

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 282

S.P. 104

In Senate, February 2, 1993

**An Act to Make the Terms of Certain Commissioners Coterminous with  
the Term of the Governor.**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CAREY of Kennebec.

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

2           **Sec. 1. 22 MRSA §383, sub-§1, ¶C**, as enacted by PL 1983, c.  
4 579, §10, is amended to read:

6           C. The terms of the members shall--be--staggered are  
8 coterminous with the term of the Governor. ~~Of the initial~~  
10 ~~appointees, 2 shall be appointed for terms of 4 years, 2 for~~  
12 ~~terms of 3 years and one for a term of 2 years. Thereafter,~~  
14 ~~all~~ All appointments shall be are for a term of 4 years  
16 each, except that a member appointed to fill a vacancy in an  
18 unexpired term shall may serve only for the remainder of  
20 that term. Members shall may hold office until the  
22 appointment and confirmation of their successors. No member  
24 may be appointed to more than 2 consecutive 4-year terms.

16           **Sec. 2. 35-A MRSA §105, sub-§2**, as enacted by PL 1987, c. 141,  
18 Pt. A, §6, is amended to read:

20           2. **Term.** The commissioners shall serve for terms of ~~6~~ 4  
22 years.

24 ~~A. Each term shall end on March 31st of the 6th year of the~~  
26 ~~term. The terms shall be staggered so that one ends in 1987~~  
28 ~~and every 6 years thereafter, one ends in 1989 and every 6~~  
30 ~~years thereafter, and one ends in 1991 and every 6 years~~  
32 ~~thereafter.~~

34 A-1. Each term is coterminous with the term of the Governor  
36 and ends on the day before the first Wednesday after the  
38 first Tuesday of January following the statewide general  
40 election for the office of Governor.

42 B. A commissioner may continue to serve beyond the end of  
44 this term until a successor is appointed and qualified.

46 C. Any vacancy occurring in the commission shall must be  
48 filled by appointment for the unexpired portion of the term.

40           **Sec. 3. 39-A MRSA §151, sub-§1**, as enacted by PL 1991, c. 885,  
42 Pt. A, §8 and affected by §§9-11, is amended to read:

44           1. **Board established.** Pursuant to Title 5, section 12004-G,  
46 subsection 35, the Workers' Compensation Board is established as  
48 an independent board composed of 8 members. The members of the  
50 board must be appointed by the Governor within 30 days after a  
new board member is authorized Governor takes office or a vacancy  
occurs, subject to review by the joint standing committee of the  
Legislature having jurisdiction over state and local government  
matters and confirmation by the Legislature. Notwithstanding the

2 provisions of Title 3, section 151, the designated committee  
3 shall complete its review of the appointments of the Governor  
4 within 15 days of the Governor's written notice of appointment  
5 and the vote of the Legislature must be taken no later than 7  
6 days after the vote of the designated committee.

7  
8 Four members of the board must be representatives of management  
9 and 4 members must be representatives of labor. All management  
10 representatives must be appointed from a list provided by the  
11 Maine Chamber of Commerce and Industry or other bona fide  
12 organization or association of employers. All labor  
13 representatives must be from a list provided by the Executive  
14 Board of the Maine AFL-CIO or other bona fide labor organization  
15 or association of employees representing at least 10% of the  
16 Maine work force. Any list submitted to the Governor must have  
17 at least 4 times the number of names as there are vacancies for  
18 the group represented by the vacancies.

19  
20 A member of the board is not liable in a civil action for any act  
21 performed in good faith in the execution of duties as a board  
22 member.

23  
24 A member of the board may not be a lobbyist required to be  
25 registered with the Secretary of State, a service provider to the  
26 workers' compensation system or a representative of a service  
27 provider to the workers' compensation system.

28 Members of the board hold office for staggered terms of 4 years,  
29 except for the initial members of the board whose terms expire on  
30 March 1, 1995. ~~The terms of one member representing management~~  
31 ~~and one member representing labor expire February 1st of each~~  
32 ~~year. Member's terms are coterminous with the term of the~~  
33 Governor. A member may not serve for more than 2 full terms.

34  
35 ~~The Governor shall initially designate one member representing~~  
36 ~~management and one member representing labor for terms expiring~~  
37 ~~February 1, 1994; one member representing management and one~~  
38 ~~member representing labor for terms expiring February 1, 1995;~~  
39 ~~one member representing management and one member representing~~  
40 ~~labor for terms expiring February 1, 1996; and one member~~  
41 ~~representing management and one member representing labor for~~  
42 ~~terms expiring February 1, 1997.~~

43  
44 **Sec. 4. Transition.** The terms of persons currently serving on  
45 the Maine Health Care Finance Commission, the Public Utilities  
46 Commission and the Workers' Compensation Board are not affected  
47 by this Act until a new Governor takes office following a  
48 statewide general election for Governor in this State. At that  
49 time, the terms of persons currently serving on those commissions  
50 expire.

2

**STATEMENT OF FACT**

4

6 This bill proposes to make the terms of persons serving on  
the Health Care Finance Commission, the Public Utilities  
8 Commission and the Workers' Compensation Board coterminous with  
the Governor's term. Persons currently serving in those  
10 positions may continue to serve until the next Governor takes  
office after the next election for Governor.