

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1931

6
7 H.P. 1476

House of Representatives, January 17, 1984

8 Submitted by the Joint Standing Committee on Audit and Program
9 Review pursuant to Joint Rule 19. Approved by Legislative Council June 8,
10 1982.

Reported by Representative Rolde from the Committee on Audit and
Program Review and printed under Joint Rule 19.

EDWIN H. PERT, Clerk

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Provide Policy and Guidelines
18 for Creation and Operation of Boards
19 and Commissions.
20

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

23 5 MRSA c. 4 is enacted to read:

24 CHAPTER 4

25 POLICY AND GUIDELINES

26 FOR STATE BOARDS,

27 COMMISSIONS AND INDEPENDENT

28 AGENCIES

29 §61. Purpose

1 In order to account for and meet the needs of an
2 increased number of state boards, commissions and in-
3 dependent agencies and provide some measure of uni-
4 formity in their creation and operation, the Legisla-
5 ture finds that it is necessary to establish general
6 policies and guidelines dealing with the creation and
7 operation of those boards, commissions and agencies.

8 §62. Definitions

9 As used in this chapter, unless the context oth-
10 erwise indicates, the following terms have the fol-
11 lowing meanings.

12 1. Board. "Board" includes any board, commis-
13 sion or independent agency.

14 §63. Establishment

15 Any board established on or after the effective
16 date of this chapter shall be subject to the provi-
17 sions of this chapter, unless otherwise expressly
18 provided by law.

19 §64. Name; scope; organization; staff

20 Each board shall be identified by a name which
21 shall include the general nature of its activity and
22 the branch of government that it is designed to
23 serve.

24 1. Notification of first meeting; organization.
25 Within a reasonable time after the establishment of a
26 board and appointment of members, the head of that
27 branch to be served by the board shall notify all
28 members of the board of the time and place of the
29 first meeting. At that time, the board shall or-
30 ganize, elect officers and adopt rules as to the ad-
31 ministration of the board and its affairs.

32 2. Staff. Within the limits of its budget and
33 subject to any statutory regulations, the board may
34 employ staff members, who need not be residents of
35 this State, to assist in conducting the work of the
36 board or may contract for those services.

1 3. Advice. Whenever it deems it appropriate,
2 the board may seek the advice of experts, including
3 representatives of any state department, in fields
4 related to its duties.

5 §65. Membership; terms; vacancies

6 Each board shall have at least 3 members and
7 shall provide for appointment, term of office, qual-
8 ification or confirmation of its members. Members
9 may be reappointed or continue in office until their
10 successors are appointed and qualified. Terms may be
11 either staggered or random. In the event of death or
12 resignation of any member, the vacancy for his unex-
13 pired term shall be filled in the same manner as the
14 original appointment. Members of any branch of State
15 Government may serve on boards of another branch, if
16 that service is limited to that of a consultant or
17 advisor only. For the purpose of this section, a
18 consultant or advisor shall not have authority to ex-
19 ercise any power or function belonging to another
20 branch but shall not be precluded from consultation
21 or similar services, or the gathering of data on spe-
22 cific problems or the assisting, coordinating, set-
23 ting of priorities or recommendation of policy ac-
24 tion in a specific area.

25 §66. Finances

26 All boards shall be subject to the following fi-
27 nanacial requirements, in order to maintain uniformi-
28 ty.

29 1. Federal funds. A board may, on behalf of the
30 State, accept federal funds and may seek the advice
31 and assistance of the Treasurer of State on the use
32 of these funds in carrying out its duties.

33 2. Financial records. Boards shall maintain
34 such financial records as may be required by the
35 State Auditor.

36 3. Treasurer; responsibilities. The person
37 elected as treasurer shall be responsible for the
38 funds and the proper recording of all financial
39 transactions.

1 §67. Powers and duties

2 Each board shall have the following powers and
3 duties.

4 1. Duties. It shall be the duty of the member-
5 ship of every board to:

6 A. Report to the Secretary of State upon organi-
7 zation and annually thereafter on forms to be
8 supplied by the Secretary of State such informa-
9 tion as will enable the Secretary of State to
10 produce a current listing of boards, commissions
11 and agencies, including the names, authority, of-
12 fices, memberships and status of activity;

13 B. Keep minutes of all meetings and record all
14 actions;

15 C. Meet at least once within 30 days of the
16 first organizational meeting;

17 D. Limit all activities of the board to the con-
18 finies of its authorization, unless authority is
19 extended in the same manner as originally consti-
20 tuted;

21 E. Report in a timely manner to the branch of
22 government served; and

23 F. Observe that a majority of those present and
24 voting shall constitute a quorum.

25 §68. Sunset of boards and commissions

26 All boards shall be reviewed for termination by
27 the joint standing committee of the Legislature hav-
28 ing jurisdiction over audit and program review 2
29 years following their establishment and shall be sub-
30 ject to further periodic review thereafter, as the
31 committee deems necessary.

32 Ongoing boards may be listed for sunset and re-
33 view as provided by law. Specific task boards shall
34 terminate on completion of their tasks.

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STATEMENT OF FACT

The purpose of this bill is to establish policies and guidelines for boards, commissions and independent agencies.

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