

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1724

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S.P. 630

In Senate, June 5, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

*Joy J. O'Brien*  
JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator HOBBS of York.

Cosponsored by Representative PARADIS of Augusta.

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STATE OF MAINE

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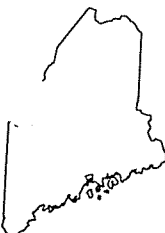
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

---

An Act to Correct Errors and Inconsistencies in the Laws Relating to Boards and Commissions.

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(EMERGENCY)



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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the revision of the law relating to boards and commissions, Public Law 1987, chapter 786, has resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. 1.** 5 MRSA §12004, as amended, is repealed.

**Sec. 2.** 5 MRSA §12004-A, sub-§14, as enacted by PL 1987, c. 786, §5, is amended to read:

14. Board of Elevator and Tramway Safety Expenses Only 26 MRSA §475

**Sec. 3.** 5 MRSA §12004-A, sub-§15, as enacted by PL 1987, c. 786, §5, is amended to read:

15. Board of Emergency Medical Services' Board \$20/Day 32 MRSA §1301

**Sec. 4.** 5 MRSA §12004-A, sub-§24, as enacted by PL 1987, c. 786, §5, is amended to read:

24. Board of Registration in Medicine \$1,250/Year - Member \$1,500/Year - Chairman Chair \$7,500/ Year - Secretary 32 MRSA §3263

1           **Sec. 5. 5 MRSA §12004-A, sub-§30**, as enacted by PL 1987, c.  
786, §5, is amended to read:

3                           30. Board of Commis-                   \$25 35/Day           32 MRSA ~~§2851~~  
5                           sioners of the Profession   §13711  
7                           of Pharmacy

9           **Sec. 6. 5 MRSA §12004-A, sub-§45** is enacted to read:

11                           45. Board of Licensure                   Expenses           32 MRSA §4145  
of Railroad Personnel                   Only

13           **Sec. 7. 5 MRSA §12004-B, sub-§2**, as enacted by PL 1987, c.  
786, §5, is amended to read:

15                           2. Maine Labor                   \$75/Day           26 MRSA §968  
17                           Relations Board                   \$100/Day  
19   Chairman  
   Chair

21           **Sec. 8. 5 MRSA §12004-D, sub-§2**, as enacted by PL 1987, c.  
786, §5, is amended to read:

23                           2. Board of Environ-                   Legislative       38 MRSA §341  
25                           mental Protection                   Per Diem                   §361

27           **Sec. 9. 5 MRSA §12004-F, sub-§§2 and 3**, as enacted by PL 1987,  
c. 786, §5, are amended to read:

29                           2. Maine Municipal                   Legislative       30 30-A MRSA  
31                           Bond Bank, Board of Com-                   Per Diem                   §5164  
missioners

33                           3. Maine State Hous-                   Legislative       30 30-A MRSA  
35                           ing Authority                   Per Diem                   §4601-A

37           **Sec. 10. 5 MRSA §12004-F, sub-§10**, as enacted by PL 1987, c.  
786, §5, is repealed and the following enacted in its place:

39                           10. State Employee                   Expenses           5 MRSA §285-A  
41                           Health Commission                   Only

43           **Sec. 11. 5 MRSA §12004-F, sub-§§14 and 15** are enacted to read:

45                           14. Board of Trustees,                   Expenses           38 MRSA §1382  
47                           Sludge and Residuals Utilization                   Only  
Research Foundation

49                           15. Maine Educational                   Legislative       20-A MRSA  
51                           Loan Authority                   Per Diem                   §11414

1           **Sec. 12. 5 MRSA §12004-G, sub-§3-A** is enacted to read:

3     3-A. Agriculture   Pull Events           Expenses       7 MRSA §75  
  Commission                   Only

5           **Sec. 13. 5 MRSA §12004-G, sub-§13-A** is enacted to read:

7           13-A. Environ-   State Emergency   Not                   22 MRSA §1696-H  
9     ment/Natural       Response           Authorized  
11     Resources           Commission

13          **Sec. 14. 5 MRSA §12004-G, sub-§14-A** is enacted to read:

15     14-A. Human       Adaptive            Expenses        10 MRSA §373  
17     Services            Equipment         Only  
  Loan Program  
  Fund Board

19          **Sec. 15. 5 MRSA §12004-G, sub-§15,** as enacted by PL 1987, c.  
21     786, §5, is amended to read:

23           15. Human        Maine Human        \$25/Day        5 MRSA §4561  
25     Services: Human      Rights                 \$1,000  
          Rights            Commission            Max/Yr

27          **Sec. 16. 5 MRSA §12004-G, sub-§15-A** is enacted to read:

29     15-A. Human       Driver Education   \$75/Day        22 MRSA §7207  
31     Services            Evaluation  
  Program Appeals  
  Board

33          **Sec. 17. 5 MRSA §12004-G, sub-§25,** as enacted by PL 1987, c.  
35     786, §5, is amended to read:

37           25. Labor        State Appren-        Expenses        26 MRSA §1002  
  ticeship and  
39   Training Council

41          **Sec. 18. 5 MRSA §12004-G, sub-§26-A** is enacted to read:

43     26-A. Labor       Occupational       Expenses        26 MRSA §63  
  Safety Loan           Only

45          **Sec. 19. 5 MRSA §12004-G, sub-§31-A** is enacted to read:

47     31-A. Science   Maine Science       Expenses        5 MRSA §13122  
49     and Technology   and Technology     Only  
  Commission

51          **Sec. 20. 5 MRSA §12004-G, sub-§33-A** is enacted to read:



1  
 23. Environ- Advisory Board Expenses-Only 12 MRSA \$7301  
 3 ment: Natural for the \$50/Day \$7320  
 Resources Licensing of  
 5 Guides

7 24. Environ- Junior Maine Expenses Only 12 MRSA \$7302  
 ment: Natural Guides and Trip \$7322  
 9 Resources Leaders' Leaders  
 Curriculum  
 11 Advisory Board

13 Sec. 29. 5 MRSA §12004-I, sub-§25-A is enacted to read:

15 25-A. Finance Board of Expenses 30-A MRSA \$6101  
 17 Emergency Only  
Municipal  
 19 Finance

21 Sec. 30. 5 MRSA §12004-I, sub-§27, as enacted by PL 1987, c.  
 786, §5, is amended to read:

23 27. Finance Maine Veterans' Expenses 10 MRSA \$1100-A  
 Small Business Only \$980-B  
 25 Loan Board

27 Sec. 31. 5 MRSA §12004-I, sub-§31, as enacted by PL 1987, c.  
 786, §5, is amended to read:

31 31. Housing Advisory Board Expenses 30-MRSA-§4002  
 to the Maine Only 30-A MRSA \$4723  
 33 State Housing  
 Authority

35 Sec. 32. 5 MRSA §12004-I, sub-§34, as enacted by PL 1987, c.  
 786, §5, is amended to read:

37 34. Housing Penobscot Tribal Not 22 MRSA \$4733  
 39 Reservation Authorized  
 Housing  
 41 Authority.

43 Sec. 33. 5 MRSA §12004-I, sub-§42, as enacted by PL 1987, c.  
 786, §5, is amended to read:

45 42. Human Committee to Expenses 5 MRSA \$17002  
 47 Services Advise the Only \$19202  
 Department of  
 49 Services on  
 AIDS

51 Sec. 34. 5 MRSA §12004-I, sub-§§55, 56 and 57, as enacted by PL  
 1987, c. 786, §5, are amended to read:

1				
3	55. Local and County Government	County Records Board	Not Authorized	30-MRSA- <del>§</del> 347 <u>30-A MRSA §554</u>
5				
7	56. Local and County Government	Municipal Records Board	Not Authorized	30-MRSA- <del>§</del> 2214 <u>30-A MRSA §2754</u>
9				
11	57. Local and County Government	Regional Council of Governments	Paid by Member Governments	30-MRSA- <del>§</del> 1981 <u>30-A MRSA §2311</u>

13           **Sec. 35. 5 MRSA §12004-I, sub-§§69 and 70,** as enacted by PL  
15 1987, c. 786, §5, is amended to read:

17	69. Natural Resources: Recreation	White-Water <u>Whitewater</u> Advisory Committee	\$25/Day	12 MRSA §7369-A
19				
21	70. Natural Resources: Recreation	White-Water <u>Whitewater</u> Safety Committee	\$25/Day	12 MRSA §7367
23				
25				

27           **Sec. 36. 5 MRSA §12004-I, sub-§§74-A and 74-B** are enacted to  
29 read:

31	<u>74-A. Public Safety</u>	<u>E-9-1-1 Advisory Committee</u>	<u>Expenses Only</u>	<u>25 MRSA §2925</u>
33				
35	<u>74-B. State Government</u>	<u>State Capitol Commission</u>	<u>Expenses Only</u>	<u>3 MRSA §901</u>

37           **Sec. 37. 5 MRSA §12004-I, sub-§80,** as repealed by PL 1987, c.  
39 735, §11 and as enacted by PL 1987, c. 786, §5, is repealed.

41           **Sec. 38. 5 MRSA §12004-I, sub-§85,** as enacted by PL 1987, c.  
43 786, §5, is amended to read:

45	85. Trans- portation	Maine Trans- portation Capital Im- provement Plan- ning Commission	Not Authorized	23 MRSA <del>§</del> 4501 <u>§4261</u>
47				
49				

51           **Sec. 39. 5 MRSA §12004-K, sub-§4-A** is enacted to read:

	<u>4-A. Environ- Planning</u>	<u>Expenses</u>	<u>30-A MRSA §4341</u>
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1 ment: Natural            Advisory            Only  
2 Resources              Council

3  
4 **PART B**

5 **Sec. 1. 1 MRSA §1002, sub-§1**, as amended by PL 1983, c. 812,  
6 §1, is further amended to read:

7  
8 **1. Membership.** The Commission on Governmental Ethics and  
9 Election Practices, established by Title 5, section 12004  
10 12004-G, subsection 8 33, called the "commission," shall consist  
11 of 7 members to be appointed as follows:

12  
13 A. The President of the Senate and the floor leaders of the  
14 2 major parties in the Senate shall each appoint one member,  
15 with the concurrence of 2/3 vote of the Senate. Each such  
16 member shall be appointed in January of each even-numbered  
17 year, and shall serve a term of 2 years from the date of  
18 appointment or until his a successor is appointed and  
19 qualified. ;

20  
21 B. The Speaker of the House and the floor leaders of the 2  
22 major parties in the House of Representatives shall each  
23 appoint one member, with the concurrence of 2/3 vote of the  
24 House of Representatives. Each such member shall be  
25 appointed in January of each even-numbered year, and shall  
26 serve a term of 2 years from the date of appointment or  
27 until his a successor is appointed and qualified. ; and

28  
29 C. The 6 members so appointed shall, by an affirmative vote  
30 of at least 5 members, elect a 7th member, who shall act as  
31 chairman, and who shall serve a term of 2 years, or until  
32 his a successor is appointed and qualified.

33  
34 The appropriate appointing authority shall appoint members to  
35 vacancies on the commission as they shall occur or upon  
36 expiration of terms. Any vacancy shall be filled for the  
37 unexpired portion of the term in which such vacancy occurs.

38  
39 **Sec. 2. 3 MRSA §2-A, sub-§1**, as repealed and replaced by PL  
40 1987, c. 402, Pt. A, §6, is amended to read:

41  
42 **1. State Compensation Commission established.** The State  
43 Compensation Commission, established by Title 5, section 12004  
44 12004-I, subsection 10 76, shall consist of 5 members appointed  
45 in January of every odd-numbered year as follows: Two members  
46 shall be appointed by the President of the Senate; 2 members  
47 shall be appointed by the Speaker of the House; and one member  
48 shall be appointed by a majority of the preceding 4 commissioners  
49 and shall serve as chairman chair of the commission. The 5  
50 members shall be residents of the State, appointed from the

1 public. No one may be appointed who is a Legislator at the time  
of his appointment.

3

4 All members shall be appointed for terms to coincide with the  
5 legislative biennium. Vacancies shall be filled in the same  
6 manner as the original appointments, for the balance of the  
7 unexpired term. The commission shall be appointed in January at  
the first regular session of each Legislature.

9

10 The commission may request staff support from the Legislative  
11 Council.

12 The members of the commission shall be compensated as authorized  
13 by Title 5, chapter 379.

15

16 **Sec. 3. 3 MRSA §227, first ¶**, as amended by PL 1985, c. 775, §3  
17 and c. 809, is further amended to read:

18 The Maine-Canadian Legislative Advisory Commission, as  
19 authorized by Title 5, section ~~12004~~ 12004-K, subsection ~~12 10~~,  
20 shall consist of 8 members, all of whom shall be citizens of this  
21 State. The Speaker of the House shall appoint 4 members, 2 for a  
22 term of one year and 2 who must be members of the House of  
23 Representatives who shall each hold office from the date of his  
24 appointments appointment until the term of his election to the  
Legislature expires. The President of the Senate shall appoint 3  
25 members, 2 for a term of one year and 2 who must be Senators who  
26 shall each hold office from the date of his--appointments  
27 appointment until the term of his election to the Legislature  
28 expires. At least one member appointed by the President of the  
29 Senate and one member appointed by the Speaker of the House shall  
30 be fluent in the French language. In the event of the death or  
31 resignation of any member, the vacancy shall be filled for the  
32 remainder of the term in the same manner as the original  
33 appointment.

35

36 **Sec. 4. 3 MRSA §231, sub-§1**, as enacted by PL 1985, c. 775,  
37 §4, is amended to read:

39

40 **1. Commission.** The New England and Eastern Canada  
41 Legislative Commission, as established by Title 5, section ~~12004~~  
12004-K, subsection ~~12 11~~, and in this chapter called the  
42 "commission," shall consist of 4 members from Maine, together  
43 with the same number of members appointed according to the laws  
44 of each of the other member jurisdictions.

45

46 **Sec. 5. 3 MRSA §241, first ¶**, as amended by PL 1987, c. 501, §1,  
47 is further amended to read:

49

50 The Commission on Uniform State Laws, as established by  
51 Title 5, section ~~12004~~ 12004-K, subsection ~~12 8~~, shall consist of  
3 members to be appointed for a term of 4 years by the Governor.

1 The commission shall also consist of any residents who, because  
2 of long service in the cause of state legislation, are elected  
3 life members of the National Conference of Commissioners on  
4 Uniform State Laws. The commission shall examine subjects on  
5 which uniformity of legislation in the different states is  
6 desirable; ascertain the best means to effect uniformity;  
7 cooperate with the commissioners of other states in the  
8 consideration and drafting of uniform acts for submission to the  
9 Legislatures of the several states; and prepare bills for  
10 introduction in the Legislature.

11 **Sec. 6. 3 MRSA §901, first ¶**, as enacted by PL 1987, c. 816, Pt.  
12 EE, §1, is amended to read:

13  
14 The State Capitol Commission, as established in Title 5,  
15 section ~~12004~~ 12004-I, subsection ~~10~~ 74-B, in this chapter called  
16 the "commission," shall consist of 10 voting members and 5 ex  
17 officio, nonvoting members who shall be appointed and shall serve  
18 as described in this section.

19  
20 **Sec. 7. 4 MRSA §191**, as amended by PL 1983, c. 812, §9, is  
21 further amended to read:

22 **§191. State Court Library Committee**

23  
24 The State Court Library Committee, as established in Title  
25 5, section ~~12004~~ 12004-G, subsection ~~8~~ 23, shall consist of 7  
26 voting members, 2 of whom shall be members of the public, 2 of  
27 whom shall be members of the judiciary and 3 of whom shall be  
28 attorneys. The members shall be appointed by and serve at the  
29 pleasure of the Chief Justice of the Supreme Judicial Court. The  
30 Chief Justice shall designate the ~~chairman~~ chair. The State Law  
31 Librarian and the State Court Administrator shall be ex officio  
32 nonvoting members. A quorum shall consist of 4 of the voting  
33 members. The committee shall meet at least 4 times each year.  
34 Secretarial assistance shall be provided by the Administrative  
35 Office of the Courts.

36  
37 **Sec. 8. 4 MRSA §451**, as amended by PL 1985, c. 779, §6, is  
38 further amended to read:

39 **§451. Establishment**

40  
41 A Judicial Council, as established by Title 5, section ~~12004~~  
42 12004-I, subsection ~~10~~ 51, shall make a continuous study of the  
43 organization, rules and methods of procedure and practice of the  
44 judicial system of the State, the work accomplished and the  
45 results produced by that system and its various parts. The  
46 council shall be composed of the Chief Justice of the Supreme  
47 Judicial Court, who shall also serve as ~~chairman~~ chair, the  
48 Attorney General, the Chief Justice of the Superior Court, the  
49 Chief Judge of the District Court, and the Dean of the University

1 of Maine System School of Law, each to serve ex officio, and an  
2 Active or Retired Justice of the Supreme Judicial Court, one  
3 Justice of the Superior Court, one Judge of the District Court,  
4 one Judge of a Probate Court, one clerk of the judicial courts, 2  
5 members of the bar and 6 laymen, to be appointed by the Governor.  
6 The appointments by the Governor shall be for such periods, not  
7 exceeding 4 years, as he shall determine.

9 **Sec. 9. 5 MRSA §96**, as amended by PL 1983, c. 812, §13, is  
10 further amended to read:

11 **§96. Archives Advisory Board**

12  
13 The Archives Advisory Board, established by section ~~12004~~  
14 12004-I, subsection ~~10~~ 8, shall serve to advise the State  
15 Archivist in his administration of this chapter and to perform  
16 such other duties as may be prescribed by law. The board shall  
17 consist of 9 persons especially interested in the history of the  
18 State appointed by the Governor as advisors for overlapping terms  
19 of 6 years. The 3 new advisors shall be first appointed one for  
20 one year, one for 3 years and one for 5 years. Their successors  
21 shall be appointed for terms of 6 years. Each advisor shall serve  
22 for the term of his appointment and thereafter until his a  
23 successor is appointed and qualified. In case of the termination  
24 of an advisor's service during his that advisor's term, the  
25 Governor shall appoint a successor for the unexpired term.  
26 Advisors shall be compensated as provided in chapter 379.

27  
28 **Sec. 10. 5 MRSA §251**, as enacted by PL 1985, c. 555, §1, is  
29 amended to read:

30  
31 **§251. Commission established**

32  
33 The Maine-New Hampshire Boundary Commission as established  
34 by Title 5, section ~~12004~~ 12004-J, subsection ~~11~~ 5, shall be  
35 composed of 5 members: One appointed by the Governor; one Senate  
36 member representing York County to be appointed by the President  
37 of the Senate; one member from the House of Representatives  
38 representing York County to be appointed by the Speaker of the  
39 House of Representatives; the Commissioner of ~~the Department of~~  
40 Marine Resources; and the Commissioner of ~~the Department of~~  
41 Conservation.

42  
43 **Sec. 11. 5 MRSA §293**, as repealed and replaced by PL 1987, c.  
44 402, Pt. A, §§16 and 17, is amended to read:

45  
46 **§293. Internship committee**

47  
48 The State Government Internship Program Advisory Committee,  
49 established by section ~~12004~~ 12004-I, subsection ~~10~~ 77, shall  
50 serve to further the purposes of the program and to provide for  
51 broad representation of institutions of higher learning within

1 Maine and of State Government. The State Government Internship  
2 Program Advisory Committee shall be comprised of the President of  
3 the Senate and Speaker of the House or their designated  
4 representatives; the Governor or his a designated representative;  
5 the Director of Human Resources; and the Director of the Bureau  
6 of Public Administration. In addition, one faculty member from  
7 each of 4 accredited, degree-granting institutions of higher  
8 learning in the State shall be appointed by the Director of the  
9 Bureau of Public Administration for 4-year terms, provided that  
10 the initial appointments under this chapter shall be for one, 2,  
11 3 and 4-year terms. No faculty member may be-eligible-to-succeed  
12 himself serve consecutive terms if he that faculty member has  
13 served a full 4-year term, nor shall a faculty member be  
14 succeeded by another from the same institution. Vacancies shall  
15 be filled by the director for the unexpired term. The members of  
16 the internship committee shall organize by electing a chairman  
17 chair and vice-chairman vice-chair and shall be compensated as  
18 provided in chapter 379 and as authorized by the Bureau of Public  
19 Administration.

21 **Sec. 12. 5 MRSA §298, first ¶**, as amended by PL 1983, c. 812,  
22 §15, is further amended to read:

23  
24 The Capitol Planning Commission, established by section  
25 12004 12004-I, subsection 10 75, shall administer this chapter  
26 and perform such other duties as may be prescribed by law.

27  
28 **Sec. 13. 5 MRSA §350**, as amended by PL 1985, c. 819, Pt. A,  
29 §3, is further amended to read:

31 **§350. Statement of purpose; Advisory Committee on State  
32 Telecommunications**

33  
34 The Department of Administration, as the principal  
35 administrative department of the State Government, has  
36 responsibilities for the general administration of state  
37 telecommunications services, including, but not limited to,  
38 telephone services, radio, teletype, microwave and data  
39 transmission links. It is recognized that the department should  
40 serve to provide needed coordination between state agencies  
41 utilizing telecommunications services in such areas as  
42 engineering assistance, systems maintenance, frequency  
43 allocation, systems planning, and the purchase of services and  
44 equipment. The Advisory Committee on State Telecommunications,  
45 established by section 12004 12004-I, subsection 10 79, shall  
46 assist the Department of Administration in providing for the  
47 coordination of state telecommunications services.

48  
49 **Sec. 14. 5 MRSA §453, first ¶**, as amended by PL 1983, c. 812,  
50 §18, is further amended to read:

51

1 The Mining Excise Tax Trust Fund Board of Trustees,  
established by section 12004 12004-G, subsection 8 33-A, shall be  
3 subject to the following provisions.

5 **Sec. 15. 5 MRSA §723**, as amended by PL 1985, c. 785, Pt. B,  
§21, is further amended to read:

7  
9 **§723. Educational Leave Advisory Board**

11 The Educational Leave Advisory Board, established by section  
12004 12004-I, subsection 10 11, shall advise and consult with  
13 the Bureau of Human Resources to review and authorize all  
educational leave requests from classified and unclassified state  
15 employees for durations of more than one week. The board shall  
consist of 3 members as follows: The Director of Human Resources  
17 who shall serve as ~~chairman~~ chair of the board, the Commissioner  
of Educational and Cultural Services or ~~his~~ a designee; and one  
19 member who shall be a state employee appointed by the Governor to  
serve for a term of 3 years. Members of the board shall be  
compensated as provided in chapter 379.

21 **Sec. 16. 5 MRSA §884**, as amended by PL 1985, c. 785, Pt. A,  
23 §40, is further amended to read:

25 **§884. Advisory Council on Deferred Compensation**

27 An Advisory Council on Deferred Compensation Plans,  
established by section 12004 12004-I, subsection 10 25, shall  
29 consist of 7 members, who shall be the Commissioner of Finance,  
ex officio, or ~~his~~ a designee; the Insurance Superintendent, ex  
31 officio, or ~~his~~ a designee; the Superintendent of Banking, ex  
officio, or ~~his~~ a designee; and 4 state employees to be appointed  
33 by the Governor, who shall be appointed for terms of 3 years,  
except that of the first appointments one shall be for one year,  
35 2 for 2 years and one for 3 years. Members of the advisory  
council shall be compensated as provided in chapter 379. The  
37 council shall meet at least once a year and shall review the  
operations of the deferred compensation program and advise the  
39 Department of Finance on matters of policy relating to the  
activities thereunder. The Commissioner of Finance, or ~~his~~ a  
41 designee, shall be the ~~chairman~~ chair of the advisory council.

43 **Sec. 17. 5 MRSA §1658**, as enacted by PL 1985, c. 792, §8, is  
amended to read:

45 **§1658. Advisory Committee on Single State Audits**

47  
49 The Commissioner of Finance and ~~Administration~~ may appoint  
and maintain an advisory committee composed of persons  
representing a cross section of interests governed by this  
51 chapter, such as community agencies and representatives of  
interested government agencies. All members of the advisory

1 committee shall serve without compensation or reimbursement of  
2 expenses, as set out in section 12004 12004-I, subsection 10 29.

3 **Sec. 18. 5 MRSA §1814, first ¶**, as amended by PL 1983, c. 812,  
4 §25, is further amended to read:

5  
6 A Standardization Committee, as established by section 12004  
7 12004-I, subsection 10 1, shall consist of the Governor or his a  
8 representative, 4 public members and 2 department or agency heads  
9 or their representatives as may be designated by the Governor. In  
10 addition, the State Purchasing Agent shall be an ex officio,  
11 nonvoting member of the committee. The 4 public members and the  
12 department or agency heads or their representatives shall serve  
13 at the pleasure of the Governor. The 4 public members shall be  
14 representative of the industry, commerce and political  
15 subdivisions of Maine, and shall not be officials or employees of  
16 the State.  
17

18 **Sec. 19. 5 MRSA §3313, first ¶**, as amended by PL 1983, c. 812,  
19 §29, is further amended to read:

20  
21 The Maine Critical Areas Advisory Board established by  
22 section 12004 12004-I, subsection 10 78, shall advise and assist  
23 the State Planning Office in the establishment and maintenance of  
24 the Register of Critical Areas. The Maine Critical Areas Advisory  
25 Board, in this chapter referred to as the "board," shall be  
26 appointed by the Governor and shall be convened by the State  
27 Planning Office and shall consist of 11 members, one of whom  
28 shall be a permanent member.  
29

30 **Sec. 20. 5 MRSA §3517, sub-§1**, as amended by PL 1983, c. 812,  
31 §31, is further amended to read:

32  
33 **1. Appointment.** The Governor shall appoint a Community  
34 Services Advisory Board, as established by section 12004 12004-I,  
35 subsection 10 3, to advise the Governor, the Legislature and the  
36 Director of Community Services on programs and policy matters  
37 relative to this chapter.  
38

39 **Sec. 21. 5 MRSA §4561**, as amended by PL 1987, c. 709, §1, is  
40 further amended to read:

41  
42 **§4561. Members**

43  
44 The Maine Human Rights Commission, established by section  
45 12004 12004-G, subsection 8 15, shall be an independent  
46 commission of no more than 5 members. No more than 3 of the  
47 members shall may be of the same political party. The members  
48 shall be appointed by the Governor, subject to review by the  
49 joint standing committee of the Legislature having jurisdiction  
50 over judiciary matters and confirmation by the Legislature. The  
51 Governor shall designate one member to be the chairman chair.

1  
3       **Sec. 22. 5 MRSA §6205, sub-§3**, as enacted by PL 1987, c. 506,  
§§1 and 4, is amended to read:

5       3.       **Compensation.**     Appointed members shall receive  
7       compensation equal to legislative per diem and travel expenses as  
9       allowed under Title 5, section 12004 12004-G, subsection 8 29,  
while engaged in board activities.

11       **Sec. 23. 5 MRSA §7021**, as repealed and replaced by PL 1983,  
c. 812, §37, is amended to read:

13       **§7021. Commission established**

15       The Maine Commission for Women, established by section 12004  
17       12004-J, subsection 11 6, referred to in this chapter as the  
"commission," shall be an independent commission. The commission  
19       shall promote, carry out and coordinate programs designed to  
improve opportunities for women in the State.

21       **Sec. 24. 5 MRSA §7081, first ¶**, as enacted by PL 1985, c. 785,  
Pt. B, §38, is amended to read:

23       The State Civil Service Appeals Board, established by  
25       section 12004 12004-B, subsection 3 4, shall be composed of 5  
members with experience in personnel management or labor  
27       relations. No more than 3 members of the board may be of the  
same political party. No member may be a state employee.

29       **Sec. 25. 5 MRSA §12002-A, sub-§1, ¶E**, as repealed and replaced  
31       by PL 1985, c. 295, §6, is amended to read:

33       E. Participation in official business of the board required  
35       by law or by rule of the board or a procedure which is  
necessary to fulfill the statutory responsibilities of the  
37       board, but shall not include any of the prohibited  
activities as defined in section 12002-B, subsection 2.  
39       Members of occupational and professional licensing boards,  
as defined in section 12004, ~~subsection 1~~ 12004-A, may  
41       receive expenses for meetings relating to the occupations  
and professions regulated by each board and which meetings  
43       are held out of state.

45       **Sec. 26. 5 MRSA §12002-B, first ¶**, as enacted by PL 1983, c.  
812, §39, is amended to read:

47       Members of boards shall be paid a legislative per diem,  
49       another specified daily rate of compensation, a salary, expenses  
only or no compensation, as established for each board in section  
51       12004 sections 12004-A to 12004-K. Any board for which a  
legislative per diem, another specified daily rate of  
compensation or a salary is specified shall also be authorized to



1 receive expenses as provided in section 12002-A. If the rate of  
2 compensation specifies expenses only, the member shall receive  
3 expenses as provided in section 12002-A. If the rate of  
4 compensation specifies "not authorized," the member shall receive  
5 no compensation or expenses.

7 **Sec. 27. 5 MRSA §12002-B, sub-§1**, as amended by PL 1985, c.  
8 295, §7, is further amended to read:

9  
10 1. Payment of compensation. The legislative per diem or  
11 any other specified daily rate of compensation or annual rate of  
12 compensation, as specified in ~~section-12004~~ sections 12004-A to  
13 12004-K, may be paid only for a member's:

14 A. Actual attendance at meetings of the board within the  
15 State called by the ~~chairman~~ chair or by a majority of the  
16 members of the board;

17 B. Actual attendance at public hearings held by the board  
18 within the State to fulfill the duties and responsibilities  
19 of the board;

20 C. Actual attendance at meetings within the State of groups  
21 advisory to the board; or

22 D. Participation in official business of the board required  
23 by law or by rule of the board or a procedure which is  
24 necessary to fulfill the statutory responsibilities of the  
25 board, but shall not include any of the prohibited  
26 activities as defined in subsection 2.

27  
28 **Sec. 28. 5 MRSA §12003-A, sub-§§1, 2 and 3**, as enacted by PL  
29 1985, c. 295, §12, are amended to read:

30 1. Compensation of substantive boards. Compensation  
31 provided to members of boards that are not classified as advisory  
32 boards in section 12004 12004-I shall not exceed the legislative  
33 per diem rate defined in section 12002 for the purposes defined  
34 in section 12002-B.

35 A. The only exception to this policy applies to boards  
36 which require members with special expertise for which there  
37 is an extremely limited supply and which require members to  
38 undertake very difficult tasks and render decisions that  
39 have a significant impact upon the State.

40 2. Compensation of advisory boards. Compensation provided  
41 to members of boards, defined in section 12004, ~~sub-section-10~~  
42 12004-I as advisory boards or boards with minimal authority,  
43 shall not exceed \$25 per day and payment of expenses.  
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1 A. Advisory and other boards, as defined in section 12004,  
3 ~~subsection-10~~ 12004-I, which are not authorized by law to be  
reimbursed for expenses shall not be eligible for this  
5 reimbursement.

7 3. Compensation as provided in sections 12004-A to 12004-K.  
Compensation to members of boards shall be in accordance with the  
rate established for each board in ~~section-12004~~ sections 12004-A  
9 to 12004-K. The defined rate of compensation for each board in  
~~section-12004~~ sections 12004-A to 12004-K shall be in compliance  
11 with this section.

13 Sec. 29. 5 MRSA §12003-A, sub-§8, as enacted by PL 1985, c.  
732, §2, is amended to read:

15 8. Accounting procedure. Every board defined in section  
17 12004 sections 12004-A to 12004-K shall have separate accounting  
activities as required and in the form prescribed by the  
19 Commissioner of Finance and ~~Administration~~. These accounting  
procedures shall show the income, expenses and expenditures of  
21 the board as separate from the income and expenditures of the  
department with which the board is associated or a part and  
23 separate from the expenditures of the staff associated with or  
employed by the board. The expenses of the board to be shown in  
25 the activity accounts, at a minimum, shall include any per diem  
or rate of compensation paid to the board members, travel  
27 expenses in state and out of state of board members and any other  
expenses deemed necessary or reasonable by the commissioner.

29 Sec. 30. 5 MRSA §13093, sub-§1, as enacted by PL 1987, c. 534,  
31 Pt. A, §§17 and 19, is amended to read:

33 1. Maine Tourism Commission. The Maine Tourism Commission,  
established by ~~Title-5,~~ section 12004 12004-I, subsection 87,  
35 shall assist, advise and recommend the operation of the Office of  
Tourism. It shall consist of 9 members of major tourism trade  
37 associations and 8 public members who shall represent their  
respective regions and who are experienced in the field or who  
39 have demonstrated a concern for the travel industry. The terms  
of the members shall be for 4 years each; except that, for the  
41 members first appointed, 4 members shall be appointed for terms  
of 4 years, 4 members for terms of 3 years, 4 members for terms  
43 of 2 years and 5 members for terms of one year. The members  
shall be appointed by the Governor, who shall fill any vacancy in  
45 the membership for the unexpired term. The commissioner,  
director or ~~his~~ a designee of the following state departments or  
47 offices shall serve as ex officio, nonvoting members of the  
commission: Department of Economic and Community Development;  
49 State Planning Office; Department of Conservation; Department of  
Transportation; Department of Inland Fisheries and Wildlife;  
51 Department of Agriculture, Food and Rural Resources; Department  
of Educational and Cultural Services; Bureau of Public

1 Improvements; and Canadian Affairs Coordinator. A ~~chairman~~ chair  
2 and ~~vice-chairman~~ vice-chair shall be elected annually from the  
3 appointed membership.

5 **Sec. 31. 5 MRSA §13095, sub-§1**, as enacted by PL 1987, c. 534,  
Pt. A, §§17 and 19, is amended to read:

7  
9 **1. Maine State Film Commission established.** The Maine State  
11 Film Commission, as established by section 12004 12004-I,  
13 subsection 88, shall be within the Office of Tourism and shall  
advise and assist the office as necessary. The commission shall  
advise the commissioner and the director with respect to the  
operation of the Maine State Film Commission program.

15 A. The commission shall consist of 11 members appointed by  
the Governor.

17  
19 (1) The members appointed shall be involved  
21 in a related business field or possess  
23 experience or familiarity with media marketing  
or public relations. The Governor shall ensure  
an equitable regional representation from the  
State.

25 (2) The Executive Director of the Maine Arts  
27 Commission and the commissioner of the  
department shall serve as ex officio nonvoting  
members of the board.

29 B. The terms of office shall be as follows.

31  
33 (1) All members shall be appointed for 3-year  
35 terms. Of those first appointed, 3 shall be  
37 appointed for 3-year terms, 4 shall be  
appointed for 2-year terms and 4 shall be  
appointed for one-year terms. The Governor  
shall designate the terms of office of those  
first appointed at the time of appointment.

39  
41 (2) Members shall serve until their  
43 successors are appointed and take office. The  
45 Governor may terminate the membership of any  
appointee for just cause and the reason for  
the termination shall be communicated in  
writing to each member whose term is so  
terminated.

47  
49 (3) Vacancies shall be filled in the same  
51 manner as original appointments, except that  
any person appointed to fill a vacancy shall  
serve only for the unexpired term of the  
vacancy.

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C. The chairman chair and vice-chairman vice-chair shall be appointed by the Governor annually at the first meeting of the board and shall serve for one-year terms.

(1) The chairman chair shall call meetings of the board.

D. Members shall be compensated for expenses only in accordance with chapter 379.

E. Financing of promotional and development materials and expenses pursuant to this section and section 13096, shall be made with funds within the limit of the budget of the department for the Office of Tourism.

**Sec. 32. 5 MRSA §17001, sub-§7**, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

7. **Board.** "Board" means the board of trustees, established under section 12004 12004-F, subsection 7 9, to administer the Maine State Retirement System.

**Sec. 33. 5 MRSA §17102, sub-§1**, as amended by PL 1987, c. 715, §§4 and 5, is further amended to read:

1. **Composition.** The Board of Trustees of the Maine State Retirement System, established by section 12004 12004-F, subsection 7 9, shall be composed of 8 trustees, as follows:

A. The Treasurer of State or ~~as his designee~~, the Deputy Treasurer of State, ex officio, as a nonvoting trustee;

B. A person who is a member of the retirement system through employment as a teacher and who is duly elected by the Maine Teachers' Association;

C. A person who is a member of the retirement system through employment as a state employee and who is duly elected by the Maine State Employees' Association;

D. Four persons appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over aging, veterans and retirement and to confirmation by the Legislature:

(1) At least 2 of whom shall be qualified through training or experience in the field of investments, accounting, banking, insurance or law;

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(2) One of whom shall be selected from a list of 3 nominees submitted by the Maine Retired Teachers' Association; and

(3) One of whom shall be the recipient of a retirement allowance through the retirement system and who shall be selected from a list or lists of nominees submitted by retired state employees, retired participating local district employees or a committee comprised of representatives of these groups; and

E. A person who is a member of the retirement system through a participating local district and who shall be appointed by the governing body of the Maine Municipal Association.

**Sec. 34. 5 MRSA §19101**, as enacted by PL 1987, c. 542, Pt. C, §§2 and 3, is amended to read:

**§19101. Establishment; role**

The Maine Health Policy Advisory Council, as established in section ~~12004~~ 12004-I, subsection ~~10~~, ~~paragraph A~~ 30, shall advise and be available for consultation to the Governor, Commissioner of Human Services, Commissioner of Mental Health and Mental Retardation, other executive branch agencies, the Legislature and the Maine congressional delegation on health policy issues related to health status, health promotion and health care delivery that the council believes to be significant and that it has the resources to address.

**Sec. 35. 6 MRSA §302, sub-§1, ¶A**, as amended by PL 1983, c. 812, §40, is further amended to read:

A. The Maine Aeronautical Advisory Board, established by Title 5, section ~~12004~~ 12004-I, subsection ~~10~~ 81, and in this section called "the board," shall be a board within the Department of Transportation.

**Sec. 36. 7 MRSA §231, sub-§1**, as enacted by PL 1987, c. 805, §2, is amended to read:

**1. Members; terms.** The Commission on Biotechnology and Genetic Engineering, as established in Title 5, section ~~12004~~ 12004-I, subsection ~~10~~ 20-A, shall be composed of 9 members appointed by the Governor, subject to approval by the joint standing committee of the Legislature having jurisdiction over agriculture and confirmation by the Legislature. To provide the knowledge and experience necessary for carrying out the duties of the commission, one person shall be appointed who has practical experience and knowledge in agricultural procedures, one who has

1 practical experience and knowledge in environmental and  
2 conservation issues, a health care professional, a representative  
3 from the forest products industry, the Director of the Maine  
4 Agricultural Experiment Station, a representative from the marine  
5 fisheries industry, a person appointed to represent the general  
6 public, one practicing scientist who shall be a representative of  
7 industry and one practicing scientist who shall be a  
8 representative of the academic community. The terms shall be for  
9 4 years, except that, of the initial appointees, 3 shall serve  
10 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year  
11 terms and 2 shall serve a one-year term. Any vacancy shall be  
12 filled by an appointment for the remainder of the unexpired term.

13  
14 **Sec. 37. 7 MRSA §313, sub-§1**, as enacted by PL 1985, c. 482,  
15 §2, is amended to read:

16  
17 **1. Membership.** The Maine Agricultural Viability Advisory  
18 Committee, as established by Title 5, section 12004 12004-I,  
19 subsection 10 2, shall consist of the following 7 members:

- 20 A. One representative of the Maine Farm Bureau;
- 21 B. One representative of the Maine State Grange;
- 22 C. One representative of the National Farm Organization;
- 23 D. One representative of the Maine Small Farm Association;
- 24 E. One representative of the Maine Organic Farmers and  
25 Gardeners Association;
- 26 F. One representative of the Maine Association of  
27 Conservation Districts; and
- 28 G. The ~~Chairman~~ Chair of the Soil and Water Conservation  
29 Commission or ~~his~~ the chair's designee, who shall serve  
30 during ~~his~~ the chair's tenure in that office.

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35 **Sec. 38. Effective date.** The Maine Revised Statutes, Title 7,  
36 section 313, subsection 1, as amended in this Act, is repealed on  
37 June 30, 1991.

38  
39 **Sec. 39. 7 MRSA §332, sub-§1**, as enacted by PL 1987, c. 435,  
40 §3, is amended to read:

41  
42  
43 **1. Membership.** The Aroostook Water and Soil Management  
44 Board, as established by Title 5, section 12004 12004-G,  
45 subsection 8 4, shall consist of the following: The ~~Chairman~~  
46 Chair of the Maine Potato Board; one person designated by the  
47 Maine Potato Board who shall be a farmer with irrigation  
48 experience; a representative of each of the 3 Aroostook County  
49 Soil and Water Conservation Districts chosen by the boards of  
50

1 supervisors of the 3 districts, each representative chosen being  
2 a farmer; the Director of the Maine Agricultural Experiment  
3 Station; the Director of the University of Maine Cooperative  
4 Extension Service; the State Conservationist of the United States  
5 Department of Agriculture Soil Conservation Service; the Director  
6 of the Maine Geological Survey; the Director of the Northern  
7 Maine Regional Planning Commission; and the Commissioner of  
8 Agriculture, Food and Rural Resources.

9  
10 **Sec. 40. 7 MRSA §402-A, sub-§1**, as amended by PL 1983, c. 812,  
11 §42, is further amended to read:

12  
13 1. **Agriculture Promotion Committee.** The commissioner may  
14 appoint a promotional committee, as authorized by Title 5,  
15 section ~~12004~~ 12004-H, subsection 9 1, to advise and assist the  
16 department in its general efforts to promote Maine agricultural  
17 products. The committee shall include, at a minimum,  
18 representatives involved in the production or marketing of those  
19 agricultural commodities which maintain, through state taxes or  
20 otherwise, an ongoing promotion and advertising program.

21  
22 **Sec. 41. 7 MRSA §427, sub-§1**, as amended by PL 1983, c. 812,  
23 §44, is further amended to read:

24  
25 1. **Establishment.** For market orders, the commissioner  
26 shall, and for market agreements, the commissioner may, establish  
27 a commodity marketing committee or committees, as authorized by  
28 Title 5, section ~~12004~~ 12004-H, subsection 9 2, to administer and  
29 implement the provisions of the orders or agreements. Members of  
30 the committees shall be initially appointed by the commissioner  
31 to equitably represent the producers, handlers or processors who  
32 are directly affected by the order or agreement. The size of a  
33 committee, its geographic representation, membership  
34 qualification, selection procedure, term of office and operating  
35 procedures shall be prescribed by rule for each market order or  
36 market agreement for which a committee or committees may be  
37 established; provided that in each case where a market order or  
38 market agreement is in effect for a period greater than 12  
39 months, the rules shall provide for a system for election of the  
40 producer, handler and processor members.

41  
42 **Sec. 42. 7 MRSA §972**, as repealed and replaced by PL 1987, c.  
43 769, Pt. A, §35, is amended to read:

44 **§972. Potato Marketing Improvement Committee**

45  
46 There is established an advisory committee, as authorized by  
47 Title 5, section ~~12004~~ 12004-H, subsection 9 10, of 10 members to  
48 be known as the Potato Marketing Improvement Committee. The  
49 Potato Marketing Improvement Committee shall advise the  
50 commissioner on the development and implementation of improved  
51 potato marketing systems, including the modernization,

1 construction and operation of storage and central packing  
2 facilities. The Potato Marketing Improvement Committee shall  
3 also advise the commissioner concerning the funding and  
4 expenditures of the Potato Marketing Improvement Fund created  
5 pursuant to section 973. The commissioner shall appoint one  
6 member representing the University of Maine System, one member  
7 representing the Farmers Home Administration, one member  
8 representing the Farm Credit System, one member representing the  
9 Department of Economic and Community Development and one member  
10 representing the public. Each executive council established  
11 pursuant to Title 36, section 4603, subsection 3, shall appoint  
12 one person to serve as a member of the committee. The  
13 commissioner and the executive councils shall appoint as members  
14 persons with education, training or experience relevant to the  
15 development and implementation of improved potato marketing  
16 systems, including the modernization, construction and operation  
17 of storage and central packing facilities and with an  
18 understanding of the importance of those facilities for potato  
19 quality and marketing. When the commissioner finds it  
20 appropriate, the members representing the Farmers Home  
21 Administration and the Farm Credit System may serve as a loan  
22 review committee and advise the commissioner, on a confidential  
23 basis, on applications for funding.

25 **Sec. 43. 7 MRSA §995, sub-§1**, as amended by PL 1983, c. 812,  
26 §46, is further amended to read:

27

28 **1. Membership of committee.** Any marketing order issued  
29 pursuant to sections 991 to 1006 shall provide for the  
30 establishment of an administrative committee to administer such  
31 order in accordance with its terms and provisions. This  
32 committee, authorized by Title 5, section ~~12004~~ 12004-H,  
33 subsection ~~10 9~~, shall be known as the "Maine Potato Marketing  
34 Committee" and shall consist of 8 members, of whom 5 shall be  
35 producers and 3 shall be handlers. For each member of the  
36 committee there shall be an alternate who shall have the same  
37 qualifications as the member. Persons selected as committee  
38 members or alternates to represent producers shall be individuals  
39 who are producers in the respective district for which selected  
40 or officers or employees of a corporate producer in such district  
41 and such persons shall be residents of the respective district  
42 for which selected. Persons selected as committee members or  
43 alternates to represent handlers shall be individuals who are  
44 handlers in the State or officers or employees of a corporate  
45 handler in this State and such persons shall be residents of the  
46 State.

47

48 **Sec. 44. 7 MRSA §1033, sub-§1**, as amended by PL 1987, c. 99,  
49 §6, is further amended to read:



1           1. Board. The Maine Potato Quality Control Board  
2 established by Title 5, section 12004 12004-H, subsection 9 6,  
3 shall consist of the following members:

4           A. Two representatives elected by the executive council of  
5 the dealers assembly established pursuant to Title 36,  
6 chapter 710;

7           B. Seven representatives of growers of tablestock potatoes,  
8 one elected by the assembly of tablestock growers in each of  
9 the districts established pursuant to Title 36, section  
10 4602, subsection 3;

11           D. A representative of the department, appointed by the  
12 commissioner; and

13           E. A person appointed by the Governor to represent  
14 consumers.

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Members shall be elected or appointed, as the case may be, within  
30 days of the effective date of this section as amended and  
shall serve for staggered 2-year terms. In the initial  
membership, the board shall determine that 5 of its members shall  
serve for one-year terms. The board shall elect a ~~chairman~~ chair  
and shall meet at the call of the ~~chairman~~ chair and at the call  
of the Maine Potato Board. The members shall be compensated as  
provided in Title 5, chapter 379.

30           **Sec. 45. 7 MRSA §2151**, as amended by PL 1983, c. 812, §50, is  
31 further amended to read:

32           **§2151. Creation and membership**

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The Seed Potato Board, established by Title 5, section 12004  
12004-H, subsection 9 5, and located in the Department of  
Agriculture, Food and Rural Resources, shall consist of the  
commissioner and 8 additional members appointed by ~~him~~ the  
commissioner. Of the 8 appointed members, 7 shall be chosen from  
representatives of the potato industry in Aroostook County and  
one from elsewhere in the State, provided that one appointed  
member shall be primarily a table stock producer and one  
primarily a processor producer.

43           **Sec. 46. 7 MRSA §2952, first ¶**, as amended by PL 1983, c. 812,  
44 §52, is further amended to read:

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The Maine Milk Commission, as established by Title 5,  
section 12004 12004-E, subsection 6 2, shall consist of 5 members  
and at all times shall include within its membership the  
Commissioner of Agriculture, Food and Rural Resources or ~~his~~ the  
commissioner's designee, ex officio. In addition to the  
limitations of Title 5, section 18, none of the remaining 4

1 members of the commission shall at the time of appointment or  
2 while serving as a member of the commission, and no employee of  
3 the commission may have any official business, other than retail  
4 purchases of milk, or professional connection or relation with,  
5 or hold any interest or stock or securities in, any producer,  
6 dealer, store or other person whose activities are subject to the  
7 jurisdiction of the commission; nor may any member or employee of  
8 the commission render any professional or other service against  
9 any such producer, dealer, store or other person whose activities  
10 are subject to the jurisdiction of the commission or be a member  
11 of a firm which shall render any such service.

12 **Sec. 47. 7 MRSA §3906, first ¶,** as enacted by PL 1987, c. 383,  
13 §3, is amended to read:

14  
15 The Animal Welfare Board, as established by Title 5, section  
16 12004 12004-G, subsection 8 3, is authorized to fulfill the  
17 purposes set forth in section 3902 to enforce this Part and Title  
18 17, and has powers and duties to:

19  
20 **Sec. 48. 8 MRSA §261, sub-§1,** as repealed and replaced by PL  
21 1987, c. 402, Pt. A, §81, is amended to read:

22  
23 **1. Number of members.** The State Harness Racing Commission,  
24 as established by Title 5, section 12004 12004-G, subsection 8 3,  
25 shall consist of 5 members who shall be appointed by the  
26 Governor. Members may be removed by the Governor for cause.

27  
28 **Sec. 49. 8 MRSA §373, first ¶,** as enacted by PL 1987, c. 505,  
29 §2, is amended to read:

30  
31 The State Lottery Commission, established by Title 5,  
32 section 12004 12004-G, subsection 8 14, shall consist of 5  
33 members, all of whom must be citizens and residents of this State  
34 and shall be appointed by the Governor, and shall be subject to  
35 review by the joint standing committee of the Legislature having  
36 jurisdiction over legal affairs and confirmation by the Senate.  
37 No more than 3 of the 5 members may be members of the same  
38 political party. The members shall be appointed for terms of 5  
39 years. The members shall annually elect one of them as chairman  
40 chair of the commission.

41  
42 **Sec. 50. 10 MRSA §304,** as amended by PL 1983, c. 812, §60, is  
43 further amended to read:

44  
45 **§304. Creation of commission -- Article III**

46  
47 The New England Interstate Planning Commission, established  
48 by Title 5, section 12004 12004-K, subsection 12 9, shall be  
49 called the "commission."

50  
51

1           **Sec. 51. 10 MRSA §962, 3rd ¶**, as amended by PL 1985, c. 714,  
§5, is further amended to read:

3  
4           The Finance Authority of Maine, as established by this  
5 chapter and authorized by Title 5, section ~~12004~~ 12004-F,  
6 subsection 7 1, to fulfill these purposes is, in addition to its  
7 other powers, authorized to:

9           **Sec. 52. 10 MRSA §980-B, sub-§1**, as enacted by PL 1985, c.  
10 344, §26, is amended to read:

11           **1. General.** The Maine Veterans' Small Business Loan Board,  
12 as established by Title 5, section ~~12004~~ 12004-I, subsection 10  
13 27, shall consist of 9 members, including the Director of  
14 Veterans' Services and 8 members-at-large appointed by the  
15 Governor for a period of 4 years, provided that, of the members  
16 first appointed, 2 shall be appointed for terms of one year, 2  
17 for terms of 2 years, 2 for terms of 3 years and 2 for terms of 4  
18 years. Two public members of the veterans' loan board shall be  
19 appointed by the Governor to serve as members of the authority. A  
20 vacancy in the office of an appointive member, other than by  
21 expiration, shall be filled in like manner as an original  
22 appointment, but only for the remainder of the term of the  
23 retiring member. Appointive members may be removed by the  
24 Governor for cause. The veterans' loan board shall elect one of  
25 its members as ~~chairman~~ chair and may elect such other officers  
26 as it deems necessary. Five members of the veterans' loan board  
27 shall constitute a quorum. The affirmative vote of 5 members  
28 present and voting shall be necessary for any action taken by the  
29 veterans' loan board. No vacancy in the membership of the  
30 veterans' loan board may impair the right of the quorum to  
31 exercise all rights and perform all the duties of the veterans'  
32 loan board.

33  
34           **Sec. 53. 10 MRSA §1414, sub-§1**, as amended by PL 1983, c. 812,  
§67, is further amended to read:

35  
36           **1. Establishment.** The Advisory Council on Energy Efficiency  
37 Building Performance Standards, established by Title 5, section  
38 ~~12004~~ 12004-I, subsection 10 19, is hereinafter referred to as  
39 the advisory council. The advisory council shall consist of 10  
40 persons. The Governor shall appoint one member who is a  
41 registered professional architect, one member who is a registered  
42 professional engineer, one member who is primarily a residential  
43 building contractor, one member who is primarily a nonresidential  
44 building contractor, one member who is a practicing building  
45 inspector, one member who represents the banking industry, one  
46 member who represents industry, one member who represents the  
47 commercial community and 2 members who are elected officials of a  
48 county or municipality. Public members shall serve for 4 years  
49 except as provided in this section and may be reappointed by the  
50 Governor for a succeeding term. Elected county and municipal  
51

1 officials shall be appointed to a term of office to coincide with  
2 their terms of office, not to exceed 4 years. Members shall not  
3 serve for more than 2 successive terms. The terms of the initial  
4 public members shall be as follows: The banking representative  
5 and building contractor shall initially serve for 2 years and the  
6 registered professional engineer, the practicing building  
7 inspector and the registered professional architect shall  
8 initially serve for 3 years.

9  
10 **Sec. 54. 10 MRSA §9003, sub-§1**, as amended by PL 1987, c. 395,  
11 Pt. A, §35, is further amended to read:

12  
13 1. **Established.** The Manufactured Housing Board, established  
14 by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 22 and located in  
15 the Department of Professional and Financial Regulation shall  
16 have the responsibility of administering and enforcing this  
17 chapter. The board shall consist of 7 members appointed by the  
18 Governor.

19  
20 **Sec. 55. 12 MRSA §51, first ¶**, as amended by PL 1987, c. 578, is  
21 further amended to read:

22  
23 The State Soil and Water Conservation Commission, as  
24 established by Title 5, section ~~12004~~ 12004-G, subsection ~~8~~ 30,  
25 shall serve as an agency of the State and shall perform the  
26 functions conferred upon it in this chapter. It shall consist of  
27 the following 11 members: The Vice-president for Research and  
28 Public Service of the University of Maine, the Commissioner of  
29 Agriculture, Food and Rural Resources, the Commissioner of  
30 Conservation, the Commissioner of Inland Fisheries and Wildlife,  
31 the Commissioner of Marine Resources and the Commissioner of  
32 Environmental Protection, who shall serve ex officio, except that  
33 each ex officio member may delegate one of that member's staff  
34 with policy-making authority to serve regularly in his absence,  
35 and 6 soil and water conservation district supervisors, one of  
36 which shall represent each of the following 6 areas: Area 1,  
37 composed of St. John Valley, Central Aroostook and Southern  
38 Aroostook Soil and Water Conservation Districts; Area 2, composed  
39 of Washington and Hancock County Soil and Water Conservation  
40 Districts; Area 3, composed of Penobscot, Piscataquis and  
41 Somerset County Soil and Water Conservation Districts; Area 4,  
42 composed of Kennebec, Knox-Lincoln and Waldo County Soil and  
43 Water Conservation Districts; Area 5, composed of Androscoggin  
44 Valley, Oxford and Franklin County Soil and Water Conservation  
45 Districts; Area 6, composed of Cumberland and York County Soil  
46 and Water Conservation Districts. Any district organized after  
47 October 1, 1975, shall be included in one of these 6 areas as  
48 determined by the State Soil and Water Conservation Commission.

49  
50 **Sec. 56. 12 MRSA §683, first ¶**, as amended by PL 1987, c. 132,  
51 is further amended to read:

1           The Maine Land Use Regulation Commission, as established by  
3 Title 5, section ~~12004~~ 12004-D, subsection 5 1, to carry out the  
5 purposes stated in section 681, is created within the Department  
7 of Conservation, and in this chapter called the "commission." The  
9 commission is charged with implementing this chapter in all of  
11 the unorganized and deorganized areas of the State. The  
13 commission shall consist of 7 public members, none of whom shall  
15 be state employees, who shall be appointed by the Governor,  
17 subject to review by the joint standing committee of the  
19 Legislature having jurisdiction over natural resources and to  
confirmation by the Legislature, for staggered 4-year terms.  
Among the public members, there shall be 4 who shall be  
knowledgeable in at least one of each of the following areas:  
Commerce and industry; fisheries and wildlife; forestry; and  
conservation. Of the potential appointees to the commission, the  
Governor shall actively seek and give consideration to persons  
residing in or near the unorganized areas of the State and at  
least 2 members shall be residents within the commission's  
jurisdiction.

21           **Sec. 57. 12 MRSA §901, first ¶**, as amended by PL 1983, c. 812,  
23 §77, is further amended to read:

25           All the lands in Townships 2, 3, 4, 5 and 6, Range 9  
27 W.E.L.S. and in Townships 3, 4, 5 and 6, Range 10 W.E.L.S.,  
29 Piscataquis County, and Township 6, Range 8 W.E.L.S., Penobscot  
31 County, that have been donated and conveyed to the State in trust  
33 by Percival Proctor Baxter and all lands in the Townships 2, 3,  
35 4, 5 and 6, Range 9 and in Townships 3, 4, 5 and 6, Range 10, and  
37 in Township 6, Range 8 and all lands in Piscataquis and Penobscot  
39 Counties that hereafter shall be donated and conveyed to the  
41 State by Percival Proctor Baxter in trust for state forest,  
43 public park and public recreational purposes are named and shall  
45 hereafter be named "Baxter State Park" in honor of the donor, and  
47 the same hereafter shall forever be so designated on the official  
49 maps and records of the State. They shall be under the joint  
supervision and control of, and shall be administered by the  
Director of the Bureau of Forestry, the Commissioner of Inland  
Fisheries and Wildlife and the Attorney General, and the  
commissioner, director and Attorney General shall have full power  
in the control and management of the same, under the title of  
Baxter State Park Authority, as authorized by Title 5, section  
~~12004~~ 12004-G, subsection 8 11. The authority shall receive  
moneys available from trust funds established by the donor of the  
park and shall include fees collected, income from park trust  
funds invested by the Treasurer of State and other miscellaneous  
income derived from the park for maintenance and operation of the  
park.

51           **Sec. 58. 12 MRSA §4603**, as amended by PL 1983, c. 812, §79,  
is further amended to read:

1        §4603. Commission -- Article III

3            Each state joining herein shall appoint 3 representatives to  
4 a commission constituted and designated as the Atlantic States  
5 Marine Fisheries Commission, as authorized by Title 5, section  
6 12004 12004-K, subsection 12 6. One shall be the executive  
7 officer of the administrative agency of the state charged with  
8 the conservation of the fisheries resources to which this compact  
9 pertains or, if there be more than one officer or agency, the  
10 official of that state named by the governor thereof. The 2nd  
11 shall be a member of the legislature of the state designated by  
12 the commission or committee on interstate cooperation of that  
13 state, or if there be none, or if the commission on interstate  
14 cooperation cannot constitutionally designate the member, that  
15 legislator shall be designated by the governor thereof; provided,  
16 if it is constitutionally impossible to appoint a legislator as a  
17 commissioner from that state, the 2nd member shall be appointed  
18 by the governor of that state in his that governor's discretion.  
19 The 3rd shall be a citizen who shall have a knowledge of and  
20 interest in the marine fisheries problem to be appointed by the  
21 governor. This commission shall be a body corporate with the  
22 powers and duties set forth herein.

23

25            **Sec. 59. 12 MRSA §5101-B, sub-§1**, as enacted by PL 1985, c.  
26 488, §6, is amended to read:

27

28            1. **Citizens' Forestry Advisory Council.** The Citizens'  
29 Forestry Advisory Council, as established by Title 5, section  
30 12004 12004-I, subsection 10 21, and in this chapter called the  
31 "council" shall advise the Commissioner of Conservation on all  
32 aspects of the program and shall review all interim and final  
33 products and documents produced by the program.

35            A. The council shall consist of 7 members, appointed by the  
36 Governor, subject to review by the joint standing committee  
37 of the Legislature having jurisdiction over natural  
38 resources and to confirmation by the Legislature. Members of  
39 the council shall be chosen to represent the broadest  
40 possible interest and experience which can be brought to  
41 bear in the implementation of this chapter.

43            B. The members shall be appointed for a term of 5 years and  
44 until their successors are appointed and qualified, except  
45 that at the time of the first appointments, 2 shall be  
46 appointed for a term of 3 years, 2 for a term of 4 years and  
47 3 for a term of 5 years. The council shall select its  
48 ~~ehair#man~~ chair from its own members.

49

50            C. The council shall report annually to the Legislature and  
51 the Governor on its activities, including any comments it  
may have on the reports issued under section 5103 and on any

1 recommendations it may have for legislative actions needed  
2 to achieve the purposes of this chapter.

3  
4 D. The council shall meet at least twice per year.

5  
6 E. No more than 2 members of the council may be an employee  
7 of a corporation, firm, partnership or other organization  
8 with financial or other interest in the forest resource

9  
10 **Sec. 60. 12 MRSA §6024, sub-§1**, as amended by PL 1987, c. 694,  
11 §1, is further amended to read:

12 **1. Appointment; composition; term; compensation.** The  
13 advisory council, established by Title 5, section ~~12004~~ 12004-G,  
14 subsection ~~10 27~~, shall consist of 9 members. One member shall  
15 be the ~~chairman~~ chair of the Lobster Advisory Council, ex  
16 officio. Each other member shall be appointed by the Governor  
17 and shall be subject to review by the joint standing committee of  
18 the Legislature having jurisdiction over marine resources and to  
19 confirmation by the Legislature. Seven of the appointed members  
20 shall be selected from persons directly engaged in commercial  
21 activities or industries based on marine resources, and one of  
22 the appointed members shall be selected from persons who  
23 represent recreational fishing interests. The composition of the  
24 council shall adequately represent the commercial fisheries'  
25 activities over which the department has jurisdiction and shall  
26 also reflect a geographical distribution along the coast. All  
27 appointed members shall be appointed for a term of 3 years,  
28 except a vacancy shall be filled in the same manner as an  
29 original for the unexpired portion of the term. No member may  
30 serve more than 2 consecutive terms at any one time. Members  
31 shall serve until their successors are appointed. Members shall  
32 be compensated as provided in Title 5, chapter 379.

33  
34 **Sec. 61. 12 MRSA §6462, sub-§1**, as amended by PL 1983, c. 812,  
35 §84, is further amended to read:

36  
37 **1. Appointment; composition.** The Lobster Advisory Council,  
38 established by Title 5, section ~~12004~~ 12004-I, subsection ~~10 58~~,  
39 shall consist of 11 members. Each member shall be appointed by  
40 the Governor as follows.

41  
42 A. One person who holds a lobster and crab fishing license  
43 shall be appointed from each of the following counties:

- 44  
45 (1) Cumberland;  
46  
47 (2) Hancock;  
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49 (3) Knox;  
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51 (4) Lincoln;

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- (5) Sagadahoc;
- (6) Waldo;
- (7) Washington; and
- (8) York.

B. Two persons who hold wholesale seafood licenses and are primarily dealers in lobsters shall be appointed.

C. One person who is a member of the general public and does not hold any license under this subchapter shall be appointed.

**Sec. 62. 12 MRSA §7033, sub-§1**, as amended by PL 1983, c. 812, §87, is further amended to read:

1. **Appointment.** The advisory council, established by Title 5, section ~~12004~~ 12004-G, subsection ~~10~~ 20, shall consist of one member representing each of the management units the commissioner establishes to administer chapters 701 to 721. Members of the advisory council shall be appointed by the Governor, subject to review by the ~~Joint-Standing-Committee-on-Fisheries-and-Wildlife~~ joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters and to confirmation by the Legislature. The commissioner shall be a nonvoting member of the council ex officio, but may vote to break a tie.

**Sec. 63. 12 MRSA §7320, sub-§1**, as enacted by PL 1987, c. 742, §7, is amended to read:

1. **Members.** The Advisory Board for the Licensing of Guides, established by Title 5, section ~~12004~~ 12004-I, subsection ~~10~~ 23, shall consist of the following 7 members:

- A. One subordinate officer of the department designated by the commissioner;
- B. Two wardens of the department; and
- C. Four representatives of the public, with no more than 3 holding a license under this subchapter, to be appointed by the Governor for a term of 3 years to reflect a wide diversity of guiding experience. At least 2 members shall be chosen for their expertise in outdoor recreation. The public members shall be compensated as provided in Title 5, chapter 379.

**Sec. 64. 12 MRSA §7323, sub-§1**, as enacted by PL 1987, c. 742, §7, is amended to read:



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1. **Board established.** The commissioner shall appoint a board of 5 members, to be known as the "Junior Maine Guides and Trip Leaders Curriculum Advisory Board" as authorized by Title 5, section 12004 12004-I, subsection 10 24.

**Sec. 65. 12 MRSA §7367, sub-§2**, as amended by PL 1983, c. 812, §91, is further amended to read:

2. **Whitewater Safety Committee.** The Whitewater Safety Committee established by Title 5, section 12004 12004-I, subsection 10 70 shall advise the commissioner in establishing and reviewing safety requirements for whitewater trips, developing a safety information program and reviewing the safety record of whitewater guides and outfitters. The committee shall submit a written report annually on each outfitter's safety record to the Whitewater Advisory Committee, while the advisory committee remains in existence.

A. The Whitewater Safety Committee shall be composed of 8 members: Two members of the whitewater guides board designated by the board; 2 commercial whitewater outfitters and 2 whitewater guides designated by the Governor; and 2 members from the general public, one designated by the President of the Senate and one designated by the Speaker of the House of Representatives.

B. Terms of members of the Whitewater Safety Committee shall be for 2 years, expiring on December 31st, except that initially the members shall draw lots for a one-year or a 2-year term. Terms shall be staggered so that the term of one member in each category expires each year. Members shall serve until their successors are nominated and qualified. Members appointed to fill a vacancy created by the resignation, death or incapacity of a member shall complete the term of the vacancy and be eligible for reappointment. Members shall be compensated as provided in Title 5, chapter 379 for no more than 4 meetings a year.

**Sec. 66. 12 MRSA §7369-A, first ¶**, as amended by PL 1983, c. 812, §92, is further amended to read:

The Whitewater Advisory Committee is established by Title 5, section 12004 12004-I, subsection 10 69, to advise the department and report to the Legislature on the implementation of the allocation process and other aspects of the operation of the industry which relate to the purposes of this subchapter.

**Sec. 67. 12 MRSA §9621, first ¶**, as amended by PL 1983, c. 812, §94, is further amended to read:

1           The Governor shall appoint a 9-member council, as authorized  
2 by Title 5, section 12004 12004-I, subsection 10 68, to advise  
3 the Department of Conservation on all matters pertaining to the  
4 forest fire control program. The council shall consist of one  
5 representative each from the Forest Fire Control Division of the  
6 Department of Conservation and the Maine State Fire Chief's  
7 Association. At least one member shall be a municipal official.  
8 Four members shall represent the commercial forest industry, of  
9 which 2 shall represent landowners in the organized portions of  
10 the State and 2 shall represent landowners in the unorganized  
11 portion of the State. One member shall represent a forest related  
12 tourist industry and one shall represent a noncommercial private  
13 owner of acreage which is subject to the tax assessed under Title  
14 36, chapter 366.

15

17           **Sec. 68. 13 MRSA §1956, sub-§1**, as repealed and replaced by PL  
18 1983, c. 812, §95, is amended to read:

19

20           **1. Board.** The Maine Agricultural Bargaining Board,  
21 established by Title 5, section 12004 12004-B, subsection 3 7,  
22 and located in the Department of Agriculture, Food and Rural  
23 Resources, shall administer this ~~Article~~ article.

25           **Sec. 69. 13 MRSA §1956, sub-§2**, as repealed and replaced by PL  
26 1987, c. 155, §2, is amended to read:

27

28           **2. Membership.** The Maine Agricultural Bargaining Board  
29 established by Title 5, section 12004 12004-B, subsection 3 7,  
30 shall consist of 5 members and 2 alternates, who shall be  
31 appointed by the Governor. One member and one alternate shall be  
32 appointed from a list of names submitted by agricultural producer  
33 organizations organized under this subchapter and chapter 81.  
34 One member and one alternate shall be appointed from a list of  
35 names submitted by processors of agricultural products. In  
36 appointing these members and alternates, the Governor shall seek  
37 to represent as many different agricultural products as possible  
38 and a member and the alternate for that member shall not be  
39 associated with the same agricultural product, unless suitable  
40 persons cannot otherwise be appointed. An alternate shall serve  
41 when for any reason the respective member is unable to serve.  
42 Three members shall be representatives of the public.

43

44           **A.** The term of office for all members and alternates shall  
45 be 3 years. Members selected from lists submitted by  
46 agricultural producer organizations and by processors of  
47 agricultural products may serve no more than 2 terms in  
48 succession, not to include the current term of a member  
49 serving at the time this section becomes effective. The  
50 limitation to 2 successive terms shall not apply to the  
51 public members or to alternates.

1 B. Board members serving at the time this section becomes  
2 effective shall continue as members for the duration of  
3 their present terms. The Governor shall appoint 2 alternate  
4 members in accordance with this subsection. The initial  
5 terms of these alternates shall expire at the same time as  
6 that of the current respective members. The Governor shall  
7 designate one of the public members to be the board's  
8 chairman chair. In the event of a vacancy, the Governor  
9 shall, within one month, appoint a successor to fill the  
10 unexpired term. All appointments to the board shall be made  
11 in conformity with the foregoing plan. Members shall take  
12 the oath of office prescribed for state officers.

13  
14 **Sec. 70. 17-A MRSA §1351**, as repealed and replaced by PL  
15 1983, c. 812, §99, is amended to read:

16 **§1351. Establishment**

17  
18 The Criminal Law Advisory Commission, established by Title  
19 5, section 12004 12004-I, subsection 10 52, is created for the  
20 purpose of conducting a continuing study of the criminal law of  
21 Maine.

22  
23 **Sec. 71. 20-A MRSA §401, first ¶**, as amended by PL 1987, c.  
24 851, §1, is further amended to read:

25  
26 The State Board of Education is established by Title 5,  
27 section 12004 12004-C, subsection 8 1. The State Board of  
28 Education shall be an autonomous body and shall maintain an  
29 office in Augusta. The appointments, terms and expenses of the  
30 State Board of Education members shall be as follows.

31  
32 **Sec. 72. 20-A MRSA §603, sub-§1**, as amended by PL 1983, c.  
33 812, §103, is further amended to read:

34  
35 **1. Commission established.** The Education Commission of the  
36 States, hereafter in this chapter called "the commission," is  
37 authorized by Title 5, section 12004 12004-K, subsection 12 1.

38  
39 **Sec. 73. 20-A MRSA §651, sub-§1**, as amended by PL 1983, c.  
40 812, §104, is further amended to read:

41  
42 **1. Council established.** The Maine Education Council,  
43 established by Title 5, section 12004 12004-I, subsection 10 12,  
44 shall be composed of the members of the Education Commission of  
45 the States representing this State, and 7 other persons appointed  
46 by the Governor.

47  
48 **Sec. 74. 20-A MRSA §9002, first ¶**, as amended by PL 1987, c.  
49 124, §4, is further amended to read:

50  
51

1 An advisory committee, the Committee for the Training of  
2 Firefighters, established by Title 5, section 12004 12004-I,  
3 subsection 10 9, shall advise the executive director in the  
4 administration of the Maine Fire Training and Education Program.

5 **Sec. 75. 20-A MRSA §11002, sub-§1**, as repealed and replaced by  
6 PL 1983, c. 812, §110, is amended to read:

7  
8 1. **Creation.** The New England Board of Higher Education,  
9 established by Title 5, section 12004 12004-K, subsection 12 2,  
10 and referred to as the "board," shall be an agency of each state  
11 party to the compact.

12  
13 **Sec. 76. 20-A MRSA §11801, sub-§3**, as amended by PL 1983, c.  
14 812, §111, is further amended to read:

15  
16 3. **Advisory committee.** The Advisory Committee on Medical  
17 Education, established by Title 5, section 12004 12004-I,  
18 subsection 10 7, shall assist the commissioner in planning and  
19 administration of the professional health program and  
20 particularly in the development of clinical education sites and  
21 continuing education, which are funded primarily by sources other  
22 than patient charges.

23  
24 **Sec. 77. 20-A MRSA §15704, sub-§1**, as amended by PL 1983, c.  
25 812, §113, is further amended to read:

26  
27 1. **Establishment.** The Maine School Building Authority,  
28 established by Title 5, section 12004 12004-F, subsection 7,  
29 shall be a public instrumentality of the State. The exercise by  
30 the authority of the powers conferred by this chapter shall be  
31 the performance of essential governmental functions.

32  
33 **Sec. 78. 22 MRSA §307, sub-§2-A**, as repealed and replaced by  
34 PL 1985, c. 737, Pt. A, §48, is amended to read:

35  
36 2-A. **Certificate of Need Advisory Committee.** The  
37 Certificate of Need Advisory Committee, established by Title 5,  
38 section 12004 12004-I, subsection 10 38, and created within the  
39 Department of Human Services, shall participate with the  
40 department in the public hearing process.

41  
42 A. The committee shall be composed of 10 members, 9 of whom  
43 shall be appointed by the Governor. The Commissioner of  
44 Human Services shall name ~~his~~ a designee to serve as an ex  
45 officio nonvoting member of the committee. The 9 members  
46 appointed by the Governor shall be selected in accordance  
47 with the following requirements.

48  
49 (1) Four members shall be appointed to  
50 represent the following.

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- (a) One member shall represent the hospitals.
- (b) One member shall represent the nursing home industry.
- (c) One member shall represent major 3rd-party payors.
- (d) One member shall represent physicians.

In appointing these representatives, the Governor shall consider recommendations made by the Maine Hospital Association, the Maine Health Care Association, the Maine Medical Association, the Maine Osteopathic Association and other representative organizations.

(2) Five public members shall be appointed as consumers of health care. One of these members shall be designated on an annual basis by the Governor as ~~chairman~~ chair of the committee. Neither the public members nor their spouses or children may, within 12 months preceding the appointment, have been affiliated with, employed by, or have had any professional affiliation with any health care facility or institution, health product manufacturer or corporation or insurer providing coverage for hospital or medical care, and provided that neither membership in or subscription to a service plan maintained by a nonprofit hospital and medical service organization, nor enrollment in a health maintenance organization, nor membership as a policyholder in a mutual insurer or coverage under such a policy, nor the purchase of or coverage under a policy issued by a stock insurer may disqualify a person from serving as a public member.

B. Appointed members of the committee shall serve for terms of 4 years. Members shall hold office until the appointment and confirmation of their successors. Of the members first appointed by the Governor, the member representing hospitals and 2 public members shall hold office for 4 years, the member from the nursing home industry and one public member shall hold office for 3 years, the member from the insurance field and one public member shall hold office for 2 years

1 and the physician and one public member shall hold office  
3 for one year.

5 C. Vacancies among appointed members shall be filled by  
7 appointment by the Governor for the unexpired term. A  
9 vacancy in the office of the ~~chairman~~ chair shall be filled  
11 by the Governor, who shall designate a new ~~chairman~~ chair  
13 for the balance of the member's term as ~~chairman~~ chair. The  
15 Governor may remove any appointed member who becomes  
17 disqualified by virtue of the requirements of paragraph A,  
19 or for neglect of any duty required by law, or for  
21 incompetency or dishonorable conduct.

23 D. Each appointed member of the committee shall be  
25 compensated according to Title 5, chapter 379.

27 E. Five members of the committee shall constitute a  
29 quorum. Actions of the committee shall be by majority vote.

31 **Sec. 79. 22 MRSA §383, sub-§1**, as amended by PL 1983, c. 812,  
33 §116, is further amended to read:

35 1. **Establishment.** The Maine Health Care Finance Commission,  
37 established by Title 5, section ~~12004~~ 12004-E, subsection 4 1, is  
39 defined as follows.

41 A. The Maine Health Care Finance Commission shall function  
43 as an independent executive agency.

45 B. The commission shall be composed of 5 members, who shall  
47 be appointed by the Governor, subject to review by the joint  
49 standing committee of the Legislature having jurisdiction  
51 over health and institutional services and confirmation by  
the Legislature.

Persons eligible for appointment to, or to serve on, the  
commission shall be individuals conversant with the  
organization, delivery or financing of health care. At least  
4 of the 5 members shall be consumers. At least one of the 5  
members, whether or not a consumer member, shall be an  
individual who, within the 10 years preceding appointment,  
has had at least 5 years' experience as either a hospital  
trustee or a hospital official. For purposes of this  
section, "consumer" means a person who is neither affiliated  
with nor employed by any 3rd-party payor, any provider of  
health care, as defined in section 382, subsection 14, or  
any association representing these providers; provided that  
neither membership in nor subscription to a service plan  
maintained by a nonprofit hospital and medical service  
organization, nor enrollment in a health maintenance  
organization, nor membership as a policyholder in a mutual  
insurer or coverage under a policy issued by a stock

1 insurer, nor service on a governmental advisory committee,  
3 nor employment by, or affiliation with, a municipality, may  
disqualify a person from serving as a consumer member of the  
commission.

5  
7 C. The terms of the members shall be staggered. Of the  
initial appointees, 2 shall be appointed for terms of 4  
9 years, 2 for terms of 3 years and one for a term of 2 years.  
Thereafter, all appointments shall be for a term of 4 years  
11 each, except that a member appointed to fill a vacancy in an  
unexpired term shall serve only for the remainder of that  
13 term. Members shall hold office until the appointment and  
confirmation of their successors. No member may be appointed  
to more than 2 consecutive 4-year terms.

15  
17 D. The Governor may remove any member who would no longer be  
eligible to serve on the commission by virtue of the  
19 requirements of paragraph B or who becomes disqualified for  
neglect of any duty required by law.

21 E. The Governor shall appoint a chairman chair and a  
23 vice-chairman vice-chair, who shall serve in these  
capacities at ~~his~~ the Governor's pleasure.

25 **Sec. 80. 22 MRSA §396-P, sub-§1**, as amended by PL 1983, c.  
812, §118, is further amended to read:

27  
29 1. **Establishment.** The commission, authorized by Title 5,  
section ~~12004~~ 12004-I, ~~subsection-10~~ subsections 45 to 47, shall,  
31 after consultation with representative groups, appoint the  
following advisory committees.

33 A. The commission shall appoint a Professional Advisory  
35 Committee consisting of 2 allopathic physicians, 2  
osteopathic physicians, 2 nurses and one hospital employee,  
37 other than a nurse or physician, directly involved in the  
provision of patient care. This committee shall advise the  
commission and its staff with respect to the effects of the  
39 health care financing system established under this  
subchapter on the quality of care provided by hospitals.

41  
43 B. The commission shall appoint a Hospital Advisory  
45 Committee consisting of 2 representatives of hospitals which  
have 55 or fewer beds, 2 representatives of hospitals which  
47 have 56 to 110 beds and 2 representatives of hospitals which  
have more than 110 beds. This committee shall advise the  
49 commission and its staff with respect to analytical  
techniques, data requirements, financial and other  
51 requirements of hospitals, and the effects of the health  
care financing system established under this subchapter on  
the hospitals of the State.

1 C. The commission shall appoint a Payor Advisory Committee  
3 consisting of one representative of nonprofit hospital and  
5 medical service corporations, one representative of  
7 commercial insurance companies, one representative of  
9 self-insured groups and one representative of the  
11 department. This committee shall advise the commission and  
its staff with respect to analytical techniques, data  
requirements and other technical matters involved in  
implementing and administering the health care financing  
system established under this subchapter.

13 **Sec. 81. 22 MRSA §1405, first ¶,** as enacted by PL 1987, c. 542,  
Pt. E, §§2 and 3, is amended to read:

15 The Cancer Prevention and Control Advisory Committee,  
17 established by Title 5, section 12004 12004-I, subsection 10 37,  
shall be appointed by the commissioner and shall consist of a  
19 committee of representatives to serve as an advisory body to the  
Department of Human Services on the operation of the Cancer  
21 Registry Program and on the development and maintenance of a  
coordinated statewide approach to cancer prevention and control.

23 **Sec. 82. 22 MRSA §1471-B, sub-§1,** as amended by PL 1987, c.  
702, §2, is further amended to read:

25 **1. Board established.** The Board of Pesticides Control is  
27 established by Title 5, section 12004 12004-D, subsection 5 3,  
within the Department of Agriculture, Food and Rural Resources.  
29 Except as provided in this chapter, the board shall be composed  
of 7 members, appointed by the Governor, subject to approval by  
31 the joint standing committee of the legislature having  
jurisdiction over the subject of agriculture and confirmation by  
33 the Legislature. To provide the knowledge and experience  
necessary for carrying out the duties of the board, one person  
35 shall be appointed who has practical experience and knowledge in  
chemical use in the field of agriculture, one who has practical  
37 experience and knowledge in chemical use in the field of forest  
management, a commercial applicator, a person from the medical  
39 community, a scientist from the University of Maine System  
specializing in agronomy or entomology having practical  
41 experience and knowledge of integrated pest management and 2  
persons appointed to represent the public. The 2 members  
43 appointed to represent the public shall be selected to represent  
different geographic areas of the State. The term shall be for 4  
45 years, except that of the initial appointees, 2 shall serve  
4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year  
47 terms and one shall serve a one-year term. Any vacancy shall be  
filled by an appointment for the remainder of the unexpired term.

49 **Sec. 83. 22 MRSA §1693,** as amended by PL 1983, c. 812, §121,  
51 is further amended to read:



1       **§1693. Environmental Health Advisory Committee**

3           The commissioner shall appoint a committee of  
5       representatives of the public and private sectors to serve as an  
7       advisory body to the Environmental Health Program, as authorized  
9       by Title 5, section ~~12004~~ 12004-I, subsection ~~10~~ 43. The  
11       committee shall advise, assist and consult with the commissioner  
13       regarding the public health implications of hazardous elements in  
15       the environment. The committee may make recommendations to the  
17       commissioner, concerning the steps which should be taken to make  
19       for a healthful environment. The committee shall be solely  
21       advisory in nature. It shall be composed of not less than 11  
23       members, of whom 3 shall be public members. The members shall  
25       serve for 3-year terms, except that initially 4 shall be  
27       appointed for 3 years, 4 for 2 years and 3 for one year. The  
29       members shall include individuals with training and experience in  
31       any of the following, or related fields: Environmental medicine;  
33       epidemiology; toxicology; human genetics; or biomedical research.  
35       The commissioner shall appoint the ~~chairman~~ chair of the  
37       committee. Members of the committee shall be compensated  
39       according to the provisions of Title 5, chapter 379. The  
41       committee shall meet at least once annually in Augusta.

23           **Sec. 84. 22 MRSA §1693-A, sub-§1**, as amended by PL 1983, c.  
25       862, §69, is further amended to read:

27       **§1693-A. Scientific Advisory Panel**

29           **1. Created.** The department shall establish a 7-member  
31       Scientific Advisory Panel as authorized by Title 5, section ~~12004~~  
33       12004-I, subsection ~~10~~ 44 within the Bureau of Health. The  
35       commissioner shall appoint members of the panel from academic,  
37       medical, industrial or governmental occupations, who shall serve  
39       for 3-year terms, except that initially 3 members shall be  
41       appointed for 3 years, 2 members for 2 years and 2 members for  
43       one year. The commissioner shall consult with the Commissioner  
45       of Environmental Protection and may consult with other  
47       departments on the selection of panel members. Each member shall  
49       have professional expertise in a scientific discipline directly  
51       related to the study of health effects of hazardous pollutants,  
such as: Epidemiology, toxicology, genetic toxicology,  
biostatistics, oncology, respiratory medicine, industrial  
hygiene, occupational medicine and atmospheric chemistry. The  
commissioner shall determine the term of each appointee with the  
restrictions provided by this section. The commissioner shall  
appoint the ~~chairman~~ chair of the panel who shall ~~service~~ serve  
for a one-year term.

49       Panel members shall be compensated according to the provisions of  
Title 5, chapter 379.

51

1           **Sec. 85. 22 MRSA §1693-A, sub-§2**, as amended by PL 1983, c.  
2           862, §70, is further amended to read:

3  
4           **2. Purpose and duties.** The purpose of this section is to  
5           establish a Scientific Advisory Panel as authorized by Title 5,  
6           section ~~12004~~ 12004-I, subsection ~~10~~ 44 within the Department of  
7           Human Services, Bureau of Health, which provides professional  
8           scientific peer review and advice in order to assist the  
9           Environmental Health Unit in carrying out its responsibilities in  
10          the Hazardous Air Pollution Program and other related duties  
11          regarding the public health impact of chemical hazards in the  
12          environment.

13  
14          The panel may review and evaluate potential health risks  
15          associated with pollutants other than those in the air. Requests  
16          for such a review shall be made to the Director of the Bureau of  
17          Health. If the director determines that the request is  
18          justified, the request shall be forwarded to the panel. The  
19          director may assess any reasonable costs to the party making the  
20          request.

21  
22          **Sec. 86. 22 MRSA §1696-H, sub-§1**, as enacted by PL 1987, c.  
23          763, §2, is amended to read:

24  
25          **1. Commission established.** The State Emergency Response  
26          Commission, as established by Title 5, section ~~12004~~ 12004-G,  
27          subsection 13-A, shall be responsible for overseeing the  
28          implementation of a comprehensive program of planning and  
29          training for effective emergency response to releases of  
30          hazardous chemicals. The commission is composed of 9 to 11  
31          members as follows:

32  
33          A. The Commissioner of Environmental Protection or the  
34          commissioner's designee;

35  
36          B. The Commissioner of Human Services or the commissioner's  
37          designee;

38  
39          C. The Director of the Division of Disease Control,  
40          Department of Human Services;

41  
42          D. The Commissioner of Transportation or the commissioner's  
43          designee;

44  
45          E. The Director of the Maine Emergency Management Agency,  
46          who shall serve as chairman chair;

47  
48          F. The Chief of the State Police;

49  
50          G. A representative, appointed by the Governor, of the  
51          Maine Fire Chiefs Association;

1 H. A representative, appointed by the Governor, of  
municipal government; and

3  
5 I. A representative, appointed by the Governor, of private  
commerce and industry.

7 The Governor may appoint up to 2 additional members to represent  
the general public. All members appointed by the Governor to  
9 serve on the commission shall serve for a term of 4 years.

11 **Sec. 87. 22 MRSA §2026, first ¶**, as amended by PL 1987, c. 211,  
§9, is further amended to read:

13  
15 The Maine Medical Laboratory Commission, established by  
Title 5, section ~~12004~~ 12004-G, subsection ~~8~~ 18, shall consist of  
17 11 members who are residents of the State. The commissioner of  
the department or a person appointed by ~~him~~ the commissioner  
19 shall be a member and is hereby designated and shall serve as the  
~~chairman~~ chair. The Maine Osteopathic Association and the Maine  
Medical Association shall each nominate one person, which  
21 nominees shall be appointed to the commission by the Governor.  
The remaining 8 members shall be appointed by the Governor and 3  
23 of these members shall be certified by the American Board of  
Pathology and one member shall be certified by the American  
25 Osteopathic Board of Pathology. If persons possessing such  
qualifications are unavailable or unable to serve, the Governor  
27 may substitute any allopathic physician licensed in the State in  
lieu of an individual certified by the American Board of  
29 Pathology and any osteopathic physician licensed by the State in  
lieu of the individual certified by the American Osteopathic  
31 Board of Pathology. Three members shall be public members who  
shall not derive any significant part of their income from the  
33 medical care industry. The remaining member shall be a  
technologist as defined in 42 Code of Federal Regulations,  
35 Chapter IV, Part 405.1315, Subpart M.

37 **Sec. 88. 22 MRSA §2096**, as repealed and replaced by PL 1983,  
c. 812, §126, is amended to read:

39 **§2096. Council**

41  
43 The Maine Dental Health Council, established by Title 5,  
section ~~12004~~ 12004-I, subsection ~~10~~ 41, is created within the  
Department of Human Services.

45  
47 **Sec. 89. 22 MRSA §3723, sub-§1**, as enacted by PL 1987, c. 402,  
Pt. A, §142, is amended to read:

49  
51 **1. Establishment.** The Board of the Maine Children's Trust  
Fund is established pursuant to Title 5, section ~~12004~~ 12004-G,  
subsection ~~8~~ 16.

1           **Sec. 90. 22 MRSA §3773, sub-§1**, as repealed and replaced by  
PL 1985, c. 737, Pt. A, §54, is amended to read:

3  
4           **1. Committee established.** The Maine Aid to Families with  
5 Dependent Children Coordinating Committee established by Title 5,  
6 section ~~12004~~ 12004-I, subsection ~~10~~ 35, shall consist of the  
7 Commissioner of Human Services, the Commissioner of Labor and the  
8 Commissioner of Educational and Cultural Services or their  
9 designees.

11           **Sec. 91. 22 MRSA §3773, sub-§3, ¶C**, as repealed and replaced by  
PL 1985, c. 737, Pt. A, §55, is amended to read:

13           **C. Establishment of an advisory council**, authorized by  
14 Title 5, section ~~12004~~ 12004-I, subsection ~~10~~ 36;

17           **Sec. 92. 22 MRSA §4733**, as amended by PL 1983, c. 812, §131,  
is further amended to read:

19           **§4733. Create respective tribal housing authorities**

21           The Passamaquoddy Tribe, the Penobscot Nation and the  
23 Houlton Band of Maliseet Indians are authorized by Title 5,  
24 section ~~12004~~ 12004-I, ~~subsection 10~~ subsections 32 to 34, to  
25 create respective tribal housing authorities. The respective  
26 tribe, nation or band shall prescribe the manner of selection of  
27 the members, their terms and grounds for removal. Except as  
28 otherwise provided in this chapter or clearly indicated  
29 otherwise, the Maine Housing Authorities Act shall apply to the  
30 tribal housing authorities which hereinafter may be referred to  
31 as "authority" or "authorities." The power of such tribal housing  
32 authorities may be exercised only within the Indian territory of  
33 the respective tribe or nation, or the trust land of the Houlton  
34 Band of Maliseet Indians. Such tribal housing authorities shall  
35 be in substitution for any tribal housing authority heretofore  
36 existing under the laws of the State and shall assume all the  
37 rights and obligations of such predecessor housing authorities.  
38 The presently constituted tribal housing authority of the  
39 respective tribe or nation shall continue in existence and shall  
40 exercise all the authority heretofore vested by law in it until  
41 such time as the respective tribe or nation creates the tribal  
42 housing authority authorized by this section.

43           **Sec. 93. 22 MRSA §5313, sub-§1**, as amended by PL 1983, c. 812,  
44 §134, is further amended to read:

47           **1. Council established.** There shall be within State  
48 Government the Maine Human Services Council, as established by  
49 Title 5, section ~~12004~~ 12004-J, subsection ~~11~~ 3. The council  
shall be an independent board, separate and distinct from any  
51 other organizational unit of State Government.

1           **Sec. 94. 22 MRSA §7107**, as amended by PL 1983, c. 812, §136,  
is further amended to read:

3           **§7107. Maine Council on Alcohol and Drug Abuse Prevention and**  
5                           **Treatment**

7           The Maine Council on Alcohol and Drug Abuse Prevention and  
Treatment, established by Title 5, section ~~12004~~ 12004-I,  
9 subsection ~~10 39~~, in this chapter shall be referred to as the  
"council." The council may appoint from its membership  
11 subcommittees relating to particular problem areas or to other  
matters, provided that by January 1, 1975, the council shall  
13 function as an integrated committee. The planning committee shall  
provide the council any administrative or financial assistance  
15 that from time to time may be reasonably required to carry out  
its activities. Any reasonable and proper expenses of the council  
17 shall be borne by the planning committee out of currently  
available state or federal funds. The Maine Commission on Drug  
19 Abuse, as heretofore established by Title 5, chapter 317, as  
amended, and the advisory councils on alcoholism as heretofore  
21 established in the department and by section 1367, shall, by this  
chapter and implementation of it, be reconstituted and unified  
23 into a single unit.

25           **Sec. 95. 22 MRSA §7207, sub-§1**, as amended by PL 1987, c. 773,  
§§11 and 12, is further amended to read:

27           1. **The Driver Education Evaluation Program Appeals Board.**  
The Driver Education Evaluation Program Appeals Board,  
29 established by Title 5, section ~~12004~~ 12004-G, subsection 8 15-A,  
shall be referred to as the "board" in this chapter.

33           **Sec. 96. Effective date.** The Maine Revised Statutes, Title 22,  
section 7107, as amended in this Act, is repealed on August 1,  
35 1990.

37           **Sec. 97. 22 MRSA §8154**, as repealed and replaced by PL 1987,  
c. 432, §3, is amended to read:

39           **§8154. Residential Treatment Centers Advisory Group**

41           The Residential Treatment Centers Advisory Group, as  
43 established by Title 5, section ~~12004~~ 12004-I, subsection ~~10 65~~,  
shall consist of a representative from each residential treatment  
45 center and 2 members who represent community mental health  
services. Additional members may be added at the request of the  
47 Children's Residential Treatment Committee. All members shall be  
selected annually by July 1st by the committee. The committee  
49 shall meet with the advisory group at least 4 times each year to  
review rate and placement policies and procedures.

1           **Sec. 98. 23 MRSA §152, first ¶**, as repealed and replaced by PL  
2           1987, c. 395, Pt. A, §92, is amended to read:

3  
4           The State Claims Commission, established by Title 5, section  
5           ~~12004~~ 12004-B, subsection 2 ~~5~~, shall consist of 5 members. Four  
6           of the members shall be appointed by the Governor, 2 of whom  
7           shall be qualified appraisers and 2 of whom shall be  
8           attorneys-at-law. The Governor shall designate one of the  
9           attorneys-at-law to be ~~chairman~~ chair. The members of the  
10          commission appointed by the Governor shall serve for terms of 4  
11          years. They shall be sworn, and for inefficiency, willful neglect  
12          of duty or for malfeasance in office may, after notice and  
13          hearing, be removed by the Governor on the address of both  
14          branches of the Legislature or by impeachment. In case of a  
15          vacancy occurring through death, resignation or removal, the  
16          Governor shall appoint a successor for the whole term of the  
17          member whose place he that successor takes, subject to removal as  
18          provided in this section.

19           **Sec. 99. 23 MRSA §1904, sub-§1**, as amended by PL 1983, c. 812,  
20           §140, is further amended to read:

21  
22           1. **Creation.** The Travel Information Advisory Council,  
23           established by Title 5, section ~~12004~~ 12004-I, subsection ~~10~~ 86,  
24           shall advise the commissioner with respect to the administration  
25           of this chapter. The commissioner shall cooperate with the  
26           council by providing necessary assistance.

27  
28           **Sec. 100. 23 MRSA §1965, sub-§1**, as amended by PL 1987, c.  
29           793, Pt. A, §7, is further amended to read:

30  
31           1. **Powers.** The Maine Turnpike Authority, as created by  
32           Private and Special Law 1941, chapter 69 and as authorized by  
33           Title 5, section ~~12004~~ 12004-F, subsection 7 4, is and shall  
34           continue to be a body both corporate and politic in the State and  
35           may:

36           A. Sue and be sued;

37           B. Have a seal and alter the seal at pleasure;

38           C. Adopt from time to time and amend bylaws covering its  
39           procedure and rules governing use of the turnpike and any of  
40           the other services made available in connection with the  
41           turnpike; develop and adopt, in accordance with the Maine  
42           Administrative Procedure Act, Title 5, chapter 375, rules  
43           governing the use of the turnpike and other services;  
44           publish those bylaws, rules as publication is necessary or  
45           advisable; and cause records of its proceedings to be kept;

46           D. Construct, maintain, reconstruct and operate a toll  
47           turnpike from a point at or near York in York County to a

1 point at or near Augusta in Kennebec County, except that the  
3 traveled way shall not be widened or expanded beyond 3 lanes  
5 for each direction of travel from Exit 1 to and including  
7 Exit 6A and beyond 2 lanes for each direction of travel  
9 elsewhere on the turnpike without the express approval of  
11 the Legislature;

13 E. Acquire, hold and dispose of personal property for its  
15 purposes;

17 F. Acquire in the name of the authority by purchase,  
19 eminent domain, lease or otherwise, real property and rights  
21 or easements therein deemed by it necessary or desirable for  
23 its purposes, and use that property;

25 G. Acquire any such real property by the exercise of the  
27 power of eminent domain in the manner provided by section  
29 1967;

31 H. Charge and collect fees, fares and tolls for the use of  
33 the turnpike and other services made available in connection  
35 with the turnpike and use the proceeds of such fees, fares  
37 and tolls for the purposes provided in this chapter, both as  
39 subject to and in accordance with such agreement with  
41 bondholders as may be made as provided in this chapter;

43 I. Make contracts with the United States or any  
45 instrumentality or agency of the United States, this State  
47 or any of its agencies or instrumentalities, municipalities,  
49 public corporations, or bodies existing therein, private  
51 corporations, partnerships, associations and individuals;

J. Accept grants and the cooperation of the United States  
or any agency thereof in the construction, maintenance,  
reconstruction, operation and financing of the turnpike and  
do any and all things necessary in order to avail itself of  
that aid and cooperation and repay any such grant or portion  
thereof;

K. Employ such assistants, agents and servants,  
engineering, traffic, architectural and construction experts  
and inspectors and attorneys and such other employees as it  
deems necessary or desirable for its purposes;

L. Exercise any of its powers in the public domain of the  
United States, unless the exercise of those powers is not  
permitted by the laws of the United States;

M. Borrow money, make, issue and sell at public or private  
sale negotiable notes, bonds and other evidences of  
indebtedness or obligations of the authority for the  
purposes set forth in this chapter and secure the payment of

1 that obligation or any part thereof by pledge of all or any  
3 part of the operating revenues of the turnpike;

5 N. Enter into loan or security agreements with one or more  
7 lending institutions, including, but not limited to, banks,  
9 insurance companies and pension funds, or trustees for those  
11 institutions for purposes for which bonds may be issued and  
to exercise with respect to such loan or security agreements  
all of the powers delineated in this chapter for the  
issuances of bonds;

13 O. Provide an annual amount not to exceed a maximum of  
15 \$8,700,000 subject to the limitations in section 1961 as the  
17 department shall request and the authority shall determine  
19 pursuant to section 1974, subsection 4, to be necessary for  
the use of the department each year for the construction,  
operation and maintenance of access roads and costs related  
thereto, after money has been set aside or adequate  
provision has been made, to pay operating expenses and to  
meet the requirements of any resolution authorizing bonds of  
the authority;

23 P. Provide from revenues to or for the use of the  
25 department funds for the maintenance, construction or  
reconstruction of interchanges determined pursuant to  
27 section 1974, subsection 3, for which the authority has not  
otherwise provided;

29 Q. Use toll revenues to provide payment of obligations, if  
31 any, as may be due to the United States in order to continue  
the use of the turnpike as a toll type facility;

33 R. Issue revenue bonds in accordance with this chapter for  
35 the purpose of payment to the Federal Government for any  
funds owed by the State as the result of maintaining tolls  
37 on the turnpike and issue additional revenue bonds for the  
construction and reconstruction of interchanges and related  
access roads and the reconstruction of the turnpike. The  
39 additional revenue bonds so issued shall not exceed the  
amount set forth in section 1968, subsection 1;

41 S. Prior to the issuance of any bonds, the authority may  
43 issue interim certificates in such manner and with such  
45 conditions as the authority may determine to be exchanged  
for those bonds when issued; and

47 T. Take all other lawful action necessary and incidental to  
49 these powers.

51 **Sec. 101. 23 MRSA §4261**, as enacted by PL 1987, c. 769, Pt.  
A, §86, is amended to read:



1       **§4261. Commission**

3           The Maine Transportation Capital Improvement Planning  
5 Commission, as established in Title 5, section ~~12004~~ 12004-I,  
subsubsection ~~10~~ 85, shall be within the Department of  
Transportation.

7

**Sec. 102. 23 MRSA §4301**, as amended by PL 1983, c. 812, §145,  
9 is further amended to read:

11       **§4301. Board established**

13           The Maine State Ferry Advisory Board, established by Title  
15 5, section ~~12004~~ 12004-I, subsubsection ~~10~~ 82, and in this section  
called "the board," shall be a board within the Department of  
Transportation.

17

**Sec. 103. 23 MRSA §4420**, as amended by PL 1983, c. 812, §146,  
19 is further amended to read:

21       **§4420. Purpose**

23           The Maine Port Authority, as established by Title 5, section  
25 ~~12004~~ 12004-F, subsubsection 7 8, is constituted a public agency of  
the State for the general purpose of acquiring, constructing and  
27 operating any kind of port terminal facility within the State  
with all the rights, privileges and power necessary. Oil  
pipelines and other oil off-loading facilities shall be limited  
29 to sites in Portland harbor.

31           **Sec. 104. 24 MRSA §2325-B, sub-§1**, as enacted by PL 1987, c.  
480, §3, is amended to read:

33

**1. Appointment; membership.** The Mandated Benefits Advisory  
35 Commission, as established by Title 5, section ~~12004~~ 12004-I,  
subsubsection ~~10~~ 50, shall be comprised of 11 members to be  
37 appointed by the Governor within 90 days of the effective date of  
this legislation. The Governor shall notify the President of the  
39 Senate, the Speaker of the House of Representatives and the  
Executive Director of the Legislative Council of the appointment  
41 as soon as they are made.

43       The membership shall include the following:

45           A. Two health insurance consumers who are not otherwise  
affiliated with the provision or financing of health care;

47

          B. One representative of a labor organization;

49

          C. One representative of a commercial health insurance  
51 company;

- 1 D. One representative of a nonprofit hospital or medical  
service organization;
- 3
- 5 E. One representative of a licensed alcohol and substance  
abuse treatment program;
- 7
- 9 F. One representative of a licensed mental health treatment  
program;
- 11
- 13 G. One representative of small business;
- 15
- 17 H. One representative of a major industry and business  
trade association;
- 19
- 21 I. One physician; and
- 23
- 25 J. One representative of the hospital industry.

19 **Sec. 105. 24-A MRSA §1526, sub-§6**, as repealed and replaced by  
PL 1983, c. 812, §150, is amended to read:

21

23 6. The members of the advisory boards, as established by  
Title 5, section ~~12004~~ 12004-I, ~~subsection-10~~ subsections 71 and  
25 72, shall be compensated according to the provisions of Title 5,  
chapter 379.

27 **Sec. 106. 25 MRSA §2801, first ¶**, as amended by PL 1983, c. 812,  
§151, is further amended to read:

29

31 There is created within the Department of Public Safety a  
law enforcement and criminal justice training facility to be  
33 known as the "Maine Criminal Justice Academy," as authorized by  
Title 5, section ~~12004~~ 12004-C, subsection ~~8~~ 5, which shall be  
35 established at some convenient and suitable place in the Augusta  
area.

37 **Sec. 107. 25 MRSA §2902, sub-§4**, as repealed and replaced by  
PL 1987, c. 769, Pt. A, §104 and Pt. B, §6, is amended to read:

39

41 **4. Maine Highway Safety Commission.** The Maine Highway  
Safety Commission, as authorized by Title 5, section ~~12004~~  
43 12004-I, subsection ~~10~~ 83, shall be under the direction of the  
Commissioner of Public Safety and advisory to the Governor. The  
45 commission shall consist of not more than 25 members selected by  
the Governor from state, civic and industrial organizations and  
47 individuals with interests relating to highway safety. The  
Commissioner of Public Safety, the Commissioner of  
Transportation, the Commissioner of Human Services and the  
49 Commissioner of Educational and Cultural Services, the Secretary  
of State and the Attorney General shall serve as ex officio  
51 members. The ex officio members shall appoint persons in major  
policy-influencing positions as their designees to represent them

1 at meetings of the commission with voting privileges. The  
3 commission members shall serve at the pleasure of the Governor  
5 and shall be compensated in accordance with Title 5, chapter  
7 379. The commission shall stimulate active support for highway  
9 safety measures and programs and shall advise the Department of  
11 Public Safety regarding these issues. The commission shall  
annually report its findings and recommendations, including any  
necessary implementing legislation, to the Governor and to the  
joint standing committee of the Legislature having jurisdiction  
over state and local government; and

13 **Sec. 108. 25 MRSA §2925, first ¶**, as enacted by PL 1987, c. 840,  
§3, is amended to read:

15 Beginning January 1, 1989, the E-9-1-1 Advisory Committee,  
17 established in Title 5, section ~~12004~~ 12004-I, subsection 74-A,  
shall advise and assist the department in the implementation of  
19 the E-9-1-1 system.

21 **Sec. 109. 26 MRSA §171**, as amended by PL 1983, c. 812, §155,  
is further amended to read:

23 **§171. Board of Boiler Rules**

25 The board of appeals, heretofore created, shall be known as  
27 the "Board of Boiler Rules," as established by Title 5, section  
~~12004~~ 12004-A, subsection ~~1~~ 7, and shall consist of 7 members, 6  
29 of whom shall be appointed by the director, with the approval of  
the Governor. At the expiration of their respective terms of  
31 office their successors shall be appointed for terms of 4 years  
each. In the event of a vacancy by reason of the death or  
33 resignation of any of the appointed members, or otherwise, the  
director shall fill such vacancy for the remainder of the term  
35 with a representative of the same class. Of these 6 appointed  
members, 2 shall be representatives of labor within this State  
37 who are boilermakers or have boiler licenses, one shall be a  
representative of the owners and users of steam boilers within  
39 this State, one a representative of the boiler manufacturers  
within this State, one a representative of the operating steam  
41 engineers in this State and one a representative of a boiler  
inspection and insurance company licensed to do business within  
43 the State. The 7th member shall be the director, who shall be  
chairman chair of the board. The board shall meet at least twice  
45 yearly at the State Capitol or other place designated by the  
board.

47 **Sec. 110. 26 MRSA §564, first ¶**, as amended by PL 1983, c. 812,  
49 §158, is further amended to read:

51 The Board of Occupational Safety and Health as established  
by Title 5, section ~~12004~~ 12004-G, subsection ~~8~~ 24, shall consist  
of 10 members of which 9 shall be appointed by the Governor. Of

1 the 9 appointed members of the board, 3 shall represent  
2 employers; 3 shall represent employees; one shall represent an  
3 insurance company licensed to insure workmen's compensation  
4 within the State and 2 shall represent the public. The 10th  
5 member of the board shall be the Director of the Bureau of Labor.  
6 Of the 3 employer members, one shall represent state agencies,  
7 one shall represent counties within the State and one shall  
8 represent municipalities within the State. Of the 3 employee  
9 members, one shall represent state employees, one shall represent  
10 county employees and one shall represent municipal employees.

11 **Sec. 111. 26 MRSA §968, sub-§1**, as amended by PL 1983, c. 812,  
12 §162, is further amended to read:

13  
14 **1. Maine Labor Relations Board.** The Maine Labor Relations  
15 Board established by Title 5, section ~~12004~~ 12004-B, subsection  
16 4- 2, shall consist of 3 members and 6 alternates to be appointed  
17 by the Governor, subject to review by the ~~Joint--Standing~~  
18 ~~Committee--on--Labor~~ joint standing committee of the Legislature  
19 having jurisdiction over labor matters and to confirmation by the  
20 Legislature. The Governor, in making his appointments, shall name  
21 one member and 2 alternates to represent employees, one member  
22 and 2 alternates to represent employers and one member and 2  
23 alternates to represent the public. The member representing the  
24 public shall be the board's ~~chairman~~ chair and the alternate  
25 representing the public shall be an alternate ~~chairman~~ chair.  
26 Members of the board shall be compensated according to the  
27 provisions of Title 5, chapter 379. The alternates shall be  
28 compensated at the same per diem rate as the member that the  
29 alternate replaces. The term of each member and each alternate  
30 shall be for a period of 4 years; provided that of the members  
31 and alternates first appointed, one member and 2 alternates shall  
32 be appointed for a period of 4 years, one member and 2 alternates  
33 shall be appointed for a period of 3 years and one member and 2  
34 alternates shall be appointed for a period of 2 years. The  
35 members of the board, its alternates and its employees shall  
36 receive necessary expenses. The executive director and legal or  
37 professional personnel employed by the board shall be members of  
38 the unclassified service.

39  
40 **Sec. 112. 26 MRSA §1002, first ¶**, as amended by PL 1983, c. 812,  
41 §163, is further amended to read:

42  
43 The State Apprenticeship and Training Council, as  
44 established by Title 5, section ~~12004~~ 12004-G, subsection ~~8~~ 25,  
45 shall be composed of 11 members to be appointed by the Governor  
46 and made up as follows: 4 members shall be representatives of  
47 employees and shall be bona fide members of a recognized major  
48 labor organization; 4 members shall be representatives of  
49 employers and shall be bona fide employers or authorized  
50 representatives of bona fide employers; and 3 members shall be  
51 representatives of the public and shall be selected from neither

1 industrial employers nor employees, nor shall they be directly  
concerned with any particular industrial employer or employee.  
3 The appointments shall be made so that the term of one member of  
each group shall expire each year. Each member shall hold office  
5 until his a sucessor is appointed and qualified, and any vacancy  
shall be filled by appointment for the unexpired portion of the  
7 term. The ~~chairman~~ chair and secretary of the council shall be  
named by the members of the council and the ~~chairman~~ chair shall  
9 be a member of the council. The Associate Commissioner of  
Vocational Education, the Director of the Bureau of Labor  
11 Standards and the Commissioner of Labor shall be ex officio  
members of the council without vote. The members of the council  
13 shall be compensated according to the provisions of Title 5,  
chapter 379.

15 **Sec. 113. 26 MRSA §1082, sub-§5**, as amended by PL 1983, c.  
17 812, §164, is further amended to read:

19 5. **Advisory council.** The Commissioner of Labor shall  
appoint a state advisory council, as established by Title 5,  
21 section ~~12004~~ 12004-I, subsection ~~10~~ 53, consisting of not more  
than 9 members composed of an equal number of employer  
23 representatives and employee representatives who may fairly be  
regarded as representative because of their vocation, employment  
25 or affiliations and an equal number of members representing the  
general public. ~~Such~~ The council shall meet no less than 4 times  
27 a year and shall aid the commissioner in formulating policies and  
discussing problems related to the administration of this chapter  
29 and in assuring impartiality and freedom from political influence  
in the solution of such problems. The advisory council may also  
31 make recommendations to the Legislature for such changes in this  
chapter as in their opinion will aid in accomplishing the  
33 objectives of this chapter. Each member of the advisory council  
shall be compensated according to the provisions of Title 5,  
35 chapter 379.

37 **Sec. 114. 26 MRSA §1604, sub-§1**, as amended by PL 1983, c.  
812, §166, is further amended to read:

39 1. **Membership.** The Displaced Homemakers Advisory Council,  
41 established by Title 5, section ~~12004~~ 12004-I, subsection ~~10~~ 54,  
and in this chapter called the "council," shall be composed of  
43 the following individuals:

45 A. The Commissioner of Labor or the commissioner's  
designee; and

47 B. Nine individuals who have experience with the problems  
49 of displaced homemakers, career counseling or adult  
vocational education. The members shall be appointed by the  
51 Governor. The council shall elect its own ~~chairman~~ chair.

1           **Sec. 115. 27 MRSA §82**, as amended by PL 1983, c. 812, §167,  
is further amended to read:

3           **§82. Maine State Museum Commission**

5           The Governor shall appoint a Maine State Museum Commission,  
7 as established by Title 5, section ~~12004~~ 12004-G, subsection 8  
9 10, consisting of 15 members especially qualified and interested  
in the several fields of museum activity. Of those members first  
11 appointed, 5 shall be appointed for terms of 2 years, 5 for 4  
13 years and 5 for 6 years. Their successors shall be appointed for  
15 6 years. Each member shall serve for the term of ~~his~~ the  
17 appointment and thereafter until ~~his~~ a successor is appointed and  
qualified. In case of the termination of a member's service  
during ~~his~~ the term, the Governor shall appoint a successor for  
the unexpired term. Members shall be compensated according to the  
provisions of Title 5, chapter 379.

19           **Sec. 116. 27 MRSA §111, sub-§1**, as amended by PL 1983, c. 812,  
§168, is further amended to read:

21           **1. Maine Library Commission.** There shall be created within  
23 the Department of Educational and Cultural Services a library  
commission which shall be designated as the Maine Library  
25 Commission, as established by Title 5, section ~~12004~~ 12004-I,  
subsection ~~10~~ 14. It shall consist of 15 members appointed by the  
27 Governor. The library commission shall be broadly representative  
of the state's libraries and shall consist of a representative  
29 from public, school, academic, special, institutional and  
handicapped libraries, a trustee representative, one  
31 representative from each of the library districts as they are  
formed and 3 representatives from the State at large of whom one  
33 shall be representative of the disadvantaged.

35           The term of each appointed member shall be 5 years or until ~~his~~ a  
37 successor is appointed and qualified. Of the members first  
appointed, 3 shall be for one year, 3 for 2 years, 3 for 3 years,  
39 3 for 4 years and 3 for 5 years. Subsequent appointments shall be  
for the full term of 5 years. No members shall ~~may~~ may serve more  
41 than 2 successive terms. In the case of a vacancy other than the  
expiration of a term, the appointment of a successor shall be  
43 made in like manner for the balance of the term.

45           In addition to the 15 appointed members, the directors of the  
area reference and resource centers shall serve as permanent,  
nonvoting ex officio members of the Maine Library Commission.

47           The commission shall meet at least 4 times a year. It shall elect  
49 a ~~chairman~~ chair for a term of 2 years and frame and modify  
bylaws for its internal organization and operation. The State  
51 Librarian shall serve as secretary to the commission. The members

1 of the commission shall be compensated according to the  
provisions of Title 5, chapter 379.

3

5 **Sec. 117. 27 MRSA §401**, as amended by PL 1985, c. 763, Pt. A,  
§81, is further amended to read:

7

**§401. Commission**

9

11 A state commission, to be known as the "Maine Arts  
Commission," as established by Title 5, section ~~12004~~ 12004-G,  
subsection ~~10 9~~, shall consist of not less than 15 nor more than  
13 21 members, each of whom shall have a continuing interest in the  
fields of art and culture in the State, to be appointed by the  
Governor from among citizens of Maine. In making such  
15 appointments, due consideration shall be given to the  
recommendations made by representative civic, educational and  
17 professional associations and groups concerned with or engaged in  
artistic and cultural fields generally.

19

21 **Sec. 118. 27 MRSA §501**, as amended by PL 1983, c. 812, §171,  
is further amended to read:

23

**§501. Declaration of policy**

25

27 The Legislature declares it is the policy of the State that  
in order to preserve the architectural, historic and  
environmental heritage of the people of the State, and to develop  
and promote the cultural, educational and economic benefits of  
29 these resources, the Maine Historic Preservation Commission, as  
established by Title 5, section ~~12004~~ 12004-I, subsection ~~10 13~~,  
31 shall work to implement this policy.

33

**Sec. 119. 28-A MRSA §51, sub-§1**, as enacted by PL 1987, c. 45,  
Pt. A, §4, is amended to read:

35

37 **1. Administration by commission.** The State Liquor  
Commission, as established by Title 5, section ~~12004~~ 12004-E,  
subsection ~~6 3~~, shall administer the state liquor laws.

39

41 **Sec. 120. 30-A MRSA §554, sub-§1**, as enacted by PL 1987, c.  
737, Pt. A, §2; Pt. C, §106, and as amended by PL 1987, c. 6; c.  
9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

43

45 **1. Membership.** The County Records Board as established by  
Title 5, section ~~12004~~ 12004-I, subsection ~~10 55~~, shall consist  
of 5 members.

47

49 **A.** Four persons shall be appointed by the Governor for  
terms of 3 years:

51

(1) One of whom must be a county commissioner;

- 1 (2) One of whom must be a register of deeds;  
3 (3) One of whom must be a register of  
5 probate; and  
7 (4) One of whom must be experienced in real  
estate title examinations; and

9 B. The State Archivist shall serve as chairman chair.

11 Any person appointed to fill a vacancy in the membership of the  
13 board shall serve for the remainder of the term for which that  
person's predecessor was appointed.

15 **Sec. 121. 32 MRSA §59**, as enacted by PL 1985, c. 297, is  
17 amended to read:

19 **§59. Temporary licenses**

21 If a person holds a valid license issued by an occupational  
23 or professional licensing board established in Title 5, section  
25 ~~12004, subsection 1, paragraph A~~ 12004-A, at the time of his  
27 initial enlistment in the United States Armed Forces and the  
29 license lapses during the licensee's initial enlistment, that  
31 person may obtain a temporary license if that person meets all  
33 requirements for issuance of that license except examination by  
payment of a \$5 fee, provided that his the application for the  
temporary license is made not later than 90 days after the date  
of his discharge. This temporary license shall continue in force  
until the results of the next licensing examination are  
available. The terms of this section shall apply notwithstanding  
any contrary provision contained in the statutes governing these  
licensing boards.

35 **Sec. 122. 32 MRSA §63-A, sub-§1**, as enacted by PL 1985, c.  
37 233, §6, is amended to read:

39 1. Membership. The Nursing Home Administrators Licensing  
41 Board, as established by Title 5, section ~~12004~~ 12004-A,  
43 ~~subsection 1, paragraph A, subparagraph (22)~~ 23, shall consist of  
45 7 members appointed by the Governor. The members shall be  
47 citizens of the United States and residents of this State. One  
49 member shall be a hospital administrator with not less than 5  
51 years of active practice in the State as a hospital  
administrator. One member shall be a registered nurse with not  
less than 5 years of active practice in nursing homes in the  
State. Two members shall be ~~a representative~~ representatives of  
the public. Three members shall be administrators of nursing  
homes with not less than 5 years of active experience in the  
State.



1           **Sec. 123. 32 MRSA §88, first ¶**, as amended by PL 1985, c. 730,  
§§12 and 16, is further amended to read:

3  
5           The Emergency Medical Services' Board, as established by  
Title 5, section ~~12004~~ 12004-A, subsection ~~10~~ 15, shall be  
responsible for the emergency medical services' program.

7  
9           **Sec. 124. 32 MRSA §211, first ¶**, as amended by PL 1987, c. 395,  
Pt. A, §108, is further amended to read:

11           The Maine State Board for Licensure of Architects and  
Landscape Architects, as established by Title 5, section ~~12004~~  
13 12004-A, subsection ~~1~~ 4, shall administer this chapter. The  
board shall consist of 8 members appointed by the Governor, of  
15 which 5 shall be licensed and practicing architects, one of whom  
may be a professor of architecture; 2 shall be registered and  
17 practicing landscape architects; and one shall be a  
representative of the public.

19           **Sec. 125. 32 MRSA §271, first ¶**, as repealed and replaced by PL  
21 1985, c. 748, §30, is amended to read:

23           The Board of Licensing of Auctioneers, as established by  
Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 5, shall be composed  
25 of 3 members, 2 of whom shall be auctioneers and one of whom  
shall be a public member. Members shall be compensated according  
27 to Title 5, chapter 379.

29           **Sec. 126. 32 MRSA §351, sub-§1**, as amended by PL 1987, c. 395,  
Pt. A, §127, is further amended to read:

31  
33           **1. Membership.** The State Board of Barbers, as established  
by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 6, and in this  
chapter designated as the "board," shall consist of 4 members who  
35 shall be citizens of this State, 3 of whom shall have been  
engaged in the practice of barbering for at least 3 years  
37 immediately prior to their appointment and one of whom shall be a  
representative of the public.

39  
41           The 4 members of the board shall be appointed by the Governor and  
their terms shall be for 3 years. None of them shall may be  
43 eligible to serve more than 3 consecutive 3-year terms. The  
barber members shall at all times be licensed barbers.

45           Any vacancy in the board shall be filled by the appointment by  
the Governor of a person to hold office during the unexpired  
47 term. The person appointed shall be qualified in the same manner  
as the board member being replaced. No person operating or  
49 employed by a school of barbering may be appointed as a member of  
the board. If any member of the board, after appointment, shall  
51 become affiliated in any way with any such school, that person's

1 membership on the board shall immediately terminate and the  
unexpired term of that member shall be filled by the Governor.

3 **Sec. 127. 32 MRSA §501**, as amended by PL 1983, c. 812, §198,  
5 is further amended to read:

7 **§501. Membership; qualifications; term; removal**

9 The Board of Chiropractic Examination and Registration, as  
11 established by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 8,  
and in this chapter called the "board," shall consist of 6  
13 persons, who shall be appointed by the Governor. Said persons  
shall be residents of this State, 5 shall be graduates of a  
15 legally chartered chiropractic school, college or university  
having the power to confer degrees in chiropractic and shall have  
17 been at the time of their appointment actively engaged in the  
practice of their profession for a period of at least 3 years in  
this State and one shall be a representative of the public. Each  
19 appointment shall be for the period of 5 years as the terms of  
the present members expire. Any vacancy in said board caused by  
21 death, resignation or for any other cause, except completion of a  
full term of service, shall be filled by the like appointment of  
23 a person qualified as aforesaid to hold office during the  
unexpired term of the member whose place he that person fills.  
25 Any member of said board may be removed from office for cause by  
the Governor.

27 **Sec. 128. 32 MRSA §1151, first ¶**, as amended by PL 1987, c. 735,  
29 §50, is further amended to read:

31 The Electricians' Examining Board, as established by Title  
5, section ~~12004~~ 12004-A, subsection ~~1~~ 13, and in this chapter  
33 called the "board," shall consist of 6 members appointed by the  
Governor, called the "appointive members," and the Commissioner  
35 of Professional and Financial Regulation or a representative  
appointed by the commissioner.

37 **Sec. 129. 32 MRSA §1301, first ¶**, as amended by PL 1983, c. 812,  
39 §204, is further amended to read:

41 The State Board of Registration for Professional Engineers,  
as established by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 16,  
43 shall administer this chapter. The board shall consist of 6  
members appointed by the Governor, of which 5 shall be  
45 professional engineers who have the qualifications required by  
section 1302 and one shall be a representative of the public.  
47 Nominees for appointment may be recommended to the Governor by  
representative engineering societies in the State.

49 **Sec. 130. 32 MRSA §1451, first ¶**, as amended by PL 1983, c. 812,  
51 §206, is further amended to read:

1           The State Board of Funeral Service, as established by Title  
3           5, section ~~12004~~ 12004-A, subsection ~~1~~ 18, and in this chapter  
5           called the "board," shall consist of 7 members, 6 of whom shall  
7           be persons licensed for the practice of funeral service for 10  
9           consecutive years or who have had 10 consecutive years'  
11           experience as an embalmer or funeral director in this State  
13           immediately preceding their appointment and one of whom shall be  
15           a representative of the public. Members shall be appointed by the  
17           Governor for a term of 4 years, except that no more than 2  
19           members' terms may expire in any one calendar year and  
21           appointments for terms of less than 4 years may be made in order  
23           to comply with this limitation. Upon expiration of a member's  
          term, he that member shall serve until his a successor is  
          qualified and appointed. The successor's term shall be 4 years  
          from the date of the expiration, regardless of the date of his  
          appointment. Any vacancy in the board shall be filled by  
          appointment of a person, qualified as was the board member being  
          replaced, to hold office during the unexpired term. No person  
          may be eligible to serve more than 2 full consecutive terms,  
          provided that for this purpose only a period actually served  
          which exceeds 1/2 of the 4-year term shall be deemed a full  
          term. A board member may be removed by the Governor for cause.

23           **Sec. 131. 32 MRSA §1601, sub-§1**, as amended by PL 1987, c.  
25           395, Pt. A, §150, is further amended to read:

27           1. **Membership.** The State Board of Cosmetology, as  
29           established by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 9,  
31           and in this chapter designated as the "board," shall consist of 7  
33           members who shall be citizens of this State, 5 of whom shall have  
          been engaged in the practice of cosmetology for at least 3 years  
          immediately prior to their appointment and one of whom shall be a  
          representative of the public.

35           The members of the board shall be appointed by the Governor and  
37           their terms shall be for 3 years. None of them may be eligible to  
39           serve more than 3 consecutive 3-year terms or to serve more than  
41           9 years consecutively, provided that for this purpose only a  
43           period actually served which exceeds 1/2 of the 3-year term shall  
45           be deemed a full term. Upon expiration of a member's term, he  
47           that member shall serve until his a successor is qualified and  
          appointed. The successor's term shall be 3 years from the date  
          of the expiration, regardless of the date of his appointment. The  
          cosmetologist members shall at all times be registered  
          cosmetologists and shall be actively engaged in the practice  
          during their membership on the board. A board member may be  
          removed by the Governor for cause.

49           Any vacancy in the board shall be filled by the appointment by  
51           the Governor of a person, qualified as was the board member being  
          replaced, to hold office during the unexpired term of the member  
          whose place is thus filled.

1  
3 No person operating or employed by a school of cosmetology may be  
5 appointed as a member of the board. If any member of the board,  
7 after appointment, shall become affiliated in any way with any  
such school, that person's membership on the board shall  
immediately terminate and the unexpired term of that member shall  
be filled by the Governor.

9 **Sec. 132. 32 MRSA §1658, sub-§1**, as amended by PL 1983, c.  
812, §209, is further amended to read:

11  
13 1. Board. "Board" means the Board of Hearing Aid Dealers  
and Fitters, as established by Title 5, section ~~12004~~ 12004-A,  
subsection ~~1~~ 20.

15  
17 **Sec. 133. 32 MRSA §1660-A, sub-§1**, as amended by PL 1983, c.  
812, §210, is further amended to read:

19 1. Board. The Board of Hearing Aid Dealers and Fitters is  
established by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 20.

21  
23 **Sec. 134. 32 MRSA §1671, first ¶**, as amended by PL 1983, c. 812,  
§212, is further amended to read:

25 The State Board of Registration for Land Surveyors, as  
27 established by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 21,  
shall administer this chapter. The board shall consist of 6  
29 members appointed by the Governor, of which 5 shall be land  
surveyors who have the qualifications required by section 1672  
and one shall be a representative of the public.

31  
33 **Sec. 135. 32 MRSA §2001, first ¶**, as amended by PL 1987, c. 735,  
§60, is further amended to read:

35 The Arborist Examining Board, as established by Title 5,  
37 section ~~12004~~ 12004-A, subsection ~~1~~ 2, within the Department of  
Professional and Financial Regulation and called "the board,"  
39 shall administer this chapter and shall consist of 6 members.  
The Governor shall appoint 6 members as follows: Two members  
41 shall be licensed commercial arborists, each of whom shall have  
been continuously engaged in practice as licensed commercial  
43 arborists for a period of 10 years prior to appointment; one  
member shall be a plant pathologist who is either on the state or  
45 University of Maine System staff and part of whose work is  
concerned with trees; one member shall be a representative of the  
47 public; one member, whose work is concerned partially with urban  
forestry, shall be appointed from the Bureau of Forestry; and one  
49 member, whose work is partially concerned with state registration  
of pesticides, shall be appointed from the Department of  
Agriculture, Food and Rural Resources.

51

1           **Sec. 136. 32 MRSA §2151**, as amended by PL 1987, c. 195, §6,  
is further amended to read:

3           **§2151. Appointment; term; removal**

5           A State Board of Nursing, as established by Title 5, section  
7           12004 ~~12004-A~~, subsection 1 25, shall consist of 9 members who  
shall be appointed by the Governor. Five members of the board  
9           shall be professional nurses. Two members shall be licensed  
practical nurses. One of the nurse members of the board must be  
11          a nurse who is currently practicing long-term care nursing. Two  
members shall be representatives of the public. Except to fill  
13          vacancies in unexpired terms, all appointments shall be for a  
term of 5 years after such appointment or until their successors  
15          have been duly appointed and qualified. No person may be  
eligible for more than one reappointment. Any vacancy on the  
17          board shall be filled for the unexpired term by the appointment  
of another member by the Governor. Any members of the board may  
19          be removed from office for cause by the Governor.

21          **Sec. 137. 32 MRSA §2273, sub-§1**, as amended by PL 1983, c.  
862, §76, is further amended to read:

23           **1. Establishment and membership.** There is established with  
25          within the Department of ~~Business-Occupational--and~~ Professional  
and Financial Regulation, in accordance with Title 5, section  
27          12004 ~~12004-A~~, subsection 1 26, a Board of Occupational Therapy  
Practice. The board shall consist of 5 members appointed by the  
29          Governor. The persons appointed to the board, other than the  
public member, must have been engaged in rendering occupational  
31          therapy services to the public, teaching or research in  
occupational therapy for at least 2 years immediately preceding  
33          their appointments. At least 3 board members shall be  
occupational therapists. The 4th member shall be either an  
35          occupational therapist or an occupational therapy assistant, if  
available. These members shall at all times be holders of valid  
37          licenses for the practice of occupational therapy in the State,  
except for the members of the first board, all of whom shall  
39          fulfill the requirements for licensure of this chapter. The  
remaining member shall be a representative of the public.

41          **Sec. 138. 32 MRSA §2351, first ¶**, as amended by PL 1987, c. 395,  
43          Pt. A, §169, is further amended to read:

45          An Oil and Solid Fuel Board, as established by Title 5,  
section 12004 ~~12004-A~~, subsection 1 27, and in this chapter  
47          called the "board," shall consist of the Commissioner of  
Professional and Financial Regulation or a representative  
49          appointed by the commissioner, the Commissioner of Public Safety  
or a representative and 5 other members, called in this chapter  
51          the "appointive members," who shall be appointed by the Governor.

1           **Sec. 139. 32 MRSA §2415**, as amended by PL 1983, c. 812, §220,  
is further amended to read:

3  
5           **§2415. Appointment; tenure; vacancies; removal**

7           The State Board of Optometry, as established by Title 5,  
section ~~12004~~ 12004-A, subsection ~~1~~ 28, and in this chapter  
9           called the "board," shall consist of 6 persons appointed by the  
Governor. Five of such persons shall have been resident  
11           optometrists engaged in the actual practice of optometry in this  
State for a period of at least 5 years prior to their appointment  
13           and one of such persons shall be a consumer member who shall be a  
resident of this State and shall have no pecuniary interest in  
15           optometry or in the merchandising of optical products. They shall  
be appointed for terms as the terms of the present members  
17           expire, so that eventually the term of one member shall expire  
each year and each shall hold office for a term of 5 years and  
19           until ~~his~~ a successor is appointed and qualified. Any vacancy in  
said board shall be filled by the appointment of a person,  
21           qualified as aforesaid, to hold office during the unexpired term  
of the member whose place ~~he-fills~~ is filled. Any member of said  
23           board may be removed from office for cause by the Governor. The  
board shall have a common seal.

25           **Sec. 140. 32 MRSA §2561**, as amended by PL 1983, c. 812, §222,  
is further amended to read:

27  
29           **§2561. Membership; qualifications; tenure; vacancies.**

31           The Board of Osteopathic Examination and Registration, as  
established by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 29,  
33           and in this chapter called the "board," shall consist of 6  
persons appointed by the Governor. Said persons shall be  
35           residents of this State. Five of said persons shall be graduates  
of a legally chartered college of osteopathic medicine or  
37           university having the power to confer degrees in osteopathic  
medicine and shall have been at the time of their appointment  
39           actively engaged in the practice of their profession in Maine for  
a period of at least 5 years, and one of said persons shall be a  
41           representative of the public. Each appointment shall be for a  
period of 5 years as the terms of the present members expire. Any  
43           vacancy in said board caused by death, resignation or for any  
other cause, except completion of a full term of service, shall  
45           be filled by the appointment of a person qualified as was the  
member whose place ~~he-fills~~ is filled to hold office during the  
47           unexpired term of such member. Any member of said board may be  
removed from office, for cause, by the Governor. Members of the  
49           board on October 4, 1973 shall continue in office to the date of  
expiration of their current terms.

51           **Sec. 141. 32 MRSA §3112, first ¶**, as repealed and replaced by PL  
1983, c. 812, §226, is amended to read:

1  
3 The Board of Examiners in Physical Therapy, as established  
5 by Title 5, section 12004 12004-A, subsection 1 31, and within  
7 the Department of ~~Business, Occupational and Professional~~ and  
9 Financial Regulation, shall consist of 2 physical therapists, one  
11 physical therapist assistant, one physician and one public member.

13 **Sec. 142. 32 MRSA §3263, first ¶**, as amended by PL 1983, c. 812,  
15 §228, is further amended to read:

17 The Board of Registration in Medicine, as established by  
19 Title 5, section 12004 12004-A, subsection 1 24, and in this  
21 chapter called the "board," shall consist of 9 persons who are  
23 residents of this State, appointed by the Governor. Two persons  
25 shall be representatives of the public. Seven persons shall be  
27 graduates of a legally chartered medical college or university  
29 having authority to confer degrees in medicine and shall have  
31 been actively engaged in the practice of their profession in this  
33 State for a continuous period of 5 years preceding their  
35 appointments to the board. Three persons, qualified as  
37 aforesaid, including at most one public representative, shall be  
39 appointed members of the board on or before July 1st of every  
41 uneven-numbered year, each to hold office for 6 years from July  
43 1st following his appointment. Any vacancy in the board shall be  
45 filled by the appointment of a person, qualified as was the  
47 member whose place he ~~fills~~ is filled, to hold office during the  
49 unexpired term of that member. Any member of the board may be  
51 removed from office for cause by the Governor.

1 **Sec. 143. 32 MRSA §3401, first ¶**, as repealed and replaced by PL  
3 1987, c. 597, §9, is amended to read:

5 A Plumbers' Examining Board, as established by Title 5,  
7 section 12004 12004-A, subsection 1 32, shall consist of 5  
9 members, who shall be appointed by the Governor. One of the  
11 members shall be a representative of the public, 2 shall be  
13 master plumbers as defined in section 3301, and 2 shall be  
15 journeyman plumbers as defined in section 3301, both of whom have  
17 been engaged in the business of plumbing for at least 2 years.

19 **Sec. 144. 32 MRSA §3601**, as amended by PL 1983, c. 812, §230,  
21 is further amended to read:

23 **§3601. Appointment**

25 The Board of Examiners of Podiatrists, as established in  
27 Title 5, section 12004 12004-A, subsection 1 33, and in this  
29 chapter called the "board," shall be 2 members of the Board of  
31 Registration in Medicine together with 2 podiatrists and a  
33 representative of the public appointed by the Governor. One of  
35 the members shall be chosen by a majority of the members to act  
37 as chairman chair of the board for a term of 2 years and the

1 secretary-treasurer of the Board of Registration in Medicine  
2 shall act as secretary-treasurer of the board. The podiatrists  
3 appointed by the Governor shall be appointed for a term of 4  
4 years from nominations submitted by the Podiatry Association of  
5 Maine and by other organizations and individuals, except that the  
6 first appointment of the new member shall be for a term of 2  
7 years. The podiatrists selected shall at the time of their  
8 appointment have been actively engaged in the practice of  
9 podiatry for a period of at least 2 years. The representative of  
10 the public shall be appointed for a term of 4 years.

11 **Sec. 145. 32 MRSA §3821**, as amended by PL 1985, c. 481, Pt.  
12 A, §57, is further amended to read:

13 **§3821. Membership; terms; vacancies**

14 The State Board of Examiners of Psychologists, as  
15 established by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 34,  
16 and called the "board," shall consist of 9 members who shall be  
17 appointed by the Governor to serve a term of 3 years. Two members  
18 of the board shall be representatives of the public. Seven  
19 members of the board shall be licensed psychologists or  
20 psychological examiners with at least one member licensed as a  
21 psychological examiner. These 7 members shall be representative  
22 of the field of psychology insofar as possible. Any vacancy  
23 occurring on the board shall be filled by the Governor for the  
24 unexpired term by a person qualified and selected as was the  
25 member ~~he is replacing~~ being replaced. No person may be eligible  
26 to serve more than 2 full consecutive terms at any one time.  
27 Upon expiration of a member's term, he ~~that member~~ shall serve  
28 until ~~his~~ a successor is qualified and appointed. The  
29 successor's term shall be 3 years from the date of that  
30 expiration, regardless of the date of ~~his~~ appointment. Prior to  
31 the filling of any vacancies of professional or public members,  
32 the Governor shall solicit recommendations. A board member may be  
33 removed by the Governor for cause.

34 **Sec. 146. 32 MRSA §4152, first ¶**, as amended by PL 1983, c. 812,  
35 §240, is further amended to read:

36 The Maine Sardine Council, as established by Title 5,  
37 section ~~12004~~ 12004-H, subsection 9 ~~8~~, shall meet with the  
38 commissioner at regular intervals to be determined by it and more  
39 often if called by the commissioner.

40 **Sec. 147. 32 MRSA §4854**, as amended by PL 1985, c. 748, §42,  
41 is further amended to read:

42 **§4854. Board of Veterinary Medicine**

43 The State Board of Veterinary Medicine, as established by  
44 Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 42, within the



1 Department of Professional and Financial Regulation, shall  
2 consist of 6 members, appointed by the Commissioner of  
3 Professional and Financial Regulation, 5 of whom shall be  
4 licensed Maine Veterinarians veterinarians who are residents of  
5 this State, graduates of a veterinary school and who have been  
6 licensed to practice veterinary medicine in Maine for the 5 years  
7 preceding their appointment and one member who shall be a  
8 representative of the public. At least 30 days before the  
9 appointment of any licensed Maine veterinarian to the board, the  
10 State Veterinary Medical Association shall forward to the  
11 commissioner for his consideration the names of 3 or more  
12 qualified veterinarians. The term of office of each present  
13 member of the board shall expire as now provided. One new member  
14 to be appointed to the board shall serve a 3-year term. One new  
15 member to be appointed to the board shall serve a 4-year term.  
16 The public member to be appointed to the board shall serve a  
17 5-year term. Thereafter, all members shall be appointed for  
18 5-year terms. No person shall may serve 2 consecutive 5-year  
19 terms, but a person appointed for a term of less than 5 years may  
20 ~~succeed-himself~~ serve a successive term. No person may serve on  
21 the board who is, or has been during the 2 years preceding his  
22 appointment, a trustee or a member of the faculty or advisory  
23 board of a veterinary school.

25 **Sec. 148. 32 MRSA §4907, first ¶**, as amended by PL 1987, c. 395,  
26 Pt. A, §175, is further amended to read:

27  
28 The State Board of Certification for Geologists and Soil  
29 Scientists as established by Title 5, section 12004 12004-A,  
30 subsection 1 19, shall administer this chapter and its office  
31 shall be within the Department of Professional and Financial  
32 Regulation. The board shall consist of 7 members, 5 of whom shall  
33 be appointed by the Governor from the following categories: One  
34 academic geologist; one independent consultant or salaried  
35 geologist; one independent consultant or salaried soil scientist;  
36 one other soil scientist; and a representative of the public. The  
37 6th and 7th members shall be the State Soil Scientist with the  
38 Maine Soil and Water Conservation Commission, ex officio, and the  
39 State Geologist or his the State Geologist's designee, who shall  
40 be a geologist employed in State Government, ex officio. No  
41 person, except the representative of the public, may be eligible  
42 for appointment to the board unless certified under this chapter.  
43

44 **Sec. 149. 32 MRSA §5004**, as amended by PL 1987, c. 395, Pt.  
45 A, §182, is further amended to read:

46 **§5004. State Board of Licensure**

47  
48 A State Board of Licensure for Professional Foresters within  
49 the Department of Professional and Financial Regulation, as  
50 established by Title 5, section 12004 12004-A, subsection 1 17,  
51 shall administer the provisions of this chapter. The board shall

1 consist of 5 professional foresters and one public member who  
2 shall be selected and appointed by the Governor, and the forester  
3 members shall be qualified as required by section 5005.  
4 Appointments shall be for 5-year terms, except that no more than  
5 one forester member's term may expire in any one calendar year  
6 and appointments for terms of less than 5 years may be made in  
7 order to comply with this limitation. Upon expiration of a  
8 member's term, he that member shall serve until his a successor  
9 is qualified and appointed. The successor's term shall be 4  
10 years from the date of the expiration, regardless of the date of  
11 his appointment. No person may be eligible to serve more than 2  
12 full consecutive terms, provided that for this purpose only a  
13 period actually served which exceeds 1/2 of the 5-year term shall  
14 be deemed a full term.

15 **Sec. 150. 32 MRSA §6010, first ¶**, as amended by PL 1983, c. 812,  
16 §247, is further amended to read:

17  
18 The Board of Examiners on Speech Pathology and Audiology, as  
19 established by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 39,  
20 shall consist of 7 members appointed by the Governor. All  
21 members shall have been residents of this State for at least one  
22 year immediately preceding their appointment. Two members shall  
23 have been engaged full time in the practice of speech pathology  
24 for at least one year immediately preceding their appointment.  
25 Two members shall have been engaged full time in the practice of  
26 audiology for at least one year immediately preceding their  
27 appointment. All such professional members shall at all times be  
28 holders of valid licenses for the practice of speech pathology or  
29 audiology. The additional members shall consist of a physician,  
30 licensed pursuant to chapter 48, with specialized training in the  
31 field of ~~otolaryngology~~ otolaryngology and of 2 representatives of  
32 the public.

33  
34 **Sec. 151. 32 MRSA §6201**, as amended by PL 1987, c. 395, Pt.  
35 A, §192, is further amended to read:

36 **§6201. State Board of Substance Abuse Counselors**

37  
38 The State Board of Substance Abuse Counselors within the  
39 Department of Professional and Financial Regulation as  
40 established by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 41,  
41 shall carry out the purposes of this chapter.

42 **Sec. 152. 32 MRSA §6208-A, sub-§1**, as amended by PL 1987, c.  
43 395, Pt. A, §200, is further amended to read:

44  
45 **1. Membership.** The State Board of Substance Abuse  
46 Counselors, as established by Title 5, section ~~12004~~ 12004-A,  
47 subsection ~~1~~ 41, shall consist of 9 members appointed by the  
48 Governor. Seven members shall be licensed, certified or  
49 registered substance abuse counselors. Two members shall be  
50

1 nonproviders, one of whom shall be a consumer of substance abuse  
services.

3

5 **Sec. 153. 32 MRSA §7026, first ¶**, as amended by PL 1987, c. 395,  
Pt. B, §12, is further amended to read:

7 The State Board of Social Worker Licensure, as established  
9 by Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 38, and within  
the Department of Professional and Financial Regulation, shall  
11 administer this chapter. The board shall consist of 7 members  
appointed by the Governor. Three members of the board shall be  
13 licensed clinical social workers, licensed master social workers  
or certified social workers-- workers in independent practice, at  
least one of whom must be practicing social work in a nonclinical  
15 setting; 2 shall be licensed social workers; and there shall be 2  
public members. Each level of licensure shall be represented on  
17 the board. In addition, board members shall meet the  
qualifications required under section 7027.

19

21 **Sec. 154. 32 MRSA §9552, first ¶**, as amended by PL 1983, c. 812,  
§254, is further amended to read:

23 The Board of Commercial Driver Education, as established by  
25 Title 5, section ~~12004~~ 12004-A, subsection ~~1~~ 12, shall administer  
this chapter and shall be composed of 5 members. The Governor  
27 shall appoint 4 members, as follows: Two members shall be  
representatives of Class A schools, as defined in section 9601;  
one shall be a representative of Class B schools, as defined in  
29 section 9601; and one member shall be a public representative.  
The 5th member shall be the Director of the Division of Motor  
31 Vehicles or ~~his~~ that director's designee. The term of office of  
each member shall be 4 years, except that, of the 3 school  
33 members on the first board appointed under this subchapter, one  
shall be appointed for 2 years and one shall be appointed for 3  
35 years. Thereafter, appointments shall be for 4-year terms, except  
that no more than one school member's term may expire in any one  
37 calendar year and appointments for terms of less than 4 years may  
be made in order to comply with this limitation.

39

41 **Sec. 155. 32 MRSA §9703, sub-§§1 and 4**, as enacted by PL 1985,  
c. 288, §3, are amended to read:

43 **1. Establishment and membership.** There is established  
within the Department of ~~Business, Occupational and Professional~~  
45 and Financial Regulation, in accordance with Title 5, section  
~~12004~~ 12004-A, subsection ~~1~~ 35, a Board of Respiratory Care  
47 Practitioners. The board shall consist of 5 members appointed by  
the Governor as follows:

49

51 **A.** Three respiratory care practitioners who have been  
engaged in the practice of respiratory care for at least 2  
years immediately preceding their appointments and who shall

1 be at all times holders of valid licenses for the practice  
2 of respiratory care in the State, except for the members of  
3 the first board, each of whom shall fulfill the requirements  
4 for licensure of this chapter; and

5  
6 B. Two public members who are residents of the State, who  
7 do not hold a license to practice respiratory care, and who  
8 have no direct or indirect financial interest in the  
9 practice or delivery of respiratory care.

11 4. Compensation. Members of the board shall receive  
12 compensation and expenses as provided in Title 5, section ~~12004~~  
13 12004-A, subsection ~~1~~-paragraph-A 35.

15 **Sec. 156. 32 MRSA §12201, sub-§1**, as enacted by PL 1987, c.  
16 489, §2, is amended to read:

17  
18 1. Board. "Board" means the Board of Accountancy  
19 established under Title 5, section ~~12004~~ 12004-A, subsection 1,  
20 or its predecessor under prior law.

21 **Sec. 157. 32 MRSA §12213**, as enacted by PL 1987, c. 489, §2,  
22 is amended to read:

25 **§12213. Appointment**

27 The Board of Accountancy, as established by Title 5, section  
28 ~~12004~~ 12004-A, subsection 1, shall be within the Department of  
29 Professional and Financial Regulation. The board shall consist  
30 of 5 members appointed by the Governor. Each member of the board  
31 shall be a citizen of the United States and a resident of this  
32 State. Three members shall be holders of certificates issued  
33 under section 12252 and of currently valid permits issued under  
34 section 12251 and shall have had, as their principal occupation,  
35 active practice as certified public accountants for at least the  
36 5 preceding years. One member shall hold a certificate issued  
37 under section 12273, currently valid permit issued under section  
38 12251 and shall have had, as his a principal occupation, active  
39 practice as a noncertified public accountant for at least the 5  
40 preceding years. One member of the board shall be a  
41 representative of the public. Appointments shall be for 3-year  
42 terms and the term of one member, other than the member  
43 registered under section 12273 and the public member's term,  
44 shall expire each calendar year and appointments of less than 3  
45 years may be made in order to comply with this limitation. Any  
46 vacancy occurring during a term shall be filled by appointment  
47 for the unexpired term. Upon the expiration of his a member's  
48 term of office, a that member shall continue to serve until his a  
49 successor has been appointed and has qualified and the  
50 successor's term shall be 3 years from the date of the  
51 expiration, regardless of the date of his appointment. No person  
may be eligible to serve more than 3 full consecutive terms

1 provided that, for this purpose only, a period actually served  
3 which exceeds 1/2 of the 3-year term shall be deemed a full  
5 term. The Governor shall remove any member of the board for  
7 cause.

9 **Sec. 158. 32 MRSA §12401**, as enacted by PL 1987, c. 488, §3,  
11 is amended to read:

13 **§12401. Acupuncture Licensing Board**

15 The Acupuncture Licensing Board within the Department of  
17 Professional and Financial Regulation as established by Title 5,  
19 section ~~12004 12004-A~~, subsection ~~1, -paragraph-A 3~~, shall carry  
21 out the purposes of this chapter.

23 **Sec. 159. 32 MRSA §13062, sub-§1**, as enacted by PL 1987, c.  
25 395, Pt. A, §212, is amended to read:

27 **1. Real Estate Commission composition.** The Real Estate  
29 Commission, established by Title 5, section ~~12004 12004-A~~,  
31 subsection ~~1 37~~, shall be referred to in this chapter as the  
33 "commission." The commission shall consist of 4 industry members  
35 and one public member.

37 **Sec. 160. 32 MRSA §13501, first ¶**, as enacted by PL 1987, c.  
39 395, Pt. A, §212, is amended to read:

41 The Maine Athletic Commission, established by Title 5,  
43 section ~~12004 12004-A~~, subsection ~~1 44~~, and in this chapter  
45 called "the commission," shall consist of 5 members appointed by  
47 the Commissioner of Professional and Financial Regulation, with  
the advice and consent of the Governor. No member may receive  
any compensation or remuneration for promoting, competing or  
otherwise engaging in boxing, wrestling or kick-boxing. Each  
member of the commission shall be compensated as provided in  
Title 5, chapter 379.

49 **Sec. 161. 34-A MRSA §1204, first ¶**, as amended by PL 1983, c.  
51 812, §256, is further amended to read:

The Maine Correctional Advisory Commission, as established  
by Title 5, section ~~12004 12004-I~~, subsection ~~10 4~~, is within the  
department.

**Sec. 162. 34-A MRSA §3002, sub-§1**, as amended by PL 1983, c.  
812, §258, is further amended to read:

**1. Appointment.** The Governor shall appoint a board of 5  
visitors for each correctional facility under the department, as  
authorized by Title 5, section ~~12004 12004-I~~, subsection ~~10 5~~.

- 1           A. The terms of the members of the boards of visitors are  
for one year.
- 3
- 5           B. Members of the boards of visitors are eligible for  
reappointment at the expiration of their terms.
- 7           C. No member of the Legislature may serve on any board of  
visitors.
- 9
- 11          D. Each member of the boards of visitors shall be  
compensated according to the provisions of Title 5, chapter  
379.

13           **Sec. 163. 34-A MRSA §5201**, as amended by PL 1983, c. 812,  
15           §259, is further amended to read:

17           **§5201. Establishment**

19           There is established, by Title 5, section 12004 ~~12004-G~~,  
21           subsection 8-~~and~~ 7, within the Department of Corrections, a State  
Parole Board consisting of 5 members.

23           **Sec. 164. 34-B MRSA §1209-A**, as enacted by PL 1985, c. 645,  
25           §3, is amended to read:

27           1. Establishment. The Mental Health Rights Advisory Board  
as established pursuant to Title 5, section 12004 ~~12004-I~~,  
29           subsection 10 63, shall consist of 11 members as follows:

31           A. Six persons who are consumers of mental health services,  
including clients, at least 3 of whom have received services  
33           from a state institution or a community mental health  
agency, and their families; and

35           B. Five persons concerned with the quality of the delivery  
of mental health services, at least 4 of whom are providers  
37           of services in a hospital pursuant to subchapter IV or in a  
program or facility administered or licensed by the  
39           department under section 3606.

41           Members shall be appointed by the commissioner for staggered  
terms not to exceed 2 years.

43

45           At least 3 nominations to the commissioner shall be made by  
majority vote of the board 30 days before the expiration of a  
47           member's term. If the initial nominations are unacceptable, the  
board shall submit 3 alternative nominations. If a member's term  
49           expires and the commissioner has not appointed a successor, the  
member may be reelected by majority vote to continue as a member  
until the commissioner appoints a successor.

51

1           **Sec. 165. 34-B MRSA §1211, sub-§1**, as amended by PL 1983, c.  
2           812, §264, is further amended to read:

3  
4           **1. Establishment.** The Governor shall establish a State  
5           Planning and Advisory Council on Developmental Disabilities, as  
6           authorized by Title 5, section ~~12004~~ 12004-I, subsection ~~10~~ 66.

7  
8           **Sec. 166. 34-B MRSA §3901, sub-§1**, as enacted by PL 1987, c.  
9           887, §8, is amended to read:

11           **1. Establishment.** In order to monitor and evaluate the  
12           efficacy and timely implementation of community and institutional  
13           reform programs designed to improve opportunities for persons  
14           with mental illness in the State, to promote and monitor advocacy  
15           programs for persons with mental illness and to review and assess  
16           the development and implementation of standards of care and  
17           treatment for persons with mental illness, there is established  
18           pursuant to Title 5, section 12004-J an independent commission to  
19           be known as the Maine Commission on Mental Health, hereinafter  
20           referred to in this chapter as the "commission."

21  
22           **Sec. 167. 34-B MRSA §6241, sub-§1**, as enacted by PL 1985, c.  
23           503, §12, is amended to read:

24           **1. Composition.** The Maine Advisory Committee on Children  
25           with Special Needs, as established by Title 5, section ~~12004~~  
26           12004-I, subsection ~~10~~ 59, shall be constituted as follows.

27  
28           A. The committee shall consist of 15 members appointed by  
29           the Governor. In making the appointments, the Governor shall  
30           give due consideration to including parents or relatives of  
31           children in need of treatment, providers of services to  
32           these children and representatives of state agencies  
33           concerned with children.

34           B. The Governor shall designate one member as ~~chairman~~  
35           chair of the committee.

36           C. Members of the committee shall serve for terms of 3  
37           years, except that:

38                   (1) Of the members first appointed, 1/3 shall  
39                   be appointed for terms of 3 years, 1/3 for  
40                   terms of 2 years and 1/3 for terms of one  
41                   year; and

42                   (2) Any member appointed to fill a vacancy  
43                   occurring prior to the expiration of the term  
44                   for which ~~his~~ that member's predecessor was  
45                   appointed shall be appointed only for the  
46                   remainder of the term.

1           **Sec. 168. 36 MRSA §271, sub-§1**, as enacted by PL 1985, c. 764,  
§8, is amended to read:

3  
4           **1. Organization; meetings.** The State Board of Property Tax  
5 Review, as established by Title 5, section ~~12004~~ 12004-B,  
6 subsection ~~2~~ 6, shall consist of 15 members appointed by the  
7 Governor for terms of 3 years, except for initial appointments  
8 which shall be 1/3 of the membership for one year, 1/3 of the  
9 membership for 2 years and 1/3 of the membership for 3 years.  
10 Vacancies on the board shall be filled for the remainder of the  
11 unexpired term. The membership shall be equally divided among  
12 attorneys, real estate brokers, engineers, retired assessors and  
13 public members. The board shall annually elect a ~~chairman~~ chair  
and secretary. The secretary need not be chosen from the members  
15 of the board.

17           **Sec. 169. 36 MRSA §4312, first ¶**, as repealed and replaced by PL  
1987, c. 402, Pt. A, §186, is amended to read:

19  
20           A University of Maine System Blueberry Advisory Committee,  
21 as authorized by Title 5, chapter 379, shall be appointed by the  
Maine Blueberry Commission. The committee shall consist of 7  
23 members who are active in and representative of the blueberry  
industry. The duty of the committee shall be to advise and work  
25 with the University of Maine System to develop and approve a plan  
of work and budgets for research and extension programs related  
27 to the production and marketing of blueberries.

29           **Sec. 170. 36 MRSA §4312-B, first ¶**, as repealed and replaced by  
PL 1985, c. 737, Pt. A, §100, is amended to read:

31  
32           The Maine Blueberry Commission, as established by Title 5,  
33 section ~~12004~~ 12004-H, subsection 9 13, shall be reorganized as  
follows.

35           **Sec. 171. 36 MRSA §4503, first ¶**, as amended by PL 1983, c. 812,  
37 §273, is further amended to read:

39           The Maine Dairy Promotion Board, as established by Title 5,  
40 section ~~12004~~ 12004-H, subsection 9 3, shall consist of the  
41 following 5 members: The Commissioner of Agriculture, Food and  
Rural Resources or ~~his~~ the commissioner's designee, who shall  
43 serve ex officio, and 4 producers.

45           **Sec. 172. 36 MRSA §4523, first ¶**, as amended by PL 1983, c. 812,  
§275, is further amended to read:

47  
48           The Maine Dairy and Nutrition Council, as established by  
49 Title 5, section ~~12004~~ 12004-H, subsection 9 4, within the  
Department of Agriculture, Food and Rural Resources, shall  
51 consist of the following 5 members: Four producers and one  
dealer to be appointed by the Commissioner of Agriculture, Food



1 and Rural Resources on recommendation of the various producer and  
2 dealer associations, individuals or unorganized groups of  
3 producers and dealers in this State.

5 **Sec. 173. 36 MRSA §4603, sub-§1**, as enacted by PL 1985, c.  
7 753, §§14 and 15, is amended to read:

9 1. **Establishment.** The Maine Potato Board, as established  
11 by Title 5, section ~~12004~~ 12004-H, subsection 9 ~~7~~, is within the  
13 Department of Agriculture, Food and Rural Resources. The board  
15 shall consist of 11 members who, following the transition period  
17 provided for in subsection 11, shall be elected in accordance  
19 with the procedures set forth in this chapter and such additional  
procedures as the board may prescribe by rulemaking. Subject to  
such staggered terms as the board may provide by rule, board  
members shall serve 2-year terms, provided that a board member  
may continue to serve until a successor is duly elected and  
qualified and that board members may not serve more than 3  
consecutive terms.

21 **Sec. 174. 36 MRSA §4693, sub-§1**, as enacted by PL 1987, c.  
23 333, §2, is amended to read:

25 1. **Council established.** The Maine Sardine Council, as  
27 established by Title 5, section ~~12004~~ 12004-H, subsection 9 ~~8~~,  
29 shall consist of not more than 9 nor less than 5 members to be  
31 appointed by the Commissioner of Marine Resources. Fifty-one  
33 percent of the members of the council shall constitute a quorum  
35 and the affirmative vote of at least 51% of the members shall be  
37 necessary for the transaction of all business and the carrying  
39 out of the duties of the council. The members shall be sardine  
packers, operating within the State, who have been actively  
engaged in packing sardines for not less than 2 years and each  
shall be so actively engaged during his continuance in office. A  
person shall be considered actively engaged in packing sardines  
if ~~he~~ that person has derived, during the period, a substantial  
portion of his income from packing sardines, or has been the  
director or manager of an entity that derives a substantial  
portion of its income from packing sardines.

41 **Sec. 175. 37-B MRSA §603**, as amended by PL 1985, c. 773, §3,  
43 is further amended to read:

45 **§603. Board of trustees**

47 The administration of the homes is vested in the Board of  
49 Trustees of the Maine Veterans' Homes, as authorized by Title 5,  
51 section ~~12004~~ 12004-G, subsection 8 ~~34~~. The board shall consist  
of 10 members, one of whom shall be the Director of the Bureau of  
Veterans' Services, ex officio, who shall serve without term.  
The Governor shall appoint the remaining trustees, who shall be  
honorably discharged war veterans. One member shall be appointed

1 from and shall represent each of the largest veterans'  
2 organizations, not exceeding 5, which are nationally chartered  
3 and have a department in Maine. The remaining members shall be  
4 appointed at large and shall serve staggered 3-year terms. The  
5 membership shall be distributed across the State so that 3 reside  
6 in the southern part of the State, 3 in the central part and 3 in  
7 the northern part. In the event of a vacancy, the successor shall  
8 be appointed to complete the unexpired term. Each trustee shall  
9 continue to hold office until his a successor is appointed and  
10 qualified.

11 **Sec. 176. 37-B MRSA §954, sub-§1**, as repealed and replaced by  
12 PL 1987, c. 764, is amended to read:

13  
14 **1. Created.** There is created the Radiological Emergency  
15 Preparedness Committee, as established by Title 5, section ~~12004~~  
16 12004-I, subsection ~~10 48~~, which ~~is~~ composed of 10 voting members  
17 as listed in this subsection:

18  
19 **A.** Three members shall be appointed by the Lincoln County  
20 Commissioners as follows:

21  
22 (1) One representative of Lincoln County fire  
23 departments;

24  
25 (2) One representative of Lincoln County  
26 ambulance service personnel; and

27  
28 (3) One representative of Lincoln County law  
29 enforcement agencies;

30  
31 **B.** Three members shall be appointed by the Sagadahoc County  
32 Commissioners as follows:

33  
34 (1) One representative of Sagadahoc County  
35 fire departments;

36  
37 (2) One representative of Sagadahoc County  
38 ambulance service personnel; and

39  
40 (3) One representative of Sagadahoc County  
41 law enforcement agencies;

42  
43 **C.** One member representing the Maine Yankee Nuclear Power  
44 Plant;

45  
46 **D.** The Director of the Maine Emergency Management Agency,  
47 who shall act as ~~chairman~~ chair;

48  
49 **E.** The Commissioner of Public Safety; and

50  
51 **F.** The Director of Health Engineering.

1  
3           **Sec. 177. 38 MRSA §89**, as repealed and replaced by PL 1985,  
c. 389, §36, is amended to read:

5           **§89. Maine State Pilotage Commission**

7           The Maine State Pilotage Commission, as established by Title  
9           5, section ~~12004~~ 12004-A, subsection ~~1~~ 40, shall consist of 5  
11           members appointed by the Governor as follows: Three shall be  
- Eastport and Bath; one shall represent the marine industry  
13           interests; and one, with a marine background, shall represent the  
15           public. Each member shall serve for a term of 3 years or until  
17           his a successor is appointed and qualified. Any vacancy which  
may occur in the commission shall be filled by the Governor for  
the remainder of the unexpired term. Any member shall be eligible  
to ~~sueceed-himself~~ serve a successive term. The members of the  
commission shall be compensated according to Title 5, chapter 379.

19           **Sec. 178. 38 MRSA §361, first ¶**, as amended by PL 1987, c. 125,  
21           §1, is further amended to read:

23           The Board of Environmental Protection, as established by  
25           Title 5, section ~~12004~~ 12004-D, subsection ~~5~~ 2, and in this  
subchapter called the "board," shall consist of 10 members  
27           appointed by the Governor, subject to review by the joint  
standing committee of the Legislature having jurisdiction over  
energy and natural resources and to confirmation by the  
29           Legislature. Members of the board shall be chosen to represent  
the broadest possible interest and experience which ~~can~~ may be  
31           brought to bear in the implementation of this Title and all other  
laws with which the board is charged ~~with~~ in the duty of  
33           administering. At least 4 members shall be residents of the First  
Congressional District and at least 4 members shall be residents  
35           of the Second Congressional District. The boundaries of the  
congressional districts are defined in Title 21-A, chapter 15.  
37           The members shall be appointed for staggered 4-year terms, except  
that a vacancy shall be filled for the unexpired portion of the  
39           term. No member may serve more than 2 consecutive 4-year terms.  
The Governor shall appoint one member to serve as ~~chairman~~ chair.  
41           Any member who has not been renominated by the Governor within 90  
days of the expiration of his that member's term shall not  
43           continue to serve on the board unless the Governor notifies the  
Legislature, in writing and within 90 days of the expiration of  
45           that member's term, of his the finding that extension of that  
member's term is required to ensure fair consideration of  
47           specific major applications pending before the board. That  
member's term shall terminate upon final board decisions on the  
49           specific applications identified in the Governor's communication.

51           **Sec. 179. 38 MRSA §532, first ¶**, as amended by PL 1985, c. 162,  
§8, is further amended to read:

1  
2  
3 There shall be 5 members, hereinafter in this subchapter  
4 called Commissioners of the New England Interstate Water  
5 Pollution Control Commission from the State of Maine, as  
6 authorized by Title 5, section ~~12004~~ 12004-K, subsection ~~12~~ 3.  
7 One commissioner shall be the Commissioner of Human Services and  
8 one the Commissioner of Environmental Protection or his a  
9 designee. The term of any such commissioner shall terminate at  
10 the time he that commissioner ceases to hold said state office  
11 and his a successor in that office shall be his the successor as  
12 commissioner on this commission. The Governor shall appoint 3  
13 more commissioners who shall be citizens of the State, one to  
14 represent municipal interests, one to represent industrial  
15 interests and one to represent the public generally. The term of  
16 the last 3 said commissioners shall be for a period of 3 years  
17 and he shall hold office until his a successor shall be appointed  
18 and qualified. The terms of each of the initial 5 members shall  
19 begin at the date of the appointment, provided the said compact  
20 shall then have been executed by the Governor of this State as  
21 prescribed in section 531; otherwise they shall begin upon the  
effective date of the compact in accordance with section 537.

22  
23 **Sec. 180. 38 MRSA §951, last ¶**, as amended by PL 1983, c. 812,  
24 §293, is further amended to read:

25  
26 In view of the dangers of intensive and poorly planned  
27 development, it is the purpose of this chapter to preserve  
28 existing water quality, prevent the diminution of water supplies,  
29 to control erosion, to protect fish and wildlife populations, to  
30 prevent undue extremes of flood and drought, to limit the loss of  
31 life and damage to property from periodic floods; to preserve the  
32 scenic, rural and unspoiled character of the lands adjacent to  
33 these rivers; to prevent obstructions to navigation; to prevent  
34 overcrowding; to avoid the mixture of incompatible uses; to  
35 protect those areas of exceptional scenic, historic,  
36 archaeological, scientific and educational importance; and to  
37 protect the public health, safety and general welfare by  
38 establishing the Saco River Corridor, ~~authorized by Title 5,~~  
39 ~~section 12004, subsection 8,~~ and by regulating the use of land  
40 and water within this area:

41  
42 **Sec. 181. 38 MRSA §954, first ¶**, as amended by PL 1983, c. 812,  
43 §294, is further amended to read:

44  
45 To carry out the purpose stated in section 951, the Saco  
46 River Corridor Commission, as established by Title 5, section  
47 ~~12004~~ 12004-G, subsection ~~8~~ 13, shall hereafter in this chapter  
48 be called the "commission." The commission is charged with  
49 implementing this chapter within the Saco River Corridor and  
50 shall have and exercise all the powers and authorities necessary  
51 to carry out the purposes of this chapter and the powers and  
authorities granted herein. The commission shall consist of one

1 member and one alternate from each municipality whose  
2 jurisdiction includes lands or bodies of water encompassed by the  
3 Saco River Corridor. Members and alternates shall not be  
4 personally liable for the official acts of the commission.

5  
6 **Sec. 182. 38 MRSA §1310-L, sub-§2,** as enacted by PL 1987, c.  
7 517, §25, is amended to read:

8  
9 2. **Compensation.** Members shall be compensated according to  
10 Title 5, section ~~12004~~ 12004-I, subsection § 22.

11  
12 **Sec. 183. 39 MRSA §104-A, sub-§2-B, ¶C,** as enacted by PL 1987,  
13 c. 559, Pt. B, §45, is amended to read:

14  
15 C. The employer, if organized as a corporation, is subject  
16 to revocation or suspension of its authority to do business  
17 in this State as provided in Title 13-A, section 1302. The  
18 employer, if licensed, certified, registered or regulated by  
19 any board authorized by Title 5, section ~~12004~~ 12004-A,  
20 ~~subsection-1,~~ or whose license may be revoked or suspended  
21 by proceedings in the Administrative Court or by the  
22 Secretary of State, is subject to revocation or suspension  
23 of his license, certification or registration.

24  
25 **Emergency clause.** In view of the emergency cited in the  
26 preamble, this Act shall take effect when approved.

27  
28  
29  
30  
31  
32 **STATEMENT OF FACT**

33 The purpose of this bill is to resolve conflicts created  
34 when several public laws amended the Maine Revised Statutes,  
35 Title 5, section 12004, which was repealed and replaced by Public  
36 Law 1987, chapter 786, as a revision of the laws relating to  
37 boards and commissions. The subject matter of the various  
38 conflicting laws has been incorporated into Title 5, sections  
39 12004-A to 12004-L, by Part A of this bill.

40  
41 Part B of the bill corrects other provisions of the laws  
42 which make reference to Title 5, section 12004 by inserting  
43 correct references to sections 12004-A to 12004-L.