

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1102

S.P. 413

In Senate, March 25, 2009

### An Act To Establish the Maine Science Advisory Board

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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 SMITH of Piscataquis.

Cosponsored by Senator: SHERMAN of Aroostook, Representative: FLETCHER of Winslow.

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

2 Sec. 1. 5 MRSA §12004-I, sub-§74-F is enacted to read:

3 74-F.

4 Science

Maine Science  
5 Advisory Board

Legislative Per  
Diem and Expenses

5 MRSA §13132

6 Sec. 2. 5 MRSA c. 385-A is enacted to read:

7 CHAPTER 385-A

8 SCIENCE AND TECHNOLOGY

9 §13132. Maine Science Advisory Board

10 1. Establishment. The Maine Science Advisory Board, referred to in this chapter as  
11 "the advisory board" and established by section 12004-I, subsection 74-F, is established  
12 to render scientific assessment, risk-based analysis and consensus advice upon questions  
13 of science posed by the Governor or the joint standing committee of the Legislature  
14 having jurisdiction over science matters and to assist Legislators in analyzing scientific  
15 evidence in support of or opposition to legislation.

16 2. Appointment and composition. The advisory board consists of the following 16  
17 members:

18 A. Eight members appointed by the Governor;

19 B. Two members appointed by the President of the Senate;

20 C. Two members appointed by the Speaker of the House of Representatives;

21 D. Two members appointed by the Senate leader of the party having the 2nd largest  
22 number of members in the Senate; and

23 E. Two members appointed by the House leader of the party having the 2nd largest  
24 number of members in the House.

25 The advisory board members must meet the qualifications set out in subsection 4 and  
26 must be chosen from a list of names of scientists submitted for consideration by  
27 nationally recognized professional associations serving the science disciplines listed in  
28 subsection 4.

29 3. Terms; vacancies; limits. The term of office for members of the advisory board  
30 is 4 years. When a vacancy occurs, it must be filled by the same appointing authority and  
31 the new member shall serve for the remainder of the term. Members may continue to  
32 serve until their replacements are designated. A vacancy may not impair the right of the  
33 remaining members to exercise all of the powers of the advisory board. The respective  
34 appointing authority may remove an advisory board member in the event of professional  
35 ethics violations, a conflict of interest or criminality or upon any member's becoming an  
36 employee of the State with the exception of a university employee.

1           **4. Qualifications of advisory board members.** The advisory board must be  
2 composed of individuals who are not state employees, with the exception of university  
3 employees, or affiliated with an organization that represents a conflict of interest, such as  
4 a lobbying organization, and who have reputations for professional competence and  
5 technical expertise and doctorates in one of the following disciplines:

6           A. Environmental health;

7           B. Toxicology;

8           C. Engineering;

9           D. Ecological science;

10          E. Economics;

11          F. Chemistry;

12          G. Physics;

13          H. Biology;

14          I. Forestry;

15          J. Human medicine;

16          K. Statistics;

17          L. Risk assessment;

18          M. Geology;

19          N. Agricultural science;

20          O. Marine science;

21          P. Hydrology; or

22          Q. Veterinary science.

23           **5. Chair.** The members of the advisory board shall annually elect a chair from the  
24 advisory board members appointed by the Governor to set the agenda and schedule  
25 meetings. The advisory board may elect other officers and designate their duties.

26           **6. Meetings.** The advisory board shall hold meetings as necessary to conduct the  
27 business of the advisory board.

28           **7. Compensation.** Members of the advisory board are entitled to per diem pay and  
29 expenses equal to that paid to Legislators when not in session.

30           **8. Quorum.** A majority of the members of the advisory board constitutes a quorum.

31           **9. Staff support.** The Executive Director of the Legislative Council is the executive  
32 director of the advisory board and shall assign clerical and staff support from the  
33 legislative staff as required.

34           **10. Powers and duties.** The powers and duties of the advisory board are as set out  
35 in this subsection.

1 A. The advisory board shall review and summarize pertinent scientific studies related  
2 to the issues or question with an emphasis on studies and data that are most relevant  
3 to the subject of concern.

4 B. The advisory board shall summarize findings and recommendations in a manner  
5 that is timely, objective, transparent and understandable by elected officials and  
6 policymakers.

7 C. The advisory board may recruit and include expertise from other qualified experts  
8 as needed.

9 D. The advisory board shall include in its discussions and recommendations risk  
10 assessments, comparative risk analyses and economic analyses.

11 E. The advisory board's interpretation, findings and recommendations must represent  
12 the prevailing weight of scientific evidence for a given issue or question.

13 F. The advisory board shall identify and delineate science and policy as separate  
14 components that impact risk management and legislative decision making.

15 G. If a consensus is not achievable, the advisory board may issue minority reports.

16 H. Before a draft finding is final, the advisory board shall have open public comment  
17 periods and process.

18 I. If members of the advisory board have a conflict of interest in a matter before the  
19 advisory board, the members shall recuse themselves from the matter and may not  
20 attempt to influence the outcome of the matter.

21 **Sec. 3. Maine Science Advisory Board; staggered terms for initial**  
22 **appointees.** Notwithstanding the Maine Revised Statutes, Title 5, section 13132,  
23 subsection 3, of the members initially appointed to the Maine Science Advisory Board by  
24 the Governor, 4 serve for one-year terms and 4 serve for 2-year terms; of the members  
25 initially appointed by the President of the Senate, one serves for a 3-year term and one  
26 serves for a 4-year term; of the members appointed by the Speaker of the House of  
27 Representatives, one serves for a 3-year term and one serves for a 4-year term; of the  
28 members appointed by the Senate leader of the party having the 2nd largest number of  
29 members in the Senate, one serves for a 3-year term and one serves for a 4-year term; and  
30 of the members appointed by the House leader of the party having the 2nd largest number  
31 of members in the House, one serves for a 3-year term and one serves for a 4-year term.

## 32 SUMMARY

33 This bill establishes the Maine Science Advisory Board.