

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1701

H.P. 1241

House of Representatives, January 11, 1996

An Act to Reduce the Number of Legislative Confirmation Hearings.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DAGGETT of Augusta. (GOVERNOR'S BILL)
Cosponsored by Senator: AMERO of Cumberland.

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

2 **Sec. 1. 5 MRSA §6204, sub-§2**, as amended by PL 1993, c. 728,
4 §6, is further amended to read:

6 **2. Appointments.** The 6 private citizens are appointed by
the Governor, ~~subject to review by the joint standing committee~~
8 ~~of the Legislature having jurisdiction over natural resources~~
~~matters and to confirmation by the Legislature.~~

10 **Sec. 2. 5 MRSA §13063-A, sub-§3**, as enacted by PL 1993, c.
12 410, Pt. RRR, §1, is amended to read:

14 **3. Board of directors.** The Board of Directors of the Maine
Education and Training Export Partnership consists of up to 15
16 members appointed by the Governor, ~~subject to review by the joint~~
~~standing committee having jurisdiction over economic development~~
18 ~~matters and confirmation by the Legislature.~~ A majority of the
directors must be from the private sector, which includes all
20 organizations outside State Government and Federal Government.
The directors must be appointed from the member organizations or
22 must be involved in a related business field or possess
experience or familiarity with education, training, technical
24 assistance or international commerce. The board shall elect a
chair from its membership.

26 The board of directors shall:

28 A. Establish membership criteria and a dues structure;

30 B. Establish a fee structure associated with participation
32 in partnership contracts;

34 C. Establish dues, fees and limited services available to
nonmembers; and

36 D. Develop the work plan and implementation schedule for
38 the partnership's activities.

40 **Sec. 3. 5 MRSA §13080-B, sub-§2**, as amended by PL 1995, c.
42 166, §1, is further amended to read:

44 **2. Membership; appointment.** The authority is governed by a
board of trustees composed of 13 voting members appointed by the
Governor ~~and subject to review by the joint standing committee of~~
46 ~~the Legislature having jurisdiction over economic development~~
~~matters and to confirmation by the Senate.~~

48 A. Trustees are appointed for 4-year terms except that, for
50 initial appointments, 3 trustees are appointed to one-year

terms, 3 trustees to 2-year terms, 2 trustees to 3-year terms, and 4 trustees to 4-year terms ~~and--the.~~ The commissioner designated pursuant to paragraph D serves at the pleasure of the Governor.

B. A trustee continues to hold office until a successor is appointed and qualified, but the term of the successor is not altered from the original expiration date of the holdover trustee's term.

C. The Governor shall make 12 appointments, of which no less than 7 must be from candidates who are residents of Aroostook County and are nominated by the primary impact communities. The Governor shall appoint members who reflect the diversity of interests represented by these communities. At least 4 of the remaining appointments must be from candidates who are not residents of Aroostook County.

D. The Governor shall designate a commissioner of a department of State Government to be a voting, ex officio member of the board of trustees.

Sec. 4. 5 MRSA §13122-C, as enacted by PL 1993, c. 410, Pt. E, §11, is amended to read:

§13122-C. Board of directors

The foundation is governed and all of its powers exercised by a board of directors, which must consist of a minimum of 12 directors from the private sector, a maximum of 10 directors from the public and educational sectors and one director from labor. The President of the Senate and the Speaker of the House of Representatives shall jointly appoint 2 members from the joint standing committee of the Legislature having jurisdiction over economic development matters to serve as ex officio members. Directors from the public sector must be department commissioners or hold equivalent positions and directors from the educational sector must be presidents or vice-presidents or hold equivalent positions. The Governor shall appoint all directors ~~subject to review by the joint standing committee of the Legislature having jurisdiction over economic development matters and to confirmation by the Legislature.~~

Sec. 5. 10 MRSA §373, sub-§1, as amended by PL 1995, c. 322, §3, is further amended to read:

1. Establishment; membership. There is established the Adaptive Equipment Loan Program Fund Board that consists of 9 members as follows: The Commissioner of Education or the commissioner's designee; the Treasurer of State or the Treasurer

of State's designee; an experienced consumer lender; a certified public accountant; and 5 persons with a range of disabilities, all to be appointed by the Governor, ~~subject to review of the joint standing committee of the Legislature having jurisdiction over housing and economic development matters, and confirmed by the Legislature.~~ The board shall annually elect a chair from among its members.

Sec. 6. 10 MRSA §1016, sub-§1, as repealed and replaced by PL 1989, c. 878, Pt. F, §1, is amended by amending the first paragraph to read:

1. Membership of board. The Maine Education Assistance Board, as established in Title 5, section 12004-I, subsection 18-A, consists of 7 voting members. One member is the Commissioner of Education or the commissioner's designee, who must be a person in a major policy influencing position. The Governor shall appoint 6 members, ~~subject to review by the joint standing committee of the Legislature having jurisdiction over educational matters and subject to confirmation by the Legislature.~~ The gubernatorial appointees consist of the following.

Sec. 7. 12 MRSA §6024, sub-§1-A, as amended by PL 1995, c. 382, §2, is further amended to read:

1-A. Appointment; composition; term; compensation. The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of 15 members. The Chair of the Lobster Advisory Council is an ex officio member of the council. Each other member is appointed by the Governor and ~~is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature.~~ Seven members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those 7 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those 7 members may represent lobster harvesters. The remaining 7 members must include one person who represents recreational marine fishing interests, one public member, 4 persons who hold a nonharvesting-related license under this Part and one person representing the aquaculture industry. The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The composition of the council must reflect a geographical distribution along the coast. All appointed members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired

2 portion of the term. An appointed member may not serve for more
than 2 consecutive terms. Appointed members serve until their
4 successors are appointed. The Chair of the Lobster Advisory
Council shall serve until a new Chair of the Lobster Advisory
6 Council is chosen. Members are compensated as provided in Title
5, chapter 379.

8 **Sec. 8. 12 MRSA §7033-A, sub-§1**, as enacted by PL 1989, c.
782, §3, is amended to read:

10 **1. Appointment.** The Inland Fisheries and Wildlife Advisory
12 Council, established by Title 5, section 12004-G, subsection 20,
~~to be~~ and known as the advisory council, ~~shall consist~~ consists
14 of 10 members representing the 16 counties of the State in the
following manner: one member ~~shall--represent~~ represents
16 Androscoggin County, Kennebec County and Sagadahoc County; one
member ~~shall--represent~~ represents Aroostook County; one member
18 ~~shall--represent~~ represents Cumberland County; one member shall
~~represent~~ represents Franklin County and Oxford County; one
20 member ~~shall--represent~~ represents Hancock County; one member
shall--~~represent~~ represents Knox County, Lincoln County and Waldo
22 County; one member shall--~~represent~~ represents Penobscot County;
one member shall--~~represent~~ represents Piscataquis County and
24 Somerset County; one member shall--~~represent~~ represents Washington
County; and one member shall--~~represent~~ represents York County.
26 Members of the advisory council shall must be appointed by the
Governor,~~--subject--to--review--by--the--joint--standing--committee--of~~
28 ~~the--Legislature--having--jurisdiction--over--fisheries--and--wildlife~~
~~matters--and--to--confirmation--by--the--Legislature.~~ The commissioner
30 shall--~~be~~ is a nonvoting ex officio member of the advisory
council, but may vote to break a tie.

32
34 An employee of the department may not serve as a member of the
advisory council prior to the expiration of one year from that
employee's last day of employment with the department. A
36 Legislator may not serve as a member of the advisory council. A
former Legislator who was a member of the joint standing
38 committee of the Legislature having jurisdiction over fisheries
and wildlife matters may not serve as a member of the advisory
40 council prior to the expiration of one year from that former
Legislator's last day of membership on that committee.

42 **Sec. 9. 19 MRSA §770-B, sub-§1, ¶A**, as enacted by PL 1989, c.
44 862, §22, is amended to read:

46 A. The Governor shall name the chair from among the
48 following appointed members:

50 (1) Two members who are representatives of the
statewide coalition of family crisis services;

- 2 (2) Two members who are representatives of the family
4 counseling profession, one of whom has experience
counseling abusers;
- 6 (3) One member who is a representative of ~~the~~-Maine
8 ~~Commission-for-Women~~ victims of domestic violence;
- 10 (4) Two members who are attorneys with experience in
domestic relations cases, one of whom has experience
12 representing victims of domestic abuse;
- 14 (5) One person who was a victim of domestic abuse and
used the court system;
- 16 (6) One member who is a district attorney or assistant
18 district attorney;
- 20 (7) One member who is chief of a municipal police
department;
- 22 (8) One member who is a county sheriff; and
- 24 (9) The Commissioner of Public Safety or the
26 commissioner's designee.

28 **Sec. 10. 20-A MRSA §11415, sub-§1**, as enacted by PL 1987, c.
807, §3, is amended to read:

30 **1. Composition.** There shall ~~be~~ are 7 voting members of the
32 authority, 5 of whom shall must be appointed by the Governor,
~~subject--to--review--by--the--joint--standing--committee--of--the~~
34 ~~Legislature--having--jurisdiction--over--education--and--confirmation~~
~~by--the--Legislature.~~

36 **Sec. 11. 27 MRSA §553, sub-§1**, as enacted by PL 1989, c. 700,
Pt. B, §42, is amended to read:

38 **1. Appointment of chair.** The Governor shall appoint the
40 chair of the Maine State Cultural Affairs Council from among the
members of the Maine Library Commission, the Maine Historic
42 Preservation Commission, the Maine Arts Commission or the Maine
State Museum Commission, provided that the appointed chair is not
44 from the same commission as the previous chair. ~~The--appointment~~
~~is--subject--to--review--by--the--joint--standing--committee--of--the~~
46 ~~Legislature--having--jurisdiction--over--state--and--local--government~~
~~matters--and--confirmation--by--the--Legislature.~~

48 **Sec. 12. 32 MRSA §13062, sub-§6**, as amended by PL 1993, c.
50 600, Pt. A, §266, is further amended to read:

2 **6. Appointments.** The members of the commission are
appointed by the Governor,~~---subject---to---review---by---the---joint~~
4 ~~standing---committee---of---the---Legislature---having---jurisdiction---over~~
~~business---legislation---and---to---confirmation---by---the---Senate.~~
6 Appointments of members must comply with section 60.

8
STATEMENT OF FACT

10
12 This bill reduces the number of legislative confirmation
hearings by removing that requirement from various boards and
commissions. In addition it replaces a reference to the Maine
14 Commission for Women in the Maine Commission on Domestic Abuse.