

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 904

H.P. 663

House of Representatives, March 8, 2011

An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative VALENTINO of Saco.

Cosponsored by Representatives: BEAULIEU of Auburn, CROCKETT of Bethel, HINCK of Portland, Senators: COURTNEY of York, PATRICK of Oxford, PLOWMAN of Penobscot.

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

2 **Sec. 1. 5 MRSA §12006, sub-§2**, as amended by PL 2009, c. 369, Pt. A, §11, is
3 further amended to read:

4 **2. Legislative repeal of inactive boards.** The Secretary of State shall submit
5 suggested legislation to the joint standing committee of the Legislature having
6 jurisdiction over state government matters on or before January 30th in the first regular
7 session of each biennium to repeal those boards that have not reported on their activities
8 to the Secretary of State under this section or section 12005-A during either of the prior 2
9 calendar years or have been inactive during the preceding 24 months. The suggested
10 legislation also must include provisions to repeal any board that has had vacancies in 2/3
11 or more of its membership for more than one year. The joint standing committee of the
12 Legislature having jurisdiction over state government matters may submit legislation to
13 the first regular session of each biennium to repeal those boards.

14 **Sec. 2. 5 MRSA §12016** is enacted to read:

15 **§12016. Vacancies**

16 Notwithstanding any other provision of law, if the term of an appointed member of a
17 board has expired and a replacement has not been appointed, that member may serve no
18 more than an additional 12 months as a board member unless the member is reappointed.

19 **Sec. 3. 5 MRSA §12017** is enacted to read:

20 **§12017. Term limits**

21 Notwithstanding any other provision of law, a member of a board may serve a
22 maximum of 4 terms as a member of that board or the maximum number of terms as
23 provided by the law governing that board, whichever is less.

24 **Sec. 4. 5 MRSA §12018** is enacted to read:

25 **§12018. Posting of vacancies**

26 The clerk of a board shall notify the Secretary of State as soon as a vacancy on the
27 board occurs. The Secretary of State shall maintain a publicly accessible website to post
28 all vacancies on all boards. A posting of a vacancy must include brief information about
29 the board, qualifications required for the member, the length of the member's term and
30 contact information for the appointing authority.

31 **SUMMARY**

32 This bill makes the following changes to boards and commissions established by the
33 Legislature.

34 1. The suggested legislation currently required by law to be submitted by the
35 Secretary of State to the joint standing committee of the Legislature having jurisdiction

1 over state government matters must include provisions to repeal any board that has had
2 vacancies in 2/3 or more of its membership for more than one year. The number of
3 vacancies and the length of those vacancies are already included in the annual report from
4 each board to the Secretary of State.

5 2. A member whose appointed term has expired and for whom no replacement
6 member has been appointed may serve no more than an additional 12 months without
7 formal reappointment.

8 3. A member of a board may serve no more than 4 terms on that board or the number
9 of terms as provided by the statute governing the board, whichever is less.

10 4. The clerk of a board shall notify the Secretary of State of vacancies. The
11 Secretary of State shall post all vacancies on a publicly accessible website. The posting
12 must include brief information about the board, the requirements for the member, the
13 length of the member's term and contact information for the appointing authority.