

MAINE STATE LEGISLATURE

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SMO
R. 49

MAJORITY

L.D. 987

Date: 5/30/2013

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 332, L.D. 987, Bill, "An Act To Make Technical Changes to the Agriculture, Conservation and Forestry Laws"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Procedures Used To Identify and Select Appointees to the Maine Land Use Planning Commission and To Make Other Technical Changes to the Agriculture, Conservation and Forestry Laws'

Amend the bill in section 3 in §683-A in subsection 2 in the first paragraph in the last line (page 2, line 15 in L.D.) by inserting after the following: "county." the following: 'The board of county commissioners shall advertise the position in the same manner as the county advertises personnel positions. The board of county commissioners shall accept written or electronic applications from candidates, conduct interviews with candidates as determined by the board and select from among those candidates an appointee.'

Amend the bill in section 3 in §683-A by striking out all of subsection 3 (page 2, lines 36 to 42 in L.D.) and inserting the following:

'3. Eligibility. A state employee may not be appointed to or serve as a member of the commission. A ~~county commissioner~~, county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the commission. If a county or municipality is a participant in an adjudicatory proceeding before the commission, a ~~commissioner~~, an official or employee from that county or municipality may not participate in that proceeding as a member of the commission. An incumbent county commissioner appointed to serve on the commission may not serve simultaneously as a county commissioner and a member of the commission.'

Amend the bill in section 3 in §683-A in subsection 4 by striking out all of the last sentence (page 3, lines 11 and 12 in L.D.) and inserting the following: 'Once a member of the commission has been appointed by the Governor or a board of county commissioners, a vacancy of that seat must be filled by the same appointing authority as

COMMITTEE AMENDMENT

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provided in this section. A vacancy during an unexpired term is filled as ~~provided in this section,~~ but only for the unexpired portion of the term.'

Amend the bill by striking out all of section 13 and inserting the following:

'Sec. 13. P&SL 1989, c. 108, §6, sub-§5, as amended by P&SL 2003, c. 11, §2, is repealed.

Sec. 14. P&SL 1989, c. 108, §6, sub-§5-A is enacted to read:

5-A. Within 6 months after the close of its fiscal year, the authority shall provide a copy of its financial statements, audited by an independent auditor selected by the authority, to the Commissioner of Agriculture, Conservation and Forestry and any other state agency that requests them. The audited financial statements must comply with federal Office of Management and Budget requirements.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the majority report. It changes the process by which a board of county commissioners seeks and selects appointees to the Maine Land Use Planning Commission. The amendment provides that a person may not simultaneously serve as a county commissioner and a member of the Maine Land Use Planning Commission. The amendment clarifies that a vacancy in a seat on the Maine Land Use Planning Commission is filled by the same authority that appointed the member who vacated the seat. It also updates the filing of financial information for the Wells National Estuarine Research Reserve Management Authority.