

1	(New Draft of H.P. 1476, L.D. 1931)
2 3	SECOND REGULAR SESSION
4 5	ONE HUNDRED AND ELEVENTH LEGISLATURE
6 <b>7</b>	Legislative Document No. 2345
8 9 10 11	H.P. 1780 House of Representatives, March 27, 1984 Reported by Representative Rolde from the Committee on Audit and Program Review and printed under Joint Rule 2. EDWIN H. PERT, Clerk
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13 14	STATE OF MAINE
15 16 17	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-FOUR
18 19 20 21	AN ACT to Provide Policy and Guidelines for Creation and Operation of Boards and Commissions.
22 23	Be it enacted by the People of the State of Maine as follows:
24	5 MRSA c. 379 is enacted to read:
. 25	CHAPTER 379
26	BOARDS, COMMISSIONS, COMMITTEES,
27	COUNCILS AND SIMILAR ORGANIZATIONS
28	§12001. Duty of Secretary of State
29 30 31	The Secretary of State shall compile and maintain a current list of all boards in State Government, in- cluding the name of the board, the names of its mem-

bers, positions in State Government held by any member, any vacancies, the date of the board's last reported meeting, its most recent reported expenditures on members' compensation and expenses and what other information he deems necessary.

6 §12002. Members from other branches of government

7 Persons who serve in any branch of State Govern-8 ment may serve on a board that is solely advisory in 9 authority. A person who serves in a branch of State 10 Government may not serve on a board of another branch 11 of State Government if that board is not solely ad-12 visory in authority.

A board is solely advisory in authority if its only authority is to review policies and procedures, conduct studies or advise or make recommendations to a branch of government. It may not have the authority to control expenditures, issue rules, approve decisions of other agencies or officials or enforce its decisions or recommendations.

20 §12003. Finances

21 All boards shall maintain such financial records 22 as may be required by the State Controller and State 23 Auditor.

24 §12004. Powers and duties

25 <u>1. Duties. Each board shall have the following</u> 26 <u>duties:</u>

- 27 A. Keep minutes of all meetings and record all 28 actions;
- 29 <u>B. Limit all activities of the board to the con-</u> 30 fines of its authorization; and
- 31C. Observe that a majority of the members of the32board shall constitute a quorum unless otherwise33specified.
- 34 §12005. New boards

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1 <u>Any boards established on or after the effective</u> 2 <u>date of this chapter shall conform to the following</u> 3 <u>provisions.</u>

4 Membership; terms; vacancies. Each board 1. 5 shall have no fewer than 3 members. Law establishing the board shall provide for appointments, terms of 6 office, qualifications and removal of its members. 7 In the event of the death, resignation or removal of any member, the vacancy for his unexpired term shall 8 9 10 be filled in the same manner as his original appoint-11 ment.

12 <u>2. Sunset.</u> If, within 2 years of the effective 13 <u>date of its establishment, a board has not been as-</u> 14 <u>signed a date for review under the Maine Sunset Act,</u> 15 <u>Title 3, chapter 23, it shall terminate, subject to</u> 16 the grace period provided in that chapter.

## STATEMENT OF FACT

18 This new draft establishes minimum guidelines for 19 boards, councils, commissions and similar independent 20 agencies. In addition, it requires the Secretary of 21 State to maintain a list of boards and information 22 relevant to them, expresses in statute the doctrine 23 of separation of powers of the branches of government 24 as it applies to boards and requires that newly es-25 tablished boards be listed in the sunset statutes.

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