in excess of the amount required properly to cover the expense of performing the duties imposed upon such board or commission in connection with the granting of such licenses and the supervision of persons licensed, said board or commission, with the approval of the Governor ~~and Council~~, may suspend the payment or reduce the amount of any license fees fixed by statute for any renewal until in the opinion of such board or commission it shall be necessary to collect the full amount thus established by law.

Sec. 48. 5 MRSA § 195, as last amended by PL 1973, c. 711, § 3, is repealed and the following enacted in place thereof:

§ 195. Opinions on questions of law

The Attorney General shall give his written opinion upon questions of law submitted to him by the Governor, by the head of any state department or any of the state agencies or by either branch of the Legislature or any Members of the Legislature on legislative matters.

Sec. 49. 5 MRSA § 196, last sentence, as amended by PL 1975, c. 96, § 2, is further amended to read:

The compensations of the deputy attorneys general, staff attorneys, assistant attorneys general and secretary to the the Attorney General shall be fixed by the Attorney General with the approval of the Governor ~~and Council~~, but such compensations shall not in the aggregate exceed the amount appropriated therefor.

Sec. 50. 5 MRSA § 198, as last amended by PL 1973, c. 711, § 5, is further amended to read:

§ 198. Additional assistant attorneys general, clerks or attorneys may be paid from moneys collected by department

Whenever the Attorney General shall appoint any additional assistant attorneys general or staff attorneys as authorized under section 196, or shall employ additional clerks as provided by section 197, or shall employ attorneys-at-law to collect claims due the State, the compensation of such assistants, staff attorneys, clerks or attorneys, as approved by the Governor ~~and Council~~, may be paid, if the Governor ~~and Council~~ so ~~direct~~ directs, from moneys thus collected by the Department of the Attorney General.

Sec. 51. 5 MRSA § 281, last ¶, as repealed and replaced by PL 1971, c. 615, § 1, is repealed and the following enacted in place thereof:

The department shall be under the supervision and control of a Commissioner of Finance and Administration, hereinafter in this chapter called the "commissioner." The commissioner shall be appointed by the Governor, subject to review by the Joint Standing Committee on Appropriations and Financial Affairs and to confirmation by the Legislature and shall hold office during the pleasure of the Governor.

Sec. 52. 5 MRSA § 285, sub-§ 2, 2nd sentence, as enacted by PL 1967, c. 543, is amended to read:

The provisions of such group insurance policy or policies shall be determined by a board of trustees consisting of 5 members, 2 of whom shall be appointed by the Maine State Employees Association; one of whom shall be a retired state employee selected by a majority vote of the Presidents of the Chapters of the Retired State Employees Association; and 2 state employees who shall be appointed by the Governor ~~with the advice and consent of the Council~~.

Sec. 53. 5 MRSA § 591, 3rd and 6th sentences, as repealed and replaced by PL 1975, c. 608, § 1, are repealed and the following enacted in place thereof:

Each member shall be appointed by the Governor subject to review by the Joint Standing Committee on Labor and to confirmation by the Legislature. Any vacancy shall be filled for the unexpired portion of the term by the Governor, subject to review by the Joint Standing Committee on Labor and to confirmation by the Legislature.

Sec. 54. 5 MRSA § 592, sub-§ 9, first sentence, is amended to read:

The board shall have authority to select and appoint a State Advisory Council on Personnel, to serve at the pleasure of the board, and consisting of repre-

sentatives of the following groups: The Governor, ~~the Executive Council~~ the Senate, the House of Representatives, department heads, the employees' association, the budget and the public.

Sec. 55. 5 MRSA § 711, sub-§ 3, as amended by PL 1965, c. 91, § 1, is further amended to read:

3. **Appointed by Governor; certain official clerks.** Heads of departments and members of boards and commissions required by law to be appointed by the Governor ~~with the advice and consent of the Council~~, bureau directors, and the official clerk of the State Liquor Commission, and the secretary of the Public Utilities Commission;

Sec. 56. 5 MRSA § 723, 2nd sentence, as enacted by PL 1973, c. 500, is amended to read:

The board shall consist of 3 members as follows: The Director of Personnel who shall serve as chairman of the board, the Commissioner of Educational and Cultural Services or his designee; and one member who shall be a state employee appointed by the Governor ~~with the advice and consent of the Council~~ to serve for a term of 3 years.

Sec. 57. 5 MRSA § 751, first ¶, as enacted by PL 1967, c. 539, § 1, is repealed and the following enacted in place thereof:

The State Employees Appeals Board, an impartial board of arbitration, as heretofore established, shall consist of 3 members who shall serve terms of 3 years each. The members shall be persons who are not employed by the State of Maine and who have established backgrounds positively indicating a capacity to mediate grievances between management and labor. One member shall be an attorney admitted to practice law in this State. The members shall be appointed by the Governor, subject to review by the Joint Standing Committee on Labor and to confirmation by the Legislature. The compensation of the members of the board shall be fixed by the Governor.

Sec. 58. 5 MRSA § 1031, sub-§ 1, 4th sentence, as amended by PL 1975, c. 622, § 7, is amended to read:

The board, as heretofore established, shall consist of a member duly elected by the Maine Teachers' Association; a member duly elected by the Maine State Employees' Association; 3 persons appointed by the Governor ~~with the advice and consent of the Council~~, at least 2 of whom shall be qualified through training or experience in the field of investments, accounting, banking, insurance or law, and one of whom shall be selected from a list of 3 nominees submitted by the Maine Retired Teachers' Association; a person who is a member of the Maine State Retirement System through a participating local district and who shall be appointed by the governing body of the Maine Municipal Association; a person who is the recipient of a retirement allowance through the Maine State Retirement System and who shall be selected by the foregoing members of the board of trustees from a list or lists or nominees submitted by retired state employees and retired participating local district employees, or by a committee comprised or representatives of said groups.

Sec. 59. 5 MRSA § 1031, sub-§ 15, 2nd ¶, 4th sentence, as repealed and replaced by PL 1967, c. 59, § 4, is amended to read:

The contract shall have the approval of the Governor ~~and the Executive Council.~~

Sec. 60. 5 MRSA § 1031, sub-§ 16, last ¶, as repealed and replaced by PL 1967, c. 59, § 5, is amended to read:

All contracts or agreements entered into between the said board of trustees and the custodian bank, trust company or safe deposit company selected by them shall have the approval of the Governor ~~and Executive Council.~~

Sec. 61. 5 MRSA § 1121, sub-§ 1, ¶ B, last 2 sentences, as last repealed and replaced by PL 1975, c. 622, § 40, are amended to read:

Notwithstanding the foregoing, the service of any member who has attained the age of 70, and who desires to remain in service, may be continued for periods of one year, if approved by the Governor ~~and Council,~~ for state employees, or by the executive body of the school system or participating local district which employs the member, in accordance with the regular employment practices of the school system or local district. Requests for extensions of service for state employees shall be filed with the appointing authority, who shall send it to the Director of Personnel for review and comment, who shall then forward it to the Governor ~~and Council.~~

Sec. 62. 5 MRSA § 1121, sub-§ 4, ¶ B, last 2 sentences, as last repealed and replaced by PL 1975, c. 622, § 49, are amended to read:

Notwithstanding the foregoing, the service of any member who has attained the age of 70, and who desires to remain in service, may be continued for periods of one year, if approved by the Governor ~~and Council,~~ for state employees, or by the executive body of the participating local district which employs the member, in accordance with such employment practices of the local district. Requests for extensions of service for state employees shall be filed with the appointing authority, who shall send it to the Director of Personnel for review and comment, who shall then forward it to the Governor ~~and Council.~~

Sec. 63. 5 MRSA § 1121, sub-§ 4, ¶ D, 2nd sentence as repealed and replaced by PL 1975, c. 622, § 50, is amended to read:

Notwithstanding the foregoing, the service of a chief inspector who has attained the age of 65, and who desires to remain in service, may be continued for periods of one year, but not beyond the attainment of age 70, if approved by the Governor ~~and Council.~~

Sec. 64. 5 MRSA § 1121, sub-§ 4, ¶ D, 3rd sentence, as enacted by PL 1975, c. 622, § 50, is amended to read:

Requests for extensions of service for state employees shall be filed with the appointing authority, who shall send it to the Director of Personnel for review and comment, who shall then forward it to the Governor ~~and Council.~~

Sec. 65. 5 MRSA § 1504, 2nd sentence, as amended by PL 1973, c. 701, § 3, is further amended to read:

Such certification shall be by the Attorney General, the Commissioner of Finance and Administration and the head of the department, institution or agency responsible for such account, subject to the approval of the Governor ~~and Council~~.

Sec. 66. 5 MRSA § 1506, last sentence, is amended to read:

Such return shall be made only on the recommendation of the department or agency head having jurisdiction over the advance and with the approval of the Commissioner of Finance and Administration and the Governor ~~and Council~~.

Sec. 67. 5 MRSA § 1507, as repealed and replaced by PL 1969, c. 455, § 1, is repealed and the following enacted in place thereof:

§ 1507. Contingent Account

The Governor may allocate from the State Contingent Account amounts not to exceed in total the sum of \$350,000 in any fiscal year. The Governor may allocate from such account amounts not to exceed in total the sum of \$300,000 in any fiscal year in accordance with the purposes specified in subsections 1, 2, 3 and 4.

1. **Institutions.** The Governor may allocate funds from such account, when need exists and only upon the written request of the Commissioner of Mental Health and Corrections and upon consultation with the State Budget Officer, to those institutions administered by the Department of Mental Health and Corrections where actual average population in a fiscal year exceeds the basic estimates of population upon which the budget was approved and where such relief cannot be absorbed within regular legislative appropriations.

2. **Construction.** The Governor may allocate funds from such account to provide funds for construction, repairs, equipment, supplies and furnishings, whenever:

A. An increase in construction or equipment costs results in a project cost in excess of the amount appropriated therefor by the Legislature; or

B. A condition arises during the course of a project which necessitates a change in plans, specifications or equipment resulting in a project cost in excess of funds previously made available therefor.

The Governor may make allocations for this purpose only upon the written request of an appropriate officer of the State and upon consultation with the State Budget Officer.

3. **Purchase of real estate.** The Governor may allocate funds from such account to provide funds in accordance with Title 1, section 814. Allocations may be made from this fund by the Governor only upon the written request of the Director of the Bureau of Public Improvements and upon consultation with the State Budget Officer.

4. **Emergencies.** The Governor may allocate funds from such account to meet any emergency expense necessarily incurred under any requirement of law or for the maintenance, in emergency conditions, of government within the scope existing at the time of the previous session of the Legislature or contemplated by laws enacted thereat, or to pay expenses arising out of an emergency requiring an expenditure or money not provided by the Legislature. The Governor shall determine the necessity for such allocations upon consultation with the State Budget Officer.

5. **Promotion of Maine.** The Governor, upon consultation with the State Budget Officer, may allocate funds from such account in amounts not to exceed in total the sum of \$50,000 in any fiscal year for the promotion of Maine outside of the State, after ample evidence is presented that such funds will support such unusual and unforeseen needs as may arise in the promotion of specific projects which bear a direct positive effect on the economy of Maine and only when there is a written request to the Governor for such funds by a private group or by a state officer whose duties are related to such specific projects.

6. **Procedure.** All allocations from the State Contingent Account shall be supported by a statement of facts setting forth the necessity for the allocation. A copy of each order for such an allocation, together with the statement of facts, shall be provided to the Legislative Finance Officer, to the President of the Senate and to the Speaker of the House of Representatives when the allocation is made.

At the close of each fiscal year, there shall be transferred from the General Fund such amount as may be available from time to time until the maximum of \$350,000 shall be achieved.

The State Controller shall include in his official annual financial report at the close of each fiscal year a statement showing all transfers made from the State Contingent Account for the fiscal period.

Sec. 68. 5 MRSA § 1508 is amended to read:

§ 1508. State funds eliminated

Unless the Legislature shall otherwise direct, the Commissioner of Finance and Administration, with the approval of the Governor ~~and Council~~, shall have authority to discontinue any or all special expendable state funds with the exception of the sinking funds and trust funds, and to merge the balance or balances of such fund or funds so discontinued with the General Fund.

Sec. 69. 5 MRSA § 1510, as enacted by PL 1975, c. 313, is repealed.

Sec. 70. 5 MRSA § 1544, first ¶, last sentence, is amended to read:

Any amounts authorized for allocation by the Governor ~~and Council~~ or representing permanent working capital advances shall be removed from Unappropriated Surplus and set up in separate accounts so that the balance of the Unappropriated Surplus Account shall be the amount of free and unencumbered surplus according to generally accepted accounting principles.

Sec. 71. 5 MRSA § 1582 is amended to read:

§ 1582. Handling appropriations

No appropriations to any state department or agency shall become available for expenditure until allotted upon the basis of the work program duly approved by the Governor ~~and Council~~ as provided.

Sec. 72. 5 MRSA § 1585 is amended to read:

§ 1585. Transfer of unexpended appropriations

Any balance of any appropriation or subdivision of an appropriation made by the Legislature for any state department or agency, which at any time may not be required for the purposes named in such appropriation or subdivision, may, upon the recommendation of the department or agency head concerned and the State Budget Officer, be transferred by the Governor ~~and Council~~, at any time prior to the closing of the books, to any other appropriation or subdivision of an appropriation made by the Legislature for the use of the same department or agency for the same fiscal year.

Sec. 73. 5 MRSA § 1586, first sentence, is amended to read:

Whenever the Governor ~~and Council~~ shall find that the State or any of its departments, divisions or bureaus is incurring expense and using funds of the State in connection with the carrying on of the work of any board or commission which collects fees from the persons so supervised and licensed, including salaries, travel and the expense of office equipment and supplies, they are authorized and empowered to transfer from any funds now or hereafter held by any such board or commission, such sums of money as shall reimburse the State or any department or bureau thereof for such expense so incurred, including a reasonable charge for office space, light and heat.

Sec. 74. 5 MRSA § 1621 is amended to read:

§ 1621. Authorization of audit

Whenever it seems advisable to the Governor ~~and Council~~, ~~they~~ **he** may cause the books and accounts of the State or any department or agency thereof to be audited, and for that purpose may employ auditors other than those employed by the State Department of Audit. In any event, the Governor ~~and Council~~ shall cause an audit of the books of the State to be made at least once in every 4 years by auditors other than those employed by the State Department of Audit.

Sec. 75. 5 MRSA § 1667, first ¶, 5th and 7th sentences, are amended to read:

The Governor ~~and Council~~, with the assistance of the State Budget Officer, shall review the requested allotments with respect to the work program of each department or agency and shall, if ~~they deem~~ **he deems** it necessary, revise, alter or change such allotments before approving the same.

The State Budget Officer shall transmit a copy of the allotments as approved

by the Governor ~~and Council~~ to the head of the department or agency concerned and also a copy to the State Controller.

Sec. 76. 5 MRSA § 1667, 2nd ¶, last sentence, is amended to read:

If, upon such reexamination of the work program, the State Budget Officer, with the approval of the Governor ~~and Council~~, shall decide to grant the request for the revision of the allotments, the same procedure, so far as it relates to review, approval and control shall be followed as in the making of the original allotments.

Sec. 77. 5 MRSA § 1667, last ¶, first sentence, is amended to read:

In order to provide some degree of flexibility to meet emergencies arising during each fiscal year in the expenditures for operation and maintenance of the various departments and agencies of the State Government, the State Budget Officer, with the approval of the Governor ~~and Council~~, may require the head of each department and agency in requesting original allotments, to set aside a reserve, the exact amount of which shall be determined by the State Budget Officer, of the total amount appropriated to the department or agency.

Sec. 78. 5 MRSA § 1742, sub-§ 2, is amended to read:

2. Inspection. To regularly inspect state-owned and leased buildings in the State and report to the controlling department head whatever construction, repairs, alterations and improvements are deemed necessary. If the Commissioner of Finance and Administration considers it advisable, he shall make a similar report to the Governor ~~and Council~~.

Sec. 79. 5 MRSA § 1742, sub-§ 5, is amended to read:

5. Data. To prepare, at the request of the Governor ~~and Council~~ or the Legislature, data pertaining to existing or proposed public improvements;

Sec. 80. 5 MRSA § 1742, sub-§ 12, last sentence, is amended to read:

Such demolition or other disposal shall be on the recommendation of the department or agency head having jurisdiction over the buildings and appurtenances concerned and under such terms and conditions as deemed by the Governor ~~and Council~~ to be in the best interests of the State;

Sec. 81. 5 MRSA § 1742, sub-§ 17, is amended to read:

17. Food service. To provide, with the consent of the Governor ~~and Council~~, food service in the state office buildings located at the seat of government and elsewhere in the State as may be determined by the Governor ~~and Council~~;

Sec. 82. 5 MRSA § 1743, first sentence, as last amended by PL 1973, c. 274, § 1, is further amended to read:

Any contract for any public improvement involving a total cost of more than \$25,000, except contracts for professional, architectural and engineering services, shall be awarded by a system of competitive bidding in accordance with

chapters 141 to 155 and such other conditions and restrictions as the Governor and Council may from time to time prescribe.

Sec. 83. 5 MRSA § 1745, first ¶, as last amended by PL 1973, c. 274, § 2, is further amended to read:

The trustees, commissioners or other persons in charge of any public improvement which is subject to chapters 141 to 155 shall, after consultation with the State Purchasing Agent and the State Director of Public Improvements, advertise for sealed proposals not less than 2 weeks in such papers as the Governor and Council may direct. The last advertisement shall be at least one week before the time named therein for the closing of such bids. Sealed proposals for any public improvement in an amount in excess of \$25,000 shall be addressed to the trustees, commissioners or such other persons having the construction in charge and shall remain sealed until opened in the presence of a committee of the Executive Council at such time as the Governor and Council may direct.

Sec. 84. 5 MRSA § 1772-A, first ¶, as enacted by PL 1971, c. 544, § 15-A, is amended to read:

The Bureau of Public Improvements shall establish and charge user fees for any or all parking facilities within the legally designated capitol complex, if considered feasible and with the approval of the Governor and the Executive Council.

Sec. 85. 5 MRSA § 2401, sub-§ 1, as last amended by PL 1973, c. 303, § 3, is repealed and the following enacted in place thereof:

1. **Appointment of Administrative Court Judge.** The Administrative Court Judge shall be appointed by the Governor, subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature. He shall hold office for a term of 7 years and until his successor has been appointed and qualified.

Sec. 86. 5 MRSA § 3306, sub-§ 2, first sentence, as enacted by PL 1967, c. 533, § 1, is amended to read:

The State Planning Council shall be appointed by the Governor with the advice and consent of the Executive Council and shall consist of representatives drawn one each from the fields of health, education, natural resources, transportation, local and regional planning, and commerce and industry; at least 3 citizens-at-large; and the Speaker of the House and President of the Senate, or their designees, as members ex officio.

Sec. 87. 5 MRSA § 3313, 1st ¶, 2nd sentence, as enacted by PL 1973, c. 778, § 1, is amended to read:

The Maine Critical Areas Advisory Board, hereinafter in this chapter referred to as the "board," shall be appointed by the Governor with the approval of the Council and shall be convened by the State Planning Office and shall consist of 11 members, one of whom shall be a permanent member.

Sec. 88. 5 MRSA § 4561, 1st sentence, as enacted by PL 1971, c. 501, § 1, is amended to read:

It shall consist of a total of 5 members, no more than 3 of which shall be of the same political party, to be appointed by the Governor, ~~with the advice and consent of the Council~~ and who shall designate one member to be its chairman.

Sec. 89. 5 MRSA § 4565, as enacted by PL 1971, c. 501, § 1, is amended to read:

§ 4565. Removal from office

Any member of the commission may be removed by the Governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given written statement of the charges ~~and an opportunity to be heard publicly thereon, with right of cross examination, before the Executive Council.~~ Such removal shall be effective only if ~~2/3 of the Executive Council concurs therein after such hearing~~

Sec. 90. 5 MRSA § 5004, sub-§ 1, as repealed and replaced by PL 1975, c. 587, § 1, is amended to read:

1. Appointment. The Governor ~~with the approval of the Executive Council~~ shall appoint a full-time Director of the Office of Energy Resources. The director shall serve a term coterminous with that of the Governor and until his successor is appointed and qualified, subject to removal for cause by the Governor. The director shall be paid a salary fixed by the Governor ~~and Council.~~

Sec. 91. 5 MRSA § 5007, sub-§ 2, as repealed and replaced by PL 1975, c. 587, § 4, is amended to read:

2. Membership. The State Energy Resources Advisory Board shall consist of the following: One member of the House of Representatives to be appointed by the Speaker of the House and one member of the Senate to be appointed by the President of the Senate and one representative of the Public Utilities Commission and with said Legislators to serve ex officio; and the following 6 members to be appointed by the Governor, ~~with the advice and consent of the Council~~ such members to be selected on the basis of their interest, education and experience in the areas of energy planning, research and development, to include one representative of industry, one representative of labor, one representative of the academic community, 2 representatives of the general public and one representative of the business community.

Sec. 92. 5 MRSA § 7002, sub-§ 1, first ¶, as enacted by PL 1975, c. 481, § 3, is repealed and the following enacted in place thereof:

1. Director. The executive head of the State Development Office shall be the director and shall be appointed by the Governor, and shall hold office during the pleasure of the Governor. The director shall be paid a salary fixed by the Governor.

Sec. 93. 6 MRSA § 12, 2nd ¶, 2nd sentence, as enacted by PL 1969, c. 498, § 8, is amended to read:

The director, with the consent of the Governor ~~and Council~~, may lease facilities at state-owned airports on such terms as they direct.

Sec. 94. 6 MRSA § 12, last ¶, last 2 sentences, as enacted by PL 1969, c. 498, § 8, are amended to read:

He may recommend to the Governor ~~and Council~~ that the State acquire land, easements and rights-of-way for the establishment of air navigation facilities. Such land, easements and rights-of-way may be acquired by purchase, grant or condemnation in the manner provided by law by which the Governor ~~and Council~~ ~~are~~ is authorized to acquire real property for public purposes, and property so acquired may be conveyed to a town for use in connection with the establishment of air navigation facilities for such a consideration as the Governor ~~and Council~~ may determine.

Sec. 95. 6 MRSA § 162, sub-§ 2, as repealed and replaced by PL 1971, c. 404, § 22, is amended to read:

2. **State aid.** The director, with the consent of the Governor ~~and Council~~, may from any amounts appropriated pursuant to subsection 1 grant to cities, towns or counties separately, or to cities and towns jointly with one another, or with counties an amount not to exceed 50% of the total cost of any airport development project.

Sec. 96. 7 MRSA § 1, as last amended by PL 1975, c. 444, § 1 and c. 477, § 1, is repealed and the following enacted in place thereof:

§ 1. **Commissioner; salary; employees; deputy**

The Department of Agriculture, as heretofore established and hereinafter in this Title called the "department," shall be maintained for the improvement of agriculture and the advancement of the interests of husbandry, and shall consist of the Commissioner of Agriculture, hereafter in this Title called the "commissioner," and the following as heretofore created and established: The Maine Dairy and Nutrition Council Committee, the Maine Milk Commission, the Maine Potato Commission, the Seed Potato Board, Milk Tax Committee, the Soil and Water Conservation Commission, the Harness Racing Commission and the Board of Veterinary Examiners. The commissioner shall be appointed by the Governor, subject to review by the Joint Standing Committee on Agriculture and to confirmation by the Legislature, and shall hold office during the pleasure of the Governor. He shall receive his actual expenses incurred in the performance of his official duties. He may employ such clerical labor as may be required, subject to the Personnel Law, and he may expend such sums for postage, telephone, telegraph and other general office expenses as may be necessary in the performance of his duties, the same to be paid out of any money appropriated by the Legislature for such purpose. The commissioner may, with the approval of the Governor, appoint a deputy commissioner of agriculture, who shall be the chief of one of the bureaus in the Department of Agriculture, and shall perform the duties of the commissioner during his absence, in addition to his duties as chief of a bureau. The deputy commissioner's compensation and expenses shall be paid from any funds appropriated for the use of the bureau of which he is chief.

Sec. 97. 7 MRSA § 5, first sentence, is amended to read:

The commissioner may, with the approval of the Governor ~~and Council~~, appoint and fix the compensation of a chief deputy and such other deputies as in his judgment are required to assist him, and to enable him to carry out all laws, the execution of which is entrusted to him.

Sec. 98. 7 MRSA § 10, first sentence, is amended to read:

The commissioner shall biennially make a report to the Governor ~~and Council~~, on or before the first day of July of each even-numbered year, of the work of the department in detail, combining in the same a report of the Maine State Pomological Society and Maine Dairymen's Association, and all other matters relating to the promotion of agriculture.

Sec. 99. 7 MRSA § 62, sub-§ 3, 4th sentence, is amended to read:

He shall issue blanks to the proper officers of said societies for such returns as may be deemed necessary for a full and complete knowledge of the work of said societies for each year, and shall certify to the Governor ~~and Council~~ the amount of stipend due such society, and shall designate to the Treasurer of State to whom such moneys shall be paid, but said societies shall not be entitled to such stipend unless they shall make such returns.

Sec. 100. 7 MRSA § 2952, 2nd ¶, as last repealed and replaced by PL 1975, c. 517, § 1, is repealed and the following enacted in place thereof:

All members of the commission shall be residents of the State. The 4 members, other than the Commissioner of Agriculture, shall be appointed by the Governor and shall serve for a term of 4 years and until their successors have been duly appointed and qualified, except that in the first instance, the initial terms shall be for one, 2, 3 and 4 years so that the terms of the members of the commission shall be staggered.

Sec. 101. 7 MRSA § 2952, 4th ¶, first sentence, as last repealed and replaced by PL 1975, c. 517, § 1, is amended to read:

Any vacancy in the membership of said commission shall be filled by appointment by the Governor ~~with the advice and consent of the Council~~.

Sec. 102. 7 MRSA § 3403, as amended by PL 1965, c. 513, § 13, is further amended to read:

§ 3403. Expenditure of surplus money

After the end of the fiscal year, any money in excess of receipts received by the State under section 3452 over the actual expenditures under this chapter and chapters 703, 711 and 713 and sections 3603 to 3605 shall, if the Governor ~~and Council deem~~ deems it expedient, be paid to the several municipalities in proportion to the amount each has paid into the State Treasury under said chapters and sections.

Sec. 103. 8 MRSA § 261, first sentence, is amended to read:

The State Harness Racing Commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 3 members

who shall be appointed and may be for cause removed by the Governor ~~with the advice and consent of the Council.~~

Sec. 104. 8 MRSA § 321, first and 4th sentences, are amended to read:

The State Running Horse Racing Commission, as heretofore established and hereinafter in this chapter called the "commission," shall consist of 3 members appointed by the Governor ~~with the advice and consent of the Council.~~

Any vacancy shall be filled for the unexpired term by the Governor ~~with the advice and consent of the Council.~~

Sec. 105. 8 MRSA § 351, first sentence, as enacted by PL 1973, c. 570, § 1, is amended to read:

There is established a State Lottery Commission which shall consist of 5 members, all of whom shall be citizens and residents of this State and all of whom shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 106. 8 MRSA § 352, first ¶, 2nd sentence, as enacted by PL 1973, c. 570, § 1, is repealed and the following enacted in place thereof:

The director shall be appointed by the Governor and shall serve during the pleasure of the Governor.

Sec. 107. 8 MRSA § 354, sub-§ 1, ¶ H, as enacted by PL 1973, c. 570, § 1, is amended to read:

H. Certify monthly to the Treasurer of State, the commission and to the Governor ~~and Council~~ a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month; submit an annual report which shall include a full and complete statement of lottery revenues, prize disbursements and expenses, to the Governor and the State Legislature together with recommendations for changes in this chapter;

Sec. 108. 8 MRSA § 562, 2nd ¶, as enacted by PL 1973, c. 662, § 2, is amended to read:

Such rules and regulations shall become effective when approved in writing by the Governor ~~and Council~~ and when a certified copy thereof has been filed with the Secretary of State.

Sec. 109. 9-A MRSA § 6-103, 4th and 5th sentences as enacted by PL 1973, c. 762, § 1, are amended to read:

He shall be appointed by the Commissioner of the Department of Business Regulation with the advice and consent of the Governor ~~and Council~~ and shall report directly to the Commissioner of the Department of Business Regulation. He shall be appointed for a term of 5 years or until a successor is appointed and qualified and he may be removed from office ~~by the Governor and Council~~ for cause **by impeachment or by the Governor on the address of both branches of the Legislature.**

Sec. 110. 9-B MRSA § 211, sub-§ 1, first and 2nd sentences, as enacted by PL 1975, c. 500, § 1, are amended to read:

The activities of the bureau shall be directed by a superintendent who shall be appointed by the Commissioner of the Department of Business Regulation with the advice and consent of the Governor ~~and Council~~. The superintendent shall hold office for a term of 5 years, or until his successor is appointed and qualified; provided ~~however~~ that the superintendent may be removed from office ~~by the Governor and Council~~ for cause **by impeachment or by the Governor on the address of both branches of the Legislature.**

Sec. 111. 9-B MRSA § 367, sub-§ 1, as enacted by PL 1975, c. 500, § 1, is amended to read:

1. Participation by government units. The Treasurer of State, by written direction of the Governor ~~and Council~~ and with approval of a Justice of the Supreme Judicial Court; the treasurer of any county, by written direction of the county commissioners of such county and with approval of a Justice of the Supreme Judicial Court; the treasurer of any city, town or village corporation or other municipal corporation, including any district organized by law for any public purpose, by written direction, in case of cities of the city government thereof, in case of towns of the selectmen thereof, in case of village corporations of the assessors, overseers or other similar governing board thereof, in case of other municipal corporations and districts of their respective trustees, commissioners, directors or other similar governing board, and in each case with approval of a Justice of the Supreme Judicial Court, may for and in behalf and in the name of his respective governmental unit participate in any plan of reorganization, management or continuation of any financial institution organized under the laws of this State or of the United States in which his governmental unit has moneys on deposit including trust funds, sinking funds and all other forms of deposit, or may enter into any agreement concerning such deposits for the public benefit and for the benefit of the institution and its depositors or members.

Sec. 112. 9-B MRSA § 428, sub-§ 5, 2nd and 4th sentences, as enacted by PL 1975, c. 500, § 1, are amended to read:

Thereafter, any lawful claimants may petition the Governor ~~and Council~~ for payment of such moneys to the claimants.

The Governor ~~and Council~~, after hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.

Sec. 113. 10 MRSA § 102, first sentence, is amended to read:

The Governor ~~and Council~~ shall appoint a citizen of this State to serve as adviser to the Governor with respect to atomic industrial development within the State; as coordinator of the development and regulatory activities of the State relating to the industrial and commercial uses of atomic energy and other forms of radiation; and as deputy of the Governor in matters relating to atomic energy and other forms of radiation, including participation in the activities of any committee formed by the New England states to represent

their interest in such matters and cooperation with other states and with the Government of the United States.

Sec. 114. 10 MRSA § 102, last ¶, is amended to read:

The Coordinator of Atomic Development Activities shall keep the Governor ~~and Council~~ and the several interested departments and agencies informed as to private and public activities affecting atomic industrial development and shall enlist their cooperation in taking action to further such development as is consistent with the health, safety and general welfare of this State.

Sec. 115. 10 MRSA § 751, first ¶, 2nd sentence, as last repealed and replaced by PL 1973, c. 633, § 2, and as last amended by PL 1975, c. 481, § 3, is further amended to read:

The authority shall consist of 9 members, including the Director of the State Development Office and 8 members at large appointed by the Governor ~~with the advice and consent of the Council~~, **subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature**, for a period of 4 years, provided that, of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years, 2 for a term of 3 years and 2 for a term of 4 years.

Sec. 116. 10 MRSA § 751, first ¶, 5th sentence, as last repealed and replaced by PL 1973, c. 633, § 2, is amended to read:

Appointive members may be removed ~~by the Governor with the advice and consent of the Council~~ for cause by impeachment or by the Governor on the address of both branches of the Legislature.

Sec. 117. 10 MRSA § 751, sub-§ 1, 2nd ¶, last sentence, as amended by PL 1975, c. 566, § 5-A, is further amended to read:

They shall receive such compensation as shall be fixed by the authority with the approval of the Governor ~~and Council~~.

Sec. 118. 10 MRSA § 802, as amended by PL 1975, c. 566, § 12, is further amended to read:

§ 802. —additions to

If from time to time in the opinion of the authority, the addition of moneys to the Industrial Building Mortgage Insurance Fund or the Recreational Project Mortgage Insurance Fund may be required to meet obligations, the authority shall in writing request the Governor ~~and Council~~ to provide moneys in such amounts as may be necessary for the purpose. The Governor ~~and Council~~ shall transfer to said fund sufficient moneys for the appropriate purpose from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section. If bonds are to be issued, the Governor ~~and Council~~ shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate at any one time outstanding the amount set forth in the Constitution of Maine, Article IX, Section 14-A or 14-B, whichever is applicable, as it may be from time to time amended, except that bonds issued in relation to industrial, manufacturing, fishing and agri-

cultural enterprises shall not exceed in the aggregate at any one time outstanding the amount of \$40,000,000. Such bonds shall mature serially or made to run for such periods as the Governor ~~and Council~~ may determine, but none of them shall run for a longer period than 20 years, and at such rates of interest and on such terms and conditions as the Governor ~~and Council~~ shall determine. The bonds so issued shall be deemed a pledge of the faith and credit of the State.

Sec. 119. 10 MRSA § 2105, next to the last sentence, as enacted by PL 1967, c. 170, § 2, is amended to read :

The State Geologist, acting as administrator and consultant to the bureau, shall be paid from this dedicated, nonlapsing fund such an annual sum for his work on these duties as the bureau, with the approval of the Governor ~~and Council~~, may designate.

Sec. 120. 10 MRSA § 2105, last sentence, is amended to read :

The bureau may, with the approval of the Governor ~~and Council~~, assign such sums as it deems proper to other state agencies for preservation, development or replacement of natural resources.

Sec. 121. 10 MRSA § 7051, 2nd and 4th sentences, as enacted by PL 1969, c. 430 and as amended, are further amended to read :

The Mountain Resorts Airport Authority shall consist of the Commissioner of Transportation, Director of the Bureau of Parks and Recreation, to serve during their incumbency of their said offices, and 4 members at large appointed by the Governor ~~with the advice and consent of the Council~~ for a period of 3 years.

Appointed members may be removed by the Governor ~~and Council~~ for cause.

Sec. 122. 10 MRSA § 8001, 2nd sentence, as last amended by 1975, c. 579, § 1, is repealed and the following enacted in place thereof :

The administrative head of that department shall be the Commissioner of Business Regulation, who shall be appointed by the Governor, subject to review by the Joint Standing Committee on Business Legislation and to confirmation by the Legislature, and shall serve during the pleasure of the Governor. The department shall be composed of the following bureaus, commissions and boards, as heretofore created and established: The Bureau of Banks and Banking, formerly the Department of Banks and Banking; the Bureau of Consumer Protection; the Bureau of Insurance, formerly the Department of Insurance, except the Fire Prevention Division thereof; the Bureau of Real Estate; the Board of Real Estate Brokers and Salesmen; the Boxing Commission; the Running Horse Racing Commission; the State Claims Board; the Electricians' Examining Board and the Oil Burner Men's Licensing Board.

Sec. 123. 12 MRSA § 512, first sentence, as amended by PL 1973, c. 460, § 18, is further amended to read :

The director may, with the advice and consent of the Governor ~~and Council~~, purchase, when funds are available from bequests or trusts other than bequests made or inter vivos trusts created by the late Percival Proctor Baxter, or accept on the part of the State gifts of parcels or tracts of land to the State, or may purchase land in the name of the State for state forest purposes and may also designate and set aside such lands or portions thereof as natural areas.

Sec. 124. 12 MRSA § 512, 8th ¶, 2nd sentence, as amended by PL 1973, c. 460, § 18, is further amended to read:

Areas designated under these classifications can be removed from such designation only by approval of the director, with the advice and consent of the Governor ~~and Council~~, following public notice and hearing.

Sec. 125. 12 MRSA § 513, last sentence, as last amended by PL 1973, c. 460, § 18, is further amended to read:

The Treasurer of State shall be the appropriate fiscal officer to receive such funds for these purposes, subject to the approval of the Governor ~~and Council~~, and the State Controller shall authorize expenditures therefrom as approved by the bureau and the Governor ~~and Council~~.

Sec. 126. 12 MRSA § 602, sub-§ 1, first sentence, is amended to read:

With the consent of the Governor ~~and Council~~, to acquire in behalf of the State, land or any interests therein within this State with or without improvements, by purchase or gift, and by eminent domain and with like consent to sell and convey such lands or interests therein, or lease the same, or by revocable license or agreement, or grant to any person, firm or corporation exclusive rights and privileges to the use and enjoyment of portions of such lands.

Sec. 127. 12 MRSA § 602, sub-§ 2, first ¶, is amended to read:

2. **Study and report.** To study and ascertain as nearly as possible and report to the Governor ~~and Council~~ from time to time:

Sec. 128. 12 MRSA § 602, sub-§ 2, last ¶, as amended by PL 1969, c. 22, is further amended to read:

Such studies and reports shall be accompanied by other information, statistics and charts as will adequately inform the Governor ~~and Council~~ of the character, condition and needs of this State of recreational resources and facilities, and may be accompanied by specific recommendations for new legislation or other action to be taken with respect to the same;

Sec. 129. 12 MRSA § 602, sub-§ 3, first ¶, as amended by PL 1973, c. 460, § 19, is further amended to read:

3. **Parks and memorials; rules and regulations.** With the consent of the Governor ~~and Council~~, to set apart and publicly proclaim areas of land in this State including improvements, or other structures thereon, title to which has been acquired under this chapter as parks or memorials within the meaning

of said chapter, and the bureau may from time to time establish such rules and regulations as it deems necessary:

Sec. 130. 12 MRSA § 602, sub-§ 4, first ¶, as amended by PL 1973, c. 460, § 19, is further amended to read:

4. Fees for services and accommodations. With the consent of the Governor ~~and Council~~, the bureau may:

Sec. 131. 12 MRSA § 602, sub-§ 6, is amended to read:

6. Control of fires. With approval of the Governor ~~and Council~~, to establish and maintain adequate provisions for the prevention, suppression and control of fires within said park areas;

Sec. 132. 12 MRSA § 602, sub-§ 7, first sentence, is amended to read:

With the consent of the Governor ~~and Council~~, to negotiate and execute any lease or other agreement for the administration, maintenance, supervision, use and development of state parks, within the meaning of this chapter, acquired and owned by the Government of the United States, upon such terms and conditions as may be deemed advantageous to the people of this State and consistent with said chapter; and with like consent, to accept on behalf of the State, deeds of gift or other conveyances to lands or interests therein suitable for administration, maintenance, supervision, use and development as state parks or memorials under this chapter.

Sec. 133. 12 MRSA § 602, sub-§ 9, last sentence, as amended by PL 1973, c. 460, § 19, is further amended to read:

The Treasurer of State shall be the appropriate fiscal officer to receive such federal funds, subject to the approval of the Governor ~~and Council~~, and the State Controller shall authorize expenditures therefrom as approved by the bureau and the Governor ~~and Council~~;

Sec. 134. 12 MRSA § 602, sub-§ 15, ¶ A, 2nd ¶, as enacted by PL 1973, c. 264, and as amended by PL 1973, c. 460, § 19, is further amended to read:

If all reasonable efforts to acquire lands or interests therein by negotiation have failed, and public exigency requires it the director may, with the consent of the Governor ~~and Council~~, utilize the power of eminent domain to acquire such land as is deemed necessary to provide passage via the most direct or practicable connecting trail right-of-way across such lands; provided, that not more than 25 acres in any one mile may be acquired without consent of the owner and such owner or adjacent landowners shall not be precluded from using motorized vehicles across such trails therein in order to maintain reasonable access to their fee or other interests in land.

Sec. 135. 12 MRSA § 643, sub-§ 1, ¶ A, as enacted by PL 1971, c. 443, is amended to read:

A. A member appointed by the Governor ~~with the advice and consent of the Executive Council~~;

Sec. 136. 12 MRSA § 683, 3rd sentence, as last amended by PL 1975, c. 616, § 1, is repealed and the following enacted in place thereof:

The commission shall consist of 7 public members, none of whom shall be state employees, who shall be appointed by the Governor, subject to review by the Joint Standing Committee on Natural Resources and to confirmation by the Legislature, for staggered 4-year terms.

Sec. 137. 12 MRSA § 1601-A, 2nd sentence, as amended by PL 1973, c. 460, § 18, is further amended to read:

The amounts to be reimbursed ~~hereunder~~ shall be certified by the Director of the Bureau of Forestry, which amounts are hereby appropriated to pay the same, and the Governor ~~and Council~~ may authorize the State Controller to draw his warrant therefor at any time.

Sec. 138. 12 MRSA § 1603, first sentence, as amended by PL 1965, c. 226, § 58, is further amended to read:

So much of the funds raised by the tax imposed and paid into the treasury, as may be necessary to pay the claims, accounts and demands arising under this subchapter and subchapters II and IV, is appropriated to pay the same, and the Governor ~~and Council~~ shall authorize the State Controller to draw his warrant therefor at any time.

Sec. 139. 12 MRSA § 1607, 2nd sentence, as amended by PL 1965, c. 226, § 59, is further amended to read:

If the tax assessed by authority of section 1601 for any reason is not available for the purpose aforesaid or if said tax proves insufficient in any year to properly carry out said purposes, the Governor ~~and Council~~ may make available for said purposes, from any moneys then in the treasury not otherwise appropriated, such sum or sums of money as ~~they~~ ~~he~~ may deem necessary for such purposes.

Sec. 140. 12 MRSA § 1701, 2nd ¶, first sentence, as last amended by PL 1975, c. 493, § 3, is further amended to read:

The authority shall consist of 5 members, viz: The Director of the Bureau of Forestry, the Commissioner of Inland Fisheries and ~~Game Wildlife~~, the Director of the Maine State Bureau of Parks and Recreation and the Attorney General, each of whom shall serve ex officio and a 5th member who shall be a member from the public appointed by the Governor ~~with the advice and consent of the Council~~.

Sec. 141. 12 MRSA § 1903, first sentence, is amended to read:

Whenever it shall come to the attention of the commissioner or his deputy commissioner, that any person or persons known to have gone upon a hunting or fishing trip, or a trip for any other purpose, in the woodlands of the State and have not returned within a reasonable time after his or their departure, the commissioner is authorized to summon any person found within the State to assist in finding the lost person or persons, and each person so summoned

shall be paid at a rate set by the said commissioner, with the approval of the Governor ~~and Council~~, and be provided with subsistence during such service.

Sec. 142. 12 MRSA § 1951, first sentence, as last amended by PL 1975, c. 497, § 1, is repealed and the following enacted in place thereof:

The Commissioner of Inland Fisheries and Wildlife shall be appointed by the Governor, subject to review by the Joint Standing Committee on Fisheries and Wildlife and to confirmation by the Legislature, and shall serve during the pleasure of the Governor.

Sec. 143. 12 MRSA § 1955, first and 3rd sentences, are amended to read:

An advisory council, as heretofore appointed by the Governor ~~with the advice and consent of the Council~~, shall consist of 7 members, chosen one from each of the councilor districts.

Upon the death, resignation or removal from office of any person so appointed, the Governor ~~with the advice and consent of his Council~~ shall appoint a member to serve for the unexpired term.

Sec. 144. 12 MRSA § 1956, last sentence, is amended to read:

If the time of the emergency suspension of any part of chapters 301 to 335 extends for a longer period than 30 days, the consent of the Governor ~~and Council~~ must be obtained before such declaration of emergency becomes effective.

Sec. 145. 12 MRSA § 1959, first sentence, is amended to read:

The Governor ~~and Council~~ on recommendation of the commissioner may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under chapters 301 to 335 and deemed no longer necessary for the purposes hereof.

Sec. 146. 12 MRSA § 3451, 2nd ¶, as last repealed and replaced by PL 1973, c. 513, § 3, is amended to read:

The department is established to conserve and develop marine and estuarine resources and to conduct and sponsor scientific research; to promote and develop the Maine coastal fisheries industry; to advise agencies of state and local government and agencies of the Federal Government concerned with development or activity in coastal waters; to implement, administer and enforce the laws and regulations enacted under chapters 401 to 419, under the direction of a Commissioner of Marine Resources appointed by the Governor, ~~with the consent of the Council, who shall serve a term coterminous with that of the Governor until his successor is appointed and qualified~~ subject to review by the Joint Standing Committee on Marine Resources and to confirmation by the Legislature.

Sec. 147. 12 MRSA § 3502, sub-§ 2, first sentence, as repealed and replaced by PL 1973, c. 513, § 5, is amended to read:

The commissioner shall make a report to the Governor ~~and Council~~ and the Legislature every 2 years and may include such recommendations for changes

and amendments in the existing laws and licensing procedures as are warranted by investigations and research.

Sec. 148. 12 MRSA § 3502, sub-§ 2, ¶ B, is amended to read:

B. He shall file the report with the Governor ~~and Council~~ within 6 months of the end of the period which it covers.

Sec. 149. 12 MRSA § 3502, sub-§ 6, as enacted by PL 1973, c. 513, § 6, is amended to read:

6. —**accept funds.** The commissioner may, subject to the approval of the Governor ~~and Council~~, accept for the State any federal funds apportioned under federal law relating to authorized programs of the department and to do such acts as are necessary for the purposes of carrying out such federal laws; and to accept from any other agency of government, individual, group or corporation such funds as may be available to carry out the purposes of the department.

Sec. 150. 12 MRSA § 3551, sub-§ 1, first sentence, as amended by PL 1973, c. 513, § 17, is further amended to read:

The Governor ~~with the advice and consent of the Council~~ shall appoint an advisory council consisting of 9 members.

Sec. 151. 12 MRSA § 3551, sub-§ 3, is amended to read:

3. **Vacancy.** If a vacancy in office occurs, the Governor ~~with the advice and consent of the Council~~ shall appoint a member to serve the unexpired term.

Sec. 152. 12 MRSA § 3601, sub-§ 1, ¶ B, first sentence, is amended to read:

The Governor ~~with the advice and consent of the Council~~ shall appoint a 3rd member for a 4-year term.

Sec. 153. 12 MRSA § 3601, sub-§ 1, ¶ B, sub-¶ (3), is amended to read:

(3) The Governor ~~with the advice and consent of the Council~~ shall fill any vacancy by an appointment for a full 4-year term.

Sec. 154. 12 MRSA § 4652, 4th and 6th sentences, are amended to read: The Governor ~~by and with the advice and consent of the Council~~ shall appoint a citizen as a 3rd commissioner who shall have a knowledge of and interest in the marine fisheries problem.

Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor ~~by and with the advice and consent of the Council~~ for the unexpired term.

Sec. 155. 12 MRSA § 4757, 2nd ¶, last sentence, is amended to read:

If purchase, or a written agreement therefor, has not been effected within 60 days after negotiations have begun, and the board determines that an emergency situation exists which would cause an immediate threat to the public safety, health and welfare, to the protection of public or private property, or

to public or private salt water supplies, or to the conservation of wildlife or freshwater estuarine or marine fisheries, the board shall declare that the public exigency requires the taking of such wetland, and, with the consent of the Governor ~~and Council~~, may acquire in behalf of the State the fee of such wetland or any lesser interest therein by eminent domain, the proceedings for such taking to be in accordance with Title 35, chapter 263.

Sec. 156. 12 MRSA § 5011, 2nd sentence, as enacted by PL 1973, c. 460, § 16, is amended to read:

The Department of Conservation shall consist of a Commissioner of Conservation appointed by the Governor ~~with the advice and consent of the Council to serve a term coterminous with the Governor and until his successor is appointed and qualified, and subject to removal for cause by the Governor and Council~~, subject to review by the Joint Standing Committee on Natural Resources and to confirmation by the Legislature, to serve at the pleasure of the Governor; and the following as heretofore created and established are incorporated into the Department of Conservation:

Sec. 157. 12 MRSA § 5012, 2nd ¶, first and 3rd sentences, as enacted by PL 1973, c. 460, § 16, are amended to read:

The commissioner may, subject to the approval of the Governor ~~and Council~~, apply for and accept on behalf of the State any funds, including grants, bequests, gifts or contributions from any person, corporation or government, including the Government of the United States.

All such funds may, subject to the rules and regulations promulgated by the Governor ~~and Council~~, be expended by the Commissioner of Conservation.

Sec. 158. 15 MRSA § 2161, last 2 sentences, as amended by PL 1973, c. 788, § 62, are further amended to read:

If the crime for which said pardon is asked or for which commutation of sentence is sought is punishable by imprisonment in the State Prison, the Attorney General or the district attorney for the county where the case was tried shall, upon the request of the Governor ~~and Council~~, attend the meeting of the Governor ~~and Council~~ or the Parole Board at which the petition is to be heard and the Governor ~~and Council~~ shall allow said district attorney his necessary expenses for such attendance and a reasonable compensation for said district attorney's services to be paid from the State Treasury out of the appropriation for costs in criminal prosecutions. The Governor ~~and Council~~ may require the judge and prosecuting officer who tried the case to furnish ~~them~~ him or the Parole Board a concise statement thereof as proved at the trial and any other facts bearing on the propriety of granting pardon or commutation.

Sec. 159. 15 MRSA § 2161-A, first ¶, as enacted by PL 1973, c. 691, is amended to read:

Any person convicted of a violation of any law of the State of Maine, and who later appealed to and was granted a full pardon by the Governor ~~and Executive Council~~, shall be entitled to expungement of any records or recordings of such conviction.

Sec. 160. 15 MRSA § 2162 is amended to read:

§ 2162. Commutation of State Prison sentence to jail

When a person is sentenced to confinement in the State Prison, the Governor ~~with the advice and consent of the Council~~ may, if he deems it consistent with the public interest and the welfare of the convict, commute said sentence to imprisonment in any county jail, there to be supported at the charge of the State at an expense not exceeding the price paid for the support of other prisoners in said jail.

Sec. 161. 15 MRSA § 2163 is amended to read:

§ 2163. Conditional pardons by Governor

In any case in which the Governor is authorized by the Constitution to grant a pardon, he may, ~~with the advice and consent of the Council~~ and upon petition of the person convicted, grant it upon such conditions and with such restrictions and under such limitations as he deems proper, and he may issue his warrant to all proper officers to carry such pardon into effect; which warrant shall be obeyed and executed instead of the sentence originally awarded.

Sec. 162. 15 MRSA § 2164 is amended to read:

When a convict has been pardoned on conditions to be observed and performed by him, and the Warden of the State Prison or keeper of the jail where the convict was confined has reason to believe that he has violated the same, such officer shall forthwith cause him to be arrested and detained until the case can be examined by the Governor ~~and Council~~; and the officer making the arrest shall forthwith give them notice thereof, in writing.

Sec. 163. 15 MRSA § 2165, **first and last sentences**, are amended to read:

The Governor ~~and Council~~ shall, upon receiving the notice provided for in section 2164, examine the case of such convict, and if it appears by his own admission or by evidence that he has violated the conditions of his pardon, the Governor ~~with the advice and consent of the Council~~ shall order him to be remanded and confined for the unexpired term of the sentence.

If it appears to the Governor ~~and Council~~ that he has not broken the conditions of his pardon, he shall be discharged.

Sec. 163-A. 15 MRSA § 2167 is enacted to read:

§ 2167. Pardon and Commutation Advisory Board

There is created and established the Pardon and Commutation Advisory Board, to participate with the Governor in hearings on petitions for pardon or commutation of sentences and to advise the Governor on such petitions. Such board shall be appointed by the Governor and shall consist of 5 persons who are citizens and residents of the State and each of whom resides in a different geographical area of the State. Each such person shall have training or experience in law, law enforcement, social science or a related area. The members shall serve at the pleasure of the Governor. Members of the board shall receive \$50 for each day's attendance at hearings on petitions and shall receive their necessary expenses.

Sec. 164. 17 MRSA § 3104, last sentence, is amended to read:

This section shall not apply to purchases of the State by the Governor ~~and Council~~ under authority of Title I, section 814.

Sec. 165. 18 MRSA § 1651, first sentence, is amended to read:

The Governor ~~with the advice and consent of the Council~~ shall appoint in each county for the term of 4 years, unless sooner removed, a public administrator therein, who shall, upon petition to the probate court and after due notice thereon, take out letters of administration and administer on the estates of persons who die intestate in said county, or elsewhere leaving property in said county, not known to have in the State a widow, widower or any heirs or kindred who can lawfully inherit such estate; and who shall account in like manner and give bond to the judge with like condition as in cases of ordinary administration, subject ~~however~~ to section 1654.

Sec. 166. 20 MRSA § 1-A, 3rd sentence, as last amended by PL 1973, c. 260, is repealed and the following enacted in place thereof:

The department shall consist of a Commissioner of Educational and Cultural Services appointed by the Governor after consultation with the State Board of Education as established and subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature to serve at the pleasure of the Governor.

Sec. 167. 20 MRSA § 1-B, sub-§ 1, last sentence, as enacted by PL 1971, c. 610, § 3, is amended to read:

The compensation of the director shall be fixed by the Governor ~~and Council~~; and

Sec. 168. 20 MRSA § 1-B, sub-§ 3, last sentence, as enacted by PL 1971, c. 610, § 3, is amended to read:

The compensation of the director shall be fixed by the Governor ~~and Council~~; and

Sec. 169. 20 MRSA § 51, sub-§ 1, first sentence, as last repealed and replaced by PL 1971, c. 610, § 4, is amended to read:

There is created a State Board of Education which shall consist of 9 members who shall be appointed by the Governor ~~with the advice and consent of the Council~~, subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature.

Sec. 170. 20 MRSA § 76, sub-§ 4, first ¶, 2nd sentence, as enacted by PL 1975, c. 601, § 1, is amended to read:

This representative shall be a chief executive officer or member of the governing board of a federally recognized proprietary institution, as defined in section 1201 of the Higher Education Act of 1965, of post-secondary education and shall be appointed by the Governor ~~with the advice and consent of the Council~~ for a 4-year term.

Sec. 171. 20 MRSA § 76, sub-§ 4, 3rd ¶, as enacted by PL 1975, c. 601, § 1, is amended to read:

If, prior to the expiration of a term, a vacancy occurs with respect to the position assigned to a representative of proprietary institutions, the Governor shall appoint ~~with the advice and consent of the Council~~ a person from among those eligible to serve in such a position to serve for the remainder of the unexpired term.

Sec. 172. 20 MRSA § 76, sub-§ 5, first ¶, 3rd sentence, as enacted by PL 1975, c. 601, § 1, is amended to read:

Representatives of the general public in Maine shall be appointed to PECOM by the Governor ~~with the advice and consent of the Council~~ for 4-year terms, except that one initial appointment shall be for one year, a 2nd initial appointment shall be for 2 years and a 3rd initial appointment shall be for 3 years.

Sec. 173. 20 MRSA § 76, sub-§ 5, 2nd ¶, as enacted by PL 1975, c. 601, § 1, is amended to read:

If, prior to the expiration of a term, a vacancy should occur, a person meeting the conditions set forth with respect to representatives of the general public shall be appointed by the Governor ~~with the advice and consent of the Council~~ to complete the remainder of the unexpired term.

Sec. 174. 20 MRSA § 81, sub-§ 1, last sentence, as enacted by PL 1975, c. 601, § 1, is amended to read:

The compensation of the executive director shall be fixed by the Governor ~~and Council~~.

Sec. 175. 20 MRSA § 102, sub-§ 9, is amended to read:

9. **Control of gift-established schools.** To assume the control and management of all free public schools established and maintained by gifts or bequests, when said gifts or bequests are conditioned upon said commissioner assuming such control and management; and he shall carry out the provisions upon which such gifts or bequests are conditioned, when said conditions are approved by the Governor ~~and Council~~;

Sec. 176. 20 MRSA § 854 is amended to read:

§ 854. School funds withheld from delinquent towns of administrative units

When the Governor ~~and Council~~ **has** reason to believe that a town or district has neglected to raise and expend the school money required by law, or to employ teachers certified as required by law, or to have instruction given in the subjects prescribed by law, or to provide suitable textbooks in the subjects prescribed by law, or faithfully to expend the school money received from the State or in any way to comply with the law prescribing the duties of administrative units in relation to public schools, ~~they~~ **he** shall direct the Treasurer of State to withhold from the apportionment of state school funds made to that administrative unit such amount as ~~they~~ **he** may deem expedient. The amount so withheld shall not be paid until such ad-

ministrative unit shall satisfy said Governor ~~and Council~~ that it has expended the full amount of school money as required by law and that it has complied in all ways with the law prescribing the duties of administrative units in relation to public schools. Whenever such administrative unit shall fail, within the year for which the apportionment is made, so to satisfy the Governor ~~and Council~~, the said amount withheld shall be forfeited and shall be added to the General Fund of the State.

Sec. 177. 20 MRSA § 1451, 1st sentence, as amended by PL 1969, c. 433, § 39, is further amended to read:

All children between the ages of 5 and 20 years who reside with a parent or legal guardian in unorganized territory within this State shall be entitled to school privileges, which shall be provided under the direction of the commissioner under such rules and regulations as may be made from time to time by him and approved by the Governor ~~and Council~~.

Sec. 178. 20 MRSA § 1457 is amended to read:

§ 1457. Children on government reservations

Special arrangements may be made to provide elementary school privileges in cooperation with the United States Government for a child or children residing with a parent or legal guardian at any light station, fog warning station, lifesaving station or other place within a United States government reservation under such rules and regulations as may be made by the commissioner and approved by the Governor ~~and Council~~.

Sec. 179. 20 MRSA § 1474, last sentence is amended to read:

Any town or plantation dissatisfied with the sum determined upon by the said commissioner in such case may, after a vote taken by the town or plantation at a regular or special meeting called for the purpose, appeal to the Governor ~~and Council~~ who shall make the final decision relative thereto.

Sec. 180. 20 MRSA § 2234, as last amended by PL 1973, c. 571, § 71, is further amended to read:

§ 2234. Additions to Insurance Fund

If from time to time in the opinion of the State Board of Education the addition of moneys to the Insurance Fund may be required to meet obligations, the State Board of Education shall in writing request the Governor ~~and Council~~ to provide moneys in such amounts as may be necessary for the purpose. The Governor ~~and Council~~ shall transfer to said fund sufficient moneys for said purpose from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section. If bonds are to be issued, the Governor ~~and Council~~ shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate at any one time outstanding the amount set forth in the Constitution of Maine, Article VIII, section 2, as it may be from time to time amended, to mature serially or made to run for such periods as the Governor ~~and Council~~ may determine, but none of them shall run for a longer period than 20 years, and at such rates of interest

and on such terms and conditions as the Governor ~~and Council~~ shall determine. The bonds so issued shall be deemed a pledge of the faith and credit of the State.

Sec. 181. 20 MRSA § 2255, last sentence, is amended to read:

The treasurer shall have no authority to contract debts and obligations, excepting loans in anticipation of assured revenues when approved by vote of the trustees, and other loans when directed by vote of the trustees and duly and properly authorized by the Governor ~~and Council~~.

Sec. 182. 20 MRSA § 2256, as amended by PL 1973, c. 241, is further amended to read:

§ 2256. —report

The treasurer shall prepare a complete report for the period ending on June 30th of each year and forward a copy of said report of the university to the Governor ~~and Council~~, to the board of trustees and to the members of the State Legislature.

Sec. 183. 20 MRSA § 2359, as amended by PL 1973, c. 571, § 45, is further amended to read:

§ 2359. Reimbursement from state and federal funds

Whenever the superintendent of schools of any administrative unit, on or before the first day of July, shall report to the commissioner that part-time or part-time continuation schools and classes have been maintained in accordance with the specified standards, the commissioner shall recommend to the Governor ~~and Council~~ annually in December the payment of reimbursement from federal funds designated for part-time schools and from state funds provided for industrial education to the extent of $\frac{1}{2}$ the cost of instruction.

Sec. 184. 20 MRSA § 2405, 4th sentence, as reenacted by PL 1973, 571, § 46, is further amended to read:

Whenever it shall be made to appear to the Governor ~~and Council~~ that any administrative unit has provided instruction in the trades and industries in a general industrial school maintained therein for a period of 36 weeks during the school year, and employing at least one teacher whose work is devoted exclusively to such instruction and having an average attendance of at least 20 pupils, the Governor ~~and Council~~ shall direct the Treasurer of State to pay to the treasurer of such administrative unit a sum equal to $\frac{1}{2}$ the total amount spent for instruction in said school, provided that not more than \$2,000 shall be paid by the State to any one administrative unit in any year.

Sec. 185. 20 MRSA § 2601, 1st sentence, as amended, is further amended to read:

An advisory Committee on Maine Public Broadcasting, as heretofore created for the purpose of facilitating the development of public broadcasting in the State, shall consist of 7 members to be appointed by the Governor ~~with the advice and consent of the Council~~.

Sec. 186. 20 MRSA § 2601, 4th sentence, is amended to read:

Any vacancy in the membership of the committee shall be filled for the unexpired term by appointment by the Governor ~~with the advice and consent of the Council.~~

Sec. 187. 20 MRSA § 2604 is amended to read:

§ 2604. Gifts

The Governor ~~and Council~~ are authorized to accept any gift of money, real or personal property, from any source whatsoever, and grants-in-aid from the Federal Government to assist in carrying out the purposes of this chapter.

Sec. 188. 20 MRSA § 2803, 1st sentence, as last amended by PL 1971, c. 610, § 22, is further amended to read:

Of the 8 members who shall represent the State of Maine, one shall be the Chancellor of the University of Maine ex officio in office at the time being and one shall be the Commissioner of Educational and Cultural Services ex officio in office at the time being, 4 shall be named by the Governor ~~with the advice and consent of the Council~~ for 2-year terms, one shall be a member of the Senate appointed by the President of the Senate and one shall be a member of the House of Representatives appointed by the Speaker of the House.

Sec. 189. 20 MRSA § 3506, sub-§ 13, 2nd sentence is amended to read:

Determination of eligibility shall be pursuant to such reasonable rules and regulations as the authority shall make and its determination shall become final upon approval of the Governor ~~and the Executive Council.~~

Sec. 190. MRSA § 3508-A, 2nd ¶, as enacted by PL 1969, c. 529, § 4, is amended to read:

If moneys, at any time, shall be required to pay the revenue bonds so insured, the authority shall in writing request the Governor ~~and Council~~ to provide moneys in such amounts as shall be necessary for such purposes. The Governor ~~and Council~~ shall thereupon transfer to the authority from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section sufficient moneys for such purpose. If bonds are to be issued, the Governor ~~and Council~~ shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate at any one time outstanding the amount set forth in the Constitution, Article IX, section 14-C, as it may be amended from time to time, to mature at such time or times not exceeding 20 years from the date thereof, to bear interest at such rate or rates and to be issued on such terms and conditions as the Governor ~~and Council~~ shall determine. The bonds so issued shall constitute a pledge of the faith and credit of the State.

Sec. 191. 21 MRSA § 43, 1st sentence, as last amended by PL 1973, c. 782, § 1-A, is further amended to read:

In a city or town which has a population of 5,000 or over, a board of registration consisting of 3 members must be appointed as follows: One member nominated by the city committees of each of the 2 major political parties,

who shall be enrolled in the party of the city committee by which he is nominated, and appointed by the municipal officers, and the 3rd member ~~appointed by the Governor with the advice and consent of the Council~~ nominated by the clerk of the municipality and appointed by the municipal officers.

Sec. 192. 21 MRSA § 43, sub-§§ 1 and 2 are amended to read:

1. **Term of office.** Each member nominated by the city committees of the 2 major political parties and appointed by the municipal officers shall serve for 3 years and until his successor is appointed and sworn. The member ~~appointed by the Governor~~ nominated by the clerk of the municipality and appointed by the municipal officers shall serve for 4 years and until his successor is appointed and sworn.

2. **Chairman of the board.** The member ~~appointed by the Governor~~ nominated by the clerk of the municipality and appointed by the municipal officers is chairman of the board.

Sec. 192-A. 21 MRSA § 43, sub-§ 3, ¶ A is amended to read:

A. **Exception.** When there is a vacancy in the office of chairman of the board, the ~~Governor, with the advice and consent of the Council~~ municipal officers shall appoint a qualified person nominated by the clerk of the municipality to fill the vacancy for the remainder of the term.

Sec. 192-B. 21 MRSA § 925, sub-§ 1, 3rd sentence, as amended by PL 1975, c. 621, § 4, is further amended to read:

If the challenged ballot affects the result of an election, its validity must be determined by the ~~Governor and Council~~ Commission on **Governmental Ethics and Election Practices** subject to the right of appeal provided in section 1212, except where final determination of the election of a candidate is governed by the State or Federal Constitution or under Title 1, chapter 25.

Sec. 193. 21 MRSA § 1032, sub-§ 10 is amended to read:

10. **Official approval required.** It must be of an identical type approved by the Secretary of State and the Attorney General ~~and one member of the Governor's Council to be designated by the Governor.~~

Sec. 194. 21 MRSA § 1034, last sentence is repealed.

Sec. 195. 21 MRSA § 1063, sub-§ 7, as enacted by PL 1967, c. 464, is amended to read:

7. **Official approval required.** It must be of an identical type approved by the Secretary of State and the Attorney General ~~and one member of the Governor's Council to be designated by the Governor.~~

Sec. 196. 21 MRSA § 1065, 2nd sentence, as enacted by PL 1967, c. 464, is repealed.

Sec. 197. 21 MRSA § 1092, 1st sentence is amended to read:

Within 20 days after an election, the Secretary of State shall tabulate the election returns and submit the tabulation to the ~~Governor and Council~~ Commission on **Governmental Ethics and Election Practices**.

Sec. 198. 21 MRSA § 1095, 1st ¶, as amended by PL 1975, c. 621, § 6, is further amended to read:

Within a reasonable time after an election, the Governor shall issue an election certificate in accordance with Title 5, section 84 or a notice of apparent election to each person elected to office according to the tabulation required by section 1092, or ~~on appeal according to the determination of the Governor and Council~~ or on the determination of the Commission on Governmental Ethics and Election Practices, as provided under chapter 36.

Sec. 199. 21 MRSA § 1152, 1st ¶ is amended to read:

On the written application of a losing candidate in any election not later than 10 days after the tabulation of the vote is submitted to the ~~Governor and Council~~ **Commission on Governmental Ethics and Election Practices**, the Secretary of State shall permit him or his counsel to recount the ballots under proper protective regulations, subject to the following provisions.

Sec. 200. 21 MRSA § 1152, sub-§ 7 is amended to read:

7. **Mistake in ballot count.** If it is found that there was a mistake made in counting the ballots on election day, the Secretary of State shall submit a corrected tabulation to the ~~Governor and Council~~ **Commission on Governmental Ethics and Election Practices**.

Sec. 201. 21 MRSA § 1152, sub-§ 8, 1st sentence is amended to read:

If there are enough disputed ballots to affect the result of the election, the interested candidate may appeal to the ~~Governor and Council~~ **Commission on Governmental Ethics and Election Practices** for a determination of the election on written application to the Secretary of State at the close of the recount.

Sec. 202. 21 MRSA § 1152, sub-§ 9, last sentence is amended to read:

If there is an appeal to determine the validity of the disputed ballots, the Secretary of State shall keep them until needed by the ~~Governor and Council~~ **Commission on Governmental Ethics and Election Practices**.

Sec. 203. 21 MRSA § 1154, 1st sentence, as last amended by PL 1975, c. 621, § 8, is further amended to read:

Any resident of the municipality affected may inspect referendum ballots, have them recounted and appeal those disputed to the ~~Governor and Council~~ **as provided in section 1152, except statewide referendum shall be appealed to the Commission on Governmental Ethics and Election Practices as provided under chapter 36.**

Sec. 204. 21 MRSA § 1211, 1st ¶ is amended to read:

On request, the clerk of any municipality and the Secretary of State shall produce any ballots or checklists in his custody before the ~~Governor and Council~~ **Commission on Governmental Ethics and Election Practices**, either branch of the Legislature, any legislative committee or any court of competent jurisdiction.

Sec. 204-A. 21 MRSA § 1531, sub-§ 1, is amended to read:

1. **Interim appointment.** Within a reasonable time after the vacancy occurs, the Governor ~~with the advice and consent of the Council~~ shall appoint a qualified person to fill the vacancy until his successor is elected and qualified.

Sec. 205. 21 MRSA § 1622, sub-§ 3, 1st sentence, is amended to read:

The Governor ~~with the advice and consent of the Council~~ shall appoint a qualified person as registration commissioner of each voting district.

Sec. 206. 21 MRSA § 1622, sub-§ 3, last sentence, is repealed as follows:

~~The appointment of a temporary registration commissioner may be made without the advice and consent of the Council~~

Sec. 207. 22 MRSA § 1, 2nd ¶, 1st sentence, as repealed and replaced by PL 1973, c. 793, § 1 and as last amended by PL 1975, c. 293, § 2 is further amended to read:

The department shall be under the control and supervision of the Commissioner of Human Services, hereinafter in this Title called the "commissioner" who shall be appointed by the Governor ~~with the advice and consent of the Council, for a term coterminous with the Governor, subject to removal for cause by the Governor and Council, subject to review by the Joint Standing Committee on Health and Institutional Services and to confirmation by the Legislature, and shall serve at the pleasure of the Governor.~~

Sec. 208. 22 MRSA § 1, 2nd ¶, last sentence as last repealed and replaced by PL 1973, c. 793, § 1, is repealed.

Sec. 209. 22 MRSA § 1, last ¶, as last repealed and replaced by PL 1973, c. 793, § 1, is amended to read:

The director, Bureau of ~~Human Services~~ **Resource Development** and the director, Bureau of Maine's Elderly, shall be appointed by the commissioner, after consultation with the Maine Committee on Aging and the Maine Human Services Council, with the advice and consent of the Governor ~~and Executive Council~~. Each of these directors shall be appointed and serve in the unclassified service for a term coterminous with the ~~Governor commissioner~~. They shall serve at the pleasure of the commissioner, subject to removal ~~for cause by the commissioner with the advice and consent of the Governor and Executive Council~~. Any vacancy in each of these positions shall be filled by appointment as above for a like term.

Sec. 210. 22 MRSA § 10, as enacted by PL 1967, c. 219, is amended to read:

§ 10. Federal funds and commodities

The commissioner, with the consent and approval of the Governor ~~and Council~~, is authorized and empowered to accept any and all allotments of federal funds and commodities, and to manage and dispose of the same in whatever manner required by federal law, and put into effect the Federal So-

cial Security Act and any amendments thereof, and of other federal acts relating to public welfare.

Sec. 211. 22 MRSA § 41 is amended to read:

§ 41. Commissioner's report

The commissioner, as soon as practicable after the close of the fiscal year which is indicated by an even number, shall report to the Governor ~~and Council~~ on the activities of the department during the biennial period just ended with such suggestions as to legislative action as he deems necessary or important.

Sec. 212. 22 MRSA § 254, sub-§ 6, last sentence, as enacted by PL 1975, c. 619, § 1, is amended to read:

This register shall be a public record and shall be sent to the Governor ~~and Council~~ every 6 months for his inspection.

Sec. 213. 22 MRSA § 254, next to last ¶, last sentence, as enacted by PL 1975, c. 619, § 1, is amended to read:

In no circumstance ~~however~~ shall expenditures of over \$3,000 per year be incurred for the operation of this committee and all such expenditures must be approved by the Governor ~~and Executive Council~~.

Sec. 214. 22 MRSA § 562, 2nd ¶, 2nd sentence, as enacted by PL 1975, c. 618, is amended to read:

Costs shall be recalculated at least annually and imposed with the approval of the Governor ~~and Council~~.

Sec. 215. 22 MRSA § 1703, 2nd sentence, is amended to read:

The department, subject to the approval of the Governor ~~and Council~~, shall have authority to accept funds from other sources for the same purposes.

Sec. 216. 22 MRSA § 1706 is amended to read:

§ 1706. Distribution of antitoxins in emergency

The department, with the approval of the Governor ~~and Council~~, may, for the purpose of aiding in national defense in case of war or in any state emergency declared by the Governor under the Civil Defense Law, procure and distribute within the State, and sell or give away, in its discretion, antitoxins, serums, vaccines, viruses and analogous products applicable to the prevention or cure of disease of man.

Sec. 217. 22 MRSA § 2054, sub-§ 1, as enacted by PL 1971, c. 303, § 1, and as amended, is further amended to read:

1. **Authority.** There is hereby created a body politic and corporate to be known as the "Maine Health Facilities Authority." Said authority is constituted a public body corporate and politic and an instrumentality of the State, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public func-

tion. Said authority shall consist of 10 members, one of whom shall be the Bank Superintendent, ex officio, one of whom shall be the Commissioner of Human Services, ex officio, and 8 of whom shall be residents of the State appointed by the Governor, ~~with the advice and consent of the Executive Council~~ not more than 4 of such appointed members to be members of the same political party. Three of the appointed members shall be trustees, directors, officers or employees of hospitals and one of such appointed members shall be a person having a favorable reputation for skill, knowledge and experience in state and municipal finance, either as a partner, officer or employee of an investment banking firm which originates and purchases state and municipal securities, or as an officer or employee of an insurance company or bank whose duties relate to the purchase of state and municipal securities as an investment and to the management and control of a state and municipal securities portfolio. Of the 3 members first appointed who are trustees, directors, officers or employees of hospitals, one shall serve for 2 years, one for 3 years and one for 4 years. Of the 5 remaining members initially appointed, one shall serve for one year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. Annually, the Governor ~~with the advice and consent of the Executive Council~~ shall appoint, for a term of 5 years, a successor to the member whose term expires. Members shall continue in office until their successors have been appointed and qualified. The Governor ~~with the advice and consent of the Executive Council~~ shall fill any vacancy for the unexpired terms. A member of the authority shall be eligible for reappointment. Any non-ex officio member of the authority may be removed by the Governor ~~and Executive Council~~, after hearing, for misfeasance, malfeasance or willful neglect of duty. Each member of the authority before entering upon his duties shall take and subscribe the oath or affirmation required by the State Constitution, Article IX. A record of each such oath shall be filed in the office of the Secretary of State. The Bank Superintendent and the Commissioner of Human Services may designate their deputies or any member of their staffs to represent them as members at meetings of the authority with full power to act and vote in their behalf.

Sec. 218. 22 MRSA § 2069, as enacted by PL 1971, c. 303, § 1, is amended to read:

§ 2069. Annual report

Within 4 months after the close of each fiscal year of the authority, the executive director of the authority shall prepare and submit a complete financial report to the Governor ~~and the Executive Council~~, duly audited and certified by the auditor of accounts of the operations and activities of the authority during the preceding fiscal year to be distributed in the same way as state departmental reports.

Sec. 219. 22 MRSA § 3022, 2nd and 4th sentences, as enacted by PL 1967, c. 534, § 2, are amended to read:

The Chief Medical Examiner of the State of Maine shall be appointed by the Governor ~~with the advice and consent of the Council~~ for a term of 7 years and until his successor is appointed and qualified.

Any vacancy in the Office of the Chief Medical Examiner shall be filled by appointment by the Governor ~~with the advice and consent of the Council~~ for a full term of 7 years.

Sec. 220. 22 MRSA § 3024, 1st ¶, 1st sentence, as enacted by PL 1967, c. 534, § 2, is amended to read:

The salary of the Chief Medical Examiner of the State of Maine shall be set by the Governor ~~and Council~~.

Sec. 221. 22 MRSA § 3058, 1st and 2nd sentences, as enacted by PL 1969, c. 457, § 1, are amended to read:

The commissioner is authorized and empowered, with the approval of the Governor ~~and Council~~, to accept and use gifts made unconditionally by will or otherwise, for carrying out the purposes of this chapter. Gifts made under such conditions as in the judgment of the department are proper and consistent with this chapter may be so accepted, with the approval of the Governor ~~and Council~~, and shall be held, invested, reinvested and used in accordance with the conditions of the gift.

Sec. 222. 22 MRSA § 3059, as enacted by PL 1969, c. 457, § 1, is amended to read:

§ 3059. Determination of disability; federal-state agreement

The department is designated as the state agency to make determination of disability required under the Federal Social Security Act and acts amendatory thereof and additional thereto, and the commissioner, subject to the approval of the Governor ~~and Council~~, is authorized and empowered to enter into an agreement on behalf of the State with the designated federal official to carry out the Federal Social Security Act and acts amendatory thereof and additional thereto relating to the making of determinations of disability.

Sec. 223. 22 MRSA § 3103, 1st sentence, is amended to read:

The commissioner shall give to the Governor ~~or Council~~ or to the Legislature or any committee thereof at any time upon their request information and advice with reference to any charitable or correctional institution about which he has information.

Sec. 224. 22 MRSA § 3105, 1st ¶, 1st sentence, is amended to read:

The department, under the direction of the Governor ~~and Council~~, may establish, conduct and maintain rehabilitation work as part of its program of aid and assistance.

Sec. 225. 22 MRSA § 3175, 1st sentence, as enacted by PL 1973, c. 790, § 2, is amended to read:

The department is authorized, subject to the approval of the Governor ~~and Council~~, to:

Sec. 226. 22 MRSA § 4710 is amended to read:

§ 4710. Warrants

The Governor ~~and Council~~ may draw warrants on the Treasurer of State for such sums as are payable to the Indians for the bounties on agricultural products.

Sec. 227. 22 MRSA § 4714 is amended to read:

§ 4714. Expenditure of tribal funds

The department, subject to the approval of the Governor ~~and Council~~, may expend for the benefit of either Indian tribe any portion of the funds of that tribe, provided the expenditure will not decrease the principal of the fund to such an extent as to prevent compliance with any existing statute, and provided the tribe whose funds are used shall consent to the expenditure at a meeting duly called for the purpose.

Sec. 228. 22 MRSA § 4789, 1st sentence, is amended to read:

The Governor ~~and Council~~ may draw warrants on the State Treasury for any sum not exceeding the interest on the price of the 4 townships purchased by the State of the Penobscot Tribe in June, 1833, and of any other money paid into the treasury, and for the full amount of rents paid in as aforesaid.

Sec. 229. 22 MRSA § 4792, sub-§ 3, last 2 sentences, as last repealed and replaced by PL 1973, c. 130, § 1, are amended to read:

The commissioner shall issue his certificate of election to the winner of a recount, unless within 4 days of said recount, the loser appeals its result in writing to the Governor ~~and Council~~ of the State of Maine, addressed to the Secretary of State. In all cases the determination of the winner by the Governor ~~and Council~~ shall be final.

Sec. 230. 22 MRSA § 4831, last 2 sentences, as last repealed and replaced by PL 1973, c. 740, § 2, are amended to read:

The commissioner shall issue his certificate of election to the winner of a recount unless within 4 days of the said recount, the loser appeals its results in writing to the Governor ~~and Council of the State of Maine~~, addressed to the Secretary of State. In all cases, the determination of the winner by the Governor ~~and Council~~ shall be final.

Sec. 231. 22 MRSA § 5105, 4th ¶, as enacted by PL 1973, c. 630, § 1 and as repealed and replaced by PL 1973, c. 793, § 6, is repealed and the following enacted in place thereof:

The bureau shall be administered by a director who shall be appointed as provided in section 1.

Sec. 232. 22 MRSA § 5309, 1st ¶, as enacted by PL 1973, c. 793, § 12, is repealed and the following enacted in place thereof:

The bureau shall be administered by a director who shall be appointed as provided in section 1.

Sec. 233. 22 MRSA § 5314, 1st ¶, 1st sentence, as enacted by PL 1973, c. 793, § 12, is amended to read:

The council shall consist of no more than 17 members who, excepting members representing the Legislature, shall be appointed by the Governor ~~with the advice and consent of the Executive Council.~~

Sec. 234. 22 MRSA § 7108, 1st ¶, 1st sentence, as enacted by PL 1973, c. 566, § 1, is amended to read:

The council shall consist of no more than 17 members who, excepting members representing the Legislature, shall be appointed by the Governor ~~with the advice and consent of the Executive Council.~~

Sec. 235. 23 MRSA § 151 is amended to read:

§ 151. Purposes

The purposes of this subchapter are to establish an independent, impartial board composed of ~~men~~ persons well learned in the elements that may be properly considered in the determination of fair market value of property taken in condemnation proceedings; to consider claims of the sum of \$2,000 or less, against the State or any of its agents, which are not submitted pursuant to a specific statutory provision other than this subchapter; to empower such board to make awards of just compensation in highway condemnations and to establish before such board a procedure designed to afford to any interested party an opportunity to appear, present his case and have his rights fully protected without the necessity for retaining professional assistance; to thus provide to any interested party a prompt, efficient and inexpensive method of determination of just compensation and prompt payment of all or part of such compensation without prejudice to any right of appeal allowed.

Sec. 236. 23 MRSA § 152, as last amended by PL 1973, c. 686, § 1, is repealed and the following enacted in place thereof:

§ 152. Composition; appointment; powers

The State Claims Board, as heretofore established and formerly known as the Land Damage Board, shall consist of 5 members. Four of these members shall be appointed by the Governor, 2 of whom shall be qualified appraisers and 2 of whom shall be attorneys at law. The Governor shall designate one of the attorneys at law to be chairman. The members of the board appointed by the Governor shall serve for terms of 4 years. They shall be sworn and, for inefficiency, willful neglect of duty or for malfeasance in office, may be removed by the Governor on the address of both branches of the Legislature or by impeachment. In case of a vacancy occurring through death, resignation or removal, the Governor shall appoint a successor for the whole term of the member whose place he takes, subject to removal as aforesaid.

The Governor shall set the rate of pay on a per diem basis which each member of the State Claims Board shall receive and they shall be remunerated for all expenses necessarily incurred in the performance of their official duties.

In carrying out its duties, the board shall not be bound by common law or statutory rules of evidence, or by technical or formal rules of procedure. It

shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant and unduly repetitious testimony. A majority of the board, being present, may determine all matters, but the chairman shall resolve all questions of admissibility.

The board shall have authority to make rules and regulations and prescribe forms to secure a speedy, efficient and inexpensive disposition of all proceedings. Each member of the board, for its official purposes, may administer oaths, certify to official acts and issue all process necessary to the performance of the duties of the board. A reporter shall record hearings when required by the board.

The board shall maintain an office in Augusta. The Commissioner of the Department of Business Regulation shall appoint, subject to the Personnel Law, a clerk of the board to keep its records and to perform such other duties as the board shall prescribe. The clerk shall have authority to certify to all official acts of the board, administer oaths, issue subpoenas and issue all processes, notices, orders or other documents necessary to the performance of the duties of the board.

The Commissioner of the Department of Business Regulation shall appoint and fix the compensation of a reporter to the board and shall review and approve all charges made by such reporter for transcripts of the record of hearings before the board. The Commissioner of the Department of Business Regulation may appoint, subject to the Personnel Law, such clerical assistants for the board as he may deem necessary.

Every claim against the State or any of its agents, which is not submitted under a specific statutory provision other than this subchapter and which does not exceed the sum of \$2,000, shall be submitted to the State Claims Board, which shall approve, partially approve or disapprove that claim. Such claims shall be submitted to the 4 members of the board appointed by the Governor. The board shall meet in Augusta on a regular basis to consider such claims as submitted. Any such claim which the board partially or completely approves shall be paid from funds allocated by the Governor from the State Contingent Account.

The 5th member of the board shall be appointed for each hearing or series of hearings within the county where the land taken lies. He shall be a member of the board of county commissioners of the county wherein the land taken is situated and shall be appointed by the chairman of the State Claims Board upon recommendation which shall be made, upon request, by the board of county commissioners of that particular county. In the event that any board of county commissioners should fail to make the required recommendation, then the chairman of the State Claims Board may appoint a member of such board to serve. He shall be sworn by the chairman of the State Claims Board and shall serve as a member of that board only for the particular hearing or hearings for which he is appointed. He shall participate fully in such hearings and the awards made as a result thereof. Each such member shall be paid at the same per diem rate as that fixed for other members of the board. Any member of a board of county commissioners thus designated shall serve only for the particular hearing or hearings set forth in his ap-

pointment and such service shall be as a member of the State Claims Board and not in his capacity as a member of the board of county commissioners.

Sec. 237. 23 MRSA § 154, sub-§ 2, ¶ H, 1st sentence, as last amended by PL 1971, c. 593, § 22, is further amended to read:

If the offer is not acceptable and the State cannot negotiate an agreement on the amount of just compensation within 60 days from the date of taking, the owner may apply to the department within said 60 days and have the matter referred to the ~~Land Damage~~ **State Claims Board** for assessment of the damage.

Sec. 238. 23 MRSA § 154, sub-§ 3, ¶ F, 1st sentence, as last amended by PL 1971, c. 593, § 22, is further amended to read:

If the offer is not acceptable and the State cannot negotiate an agreement on the amount of just compensation within 60 days from the date of taking, the owner may apply to the department within said 60 days and have the matter referred to the ~~Land Damage~~ **State Claims Board** for assessment of the damage.

Sec. 239. 23 MRSA § 155, 2nd and 3rd sentences, as last amended by PL 1971, c. 593, § 22, are further amended to read:

If within that time the owner rejects the state's offer of just compensation, such owner may apply to the department and have the matter referred to the ~~Land Damage~~ **State Claims Board** for assessment of the damage. If, at the expiration of that time, no such agreement for just compensation has been made, the department shall immediately file a petition with the ~~Land Damage~~ **State Claims Board** setting forth the pertinent facts including the names and addresses of the owner or owners of record and the holders of any mortgages, tax liens or other encumbrances, a copy of the notice of condemnation, the statement of the department and a plan of the property involved as served upon the owner or owners of record in accordance with section 154 and requesting a hearing and an award of just compensation.

Sec. 240. 23 MRSA § 156, 1st sentence, as last amended by PL 1971, c. 593, § 22, is further amended to read:

The ~~Land Damage~~ **State Claims Board** shall immediately enter the petition of the department upon its docket and assign a date for hearing at the earliest possible date.

Sec. 241. 23 MRSA § 156, 5th sentence is amended to read:

Before making an award the ~~Land Damage~~ **State Claims Board** shall view the property involved with or without the presence of the interested parties, but it shall first notify the interested parties of the time when it will view the property.

Sec. 242. 23 MRSA § 156, 8th and 9th sentences are amended to read:

In making its award, the ~~Land Damage~~ **State Claims Board** shall not be limited by the range of testimony produced before it but may reach its decision on the basis of the view, the testimony and its own judgment. The

~~Land Damage State Claims~~ Board may continue a hearing from time to time for cause shown or by agreement of parties; and where such continuance is made at the request of the landowner, may require that interest be waived for the period of the continuance.

Sec. 243. 23 MRSA § 156, 2nd ¶, 1st sentence is amended to read:

As promptly as possible after the conclusion of the hearing, the ~~Land Damage State Claims~~ Board shall make an award in writing specifying:

Sec. 244. 23 MRSA § 156, sub-§ 3 is amended to read:

3. Board's decision on elements of damage. The ~~Land Damage State Claims~~ Board's decision as to each of the elements of damage listed in section 154, subsection 2 or 3, or the elements of damage as set forth in section 154, subsection 4, and such other elements of damage as are legally compensable;

Sec. 245. 23 MRSA § 156, 2nd and 3rd paragraphs from the end, as last amended by PL 1971, c. 593, § 22, are further amended to read:

No interest shall be allowed on so much of the net damage as has been paid to the owner or owners. An attested copy of each award shall be sent forthwith to the department and to the party or parties named in the award. The department shall, within 14 days, designate to the ~~Land Damage State Claims~~ Board the award or awards from which it intends to appeal and forward to the ~~Land Damage State Claims~~ Board a check payable to the clerk of courts for the county where said land is situated for the use of the party or parties designated in the award. The ~~Land Damage State Claims~~ Board shall forthwith serve upon the party or parties named in the award an attested copy of the award together with a notice that the department has expressed its intention to appeal the award and that the amount of the award will be paid in to the clerk of courts for the county in which the land is situated subject to withdrawal as provided in section 158, and shall forward such check together with an attested copy of the award to the clerk of courts aforesaid.

In all other cases, the department shall, within said 14 days, forward to the ~~Land Damage State Claims~~ Board a check payable to the party or parties named in the award and the ~~Land Damage State Claims~~ Board shall forthwith serve upon the party or parties named therein an attested copy of the award, the check aforesaid and a notice clearly outlining the rights of appeal. If the party or parties named in the award refuse to accept it and appeal therefrom to the Superior Court, the department, upon notice from the ~~Land Damage State Claims~~ Board, shall forward to the ~~Land Damage State Claims~~ Board a check in the amount of the award payable to the clerk of courts for the county where the land is situated for the use of the party or parties named in the award which the ~~Land Damage State Claims~~ Board shall forthwith file with said clerk together with an attested copy of its award.

Sec. 246. 23 MRSA § 157, as last amended by PL 1973, c. 22, § 2, is further amended to read:

§ 157. Appeals

The department or any party or parties aggrieved by an award of the ~~Land Damage State Claims~~ Board may appeal therefrom to the Superior Court in the county where the land is situated within 30 days after the date of the receipt by the appellant of the notice of award. Such appeal shall be taken by filing a complaint setting forth substantially the facts upon which the case shall be tried like other cases. The appellant shall serve notice of such appeal on the opposing party and on the ~~Land Damage State Claims~~ Board by sending by registered or certified mail within the time above limited a true copy of said complaint and returning therewith to the ~~Land Damage State Claims~~ Board whatever check or checks that may have been forwarded to him with the notice of award.

The court shall determine the same by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee or referees and shall render judgment for just compensation, with interest where such is due, and for costs in favor of the party entitled thereto; except that if the department appeals and if the department does not prevail, interest where such is due and costs shall be paid by the department and the owner or owners shall be reimbursed by the department for a reasonable attorney's fee.

If either the owner or owners of record or the department appeal and the just compensation finally awarded, exclusive of interest, is less than the gross damage determined by the ~~Land Damage State Claims~~ Board, exclusive of any interest allowed, then the court shall give judgment in favor of the department for the excess of the gross damage determined by the ~~Land Damage State Claims~~ Board, inclusive of interest, over the final award and for its costs from the time of appeal. Execution may be issued on such judgment.

If either the owner or owners of record or the department appeal and the just compensation finally awarded, exclusive of interest, is not less than the gross damage determined by the ~~Land Damage State Claims~~ Board, exclusive of any interest allowed, then the court shall give judgment to the owner or owners for the amount in which the final award is in excess of the money deposited in court, plus the amount paid the owner or owners, exclusive of any interest awarded by the ~~Land Damage State Claims~~ Board, and for interest on such excess from the date of taking and for costs from the time of appeal. No interest shall be allowed on so much of any award as has been paid into court or on any amount paid to the owner or owners. The clerk shall certify the final judgment of the court to the department which shall enter the same of record, and order the same to be paid by the Treasurer of State. The judgment and certificate of judgment shall specify the withholding, if any, authorized pursuant to section 244-A, subsection 4.

In case of the decease of any person entitled to claim damages under this subchapter, the heirs, executors, administrators or assigns of such person shall have the right to prosecute the appeal provided for in this section under the same conditions and limitations as the original owner had, and may be substituted for the appellant in any proceedings commenced by said appellant. In case any landowner assigns, transfers or sells his right to claim dam-

ages, his assignee, transferee or vendee shall have the same rights as above set forth.

Sec. 247. 23 MRSA § 158, 1st sentence, as last amended by PL 1971, c. 593, § 22, is further amended to read:

If the department or any party named in an award has duly taken an appeal from an award of the ~~Land Damage State Claims~~ Board in accordance with section 157 and the amount of the award has been paid in to the clerk of courts for the county in which the land is situated, the owner or owners of record named in the award may petition the Superior Court in said county for payment of all or any part of the money thus deposited for and on account of just compensation.

Sec. 248. 23 MRSA § 159, as last amended by PL 1971, c. 593, § 22, is further amended to read:

§ 159. Interpleader

If difficult question of law should arise before the ~~Land Damage State Claims~~ Board as to entitlement to or apportionment of just compensation, then it is authorized to make a blanket award to all parties interested. If no appeal is taken and no agreement is reached by the parties named in the award within 60 days from the date of such award, the ~~Land Damage State Claims~~ Board shall certify the facts and legal questions to the department. The department shall then interplead the parties named in the award by a complaint filed in the Superior Court in the county wherein the land is situated and shall pay in the amount of said award to the clerk of courts of said county to be paid in accordance with the court's order. For purposes of this section, the department shall be acting to prevent double or multiple liability.

Sec. 249. 23 MRSA § 252, as amended by PL 1971, c. 593, § 22, is further amended to read:

§ 252. Construction

The Governor ~~and Council~~, with the special authorization of the Legislature, may direct the department to lay out and construct any state highway as a parkway or a freeway road.

Sec. 250. 23 MRSA § 453, 9th sentence, as amended by PL 1971, c. 593, § 22, is further amended to read:

The department may provide for the construction of the bridge on a day labor basis, or with the approval of the Governor ~~and Council~~, by contract without advertising for bids.

Sec. 251. 23 MRSA § 654, 2nd sentence, as amended by PL 1971, c. 593, § 22, is further amended to read:

If the department neglects to so sign, establish or maintain such detour road the same shall be done by order of the Governor ~~and Council~~.

Sec. 252. 23 MRSA § 753, 10th sentence, as amended by PL 1971, c. 593, § 22, is further amended to read:

The department may construct state highways by day labor without advertising for bids; and may, with the approval of the Governor ~~and Council~~, award contracts for state highways without advertising for bids, if the same shall be for the best interest of the State.

Sec. 253. 23 MRSA § 1111, 2nd sentence, as amended by PL 1971, c. 593, § 22, is further amended to read:

The Governor ~~with the advice and consent of the Council~~ shall appoint a surveyor from the Department of Transportation who shall, in conjunction with a duly authorized representative of the State of New Hampshire, perambulate the boundary line from Bryant's Rock at East Pond to the Canadian Line.

Sec. 254. 23 MRSA § 1112, as amended by PL 1971, c. 593, § 22, is further amended to read:

§ 1112. Notice

The Governor ~~with the advice and consent of the Council~~ shall authorize the Department of Transportation to notify and make such arrangements with the proper authorities of the State of New Hampshire as may be necessary to carry out this subchapter.

Sec. 255. 23 MRSA § 1601, 1st sentence, is amended to read:

The Treasurer of State by direction of the Governor ~~and Council~~ shall negotiate the sale of all state highway bonds and state highway and bridge bonds.

Sec. 256. 23 MRSA § 1652, 2nd ¶, is amended to read:

Transfers from one account of the General Highway Fund to another account thereof shall be made only with the approval of the Governor ~~and Council~~, but in no case shall any permanent transfer be made except for purposes specifically provided for by appropriate legislative Acts for the expenditures of the General Highway Fund.

Sec. 257. 23 MRSA § 4205, as enacted by PL 1971, c. 593, § 16 and as last amended by PL 1975, c. 580, § 3, is repealed and the following enacted in place thereof:

§ 4205. Department; commissioner

There is created and established the Department of Transportation to consist of a Commissioner of Transportation appointed by the Governor, subject to review by the Joint Standing Committee on Transportation and to confirmation by the Legislature, who shall serve at the pleasure of the Governor, and the following as heretofore created and established:

1. The Department of Aeronautics;
2. The State Highway Commission;
3. The Economic Advisory Board;
4. The Maine Port Authority;
5. The Scenic Highway Board;

6. The Highway Safety Committee; and

7. The Vehicle Equipment Safety Commission.

Sec. 258. 23 MRSA § 4206, sub-§ 3, as enacted by PL 1971 c. 593, § 16, is amended to read:

3. Advisory boards. The commissioner, subject to approval by the Governor ~~and Council~~, shall organize and create such advisory committees and boards to serve at the pleasure of the commissioner for such terms and purposes as are deemed to be in the best interest of furthering the intent and purposes of this chapter. Such committees and boards shall be made up of persons especially skilled, knowledgeable or experienced in some phase of transportation. The commissioner shall fix the compensation for those who serve on such boards and committees with the consent and approval of the Governor ~~and Council~~.

Sec. 259. 24-A MRSA § 201, sub-§ 2, as enacted by PL 1969, c. 132, § 1 and as repealed and replaced by PL 1973, c. 585, § 7, is amended to read:

2. The superintendent shall be appointed by the Commissioner of the Department of Business Regulation with the advice and consent of the Governor ~~and Council~~.

Sec. 260. 24-A MRSA § 217, sub-§ 1, first ¶, as last amended by PL 1973, c. 585, § 12, is further amended to read:

1. As soon as practical after the annual financial statements have been received from the authorized insurers, the superintendent may make a written report to the Governor ~~and Council~~ showing with respect to the preceding calendar year:

Sec. 261. 25 MRSA § 1501, 1st ¶, as last repealed and replaced by PL 1975, c. 579, § 3, is amended to read:

The Commissioner of Public Safety, with the advice and consent of the Governor ~~and Council~~ **and subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature**, shall appoint a Chief of the State Police, as heretofore appointed, to serve for a term of 4 years unless removed for cause. Such appointment shall be made from the commissioned officer ranks of the State Police. He may be removed by ~~the Commissioner of Public Safety, with the approval of the Governor and Council, only after charges have been preferred in writing and, if he so requests, after public hearing~~ **impeachment or by the Governor on the address of both branches of the Legislature.**

Sec. 262. 25 MRSA § 1501, 4th ¶, 2nd sentence, as last repealed and replaced by PL 1975, c. 579, § 3, is amended to read:

In this event, the Chief of the State Police shall be appointed by the Governor ~~with the advice and consent of the Council for a term coterminous with that of the Governor, subject to removal for cause by the Governor and Council,~~ **subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature, to serve at the pleasure of the Governor.**

Sec. 263. 25 MRSA § 1504, first sentence is amended to read:

The Governor ~~and Council~~ shall determine the salary of the chief and deputy chief.

Sec. 264. 25 MRSA § 1549, as amended by PL 1973, c. 788, § 109, is further amended to read:

§ 1549. Authorization of Governor and Council

The law enforcement agencies of the State, upon request of the ~~Governor and Council~~ Commissioner of Public Safety, shall have the authority to take, or cause to be taken, and shall take, or cause to be taken, the fingerprints of any persons who shall request their fingerprints to be taken for civilian identification.

Sec. 265. 25 MRSA § 2441, 3rd ¶, first sentence is amended to read:

Such rules and regulations shall become effective when approved in writing by the Governor ~~and Council~~ and when a certified copy thereof has been filed with the Secretary of State.

Sec. 266. 25 MRSA § 2452, sub-§ 1, is amended to read:

1. **Effective date.** The regulations, and amendments thereto, become effective when a certified copy of them has been approved in writing by the Governor ~~and Council~~ and filed with the Secretary of State.

Sec. 267. 25 MRSA § 2802, first ¶, as amended by PL 1975, c. 579, § 6, is amended to read:

There is created a board of trustees for the academy consisting of 12 members as follows: The Commissioner of Public Safety, ex officio, the Attorney General, ex officio, and the following to be appointed by the Governor ~~with the advice and consent of the Council~~: A commissioned officer of the State Police, a county sheriff, a chief of a municipal police department, 2 officers of municipal police departments, an educator, a representative from a criminal justice agency not involved in the general enforcement of Maine criminal laws, a representative of a federal law enforcement agency, a citizen and a municipal officer.

Sec. 268. 25 MRSA § 2901, as enacted by PL 1971, c. 496, § 1, as repealed and replaced by PL 1973, c. 788, § 113 and as last amended by PL 1975, c. 579, § 10, is further amended to read:

§ 2901. Department; commissioner

There is hereby created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement responsibilities of the State of Maine, to consist of the Commissioner of Public Safety, who shall be appointed by the Governor ~~with the advice and consent of the Council~~ to serve a term ~~conterminous with that of the Governor, subject to removal for cause by the Governor and Council,~~ subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following as heretofore

created and established. The Bureau of State Police, the Bureau of Liquor Enforcement, the Office of the State Fire Marshal and the Maine Criminal Justice Academy.

Sec. 269. 26 MRSA § 41, 2nd sentence, as last amended by PL 1971, c. 620, § 1, is further amended to read :

He shall be appointed by the Commissioner of Manpower Affairs, with the advice and consent of the Governor ~~and Council~~, for a term of 3 years, and shall hold office until his successor is appointed and qualified.

Sec. 270. 26 MRSA § 42, 2nd sentence, as last amended by PL 1971, c. 620, § 13, is further amended to read :

The director is authorized and empowered, subject to the approval of the Governor ~~and Council~~, to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out this section, and meet such requirements with respect to the administration of such funds, not inconsistent with this section, as are required as conditions precedent to receiving such funds.

Sec. 271. 26 MRSA § 171, 1st sentence, as amended by PL 1971, c. 620, § 13, is further amended to read :

The board of appeals, as heretofore established, shall be known as the "Board of Boiler Rules," and shall consist of 5 members, 4 of whom shall be appointed by the director, with the approval of the Governor ~~and Council~~.

Sec. 272. 26 MRSA § 175, 1st sentence, as amended by PL 1971, c. 620, § 13, is further amended to read :

The director shall appoint, with the approval of the Governor ~~and Council~~, and may remove for cause when so appointed, a citizen of this State who shall have had, at the time of such appointment, not less than 5 years' practical experience with steam boilers as a steam engineer, mechanical engineer, boiler maker or boiler inspector, and who has passed the same kind of an examination as that prescribed for deputy and authorized inspectors in section 176 to be Chief Inspector of Boilers at any time the office may become vacant.

Sec. 273. 26 MRSA § 431, 2nd sentence, as last amended by PL 1973, c. 788, § 118, is further amended to read :

The said board shall consist of 6 members, of whom 4 shall be appointed to membership by the director, subject to the approval of the Governor ~~and Council~~.

Sec. 274. 26 MRSA § 431, 4th sentence is amended to read :

At the expiration of each member's term, his successor shall be appointed by the commissioner, subject to the approval of the Governor ~~and Council~~, from the same classification in accordance with this section for a term of 4 years.

Sec. 275. 26 MRSA § 431, 5th sentence, as last amended by PL 1971, c. 620, § 13, is further amended to read :

In case of a vacancy in board membership, the director, with the approval of the Governor ~~and Council~~, shall appoint a member of the proper classification to serve the term of the absent member.

Sec. 276. 26 MRSA § 433, 1st sentence, as amended by PL 1971, c. 620, § 13, is further amended to read:

The director shall appoint, with the approval of the Governor ~~and Council~~, and may remove for cause when so appointed, a citizen of the State qualified to fulfill the functions of the office to serve as supervising inspector, after he shall have successfully passed an examination prescribed by the board.

Sec. 277. 26 MRSA § 564, first ¶, first sentence, as last amended by PL 1975, c. 519, § 14, is amended to read:

The Board of Occupational Safety and Health is established and shall consist of 10 members of which 9 shall be appointed by the Governor ~~with the advice and consent of the Council~~.

Sec. 278. 26 MRSA § 564, third ¶, is amended to read:

In case of a vacancy in board membership, the Governor ~~with the advice and consent of the Council~~ shall appoint a member of the proper classification to fill the unexpired term of the absent member.

Sec. 279. 26 MRSA § 911, first sentence, is amended to read:

The State Board of Arbitration and Conciliation, as heretofore established and hereinafter in this subchapter called the "board," shall consist of 3 members appointed by the Governor, ~~with the advice and consent of the Council~~ from time to time upon the expiration of the terms of the several members, for terms of 3 years.

Sec. 280. 26 MRSA § 965, sub-§ 2, ¶ C, 1st sentence, as last repealed and replaced by PL 1975, c. 564, ¶ 14, is amended to read:

A panel of mediators, to consist of not less than 5 nor more than 10 impartial members, shall be appointed by the Governor, ~~with the advice and consent of the Council~~ from time to time upon the expiration of the terms of the several members, for terms of 3 years.

Sec. 281. 26 MRSA § 968, sub-§ 1, 1st sentence, as last repealed and replaced by PL 1975, c. 564, § 22, is amended to read:

The Maine Labor Relations Board shall consist of 3 members and 6 alternates to be appointed by the Governor, ~~with the advice and consent of the Council~~ subject to review by the Joint Standing Committee on Labor and to confirmation by the Legislature.

Sec. 282. 26 MRSA § 968, sub-§ 2, next to the last sentence, as repealed and replaced by PL 1971, c. 609, § 9, is amended to read:

The executive director shall receive such salary as shall be fixed by the Governor ~~and Council~~.

Sec. 283. 26 MRSA § 968, sub-§ 7, first sentence as amended by PL 1971, c. 620, § 13, is further amended to read:

The board shall annually, on or before the first day of July, make a report to the Governor ~~and Council~~ which shall be incorporated in and printed with the biennial report of the bureau.

Sec. 284. 26 MRSA § 979-J, sub-§ 1, first sentence, as enacted by PL 1973, c. 774, is amended to read:

The board shall annually, on or before the first day of July, make a report to the Governor ~~and Council~~.

Sec. 285. 26 MRSA § 1081, sub-§ 1, 2nd sentence as amended by PL 1971, c. 620, § 2, is further amended to read:

Upon the expiration of the term of office of the labor representative or the employers' representative, his successor shall be appointed by the Governor, ~~with the advice and consent of the Council~~ **subject to review by the Joint Standing Committee on Labor and to confirmation by the Legislature** to hold office for a term of 6 years or until his successor has been duly appointed and qualified, or during the pleasure of the Governor ~~and Council~~, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

Sec. 286. 26 MRSA § 1082, sub-§ 4, next to the last sentence, is amended to read:

Special counsel may be designated by the Attorney General at the request of the commission whose services and expenses, subject to approval by the Governor ~~and Council~~, shall be paid from the funds provided for the administration of this chapter.

Sec. 287. 26 MRSA § 1302, last sentence, is amended to read:

The same shall be open to the inspection of the Governor ~~and Council~~.

Sec. 288. 26 MRSA § 1307, first sentence, as repealed and replaced by PL 1967, c. 403, is amended to read:

A Minimum Wage Rate on Construction Projects Board shall consist of 5 members, 4 of whom shall be appointed by the Governor ~~with the advice and consent of the Council~~ to serve at the will and pleasure of the Governor.

Sec. 289. 26 MRSA § 1401, 1st ¶, as enacted by PL 1971, c. 499, § 1, as repealed and replaced by PL 1971, c. 620, § 12 and as amended by PL 1973, c. 537, § 30, is further amended to read:

There is created and established the Department of Manpower Affairs to achieve the most effective utilization of the manpower resources in the State by developing and maintaining an accountable state manpower policy, by insuring safe working conditions and protection against loss of income and by enhancing the opportunities of the individual to improve his economic status to consist of a Commissioner of Manpower Affairs appointed by the

Governor ~~with the advice and consent of the Council for a term coterminous with that of the Governor subject to removal for cause, subject to review by the Joint Standing Committee on Labor and to confirmation by the Legislature,~~ and the following as heretofore created and established: The Employment Security Commission, the Bureau of Labor ~~and Industry~~, the Maine Manpower Advisory Committee, the Cooperative Area Manpower Planning System and the Manpower Development Training Program.

Sec. 290. 27 MRSA § 1, first ¶, 2nd sentence, is amended to read:

The librarian shall receive such salary as shall be set by the Governor ~~and Council.~~

Sec. 291. 27 MRSA § 38, first sentence, is amended to read:

The State Librarian, with the approval of the Governor ~~and Council~~, may make any regulation necessary to enable the State to comply with any law of the United States, heretofore or hereafter enacted, intended to promote public library services.

Sec. 292. 27 MRSA § 261, first sentence, is amended to read:

A State Historian, as heretofore appointed, shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 293. 27 MRSA § 267, 2nd sentence, as repealed and replaced by PL 1969, c. 318, § 2, is amended to read:

Any portion of said amount may be expended by the State Historian, under the direction of the Governor ~~and Council~~, in the publication of historical matter and data relating to the history of the State.

Sec. 294. 27 MRSA § 502, first sentence, as last amended by PL 1973, c. 460, § 19, is further amended to read:

There is created and established a state commission within the Department of Educational and Cultural Services to be known as the "Maine Historic Preservation Commission" to consist of not less than 12 nor more than 15 members made up as follows: Director or representative of the Arts and Humanities Commission, chairman or representative of the Department of Transportation, director or representative of the Maine State Museum Commission, director or representative of the Bureau of State Parks and Recreation, director or representative of the State Planning Office and director or representative of the Board of Environmental Protection to serve ex officio and a minimum of 7 representatives from among citizens of Maine, one of whom shall be elected chairman, who are known for their competence, experience and interest in this field, including at least one archeologist, one historian and one architect, to be appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 295. 27 MRSA § 504, sub-§ 4, 3rd sentence, as enacted by PL 1971, c. 536, § 1, is amended to read:

All gifts, devises, bequests and proceeds of endowment funds shall be used solely to carry out the purposes for which they were made; provided how-

~~ever~~ that the commission shall not accept any gifts, devises or bequests without the consent of the Governor ~~and Council~~ that will require the expenditure of any state, federal or federal-matching funds for its repair, maintenance, preservation or operation ; and

Sec. 296. 27 MRSA § 505, 3rd sentence, as enacted by PL 1971, c. 536, § 1, is amended to read :

Compensation of the director shall be established by the commission, with the approval of the Governor ~~and Council~~.

Sec. 297. 27 MRSA § 506, as enacted by PL 1971, c. 536, § 1, is amended to read :

The commission is authorized and empowered to hold public and private hearings related to the field of historic preservation and to enter into contracts within the limit of funds available therefor with individuals or organizations and institutions for services furthering the objectives of the commission's programs ; to enter into contracts, within the limit of funds available therefor, with public or private local or regional organizations or associations for cooperative endeavors furthering the commission's programs ; approve the acceptance or, when necessary, make initial approval and recommendations for acceptance to the Governor ~~and Council~~, of gifts, contributions, devises and bequests of funds and objects from individuals, foundations, corporations and other organizations, and institutional or governmental bodies for the purpose of furthering the commission's programs ; to make and sign any agreements and to do and perform any acts that may be necessary to carry out the purposes of this chapter.

Sec. 298. 28 MRSA § 51, 1st sentence is amended to read :

The State Liquor Commission, as heretofore established, shall consist of 3 members to be appointed by the Governor, ~~with the advice and consent of the Council~~ subject to review by the Joint Standing Committee on Liquor Control and to confirmation by the Legislature, to serve for 3 years and may ~~after notice and hearing~~ be removed ~~for cause~~ by the Governor ~~and Council~~ on the address of both branches of the Legislature or by impeachment.

Sec. 299. 28 MRSA § 54, 2nd sentence, as last repealed and replaced by PL 1971, c. 615, § 11, is amended to read :

The salary of the director shall be fixed by the Governor ~~and Council~~.

Sec. 300. 28 MRSA § 56, 5th and 6th sentences are amended to read :

The maximum permanent working capital of the commission is established at \$3,500,000 and permanent advances up to this amount may be authorized by the Governor ~~and Council~~ upon recommendation of the commission with the approval of the Commissioner of Finance and Administration. The permanent working capital of the commission may be supplemented by temporary loans from other state funds upon recommendation of the commission and by approval of the Commissioner of Finance and Administration and the Governor ~~and Council~~.

Sec. 301. 28 MRSA § 101, 6th ¶, is amended to read:

The inhabitants of the several municipalities shall vote by ballot on said questions, those in favor voting "Yes" on their ballots and those opposed "No" and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and return made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor ~~and Council~~ shall canvass the same and the result shall be determined as provided in Title 21.

Sec. 302. 28 MRSA § 204, 3rd sentence as repealed and replaced by PL 1969, c. 590, § 44 **and 4th sentence** as repealed and replaced by PL 1971, c. 544, § 87, are amended to read:

The commission may sell spirituous and vinous liquor, except table wine, to approved government instrumentalities within the State at a price to be set by the commission which shall be approved by the Governor ~~and Council~~. The commission may sell spirituous and vinous liquor not for consumption within the State to airlines and ferry services or their agents as authorized by the Liquor Commission at a price to be set by the commission which shall be approved by the Governor ~~and Council~~.

Sec. 303. 29 MRSA § 51, 2nd sentence, is amended to read:

The rules and regulations of the Secretary of State and any changes therein shall take effect when approved by the Governor ~~and Council~~ and published at least once in each daily newspaper in the State.

Sec. 304. 29 MRSA § 55, 2nd sentence, is amended to read:

He shall, from time to time as required by the Governor ~~and Council~~, make report of his doings and of the fees received from vehicle registrations, licenses issued and from other sources, which such recommendations as he may consider appropriate.

Sec. 305. 29 MRSA § 193, 2nd ¶, last sentence, as repealed and replaced by PL 1973, c. 2, is repealed as follows:

~~Plates issued to the Members of the Executive Council shall bear a numeral designating the councillors' district they represent.~~

Sec. 306. 29 MRSA § 783, sub-§ 4, ¶A, 3rd and 5th sentences are amended to read:

Thereafter any lawful claimant may petition the Governor ~~and Council~~ for payment of such moneys to the claimant.

The Governor ~~and Council~~, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.

Sec. 307. 29 MRSA § 1801, is amended to read:

From time to time the Chief of the State Police shall designate, of his own motion or by order of the Governor ~~and Council~~, along the main highways of

this State, weighing points, stations or barracks at which a suitable set of platform or portable scales for the weighing of motor vehicles shall be available for use.

The Chief of the State Police shall designate, of his own motion or by order of the Governor ~~and Council~~, certain state police officers who will be empowered to examine loads and replace seals as provided by section 1802.

Sec. 308. 30 MRSA § 101, 1st sentence, as amended by PL 1975, c. 332, § 1, is further amended to read:

There shall be a board of commissioners for each county consisting of a chairman and 2 other citizens, all resident in the county, who shall be elected every 4 years, or in case of a vacancy, appointed by the Governor ~~with the advice and consent of the Council~~. **In the case of a vacancy in the term of a commissioner who was nominated by primary election before the general election, the commissioner appointed by the Governor shall be enrolled in the same political party as the commissioner whose term was vacant.**

Sec. 309. 30 MRSA § 103 is amended to read:

§ 103. —other times

When no choice is effected or a vacancy happens in the office of county commissioner by death, resignation, removal from the county or for any other reason, the Governor ~~with the advice and consent of the Council~~ shall appoint a person to fill the vacancy, who shall hold office until the first day of January after another has been chosen to fill the place. Such appointment by the Governor shall be subject to the same restriction provided in section 101.

Sec. 310. 30 MRSA § 104, 2nd sentence is amended to read:

From the time of his induction into such service, he shall be regarded as on leave of absence without pay from his said office, and the Governor ~~with the advice and consent of the Council~~ shall appoint a competent citizen, a resident of the county so affected, to fill said office while said county commissioner is in the federal service, but not for a longer period than the remaining portion of the term of said county commissioner.

Sec. 311. 30 MRSA § 104 is amended by adding after the 2nd sentence a new sentence to read:

Such appointment by the Governor shall be subject to the same restriction provided in section 101.

Sec. 312. 30 MRSA § 451, last ¶, 2nd sentence, as repealed and replaced by PL 1973, c. 567, § 7, is amended to read:

Whenever the Governor and ~~Council~~ **the Attorney General**, upon complaint and due notice and hearing, shall find that a district attorney has violated any statute or is not performing his duties faithfully and efficiently, they may remove him from office and appoint another attorney in his place to serve until the first day in January of the year following the next scheduled

election for Representative, at which time a special election shall be held to fill such vacancies as there may be in the office of district attorney.

Sec. 313. 30 MRSA § 452, 2nd sentence, as amended by PL 1973, c. 567, § 8, is further amended to read:

From the time of his induction into such service he shall be regarded as on leave of absence without pay from his said office, and the Governor ~~with the advice and consent of the Council~~ shall appoint a competent attorney, a resident of the prosecutorial district so affected, to fill said office while said district attorney is in the federal service but not for a longer period than the remaining portion of the term of said district attorney.

Sec. 314. 30 MRSA § 552, as repealed and replaced by PL 1973, c. 567, § 17, is amended to read:

§ 552. Appointment of substitute on death or removal

Whenever the office of district attorney becomes vacant by reason of the death, permanent incapacity or removal from the prosecutorial district of the incumbent of the office, except as provided for in section 452, the Governor ~~with the advice and consent of the Council~~ shall appoint a competent attorney, a resident of the prosecutorial district affected, to serve as a substitute district attorney until the first day of January in the year following an election for Representative.

Sec. 315. 30 MRSA § 601, 2nd ¶, is amended to read:

If a person so chosen declines to accept or a vacancy occurs, the Governor ~~with the advice and consent of the Council~~ may appoint a suitable resident of the county who, having accepted the trust, given bond and been sworn, shall be treasurer until the first day of January following the next biennial election, at which said election a treasurer shall be chosen for the remainder of the term, if any; but in any event he shall hold office until another is chosen and qualified.

Sec. 316. 30 MRSA § 602, 2nd sentence is amended to read:

The Governor ~~and Council~~ shall forthwith notify the county commissioners of the county where such person resides of his election.

Sec. 317. 30 MRSA § 905, last 2 sentences, are amended to read:

The clerk of courts of his county shall certify such sheriff's name to the Governor ~~and Council and the Attorney General~~. Unless reasonable cause therefor is shown, or within 20 days after the clerk has so certified, he gives or renews his security to the satisfaction of the Governor ~~and Council~~, he thereby vacates his office.

Sec. 318. 30 MRSA § 906, is amended to read:

§ 906. Governor may require new bond

When the Treasurer of State certifies to the Governor ~~and Council~~ that moneys due to the State on warrants or any other sums or balances are in

the hands of a sheriff and furnishes the names of his sureties, and it appears to them that the sureties are insufficient or have removed from the State, they may require him to give a new bond with sufficient sureties within 60 days after he is notified to be filed as aforesaid, and if he neglects it, his office becomes vacant.

Sec. 319. 30 MRSA § 1155, first and last sentences are amended to read:

When the meridian line or standard of length is established, repaired or rebuilt in any county the Governor ~~with the advice and consent of the Council~~ shall appoint a competent commissioner, not necessarily a resident of this State, to inspect and verify the same.

Such commissioner shall receive from the State such just compensation as the Governor ~~and Council~~ shall allow.

Sec. 320. 30 MRSA § 3553, sub-§ 2, first sentence is amended to read:

The Governor, ~~with the advice and consent of the Council~~, may do the following with regard to such a project:

Sec. 321. 30 MRSA § 3757, 4th ¶, is amended to read:

All sums so apportioned to unorganized places shall be expended for the benefit of public schools and public roads in the counties in which such places are located, in such manner as the Governor ~~and Council~~ may from time to time determine.

Sec. 322. 30 MRSA § 4162, sub-§ 4, ¶ F, first sentence, as repealed and replaced by PL 1975, c. 339, § 8, is amended to read:

With the consent of the Governor ~~and Council~~ and subject to the approval of the Maine Mining Bureau, of the Land Use Regulation Commission and of the Department of Environmental Protection under Title 10, chapter 451, Mining and Rehabilitation of Land, grant mining rights.

Sec. 323. 30 MRSA § 4162, sub-§ 4, ¶ H, as repealed and replaced by PL 1975, c. 339, § 8, is amended to read:

With the consent of the Governor ~~and Executive Council~~, lease mill privileges and other rights in land for industrial and commercial purposes, dam sites, dump sites, the rights to pen, construct, put in, maintain and use ditches, tunnels, conduits, flumes and other works for the drainage and passage of water, flowage rights and other rights of value in the public reserved lands for a term of years not exceeding 10;

Sec. 324. 30 MRSA § 4162, sub-§ 4, ¶ I, as repealed and replaced by PL 1975, c. 339, § 8, is amended to read:

With the consent of the Governor ~~and Executive Council~~, lease the right to use public reserved lands to the Government of the United States of America; and

Sec. 325. 30 MRSA § 4162, sub-§ 5, as amended by PL 1973, c. 460, § 20, is further amended to read:

5. Transfer of responsibility. Whenever a particular portion of the public reserved lands is to be used, pursuant to the management plan, for a single use which use is within the particular expertise of another agency of the State, the Commissioner of the Department of Conservation may, with the consent of the Governor ~~and Council~~ and the state agency involved, transfer to such other state agency the responsibility for the management of such particular portion of the public reserved lands.

Sec. 326. 30 MRSA § 4602, sub-§ 2, ¶ B, first 2 sentences, as enacted by PL 1969, c. 470, § 8, and as repealed and replaced by PL 1975, c. 456, § 4, are amended to read:

The state authority shall have 6 commissioners, **5 of whom shall be** appointed by the Governor ~~with the advice and consent of the Executive Council~~. **The 6th commissioner shall be the director of the state authority serving ex officio, who shall be chairman of the commissioners. The director of the state authority shall be appointed by the Governor, subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature. Said 6 5 commissioners shall include, but not be limited to, representatives of bankers and of low income or elderly people.**

Sec. 327. 30 MRSA § 4602, sub-§ 2, ¶ B, first ¶, last sentence, as enacted by PL 1969, c. 470, § 8 and as repealed and replaced by PL 1975, c. 456, § 4, is repealed.

Sec. 328. 30 MRSA § 4602, sub-§ 2, ¶ C, first sentence, as enacted by PL 1969, c. 470, § 8, is amended to read:

The state authority shall have a director, who shall be a person qualified by training and experience to perform the duties of his office, and who shall be appointed ~~by the Governor with the advice and consent of the Executive Council~~ **as provided in paragraph B.**

Sec. 329. 30 MRSA § 5164, 2nd ¶, first sentence, as amended by PL 1973, c. 625, § 209-A and c. 585, § 11, is further amended to read:

The bank shall consist of a board of commissioners of the following 5 commissioners: The Treasurer of State who shall be a commissioner ex officio, the Bank Superintendent who shall also be a commissioner ex officio, and 3 commissioners appointed by the Governor ~~with the advice and consent of Council~~ for terms of 3 years, provided that the 3 commissioners appointed by the Governor shall be residents of the State, and that initial appointments shall be one for one year, one for 2 years and one for 3 years.

Sec. 330. 30 MRSA § 5608, 2nd and 3rd sentences, are amended to read:

When such return is not made by any such plantation, the Secretary of State shall not furnish it with blanks for election returns, and no votes purporting to be cast by such plantation shall be counted or allowed by the Governor ~~and Council~~. When a plantation is organized after the first day of July, such return is not required to be made by the clerk thereof during that year, but the votes of such plantations shall not be counted or allowed by the Governor ~~and Council~~ for any purpose, during the year of its organization, unless it is

organized at least 60 days prior to the Tuesday following the first Monday of November.

Sec. 331. 32 MRSA § 63, sub-§ 1, first sentence, as last amended by 1973, c. 399, § 1, is amended to read:

There shall be a State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals consisting of 8 members appointed by the Governor ~~with the advice and consent of the Executive Council.~~

Sec. 332. 32 MRSA § 151, 2nd ¶, first sentence, as amended by PL 1975, c. 575, § 4, is further amended to read:

The board shall be composed of 5 practicing architects, or 4 practicing architects, ~~and~~ one professor of architecture and one representative of the public, who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 333. 32 MRSA § 115, first sentence, is amended to read:

The Governor ~~with the advice and consent of the Council~~ may by due process of law remove any member of the board for misconduct, incompetency, neglect of duty or for any malfeasance in office.

Sec. 334. 32 MRSA § 351, first ¶, 3rd and 4th sentences are amended to read:

The tenure of each barber member of the board shall be for 3 years, initially appointed as follows: The present senior barber board member, as appointed under section 1601 prior to September 16, 1961, shall serve for a term of 3 years, the junior barber board member, similarly elected, shall serve for a term of 2 years and its 3rd barber member, created by this section, shall serve for a term of one year, and shall be appointed by the Governor ~~with the advice and consent of the Council.~~ Thereafter, each of the barber members of the board shall be appointed by the Governor ~~with the advice and consent of the Council~~ for a term of 3 years and until his successor is appointed and qualified.

Sec. 335. 32 MRSA § 351, first ¶, 5th sentence, as enacted by PL 1975, c. 575, § 8, is amended to read:

The public member of the board shall be appointed by the Governor ~~with the advice and consent of the Council~~ for a term of 3 years, and until his successor is appointed and qualified.

Sec. 336. 32 MRSA § 501, first sentence as amended by PL 1975, c. 575, § 9, and last sentence are amended to read:

The Board of Chiropractic Examination and Registration, as heretofore established and in this chapter called the "board," shall consist of 6 persons, who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council.~~

Sec. 337. 32 MRSA § 1071, first sentence as amended by PL 1975, c. 575, § 11, is further amended to read:

The Board of Dental Examiners, as heretofore established and hereinafter in this chapter called the "board," shall consist of 5 members of the dental profession and one representative of the public appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 338. 32 MRSA § 1071, first ¶, last sentence, as enacted by PL 1967, c. 544, § 80, is amended to read:

The Governor ~~with the advice and consent of the Council~~ may remove any member of said board on proven charges of inefficiency, incompetence, immorality or unprofessional conduct.

Sec. 339. 32 MRSA § 1151, first ¶, as last amended by PL 1975, c. 579, § 14, is further amended to read:

An Electricians' Examining Board, as heretofore established and in this chapter called the "board," shall consist of an executive secretary, who shall be the Commissioner of Business Regulation or a representative appointed by said commissioner, with the approval of a majority of the board, hereinafter called the "appointive members," who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 340. 32 MRSA § 1151, 5th ¶, is amended to read:

Any appointive member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council.~~

Sec. 341. 32 MRSA § 1301, 2nd sentence, as amended by PL 1975, c. 575, § 16, is further amended to read:

The board shall consist of 5 professional engineers, who shall be appointed by the Governor ~~with the advice and consent of the Council,~~ from among nominees recommended by the representative engineering societies in the State and who shall have the qualifications required by section 1302, and one representative of the public, who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 342. 32 MRSA § 1304, first sentence, is amended to read:

The Governor ~~with the advice and consent of the Council~~ may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause.

Sec. 343. 32 MRSA § 1451, first ¶, 2nd sentence, as repealed and replaced by PL 1967, c. 253, § 2, is further amended to read:

Members, other than the Director of Health, shall be appointed by the Governor ~~with the advice and consent of the Council~~ for a term of 4 years.

Sec. 344. 32 MRSA § 1601, 2nd ¶, first sentence, as amended by PL 1975, c. 575, § 21, is further amended to read:

The 5 members of the board who are hairdressers and the public member shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 345. 32 MRSA § 1601, 4th ¶, 3rd sentence as amended by PL 1973, c. 303, § 3, and 4th ¶, last sentence, are amended to read:

The executive secretary of said board shall keep a record of all proceedings, issue all notices, except those required to be issued by the Administrative Court Judge under Title 5, chapters 301 to 307, certificates of registration and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to a license under this chapter as directed by said board, and shall report annually to the Governor ~~and Council~~ giving a full statement of all receipts and expenditures and a statement of the work performed by the board during the year, together with such recommendations as deemed necessary.

If any member of the board after appointment shall affiliate himself in any way with any such school of hairdressing and beauty culture, his membership on the board shall immediately terminate and the vacancy shall be filled by the Governor ~~and Council~~ in the manner provided for the appointment of new members for the remaining unexpired term of their predecessor.

Sec. 346. 32 MRSA § 1601, 6th ¶, as repealed and replaced by PL 1973, c. 96, is amended to read:

The members of the board shall receive as compensation for their services \$35 per day for no more than 18 days per calendar year and in addition thereto all necessary expenses incurred in the discharge of their duties whether or not compensated for said services, provided that expenses as related to duties out of the State shall be reimbursable for no more than 5 calendar days per calendar year unless approved in advance by the Governor ~~and Council.~~

Sec. 347. 32 MRSA § 1660-A, sub-§ 3, 1st sentence, as enacted by PL 1969, c. 320 and as repealed and replaced by PL 1975, c. 463, § 3, is amended to read:

All members of the board shall be appointed by the Governor ~~with the consent of the Executive Council.~~

Sec. 348. 32 MRSA § 1671, first ¶, 2nd sentence, as amended by PL 1975, c. 575, § 23, is amended to read:

The board shall consist of 5 land surveyors, who shall have the qualifications required by section 1672 and a representative of the public, all to be appointed by the Governor ~~with the advice and consent of the Council~~ for a term of 5 years.

Sec. 349. 32 MRSA § 1674, first sentence, as enacted by PL 1967, c. 423, § 1, is amended to read:

The Governor ~~with the advice and consent of the Council~~ may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause.

Sec. 350. ~~32 MRSA § 2151, first ¶, first sentence as amended by 1975, c. 258, § 1, and last sentence as enacted by PL 1975, c. 575, § 28, are further amended to read:~~

A State Board of Nursing, as heretofore created, shall consist of 7 members who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Any public member vacancy on the board shall be filled for the unexpired term by the appointment of another public member by the Governor ~~with the advice and consent of the Council.~~

Sec. 351. ~~32 MRSA § 2151, 4th ¶, as repealed and replaced by PL 1975, c. 258, § 1, is amended to read:~~

The Governor may remove any member from the board for cause ~~with advice and consent of the Council.~~

Sec. 352. ~~32 MRSA § 2351, first ¶, as last amended by PL 1975, c. 579, § 16 and c. 575, § 30, is further amended to read:~~

An Oil Burner Men's Licensing Board, as heretofore established and in this chapter called the "board," shall consist of an executive secretary, who shall be the Commissioner of Business Regulation or a representative appointed by said commissioner, with the approval of a majority of the board, and 5 other members, hereinafter called the "appointed members," who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 353. ~~32 MRSA § 2351, 5th ¶, as repealed and replaced by PL 1973, c. 384, is amended to read:~~

Any appointive member of said board may be removed from office by the Governor ~~with the advice and consent of the Council.~~

Sec. 354. ~~32 MRSA § 2415, first and next to the last sentences as enacted by PL 1973, c. 788, § 156, is amended to read:~~

The State Board of Optometry, as heretofore established and hereinafter in this chapter called the "board," shall consist of 6 persons appointed by the Governor ~~with the advice and consent of the Council.~~

Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council.~~

Sec. 355. ~~32 MRSA § 2561, first sentence as amended by PL 1975, c. 575, § 32, is further amended to read:~~

The Board of Osteopathic Examination and Registration, as heretofore established and in this chapter called the "board," shall consist of 6 persons appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 356. ~~32 MRSA § 2561, next to the last sentence as enacted by PL 1973, c. 374, § 1, is amended to read:~~

Any member of said board may be removed from office, for cause, by the Governor ~~with the advice and consent of the Council.~~

Sec. 357. 32 MRSA § 2851, first sentence, as amended by PL 1975, c. 575, § 34, is further amended to read :

A Board of Commissioners of the Profession of Pharmacy, as heretofore established and in this chapter called the "board," shall consist of 5 pharmacists all of whom shall be residents of this State and actually engaged in the practice of their profession, and one representative of the public, who shall be appointed and may be removed for cause by the Governor ~~with the advice and consent of the Council.~~

Sec. 358. 32 MRSA § 2851, first sentence, as repealed and replaced by PL 1975, c. 588, is amended to read :

A Board of Commissioners of the Profession of Pharmacy, as heretofore established and in this chapter called the "board," shall consist of 6 members, 5 of whom shall be pharmacists who are residents of the State and actually engaged in the practice of their profession and one of whom shall be a resident of the State and represent the consumer, all of whom shall be appointed and may be removed for cause by the Governor ~~with the advice and consent of the Council.~~

Sec. 359. 32 MRSA § 2854, 2nd sentence, is amended to read :

Said board shall annually in July make to the Governor ~~and Council~~ a report stating the condition of pharmacy in the State, with a full and complete record of all its official acts during the year and of the receipts and disbursements of the board to the last day of the preceding month.

Sec. 360. 32 MRSA § 3263, first ¶, first sentence, as amended by PL 1975, c. 575, § 37, is further amended to read :

The Board of Registration in Medicine, as heretofore established, and in this chapter called the "board," shall consist of 7 persons who are residents of this State, appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 361. 32 MRSA § 3263, first ¶, last sentence, as enacted by PL 1971, c. 591, § 1, is amended to read :

Any member of said board may be removed from office for cause by the Governor ~~with the advice and consent of the Council.~~

Sec. 362. 32 MRSA § 3401, first sentence, as amended by PL 1975, c. 575, § 38, is further amended to read :

A Plumbers' Examining Board, as heretofore established, shall consist of an executive officer who shall be the Director of the Division of Sanitary Engineering of the Bureau of Health and 3 other members, hereinafter called the appointive members, who shall be appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 363, 32 MRSA § 3401, next to the last sentence, is amended to read :

Any member of said board may be removed from office for cause, by the Governor ~~with the advice and consent of the Council.~~

Sec. 364. 32 MRSA § 3601, first sentence, as amended by PL 1975, c. 575, § 40, is further amended to read:

The Examiners of Podiatrists, as heretofore appointed and in this chapter called the "examiners," shall be 2 members of the Board of Registration in Medicine together with 2 podiatrists and a representative of the public appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 365. 32 MRSA § 3806, 1st ¶, as enacted by PL 1971, c. 582, § 1, is amended to read:

The ~~Governor, with the advice and consent of the Council~~ **Commissioner of Public Safety** may grant to an applicant complying with section 3805 a license to engage in the private detective business or a license to engage in the business of watch, guard or patrol agency, provided that no such license shall be granted to any person who has been convicted in any state of the United States of a felony.

Sec. 366. 32 MRSA § 3806, last ¶, as enacted by PL 1971, c. 582, § 1 and as amended by PL 1975, c. 579, § 20, is further amended to read:

The ~~Governor with the advice and consent of the Council~~ **Commissioner of Public Safety** may annually renew and may at any time for cause, after notice and hearing, revoke any such license. An application for renewal shall be on a form furnished by the Chief of the State Police and the information contained in such application shall be reviewed by the chief for continued compliance with the provisions of section 3805 before such application is submitted to the ~~Governor~~ **Commissioner of Public Safety.**

Sec. 367. 32 MRSA § 3971, first sentence, as amended by PL 1975, c. 575, § 45-A, is further amended to read:

The Board of Accountancy shall consist of 7 members appointed by the Governor ~~with the advice and consent of the Council.~~

Sec. 368. 32 MRSA § 3971, 7th sentence, as amended by PL 1973, c. 625, § 220, is further amended to read:

Within 90 days following October 7, 1967, the Governor ~~with the advice and consent of the Council~~ shall appoint 3 additional members to the board, who shall be noncertified public accountants and whose terms shall expire as follows:

Sec. 369. 32 MRSA § 3971, last sentence, as enacted by PL 1967, c. 344, § 1, is amended to read:

The Governor ~~with the advice and consent of the Council~~ shall remove from the board any member whose permit to practice has become void, revoked or suspended, and may, after hearing, remove any member of the board for neglect of duty or other just cause.

Sec. 370. ~~32 MRSA § 4907, 2nd sentence, as enacted by PL 1973, c. 558, § 1, is amended to read:~~

The board shall consist of 7 members, including the State Geologist, ex officio, the State Soil Scientist with the Maine Soil and Water Conservation Commission, ex officio and 5 members appointed by the Governor ~~with the approval of the Executive Council~~ one of whom shall represent the public at large, 2 of whom shall be certified geologists and 2 of whom shall be certified soil scientists.

Sec. 371. ~~32 MRSA § 4907, sub-§ 2, last sentence, as enacted by PL 1973, c. 558, § 1, is amended to read:~~

A board member may be removed for cause by the Governor ~~with the advice and consent of the Executive Council.~~

Sec. 372. ~~32 MRSA § 5004, 2nd and 4th sentences, as enacted by PL 1975, c. 490, are amended to read:~~

The board shall consist of 5 professional foresters and one public member who shall be selected and appointed by the Governor ~~with the advice and consent of the Executive Council~~ and the forester members shall be qualified as required by section 5005.

Upon expiration of the terms of any initial board member, the Governor shall ~~with the advice and consent of the Executive Council~~ appoint members for a 5-year term.

Sec. 373. ~~32 MRSA § 5007, first sentence, as enacted by PL 1975, c. 490, is amended to read:~~

The Governor ~~with the advice and consent of the Executive Council~~ may remove any board member for misconduct, incompetency, neglect of duty or for any other sufficient cause.

Sec. 374. ~~33 MRSA § 601, 2nd ¶, 2nd sentence, as repealed and replaced by PL 1975, c. 445, § 1, is amended to read:~~

In the meantime, the Governor ~~with the advice and consent of the Council~~ may fill vacancies by appointment, and the person so appointed shall hold his office until the first day of January, next after the election last mentioned.

Sec. 375. ~~33 MRSA § 602, 2nd, 3rd, & 4th sentences are amended to read:~~

The Governor ~~and Council~~ shall open and examine the same and the list of votes of citizens in the military service returned to said office. ~~They have~~ **He** has the same power to correct errors as is conferred by Title 21. ~~They~~ **He** shall forthwith issue certificates of election to such persons as have a plurality of all the votes for each county or registry district.

Sec. 376. ~~34 MRSA § 1, 2nd ¶, 1st sentence, as repealed and replaced by PL 1973, c. 553, § 3, is amended to read:~~

The department shall be under the control and supervision of a Commissioner of Mental Health and Corrections, hereinafter in this Title called the "com-

missioner," who shall be appointed by the Governor ~~with the advice and consent of the Council, for a term coterminous with the Governor, subject to removal for cause by the Governor and Council, subject to review by the Joint Standing Committee on Health and Institutional Services and to confirmation by the Legislature, to serve at the pleasure of the Governor.~~

Sec. 377. 34 MRSA § 1, 2nd ¶, 2nd sentence is amended to read: Any vacancy shall be filled by similar appointment ~~for a like term.~~

Sec. 378. 34 MRSA § 3, first sentence, is amended to read:

The department may make frequent inspections of all county jails and shall inspect all county jails at least twice in each year and report annually, before December 1st to the Governor ~~and Executive Council~~ in respect to the conditions of said jails.

Sec. 379. 34 MRSA § 9, last ¶, as enacted by PL 1967, c. 324, § 1, is amended to read:

Any deposits made with the Treasurer of State under this section remaining unclaimed for 15 years shall then be free from the claim of any heir or any other person. Within 15 years from the deposit with the Treasurer of State of the funds of any deceased patient or inmate, any person entitled thereto by law as an heir may petition the Governor ~~and Council~~ for payment of such amount. The Governor ~~and Council~~ on receiving satisfactory proof of the legal entitlement of any such person to the funds of the deceased patient or inmate shall, by ~~their~~ his order, authorize the Treasurer of State to pay from the trust fund, established with respect to the institution in which the deceased patient or inmate was hospitalized or incarcerated, an amount equal to the funds of the deceased patient or inmate originally deposited.

Sec. 380. 34 MRSA § 132 is amended to read:

§ 132. —Governor

Whenever a prisoner convicted of or charged with a capital crime or other high offense escapes from prison; or there is reasonable cause to believe that a person who is charged with such offense and has not been apprehended therefor cannot be arrested and secured in the ordinary course of proceedings, the Governor may, upon application in writing of the Attorney General or county attorney for the county in which such offense was committed, and upon such terms and conditions as he deems expedient and proper, offer a suitable reward, not exceeding \$1,000, for the arrest, return and delivery into custody of such escaped prisoner or fugitive from justice; and upon satisfactory proof that the terms and conditions of such offer have been complied with, he may ~~with the advice and consent of the Council~~ draw his warrant upon the Treasurer of State for the payment thereof.

Sec. 381. 34 MRSA § 557, 2nd sentence, is amended to read:

If it is returned unsatisfied, the creditor may file with the Governor ~~and Council~~ a copy of such execution and return, and serve on the warden a copy of such copy attested by the Secretary of State, with a notice under his hand of the day on which such copy was filed.

Sec. 382. 34 MRSA § 708, 3rd sentence, is amended to read:

When the warden believes that there are more convicts in the State Prison than can be confined there securely, he shall certify the fact to the Governor ~~and Council~~, who may authorize him to transfer them, so far as is necessary, to some jail.

Sec. 383. 34 MRSA § 866, sub-§ 1, ¶ A, last sentence, as enacted by PL 1975, c. 624, is amended to read:

Such lease or leases shall be subject to the approval of the Governor ~~and Council~~ and subject to the provisions of paragraph B.

Sec. 384. 34 MRSA § 902, 1st sentence, is amended to read:

When a vacancy occurs in the office of sheriff, the jailer lawfully acting continues in office and shall retain charge of the jail and of all prisoners therein or committed thereto, and his official neglects and misdoings are a breach of his principal's official bond until a new sheriff is qualified, or the Governor ~~and Council~~ remove such jailer and appoint another, which ~~they~~ he may do.

Sec. 385. 34 MRSA § 1504 is amended to read:

§ 1504. Pardons by Governor

This chapter and chapter 123 do not deprive the Governor ~~with the advice and consent of the Council~~ of the power to grant a pardon or commutation to any person sentenced to a state penal or correctional institution.

Sec. 386. 34 MRSA § 1551, 1st and 2nd sentences, as last amended by PL 1973, c. 611, § 1, are further amended to read:

A State Parole Board, as heretofore created within the Department of Mental Health and Corrections and in this chapter called the "board" shall consist of 5 members who are citizens and residents of the State, who shall be appointed by the Governor ~~with the advice and consent of the Council~~ from persons with special training or experience in law, sociology, psychology or related branches of social science. The term of the members of the board shall be 4 years and until their successors have been appointed and qualified, or during the pleasure of the Governor ~~and Council~~.

Sec. 387. 34 MRSA § 1552, sub-§ 2, as repealed and replaced by PL 1969, c. 319, § 2, is amended to read:

2. **Advise; hearings; recommendations.** The board shall, when requested by the Governor ~~and Council~~, advise concerning applications for pardon, reprieve or commutation, and shall, when so requested, hold hearings and cause an investigation to be made, and collect such records concerning the facts and circumstances of an inmate's or prisoner's crime, his past criminal record, social history, and physical and mental condition as may bear on such application, and make recommendations regarding action by the Governor on the application.

Sec. 388. 34 MRSA § 1553, 2nd sentence, as enacted by PL 1973, c. 779, § 1, is amended to read:

The administrative assistant shall devote full time to his duties and shall be compensated in such amount as is determined by the Governor ~~and Council~~.

Sec. 389. 34 MRSA § 3001, 1st and 2nd sentences, as last amended by PL 1975, c. 293, § 4, are further amended to read:

The State shall maintain by building, lease or by purchase one or more sanatoriums in such districts of the State as shall seem best to serve the needs of the people for the care and treatment of persons affected with tuberculosis; if ~~however~~ at any time the number of persons requiring such care and treatment in such sanatoriums decreases to a level which, in the judgment of the Commissioner of Human Services, makes continued operation and maintenance of a sanatorium impracticable, then the commissioner, with the advice and consent of the Governor ~~and Council~~, may close any or all such sanatoriums. In the event that all such sanatoriums are closed as provided, any funds from such sanatorium accounts and appropriations may, with the advice and consent of the Governor ~~and Council~~, be made available to the Commissioner of Human Services for the purpose of providing alternative treatment and care for those patients needing same.

Sec. 390. 35 MRSA § 1, 1st sentence, as amended by PL 1973, c. 687, is further amended to read:

The Public Utilities Commission, as heretofore established, shall consist of 3 members appointed by the Governor, ~~with the advice and consent of the Council~~ subject to review by the Joint Standing Committee on Public Utilities and to confirmation by the Legislature from time to time upon the expiration of the terms of the several members, for terms of 7 years and all 3 members of the commission shall devote full time to their duties.

Sec. 391. 35 MRSA § 1, last ¶, 1st sentence, as last amended by PL 1969, c. 504, § 48, is repealed.

Sec. 392. 35 MRSA § 1, last ¶, 2nd sentence is amended to read:

The ~~salary~~ salaries of the other subordinate officials and employees of said commission, other than those of the general counsel and the secretary, shall be subject to the Personnel Law.

Sec. 393. 35 MRSA § 2, last sentence is amended to read:

Any willful violation of chapters 1 to 17 by any commissioner shall constitute sufficient cause for his removal by the Governor ~~with the advice and consent of the Council~~, on the address of both branches of the Legislature, or by impeachment, pursuant to the Constitution, Article IX, section 5.

Sec. 394. 35 MRSA § 70, last ¶, last sentence, is amended to read:

The commission may, with the consent of the Governor ~~and Council~~, hold joint hearings with the Interstate Commerce Commission with respect to the relationship between rate structures and practices of carriers subject to the

jurisdiction of the commission and the Interstate Commerce Commission, in accord with the Act to regulate commerce and applicable amendments.

Sec. 395. 35 MRSA § 1191, last sentence, is amended to read:

Upon proper proof of any such payment, the Governor ~~and Council~~ shall cause $\frac{1}{2}$ thereof to be paid by the State to such municipality.

Sec. 396. 35 MRSA § 1554, 12th sentence, as enacted by PL 1973, c. 475, § 3, is amended to read:

The commission may, with the consent of the Governor ~~and Council~~, hold joint hearings with the Interstate Commerce Commission with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of the commission and the Interstate Commerce Commission, in accord with the Act to Regulate Commerce, and applicable amendments.

Sec. 397. 36 MRSA § 54, as amended, is further amended to read:

§ 54. Annual report to Governor

The State Tax Assessor shall annually, before the first day of January, make a report to the Governor ~~and Council~~ of the proceedings of the Bureau of Taxation, and shall include therein summaries showing the taxes assessed against corporations, and such statistics and other information concerning revenue and taxation as may be deemed of public interest.

Sec. 398. 36 MRSA § 101, 1st sentence is amended to read:

The State Tax Assessor may, subject to the approval of the Governor ~~and Council~~, within 3 years from the assessment, if justice requires, make an abatement of any state, county or forestry district taxes.

Sec. 399. 36 MRSA § 291, 2nd ¶, 1st sentence, as repealed and replaced by PL 1969, c. 502, § 3, is amended to read:

Municipal Valuation Appeals Board shall consist of 5 members appointed by the Governor ~~with the consent of the Executive Council~~.

Sec. 400. 36 MRSA § 584, 1st sentence, as amended by PL 1973, c. 460, § 18, is further amended to read:

There is established a Forest Land Valuation Advisory Council, hereinafter called the "Advisory Council", which shall consist of the State Director of the Bureau of Forestry ex officio and 3 members, serving staggered 4-year terms, to be appointed by the Governor ~~with the advice and consent of the Council~~.

Sec. 401. 36 MRSA § 584, 4th sentence, as enacted by PL 1971, c. 616, § 8, is amended to read:

Thereafter, said appointees shall be appointed to serve 4-year terms and, in the event of death or resignation of such an appointee, the Governor shall

make an appointment to the Advisory Council ~~with the advice and consent of the Council~~ for the unexpired term.

Sec. 402. 36 MRSA § 652, sub-§ 1, ¶ I is amended to read:

I. Any college in this State authorized to confer the degree of bachelor of arts or of bachelor of science and having real estate liable to taxation shall, on the payment of such tax and proof of the same to the satisfaction of the Governor ~~and Council~~, be reimbursed from the State Treasury to the amount of the tax so paid, provided the aggregate amount reimbursed to any college in any one year shall not exceed \$1,500 and this right of reimbursement shall not apply to real estate bought after April 12, 1889;

Sec. 403. 36 MRSA § 1332 is amended to read:

§ 1332. Abatement where double tax

Whenever it appears to the State Tax Assessor that any parcel of property in the State has been doubly taxed in any year, and it appears by the records that a moiety of such tax has been paid, the State Tax Assessor may, subject to the approval of the Governor ~~and Council~~, abate the balance remaining unpaid, and said tax or taxes shall be canceled upon the books of the State.

Sec. 404. 37-A MRSA § 15, 2nd ¶, 1st and 2nd sentences, as enacted by PL 1971, c. 580, § 1, is amended to read:

The Director of the Bureau is authorized and empowered, with the consent of the Governor ~~and Council~~, to take and acquire by eminent domain on behalf of the State of Maine real estate or any interest therein, with or without improvements, for the purpose of carrying into effect the provisions for a Veterans Memorial Cemetery. The consent of the Governor ~~and Council~~ shall be given according to Title 1, chapter 21.

Sec. 405. 37-A MRSA § 41, 1st ¶, 2nd and 4th sentences, as enacted by PL 1973, c. 600, § 1, are amended to read:

The loan authority board shall consist of 9 members, including the Director of Veterans Services and 8 members at large appointed by the Governor ~~with the advice and consent of the Council~~ for a period of 4 years provided that of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years, 2 for a term of 3 years and 2 for a term of 4 years.

Appointive members may be removed by the Governor ~~with the advice and consent of the Council~~ for cause.

Sec. 406. 37-A MRSA § 47, as enacted by PL 1973, c. 600, § 1, is amended to read:

47. Additions to

If from time to time in the opinion of the loan authority board the addition of moneys to the fund may be required to meet obligations, the loan authority board shall, in writing, request the Governor ~~and Council~~ to provide moneys in such amounts as may be necessary for the purpose. The Gover-

nor ~~and Council~~ shall transfer to this fund sufficient moneys for said purpose from the State Contingent Account or from the proceeds of bonds to be issued as provided in this section. If bonds are to be issued, the Governor ~~and Council~~ shall order the Treasurer of State to issue bonds in the amount requested but not exceeding in the aggregate at any one time outstanding the amount set forth in the Constitution of Maine, Article IX, Section 14-E, as it may be from time to time amended, to mature serially or made to run for such periods as the Governor ~~and Council~~ may determine, but none of them shall run for a longer period than 20 years and at such rates of interest and on such terms and conditions as the Governor ~~and Council~~ shall determine. The bonds so issued shall be deemed a pledge of the faith and credit of the State.

Sec. 407. 37-A MRSA § 55, 2nd ¶, 1st sentence, as enacted by PL 1971, c. 580, § 1, is amended to read:

Such rules and regulations shall become effective when approved in writing by the Governor ~~and Council~~ and when a certified copy thereof has been filed with the Secretary of State.

Sec. 408. 37-A MRSA § 56, 1st ¶, 2nd and 3rd sentences, as enacted by PL 1971, c. 580, § 1, are amended to read:

All members shall be appointed by the Governor ~~with the advice and consent of the Executive Council~~. They shall serve during the pleasure of the Governor ~~and Executive Council~~.

Sec. 409. 37-A MRSA § 57, sub-§ 2, ¶ E, as enacted by PL 1971, c. 580, § 1 and as repealed and replaced by PL 1973, c. 757, § 2, is repealed.

Sec. 410. 37-A MRSA § 58, 4th ¶, as enacted by PL 1971, c. 580, § 1, is amended to read:

The Governor shall ~~with the approval of the Executive Council~~ award reasonable compensation to the owners of the property which he may take under this section and for its use and for any injury thereto or destruction thereof caused by such use.

Sec. 411. 37-A MRSA § 71, 1st sentence, as amended, is further amended to read:

The Governor ~~with the advice and consent of the Council~~ is authorized and empowered, whenever an emergency has been declared as provided in section 57 to transfer to the "Civil Emergency Preparedness" as heretofore established, any state moneys in the General Fund of the State, including unexpended appropriation balances of any state department or agency allotted or otherwise.

Sec. 412. 37-A MRSA § 1057, 2nd sentence, as enacted by PL 1971, c. 580, § 1, is amended to read:

Upon order of the Governor ~~and Council~~, the quartermaster general is authorized to issue to the municipal officers of any city or town field ordnance of obsolete pattern under such regulations as the Governor ~~and Council~~ may prescribe.

Sec. 413. 38 MRSA § 81, 1st sentence, is amended to read:

The Governor ~~with the advice and consent of the Council~~ may appoint pilots for any port in which a majority of the ship owners and masters apply in writing therefor and recommend suitable persons, and shall give to each of them branches or warrants for the execution of the duties of his office.

Sec. 414. 38 MRSA § 83 is amended to read:

§ 83. Fees; complaints; suspension or removal

The Governor ~~and Council~~ may fix the fees of pilotage, specify the same in the branch of each pilot, transmit to each collector of customs in said ports a schedule thereof, to be hung up by him for public inspection, hear and determine all complaints against such pilots for misconduct, and suspend or remove them and appoint others in their places.

Sec. 415. 38 MRSA § 89, as enacted by PL 1969, c. 410, § 1, is amended to read:

§ 89. Pilotage commission

There is created a Penobscot Bay and River Pilotage Commission consisting of 3 members appointed by the Governor ~~and Council~~ one of whom shall be a licensed pilot of the Penobscot Bay and River Pilots Association, one of whom shall represent the marine interest of Penobscot Bay and River industry, and one, with a marine background, who shall represent the public. During the first year that sections 85 to 105 shall become law, the Governor ~~and Council~~ shall appoint one member to serve through December 31st of that same year, another member to serve through December 31st of the following year, and another member to serve through December 31st of the 3rd full year after sections 85 to 105 shall become law, or until their successors shall be appointed and qualified. Starting with the year sections 85 to 105 become law, in the month of December annually, the Governor ~~and Council~~ shall appoint a member to hold office from the first day of January to the 31st day of December in the 3rd year of his appointment, each member thereby serving for a term of 3 years or until his successor shall be appointed and qualified. The members appointed by the Governor ~~and Council~~ initially who will serve less than 3 full-year terms will do so only for the purpose of establishing a rotating basis for appointments to the commission. Any vacancy which may occur in said commission shall be filled by the Governor ~~and Council~~, as in the case of an original appointment, for the remainder of the unexpired term. Any member shall be eligible to succeed himself. The members of said commission shall receive no compensation.

Sec. 416. 38 MRSA § 321-A, sub-§ 3, as enacted by PL 1967, c. 103, § 2, is amended to read:

3. Control of fires. With approval of the Governor ~~and Council~~, to establish and maintain adequate provisions for the prevention, suppression and control of fires within said facilities;

Sec. 417. 38 MRSA § 321-A, sub-§ 4, 1st sentence, as enacted by PL 1967, c. 103, § 2, is amended to read:

With the consent of the Governor ~~and Council~~, to negotiate and execute any lease or other agreement for the administration, maintenance, supervision,

use and development of state boat facilities within the meaning of this chapter, acquired and owned by the Government of the United States, upon such terms and conditions as may be deemed advantageous to the people of this State and consistent with said chapter; and with like consent, to accept on behalf of the State, deeds of gift or other conveyances to lands or interests therein suitable for administration, maintenance, supervision, use and development as state boat facilities under this chapter.

Sec. 418. 38 MRSA § 341, as enacted by PL 1971, c. 618, § 8, is amended to read:

§ 341. Department

There is created and established a Department of Environmental Protection, hereinafter called "the department," to protect and improve the quality of our natural environment and the resources which constitute it, and to enhance the public's opportunity to enjoy the environment by directing growth and development which will preserve for all time an ecologically sound and aesthetically pleasing environment to consist of a Commissioner of Environmental Protection, appointed by the Governor ~~with the advice and consent of the Council to serve a term coterminous with the Governor and until his successor is appointed and qualified,~~ subject to review by the Joint Standing Committee on Natural Resources and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the Board of Environmental Protection, which is the successor of the Environmental Improvement Commission.

Sec. 419. 38 MRSA § 361, 1st sentence, as last amended by PL 1975, c. 614, § 1, is further amended to read:

The Board of Environmental Protection, as heretofore established and hereinafter in this subchapter called the "board," shall consist of 10 members appointed by the Governor ~~with the advice and consent of the Council,~~ subject to review by the Joint Standing Committee on Natural Resources and to confirmation by the Legislature and the Commissioner of Environmental Protection ex officio.

Sec. 420. 38 MRSA § 362, 2nd sentence, as amended by PL 1971, c. 618, § 12, is further amended to read:

The board is authorized, subject to the approval of the Governor ~~and Council,~~ to accept federal funds available for water pollution control, water resources and air pollution studies and control and meet such requirements with respect to the administration of such funds, not inconsistent with this subchapter, as are required as conditions precedent to receiving federal funds.

Sec. 421. 38 MRSA § 532, 4th sentence, is amended to read:

The Governor ~~by and with the consent and advice of the Council~~ shall appoint 3 more commissioners who shall be citizens of the State, one to represent municipal interests, one to represent industrial interests and one to represent the public generally.

Sec. 422. 38 MRSA § 811 is amended to read:

§ 811. Appointment of engineer; duties

The Governor ~~with the advice and consent of the Council~~ shall annually appoint a competent and practical engineer, a citizen of the State, who shall hold said office until his successor is appointed and qualified, and who shall, upon petition of 10 resident taxpayers of any town or several towns, the selectmen or assessors of any town or the county commissioners of any county, inspect any dam or reservoir located in such town or county erected for the saving of water for manufacturing or other uses, and after personal examination and hearing the testimony of witnesses summoned for the purpose, shall forthwith report to the Governor his opinion of the safety and sufficiency thereof.

Sec. 423. 39 MRSA § 91, 2nd sentence is amended to read:

They shall be appointed by the Governor, ~~with the advice and consent of the Council~~ subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature.

Sec. 424. 39 MRSA § 91, 2nd ¶, 3rd sentence is amended to read:

They shall be sworn, and for inefficiency, willful neglect of duty or for malfeasance in office may ~~after notice and hearing~~ be removed by the Governor ~~and Council~~ on the address of both branches of the Legislature or by impeachment.

Sec. 425. 39 MRSA § 108 is amended to read:

§ 108. Biennial report of commission

The commission shall make a report to the Governor ~~and Council~~ for the biennial period ending December 31st of each even year, giving such statistical information as may be contained in its department in relation to the administration of this Act, particularly with reference to the number of employees under the Act, the number injured, the amount of compensation and other benefits paid and the cost of the same to the employers.

Sec. 426. P&SL 1865, c. 532, § 4, 3rd and 9th sentences, as repealed and replaced by P&SL 1967, c. 229, § 2, are amended to read:

Fourteen of the members shall be appointed **for 7-year terms** by the Governor ~~with the advice and consent of the Council~~ **for 7-year terms**, subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature.

Any vacancy shall be filled by the Governor ~~with the advice and consent of the Council~~, subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature, for the unexpired balance of the term.

Sec. 427. P&SL 1929, c. 114, § 2, 2nd sentence, as last repealed and replaced by PL 1971, c. 593, § 29, is amended to read:

Two directors shall be appointed by the Governor ~~with the advice and consent of the Council~~, each to serve for 3 years, except the first term one shall

be appointed for one year and one for 2 years; one director shall be appointed by the city council of Portland; and one director shall be appointed by the city council of South Portland.

Sec. 428. P&SL 1941, c. 37, § 1, 2nd ¶, 1st and 3rd sentences, as repealed and replaced by P&SL 1967, c. 177, § 1, are amended to read:

The affairs of the school shall be controlled by a board of 12 trustees, as heretofore appointed, all residents of the State of Maine, who, together with their successors, shall be appointed by the Governor, ~~with the advice and consent of the Council~~ **subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature.**

Any vacancy on the board shall be filled by appointment by the Governor ~~with the advice and consent of the Council~~, **subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature**, for the remainder of the unexpired term, but the majority of the board shall carry on business during the ~~the~~ existence of any vacancy on the board.

Sec. 429. P&SL 1941, c. 69, § 4, (b), 2nd sentence, is amended to read:

The ~~four~~ 4 members shall be appointed by the Governor ~~by and with the advice and consent of the Council~~ and shall be residents of the State of Maine at the time of their appointment and qualification and shall also at such time have been qualified electors therein for a period of at least one year next preceding their appointment.

Sec. 430. **Effective date.** This Act shall take effect on January 4, 1977.

STATEMENT OF FACT

This bill is the result of the State Government Committee's study of the Maine Revised Statutes "for the purpose of amending such statutes to conform with the proposed amendment to the Constitution abolishing the Executive Council" pursuant to a study order, H. P. 1781. The bill represents proposed changes to the statutes for all references to the Executive Council and proposes the elimination or redistribution of all the powers and duties of the Council. It includes a new procedure, in accordance with the constitutional amendment, for the legislative confirmation of major appointments. The bill would take effect at the same time as the constitutional amendments, January 4, 1977.

The State Government Committee's report, dated February 2, 1976, available from the committee's office, includes an analysis of the committee's major recommendations and a section-by-section analysis of the statutes to be amended.