

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 953

S.P. 299

In Senate, March 8, 2011

### 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.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator SHERMAN of Aroostook.

Cosponsored by Senators: McCORMICK of Kennebec, THOMAS of Somerset, TRAHAN of Lincoln, Representatives: CRAY of Palmyra, GIFFORD of Lincoln, NASS of Acton.

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

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

3 **74-G.**

4 Science                      Maine Science                      Legislative Per                      5 MRSA §13132  
5                                      Advisory Board                      Diem and Expenses

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-G, is established  
12 to render scientific assessment, risk-based analysis and consensus advice upon questions  
13 of science posed by the Governor or a joint standing committee of the Legislature and to  
14 assist Legislators in analyzing scientific evidence in support of or opposition to  
15 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 of Representatives.

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 a member 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 a  
35 professional ethics violation, a conflict of interest or proof of criminal activity or upon a

1 member's becoming an employee of the State, with the exception of a university  
2 employee.

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

8 A. Environmental health;

9 B. Toxicology;

10 C. Engineering;

11 D. Ecological science;

12 E. Economics;

13 F. Chemistry;

14 G. Physics;

15 H. Biology;

16 I. Forestry;

17 J. Human medicine;

18 K. Statistics;

19 L. Risk assessment;

20 M. Geology;

21 N. Agricultural science;

22 O. Marine science;

23 P. Hydrology; and

24 Q. Veterinary science.

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

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

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

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

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

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

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

6 B. The advisory board shall summarize findings and recommendations in a manner  
7 that is timely, objective, transparent and understandable by elected officials and  
8 policy makers.

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

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

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

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

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

18 H. Before a draft finding is finalized, the advisory board shall hold open public  
19 comment periods and processes.

20 I. If members of the advisory board have conflicts of interest in matters before the  
21 advisory board, the members shall recuse themselves from the matters and may not  
22 attempt to influence the outcomes of the matters.

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

## 35 SUMMARY

36 This bill establishes the Maine Science Advisory Board.