

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

D. The financial institution or financial institution holding company may not engage in any joint advertising or solicitation with the insurer, insurance agent, broker or consultant.

E. The space occupied by the insurer, insurance agent, broker or consultant shall be sufficiently separate and distinct from areas occupied by officers or employees of the financial institution and the respective parties shall act in a manner so that:

(1) A consumer would not have reason to believe that there is any affiliation between the financial institution and the insurer, insurance agent, broker or consultant; and

(2) The right of the consumer to consider insurance transactions in a confidential and noncoercive environment is assured.

4. Rule-making authority. The superintendent may promulgate rules to implement and support this section, including reasonable rules to implement the general conditions set forth in subsection 3, concerning space-sharing arrangements. The rules may limit or prohibit activities which evade or circumvent the provisions of this section.

Effective July 16, 1986.

CHAPTER 732

H.P. 1614 - L.D. 2269

AN ACT Relating to Boards and Commissions.

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

Sec. 1. 5 MRS.A §12002-D is enacted to read:

§12002-D. Expenses of boards excluded by definition

Sections 12002-A, 12002-B and 12002-C governing the payment of compensation and reimbursement of expenses to boards subject to this chapter do not apply to boards that are excluded from this chapter, as defined in section 12002, subsection 1, paragraphs A to F. Reimbursement of expenses of boards excluded by

the definition in section 12002, subsection 1, shall be governed by this section.

Any boards excluded from the definition of a board subject to this chapter may be reimbursed for expenses, including meals and refreshments provided during the meeting of the board to the extent that the department or agency of State Government with which the board is associated has sufficient money in the budget of the department or agency to reimburse the expenses.

Sec. 2. 5 MRSA §12003-A, sub-§§7, 8 and 9 are enacted to read:

7. Prohibition of retirement benefits. No member of a board, as defined in this chapter, may be deemed eligible for state retirement and retirement benefits provided to classified and unclassified state employees pursuant to chapter 101. Any state employee member of a board shall be eligible for state retirement and retirement benefits by virtue of employment by the State and not as the result of membership of any board.

No person may accumulate time or credit for any state retirement or retirement benefits for time served on a board or commission.

8. Accounting procedure. Every board defined in section 12004 shall have separate accounting activities as required and in the form prescribed by the Commissioner of Finance and Administration. These accounting procedures shall show the income, expenses and expenditures of the board as separate from the income and expenditures of the department with which the board is associated or a part and separate from the expenditures of the staff associated with or employed by the board. The expenses of the board to be shown in the activity accounts, at a minimum, shall include any per diem or rate of compensation paid to the board members, travel expenses in state and out of state of board members and any other expenses deemed necessary or reasonable by the commissioner.

9. Compensation limited to one board meeting a day. No member of a board eligible for compensation for attendance at meetings, hearings or official business of the board may be compensated or reimbursed for expenses for more than one meeting, hearing or official board business per day. No person who is a member of more than one board may be compensated or reimbursed for expenses for attendance at more than one meeting, hearing or conduct of official business of one board per day. In the event that 2

boards meet, hold hearings or conduct official business on the same day, a person who is a member of both boards may only be compensated or reimbursed for expenses for the activity or business of one of the boards.

Sec. 3. 5 MRSA §12004, sub-§8, ¶A, sub-¶¶(3), (4) and (4-A) are repealed and the following enacted in their place:

(3)	<u>Education</u>	<u>State Board of Education</u>	<u>Legislative Per Diem</u>	<u>20-A MRSA §401</u>
(4)	<u>Education</u>	<u>Board of Trustees-University of Maine</u>	<u>Expenses Only</u>	<u>P&SL 1865 c. 532</u>
(4-A)	<u>Education</u>	<u>Board of Trustees-Maine Vocational-Technical Institutes</u>	<u>Legislative Per Diem</u>	<u>20-A MRSA §12553</u>

Sec. 4. 5 MRSA §12004, sub-§13, ¶A, as enacted by PL 1985, c. 295, §21, is amended to read:

A. This classification includes the following boards:

	<u>NAME OF ORGANIZATION</u>	<u>RATE OF COMPENSATION</u>	<u>STATUTORY REFERENCE</u>
(1)	Alcohol and Drug Abuse Planning Committee	Not Authorized	22 MRSA §7131
(2)	Employee Suggestion System Board	Not Authorized	5 MRSA §642
(3)	Maine Occupational Information Coordinating Committee	Not Authorized	26 MRSA §1452
(4)	Maine Vocational Development Commission	Expenses Only	26 MRSA §1263

Sec. 5. 5 MRSA §12005, first ¶, as enacted by PL 1983, c. 812, §39, is amended to read:

Every board established by this chapter, except these classified as occupational and professional licensing boards in section 12004, subsection 1, and which are within or affiliated with the Department of Business, Occupational and Professional Regulation, shall be required to submit an annual report to the Secretary of State, on forms provided by the Secre-

tary of State. This report shall be submitted no later than December 15th of each calendar year and shall include the information required by this section and any other information deemed necessary by the Secretary of State to fulfill the purposes of this chapter:

Sec. 6. 5 MRSA §12006, sub-§1 is enacted to read:

1. Notice of failure to report. The Commissioner of Finance and Administration shall send notice by certified mail to any board that has failed to report pursuant to section 12005. If the board fails to file the report within 30 days from the date the notice is sent, the board shall be deemed to be unwilling to disclose information vital to the public interest and necessary to determine whether the board serves the public health, safety or welfare.

A. If the board fails to respond as provided in this subsection, the Commissioner of Finance and Administration shall immediately notify the joint standing committee of the Legislature having jurisdiction over the operations of State Government of the board's failure to comply with the provisions of this chapter.

B. If the board fails to report within 6 months from the reporting date specified in section 12005, the board shall be deemed unwilling to fulfill a public purpose and shall be abolished. The Commissioner of Finance and Administration shall notify the board in writing that its authority is repealed and the board is abolished. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over State Government that the board is abolished.

Sec. 7. Board of Commissions established. There is established the Board of Commissions to consist of 7 persons, 2 of whom shall be appointed by the Governor. The board shall consist of the Commissioner of Finance and Administration; one person from the Office of the Governor, who is knowledgeable about and experienced with appointments to boards; the Deputy Secretary of State in charge of Public Administration; 2 members of the Joint Standing Committee on State Government, one of whom shall be appointed by the Speaker of the House of Representatives and one of whom shall be appointed by the President of the Senate; and one member of the Joint Standing Committee on Audit and Program Review appointed by the Speaker of the House of Representatives. The 7th mem-

ber shall be the Treasurer of State. The Governor shall appoint the chairman.

1. Compensation. Legislative members of the board shall be the only board members to receive compensation which shall be the legislative per diem rate, as defined in the Maine Revised Statutes, Title 5, section 12002. Legislators shall not be paid a per diem when they attend meetings of the board while the Legislature is in session or in conjunction with serving on another board for which they receive compensation.

A. Other members of the board shall be reimbursed for expenses as provided in Title 5, chapter 379.

2. Duties and responsibilities. The board shall:

A. Review the boards listed in the Maine Revised Statutes, Title 5, section 12004, to determine proper classifications and rates of compensation for each board;

B. Review the boards listed in Title 5, section 12004, to determine whether the board should be terminated or allowed to continue to operate;

C. Determine whether boards should be consolidated and the means by which boards can serve the public interest in a productive and efficient manner;

D. Review and consider the efficacy of reimbursement of public members of boards for which no rate of compensation is authorized by Title 5, chapter 379; and

E. Review and determine the means by which greater compliance with the reporting provisions of sections 12005 and 12006 can be achieved.

3. Staff. The Legislative Council shall provide staff for the Board of Commissions.

4. First meeting. The Speaker of the House of Representatives shall call the first meeting of the commission as soon as possible following the effective date of this Act.

5. Report. The Board of Commissions shall report its findings and recommendations, including any implementing legislation, to the joint standing committee of the Legislature having jurisdiction over

State Government at the First Regular Session of the 113th Legislature no later than January 7, 1987.

Sec. 8. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1986-87

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Board of Commissions	
Personal Services	\$ 900
All Other	<u>3,600</u>
Provides funds for per diem and related expenses of the Legislators on the board as well as printing and meeting expenses.	
Total	\$4,500

EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

Administration-Education	
Personal Services	\$21,500
Provides funds for per diem of State Board of Education members.	
Board of Trustees of the Maine Vocational-Technical Institutes	
Personal Services	<u>5,800</u>
Provides funds for per diem of the board of trustees.	
Total	\$27,300
Total Appropriations	\$31,800

Effective July 16, 1986.

CHAPTER 733

S.P. 953 - L.D. 2390

AN ACT Making Appropriations from the General Fund Necessary for the Proper Operation of the Judicial Department for the Fiscal Years Ending June 30, 1986, and June 30, 1987.