

| 2 | L.D. 1429 |
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| 2 | DATE: 4-16-99 (Filing No. H-238) |
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| 6 | TRANSPORTATION |
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| 10 | Reproduced and distributed under the direction of the Clerk of the House. |
| 12 | STATE OF MAINE |
| 14 | HOUSE OF REPRESENTATIVES 119TH LEGISLATURE |
| 16 | FIRST REGULAR SESSION |
| 18 | COMMITTEE AMENDMENT "" to H.P. 1018, L.D. 1429, Bill, "An |
| 20 | Act to Add Members to the Maine Turnpike Authority" |
| 22 | Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the |
| 24 | following: |
| 26 | ' Sec. 1. 23 MRSA §1965, sub-§2, ¶A, as amended by PL 1995, c. 108, §1, is further amended to read: |
| 28 | A. Theauthorityconsists-of4members Members of the |
| 30 | <u>authority are</u> appointed by the Governor, subject to review by the joint standing committee of the Legislature having |
| 32 | jurisdiction over transportation and subject to confirmation by the Legislature. The Commissioner of Transportation is a |
| 34 | member ex officio. The Commissioner of Transportation may designate a deputy, director, assistant or other officer or |
| 36 | employee of the department to represent the Commissioner of Transportation at meetings of the authority with full power |
| 38 | to act and vote on behalf of the Commissioner of Transportation. Upon the expiration of the term of office |
| 40 | of any member, the Governor shall appoint a new member who serves in office for a term of 7 years and until a successor |
| 42 | is duly appointed and qualified, and any member of the authority is eligible for reappointment. In the event of a |
| 44 | vacancy in the membership of the authority caused by the death, incapacity, resignation or removal of a member, the |
| 46 | Governor shall appoint a member to fill that vacancy only for the unexpired term of office of the member whose death, |
| 48 | incapacity, resignation or removal created the vacancy, but the newly appointed member may be reappointed at the end of |

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "" to H.P. 1018, L.D. 1429

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the unexpired term in accordance with this subsection. In 2 all events, a member may not be appointed to the authority who is not a resident of the State at the time of the 4 appointment and qualification, or who has not been a qualified voter in the State for a period of at least one б year next preceding the appointment. Sec. 2. 23 MRSA §1965, sub-§2, ¶¶A-1 and A-2 are enacted to 8 read: 10 A-1. The authority consists of the Commissioner of 12 Transportation, who is an ex officio member, and: 14 (1) Four members appointed by the Governor pursuant to paragraph A. Three members of the authority constitute 16 a guorum and 3 votes are required for the authority to act on any matter, although a lesser number may adjourn 18 a meeting; 20 (2) On and after August 1, 2000, 5 members appointed by the Governor pursuant to paragraph A. Three members 22 of the authority constitute a guorum and 3 votes are required for the authority to act on any matter, 24 although a lesser number may adjourn a meeting; and 26 (3) On and after August 1, 2002, 6 members appointed by the Governor pursuant to paragraph A. After August 1, 2002, 4 members of the authority constitute a guorum 28 and 4 votes are required for the authority to act on 30 any matter, although a lesser number may adjourn a meeting. 32 A-2. In making appointments under this subsection, the 34 Governor shall ensure that after August 1, 2002 or at the earliest opportunity thereafter, the authority includes at 36 least one person who is a resident of York County and who is named by the Governor as that county's representative on the 38 authority; one person who is a resident of Cumberland County and who is named by the Governor as that county's 40 representative on the authority; one person who is a resident of Androscoggin County and who is named by the 42 Governor as that county's representative on the authority; and one person who is a resident of Kennebec County and who 44 is named by the Governor as that county's representative on the authority. A member named to represent a certain county ceases to be a member if that person's residency changes to 46 another county. Vacancies created as a result of changes in 48 residency must be filled by the Governor as provided for other vacancies in paragraph A. 50

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "/" to H.P. 1018, L.D. 1429

Sec. 3. 23 MRSA §1965, sub-§2, ¶B, as enacted by PL 1981, c. 595, §3, is amended to read:

B. Immediately after their appointments, the members of the authority shall enter upon their duties. The Governor shall name one of the appointed members as ehairman <u>chair</u> of the authority. The authority shall elect a secretary and treasurer who need not be a member of the authority, and shall elect an executive director or general manager who is not a member of the authority. Three--members--ef--the authority-shall-constitute-a-quorum-and-3-votes-shall-be required-for-the-authority-to-aet-on-any-matter,-although-a lesser-number-may-adjourn. No vacancy in the authority impairs the right of a quorum of the members to exercise all the rights and perform all the duties of the authority.

Sec. 4. Existing members not affected. Nothing in this Act may be construed to affect the appointment or term of members of the Maine Turnpike Authority appointed prior to the effective date of this Act.'

22 Further amend the bill by inserting at the end before the summary the following: 24

'FISCAL NOTE

28 By calendar year 2003, the Maine Turnpike Authority will experience increased annual costs of \$1,625 for the costs associated with the phase in of an additional 2 members who will be paid for their services.'

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SUMMARY

36 This amendment replaces the bill.

38 This amendment increases from 5 to 7 the number of members on the Maine Turnpike Authority by creating a 6th membership 40 position on August 1, 2000 and a 7th membership position on August 1, 2002. The new members are appointed in the same manner 42 provided by current law. After August 1, 2002, the quorum of the authority is increased from 3 to 4 members and the Governor is 44 required after that date to ensure that the authority includes one person who is a resident from each of the counties in which 46 the turnpike is located and who is named by the Governor as that county's representative on the authority. The amendment also 48 provides that the term of a member who is named as a representative from one of those counties terminates when that 50 person's residency changes to another county.

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COMMITTEE AMENDMENT "A" to H.P. 1018, L.D. 1429

2 The amendment also states that these changes do not affect the appointment or term of any member of the turnpike authority 4 appointed prior to the effective date of this legislation. The amendment also adds a fiscal note to the bill.

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