

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 219

S.P. 80

In Senate, January 16, 1997

Resolve, to Establish Qualifications for Constitutional Officers.

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 LIBBY of York.

Cosponsored by Senator MacKINNON of York, Representative: GERRY of Auburn.

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

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6 **Whereas,** the review proposed by this resolve must be
initiated before the 90-day period expires in order that the
review may be completed and a report submitted in time for the
8 next legislative session; and

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

16 **Sec. 1. Commission established. Resolved:** That the Commission
to Establish the Criteria and Qualifications for Certain State
18 Officers, referred to in this resolve as the "commission," is
established; and be it further

20 **Sec. 2. Commission membership. Resolved:** That the commission
22 consists of the following 11 members: the Secretary of State or a
designee; the Attorney General or a designee; the Treasurer of
24 State or a designee; the State Auditor or a designee; one
Senator, appointed by the President of the Senate; 2 members of
26 the House of Representatives, appointed by the Speaker of the
House of Representatives; and 4 members appointed by the
28 Governor, who must, so far as possible, be members of
professional organizations directly involved in the activities
30 regulated by or associated with one or more of the state officers
or persons with professional experience in an area of
32 governmental, commercial, legal or other activity regulated by or
associated with one or more of the state officers; and be it
34 further

36 **Sec. 3. Appointments; meetings. Resolved:** That all
appointments must be made no later than 30 days following the
38 effective date of this resolve. The Executive Director of the
Legislative Council must be notified by all appointing
40 authorities once the selections have been made. When the
appointment of all members has been completed, the Chair of the
42 Legislative Council shall call and convene the first meeting of
the commission no later than August 1, 1997. The commission
44 shall select a chair from among its members; and be it further

46 **Sec. 4. Definition. Resolved:** That, as used in this resolve,
"state officers" means the Secretary of State, the Attorney
48 General, the Treasurer of State and the State Auditor; and be it
further

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Sec. 5. Duties. Resolved: That the commission shall:

1. Examine the responsibilities and duties of state officers;

2. Examine the educational, experiential and professional certification or licensing requirements necessary for performing the duties required of state officers;

3. Determine the need for establishing additional or more specific job criteria and qualification requirements for state officers;

4. If determined necessary, recommend the job criteria and qualifications for the individuals serving as state officers; and

5. Determine the most appropriate method of establishing those criteria and qualifications and recommend a timetable for doing so.

In carrying out its review, the commission shall hold at least one public hearing; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide staffing assistance for the commission; and be it further

Sec. 7. Compensation. Resolved: That members of the commission who are Legislators are entitled to receive legislative per diem and members who are not state employees are entitled to receive reimbursement for travel and other necessary expenses related to performance of their duties upon application to the Executive Director of the Legislative Council; and be it further

Sec. 8. Report. Resolved: That the commission shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 118th Legislature and the Joint Standing Committee on State and Local Government no later than November 1, 1997.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

SUMMARY

This resolve creates the Commission to Establish the Criteria and Qualifications for Certain State Officers. The commission reviews the responsibilities and duties of the

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Secretary of State, the Treasurer of State, the Attorney General
and the State Auditor to establish criteria and qualifications
for the individuals holding those positions.

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