

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1441

H. P. 1200

House of Representatives, April 5, 1977

On motion of Mr. Tierney of Lisbon Falls, reconsidered reference and on further motion of same gentleman, subsequently referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Locke of Sebec.

Cosponsor: Mrs. Masterton of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Concerning Required Voting on Certain Boards and Commissions with Quasi-judicial Authority.

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

1 MRSA c. 13, sub-c. 1-A is enacted to read:

SUBCHAPTER 1-A

VOTING IN CERTAIN AGENCIES

§ 421. Voting required by members of agencies with quasi-judicial authority

1. Voting. Every member of the Public Utilities Commission, the Board of Environmental Protection, the Maine Land Use Regulation Commission, the Commission on Governmental Ethics and Election Practices, the Maine Milk Commission, the Industrial Accident Commission, Maine Labor Relations Board, State Parole Board, State Personnel Board, the Trustees of the Maine State Retirement System and every member of state and local agencies which act in an appeals capacity, other than in an advisory manner, shall cast an affirmative or negative vote in all decision making of the agency of which he is a member.

2. Abstention. A member shall not abstain from voting on a decision except when the member has a conflict of interest or substantial prejudice in the manner upon which a vote is being taken, or is a party to the proceeding upon which the vote is being taken, or if a representative of that party has improperly contacted the member regarding the subject matter of the proceeding. If a member abstains from voting, the reasons for abstaining shall be stated.

3. Absent when vote taken. A member may be absent when a vote is taken only in the following circumstances:

- A. The member is on annual leave and has notified the agency in advance that he will not be in attendance;
- B. The member has a family emergency such as death or sickness of an immediate relative;
- C. The member is ill or incapacitated;
- D. Weather conditions prevent a member's attendance;
- E. Legal proceedings prevent a member's attendance; or
- F. The case on which a vote is being taken was commenced more than 4 weeks prior to the appointment of the member.

Any member who does not vote on a decision before the agency, except under the circumstances as provided by subsections 2 and 3, shall be deemed to have resigned and the seat of that member shall be deemed vacant.

STATEMENT OF FACT

The purpose of this bill is to ensure that members of all state and local agencies which have semi-judicial authority or act on appeals, vote at all times on decisions before the agency, except under specific circumstances as stated in the bill.