

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1402

H.P. 1029

House of Representatives, March 20, 2003

### An Act To Conform the Voting Members of Certain State Entities

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Submitted by the Office of the Treasurer of State pursuant to Joint Rule 204.

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative RICHARDSON of Brunswick.  
Cosponsored by Representative: SULLIVAN of Biddeford, Senators: BROMLEY of Cumberland, MAYO of Sagadahoc.

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

**Sec. 1. 10 MRSA §363, sub-§1-A**, as amended by PL 1999, c. 728, §1, is further amended to read:

**1-A. Procedure.** For each calendar year, the Legislature may establish a procedure for allocation of the entire amount of the state ceiling by allocating an amount of the state ceiling to the specific issuers designated in this section for further allocation by each specific issuer to itself or to other issuers for specific bond issues requiring an allocation of the state ceiling or for carryforward. This procedure supersedes the federal formula to the full extent that the United States Code, Title 26, authorizes the Legislature to vary the federal formula. Allocations may be reviewed by the Legislature periodically and unused allocations may be reallocated to other issuers; however, notwithstanding the existence of legislation allocating or reallocating all or any portion of the state ceiling, at any time during the period from September 1st to and including December 31st of any calendar year, and at any other time that the Legislature is not in session, a group consisting of a representative of each of the issuers specifically identified in subsections 4, 5, 6 and 7; a representative of a corporation created pursuant to the former Title 20, section 2237 and Title 20-A, section 11407; and a representative of the Governor designated each year by the Governor may, by written agreement executed by no fewer than ~~4~~ 5 of the 5 6 voting representatives, allocate amounts not previously allocated and reallocate unused allocations from one of the specific issuers designated in this section to another specific issuer for further allocation or carryforward, with respect to the state ceiling for that calendar year only. ~~The issuer specifically identified in subsection 5 and a~~ A representative of the Department of Economic and Community Development designated each year by the Commissioner of Economic and Community Development shall participate as a nonvoting ~~members~~ member of the group of representatives described in this subsection with respect to agreements or recommendations for allocation or reallocation of the state ceiling. Except for records containing specific and identifiable personal information acquired from applicants for or recipients of financial assistance, the records of the group of representatives described in this subsection are public records and the meetings of the group of representatives described in this subsection are public proceedings within the meaning of Title 1, chapter 13, subchapter I 1.

**Sec. 2. 20-A MRSA §11415, sub-§2**, as amended by PL 1999, c. 728, §13, is further amended to read:

2           **2. Qualifications.** Each member must be a resident of this  
3 State. One member must be the Treasurer of State, ex officio and  
4 ~~nonvoting~~, or the Treasurer of State's designee. Of the  
5 remaining 6 members to be appointed by the Governor, 3 members  
6 must be trustees, directors, officers or employees of  
7 institutions of higher education, one of whom must be from an  
8 institution not owned or operated by the State or any of its  
9 political subdivisions and one of whom must be from a technical  
10 college owned or operated by the State. Each member of the  
11 authority, before entering upon that member's duties, shall take  
12 and subscribe the oath or affirmation required by the  
13 Constitution of Maine, Article IX, Section 1. A record of each  
14 oath must be filed in the office of the Secretary of State. With  
15 the exception of a member serving in an ex officio capacity, a  
16 member of the authority may not at the same time serve as an  
17 officer, director or employee of a nonprofit corporation formed  
18 under section 11407 and former Title 20, section 2237, of the  
19 state agency designated as administrator of federal guaranteed  
20 student loan programs pursuant to chapter 417, subchapter 1 or  
21 of any entity that has a contract to provide a significant level  
22 of administrative services to the authority, to a nonprofit  
23 corporation formed under section 11407 and former Title 20,  
24 section 2237 or to the state agency designated as administrator  
25 of federal guaranteed student loan programs pursuant to chapter  
26 417, subchapter 1.

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## SUMMARY

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31           This bill amends the status of the Treasurer of State from  
32 being a nonvoting member to a voting member of the group of  
33 representatives who vote with respect to agreements or  
34 recommendations for allocation or reallocation of the state  
ceiling and a voting member of the Maine Educational Loan  
Authority.