

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 153

H.P. 118

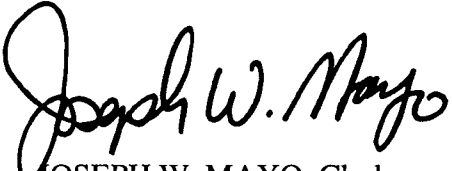
House of Representatives, January 17, 1995

An Act to Facilitate the Confirmation Process.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Speaker GWADOSKY of Fairfield.
Cosponsored by Senator: BUTLAND of Cumberland.

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

4 **Whereas,** the 117th Legislature has made changes in the
6 numbers and jurisdictions of joint standing committees of the
Legislature; and

8 **Whereas,** some statutory references to committees with
10 responsibility for reviewing appointments by the Governor are no
longer correct; and

12 **Whereas,** review of nominations must be completed before the
14 regular effective date of nonemergency legislation; and

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

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

24 **Sec. 1. 5 MRSA §17102, sub-§1, ¶D,** as amended by PL 1993, c.
410, Pt. L, §17, is further amended to read:

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

32 (1) At least 2 of whom must be qualified through
training or experience in the field of investments,
34 accounting, banking or insurance or as actuaries;

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

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

46 **Sec. 2. 12 MRSA §683, first ¶,** as amended by PL 1991, c. 76, is
48 further amended to read:

50 The Maine Land Use Regulation Commission, as established by
Title 5, section 12004-D, subsection 1 to carry out the purposes

2 stated in section 681, is created within the Department of
3 Conservation, and in this chapter called the "commission." The
4 commission is charged with implementing this chapter in all of
5 the unorganized and deorganized areas of the State. The
6 commission consists of 7 public members, none of whom may be
7 state employees, who must be appointed by the Governor, subject
8 to review by the joint standing committee of the Legislature
9 having jurisdiction over ~~energy---and---natural---resources~~
10 conservation matters and to confirmation by the Legislature, for
11 staggered 4-year terms. Among the public members, there must be
12 4 who must be knowledgeable in at least one of each of the
13 following areas: commerce and industry; fisheries and wildlife;
14 forestry; and conservation. Of the potential appointees to the
15 commission, the Governor shall actively seek and give
16 consideration to persons residing in or near the unorganized
17 areas of the State and to persons residing on unorganized coastal
18 islands. At least 2 members must be residents within the
19 commission's jurisdiction.

20 **Sec. 3. 12 MRSA §5011, first ¶**, as amended by PL 1993, c. 685,
21 Pt. B, §1, is further amended to read:

22 There is created and established the Department of
23 Conservation to preserve, protect and enhance the land resources
24 of the State of Maine; to encourage the wise use of the scenic,
25 mineral and forest resources of the State of Maine and ensure
26 that coordinated planning for the future allocation of lands for
27 recreational, forest production, mining and other public and
28 private uses is effectively accomplished; and to provide for the
29 effective management of public lands in the State of Maine. The
30 Department of Conservation consists of a Commissioner of
31 Conservation, referred to in this Part as the "commissioner,"
32 appointed by the Governor and subject to review by the joint
33 standing committee of the Legislature having jurisdiction over
34 ~~energy--and--natural--resources~~ conservation matters and to
35 confirmation by the Legislature, to serve at the pleasure of the
36 Governor; and the following entities as previously created or
37 established are incorporated into the Department of Conservation:

40 **Sec. 4. 34-A MRSA §1401, sub-§1**, as enacted by PL 1983, c.
41 459, §6, is amended to read:

42 **1. Appointment.** The Governor shall appoint the Commissioner
43 of Corrections, subject to review by the joint standing committee
44 of the Legislature having jurisdiction over ~~health--and~~
45 ~~institutional-services~~ corrections matters and to confirmation by
46 the Senate, to serve at the pleasure of the Governor.

48 **Sec. 5. 38 MRSA §341-A, sub-§3**, as enacted by PL 1989, c. 890,
49 Pt. A, §13 and affected by §40, is amended to read:

