

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1933

H. P. 1879

Office of the Clerk of the House

The Committee on State Government suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mr. Martin of Eagle Lake

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Establish the Maine-Canadian Legislative Advisory Commission.

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

Sec. 1. 3 MRSA c. 10 is enacted to read:

CHAPTER 10

**MAINE-CANADIAN LEGISLATIVE ADVISORY COMMISSION
AND OFFICE**

§ 221. Title

This chapter shall be known and may be cited as the “Maine-Canadian Legislative Advisory Commission Act.”

§ 222. Policy and purpose

The Legislature finds that there exists between Maine and its neighboring Canadian Provinces or New Brunswick, Quebec, Nova Scotia, Prince Edward Island and Newfoundland, a broad range of shared experience, cultural traditions, social and economic conditions and common goals, including shared recognition of the urgent need to strengthen human services, to effectively use and conserve our natural resources and to pursue economic development within a framework of responsible environmental regulation.

The Legislature further finds that Maine enjoys with these provinces an increasing level of cooperation, commerce and other interaction as the opportunity and need for this interaction are increasingly recognized by both public and private officials.

The Legislature declares that it attaches the highest importance to the pursuit of common goals and to the further strengthening of relations in all areas between Maine and the Canadian Provinces.

The Legislature further declares that one of the best ways of pursuing these common goals and of strengthening these relations is to encourage understanding and cooperation between itself and the legislative bodies of the Canadian Provinces and thus between the citizens of Maine and those of the Provinces of Canada.

§ 223. Maine-Canadian Legislative Advisory Office

There is established a Maine-Canadian Legislative Advisory Office which shall be concerned with strengthening all areas of regional cooperation between the Legislature of Maine and the legislative bodies of Maine's neighboring Canadian Provinces, and with encouraging economic, cultural and educational exchange between Maine and these provinces.

§ 224. Director

The executive head of the Maine-Canadian Legislative Advisory Office shall be the director, who shall be appointed by the Speaker of the House and the President of the Senate with the approval of the Maine-Canadian Legislative Advisory Commission. The director shall be paid a salary fixed by the Legislative Council from sums available under section 226.

§ 225. Director; powers and duties

The director of the Maine-Canadian Legislative Advisory Office shall:

1. Recommend ways to strengthen regional cooperation. Recommend to the Legislature methods of strengthening all areas of regional cooperation with Canada;

2. Study and evaluate existing activities. Study and evaluate activities in the State on both the governmental and private levels involving cooperation with Canada, and particularly with the Provinces of Quebec, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island;

3. Determine new areas for cooperation. Determine new areas for fruitful regional cooperation, with particular attention to the potential for social betterment, economic growth, improved natural resource utilization and management and the enhancement of the environment;

4. Encourage exchanges. Encourage and assist economic, governmental, cultural and educational exchanges and other modes of improved contact with Canada;

5. Disseminate information. Disseminate information on Canadian relations to the public; and

6. Administer certain funds. Administer those funds which may be available to it for the purposes of assisting in the development of improved relations and cooperation both between Maine and Canada, especially between the Legislature of Maine and the legislative bodies of Canada.

§ 226. Funds

Funds from the Federal government or from any individual, group, foundation, corporation or other private source may be accepted by the Maine-Canadian Legislative Advisory Office and expended for purposes consistent with this chapter.

§ 227. Maine-Canadian Legislative Advisory Commission

There is established the Maine-Canadian Legislative Advisory commission. The commission shall consist of 7 members, all of whom shall be citizens of this State. The Speaker of the House shall appoint 4 members, 2 for a term of one year and 2 for a term of 2 years. The President of the Senate shall appoint 3 members, 2 for a term of one year and 1 for a term of 2 years. At least one member appointed by the President of the Senate and one member appointed by the Speaker of the House shall be fluent in the French language. In the event of the death or resignation of any member, the vacancy shall be filled for the remainder of the term in the same manner as the original appointment.

Members shall serve without compensation but may be reimbursed for travel and per diem expenses at the rate then current for state employees from any funds available under section 226. Four members shall constitute a quorum. The commission shall designate one of its members as chairman.

§ 228. Duties; meetings

The commission shall advise the director in the carrying out of his powers and duties, shall assist him in encouraging increased cooperation between Maine and Canada, and especially between the Legislature of Maine and the legislative bodies of Canada and shall assist him in encouraging economic, cultural and educational exchanges between Maine and the Canadian Provinces. The commission shall meet at least 4 times in each year with the director and at such other times on the call of the chairman, at the request of the director or at the request of any member, as shall be necessary to carry out the duties outlined in this section.

Sec. 2. 5 MRSA c. 351, as amended, is repealed.

STATEMENT OF FACT

The Legislature, by Public Law 1975, chapter 485, established the Maine-Canadian Exchange Advisory Commission and Office as a replacement for the previous Governor's Advisory Commission on Maine-Canadian Affairs. As a recognition of the increasingly important role played by the Legislature in furthering cooperation with Canadian Provinces the advisory commission was composed of members appointed by the Speaker of the House and the President of the Senate, as well as by the Governor.

However, the Attorney General, in an opinion dated September 16, 1977, indicated that he felt the functions of the new commission were essentially executive in nature, and that therefore he felt legislative appointments to the new commission were a violation of the constitutional doctrine of separation of branches.

In response to that opinion, this bill seeks to establish the Maine-Canadian Legislative Advisory Commission. This commission will be legislative, not executive, in function, and its members will be appointed by the Speaker of the House and the President of the Senate. The commission will advise the Legislature on ways of strengthening cooperation with

Canadian legislative bodies and with pursuing common policies of fruitful regional cooperation. Of course, the commission will also retain many of the non-executive duties of the present Maine-Canadian Exchange Advisory Commission and Office, including duties of research and of encouraging economic, governmental, cultural and education exchanges between Maine and the Canadian provinces.

The bill further repeals the statute establishing the Maine-Canadian Exchange Advisory Commission and Office, as the appointment provisions for that commission are, in the opinion of the Attorney General, unconstitutional. If the Governor feels a separate executive office of Maine-Canadian relations is necessary, he may wish to submit appropriate legislation, or he may establish that office by executive order, as was done in 1973.