

MAINE STATE LEGISLATURE

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STATE OF MAINE
112TH LEGISLATURE
SECOND REGULAR SESSION

REPORT OF
THE BOARD OF COMMISSIONS
TO THE
FIRST REGULAR SESSION OF
THE 113TH LEGISLATURE

FEBRUARY 7, 1987

MEMBERS:

Sen. Thomas C. Andrews, Chair
Rep. Dan A. Gwadosky
Rep. Phyllis Erwin
Rodney Scribner, Commissioner of
Finance
Sam Shapiro, State Treasurer
James Henderson, Deputy Secretary
of State
Kathy Paradee, Office of the
Governor

Staff: Edward Potter, Policy Analyst

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Staff

Edward Potter, Policy Analyst, Office of Policy and Legal
Analysis

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A. Currently, there are 242 official boards and roughly 1600 board members affiliated with state government. Of the total number of official boards:

1. 125 boards or 51.7% act primarily as advisory boards
2. Roughly 10% of the boards exercise substantial policy making authority that has substantial and statewide impact
3. 65.3% of all boards are not paid a per diem or similar form of compensation
4. nearly 20% of all boards receive neither compensation nor expenses
5. 5 boards or 1.2% receive more than the Legislative per diem
6. The total number of boards has increased nearly 25% over a 2 year period (1984-86) and total per diem expenditures rose 38% over the same period. The greatest increases in the number of boards have occurred in
 - a. policy-making boards for limited/specific purposes
 - b. advisory boards
 - c. professional and occupational licensing boards.

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A. Compensation is not the major factor with respect to the degree of activity, motivation, and achievement of each board. The nature of the work of each board and the degree of motivation of the chairperson and the state agency with which it is affiliated are the decisive factors.

B. For the most part, excluding occupational and professional licensing boards, the duties and responsibilities of boards do not require significant amount of board members' time.

1. Only 1% of all boards met for an entire day in 1985, while the average length of a board meeting was 2 1/2 hours.

C. Public participation in the governmental process is admirable and should continue to be encouraged but this sometimes occurs at the expense of promoting a special interest over the interest of the general public.

D. There are limited discrepancies with respect to compensation rates among various classifications of boards. In most cases, the rates appropriately reflect the degree of responsibility and authority of each board.

E. The criteria within current law for establishing rates of compensation for board members are satisfactory.

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A. Approximately 30 boards should be eliminated because they are inactive, no longer serve a useful purpose, or they were not removed from Title 5, Chapter 379 when previous legislation repealed their authority.

B. Members of advisory boards should not be deemed Officers of the State within the meaning of the Constitution.

1. Members of these boards should not be required to be commissioned by the Secretary of State.

C. The creation of new boards and commissions should be considered very carefully, and existing boards should be used to undertake proposed tasks to the greatest possible extent.

1. Agencies of State Government should be authorized to form ad hoc advisory boards to advise the department on a particular issue at a particular time. But these ad hoc boards would not necessarily be on-going.

D. The arbitration/conciliation and property valuation categories of boards should be merged because of the similarities in their powers and duties.

E. A new category of boards for education should be established.

F. The confirmation requirement for members of the Natural Resource Financing and Marketing Board and the Animal Welfare Board should be eliminated. The issues before these boards are not so sensitive or so substantive to warrant confirmation.

G. It is necessary to provide the Secretary of State with resources to improve the computer program system by which information relating to appointments of board members is obtained. The current process is significantly hampered by an inadequate information and data base.

REPORT OF THE BOARD OF COMMISSIONS
TO THE FIRST REGULAR SESSION OF
THE 113TH LEGISLATURE

I. BACKGROUND OF THE STUDY

During the First Regular Session of the 111th Legislature (1983), the Joint Standing Committee on State Government was presented with LD 1139, "AN ACT to Establish a Uniform Maximum Per Diem Allowance for State Boards and Agencies". The bill was withdrawn by the sponsors to give the State Government Committee the opportunity to develop a practicable policy of compensation and expense reimbursement that considered the needs and demands of the approximately 200 boards and commissions authorized by the Legislature over a period of many years.

Prior to the State Government Committee study of 1983, there was no official, comprehensive inventory of boards and commissions in Maine State Government and no systematic and uniform reporting requirement by which the boards could be monitored. The State Government Committee found substantial discrepancies and inconsistencies among boards with respect to compensation and expense reimbursement. In addition, the State Government Committee found that powers and duties of boards ranged from purely advisory duties to rate regulation and grants of licenses and permits authorizing significant responsibilities.

The State Government Committee, in 1983, recommended that:

1. a central inventory of all boards and similar organizations be established in one chapter of the Maine Revised Statutes according to similarity of powers, duties, responsibilities and expertise required of each board. This inventory should include the rate of compensation and the statutory reference to the organization and operation of each board.
2. The policy of the State pertaining to per diem compensation of board members be the per diem rate paid to Legislators as the maximum rate, and that advisory boards and boards with minimal authority be authorized compensation only for expenses. The only exception to this policy would be boards which require expertise for which there is a very limited supply and which render decisions with substantial impact upon the State of Maine. These boards may be eligible for a per diem compensation greater than the legislator per diem rate.

A. for the most part appointments to boards are appointments of honor and board members serve regardless of the rate of compensation.

2. the policy of the State pertaining to per diem compensation of board members prohibit state employees appointed to the board from accepting per diem compensation from the board while receiving their regular wage or salary while in attendance at a board meeting,

3. appointments to a board shall not qualify a board member to earn eligibility for State Retirement benefits.

4. every board be required to file an annual report with the Secretary of State with information pertaining to the number of meetings of the board, the board's activities, expenses of the board, and other information relating to the board's work.

During the Second Regular Session of the 112th Legislature (1986), LD 1229, "AN ACT Relating to Boards and Commissions" was enacted and is now Public Law 1985, Chapter 732. This law established the Board of Commissions to examine all boards and commissions in Title 5, Chapter 379 with respect to the following:

1. classifications/categories of the boards;
2. the means by which boards may be consolidated;
3. whether any boards should be terminated;
4. compensation of board members; and
5. the reporting of board activities to the Secretary of State.

The new law that created the Board of Commissions is the result of the concern of the Joint Standing Committee on State Government that:

1. the number of boards and commissions has rapidly escalated during the previous 2 years which could indicate a significant decentralization of state authority and considerable duplication of duties and effort;
2. discrepancies among boards with respect to compensation were substantial;
3. the effectiveness of some boards has been very limited;
4. many boards have been unwilling to report to the Secretary of State as required by law with respect to their activities and compensation.

A. In 1985, excluding the professional and occupational licensing boards, 62% of all the boards required by law to report to the Secretary of State failed to file the report by the required date, December 15, 1986.¹ After extensive efforts by the Department of Finance to obtain the delinquent boards' reports, approximately 84% of the boards filed their reports by November 1, 1986, ten months after the deadline.

II. PURPOSE OF THE STUDY

The purpose of the study is to determine whether boards and commissions are the best means of serving the public interest and welfare with respect to the duties and responsibilities vested in each board. In addition, it is necessary to determine whether there are alternatives to boards and commissions that better serve the public interest and welfare.

With respect to boards and commissions that well-serve the public interest and welfare, it is necessary to determine whether the rates of compensation and classifications of these boards are consistent and reasonable.

With respect to boards and commissions that are not deemed to be the best means by which the public interest and welfare are served, it is necessary to determine the reasons for the failure of these boards to fulfill this goal.

III. COMMITTEE STUDY PROCEDURE

The Board of Commissions devised the following approach to the study:

1. A comparative analysis of boards with respect to:
 - A. qualifications and expertise required of each board member
 - B. authority and responsibilities of each board
 - C. numbers of members on each board
 - D. rate of compensation of each board

1. Prior to 1986, all boards, except occupational and professional licensing boards were not required to report their activities to the Secretary of State, but P.L. 1985, C. 732 requires these boards to report.

- E. appointing authority of each board.
2. An analysis of the report of each board to the Secretary of State for calendar year 1985 with respect to:
- A. number of meetings held by each board
 - B. attendance rate at board meetings
 - C. length of board meetings
 - D. payment of per diem and expenses to each board.
3. Survey of State agencies to obtain a better understanding of the operation and role of each board in relation to state agencies with which each board is associated or affiliated. The survey was designed to indicate
- A. how effective the board has been with respect to the state agency with which it is associated or affiliated,
 - B. the extent of the authority and duties of each board,
 - C. the extent of the board activity and involvement in issues confronting the state or state agency, and
 - D. any feasible alternatives to boards and commissions that could better serve the public welfare and interest.

IV. BOARDS AND COMMISSIONS AFFILIATED WITH MAINE STATE GOVERNMENT

Currently, there are 242 official boards and roughly 1600 board members affiliated with state government. These boards include occupational and professional licensing boards, regulatory boards, financing boards, arbitration and mediation boards, marketing and promotional boards, advisory boards, etc. Table I lists the various statutory categories of boards and the rates of compensation of the several boards within each category. In addition to these boards, there are many "informal" advisory boards created by executive agency directors to provide information to the agencies and to support the policies and programs of the agencies.

Table I shows that official boards and commissions in state government are divided roughly in equal proportions between policy-making and non-policy-making boards. Of the total number of boards (242), 125 or 51.7% act primarily as advisory boards or serve as interstate information/advisory commissions. Roughly 103 boards or 42.6% are involved in some degree of policy-making including occupational and professional licensing boards.

Excluding occupational and professional licensing boards roughly 10% of the boards vested with some degree of policy-making exercise substantial policy making authority that has significant impact statewide. The remaining policy boards exercise very specific or limited policy making authority.

TABLE I
A DESCRIPTION OF BOARDS AND COMMISSIONS
AFFILIATED WITH STATE GOVERNMENT

CATEGORIES OF BOARDS	TOTAL NUMBER OF BDS IN CATEGORY	NO PER DIEM EXPENSES ONLY	NO COMPENSATION AND NO EXPENSES	\$20/ DAY	\$25/ DAY	\$30/ DAY	\$35/ DAY	\$40/ DAY	\$50/ DAY	LEGISLATIVE PER DIEM	\$75/ DAY	\$100/ DAY	SALARY
1. Occupational/Professional Licensing Boards	44	10	2	2	7	4	12	-	-	5			2
A. % of Category	100%	22.7%	4.5%	4.5%	15.9%	9%	27.2%			11.4%			4.5%
B. % of Total	18.2%	4.1%	0.8%	0.8%	2.9%	1.6%	5.0%			2.1%			0.8%
2. Property Assessment; Valuation & Appeals Boards	2								1			1	
A. % of Category	100%								50%			50%	
B. % of Total	0.8%								0.4%			0.4%	
3. Labor or Management Arbitration and Commodity Arbitration Boards	4								3			1	
A. % of Category	100%								75%			25%	
B. % of Total	1.6%								1.2%			0.4%	
4. Substantive Regulatory Boards; Boards Pursuant to Federal Law	3											2	1
A. % of Category	100%											66.7%	33.3%
B. % of Total	1.2%											0.8%	0.4%
5. Environmental Regulation and Control	3												3
A. % of Category	100%												100%
B. % of Total	1.2%												1.2%
6. Rate Regulation	2												2
A. % of Category	100%												100%
B. % of Total	0.8%												0.8%
7. Financing & Administrative Organizations	10	2	1		1				1			5	
A. % of Category	10%	20%	10%		10%				10%			50%	
B. % of Total	4.1%	0.8%	0.4%		0.4%				0.4%			2.1%	

TABLE I
A DESCRIPTION OF BOARDS AND COMMISSIONS
AFFILIATED WITH STATE GOVERNMENT

CATEGORIES OF BOARDS	TOTAL NUMBER OF BDS IN CATEGORY	NO PER DIEM EXPENSES ONLY	NO COMPENSATION AND NO EXPENSES	\$20/ DAY	\$25/ DAY	\$30/ DAY	\$35/ DAY	\$40/ DAY	\$50/ DAY	LEGISLATIVE PER DIEM	\$75/ DAY	\$100/ DAY	SALARY	Other
8. Policy Making Boards for Specific or Limited Purposes	35	20	5		3			1		6				
A. % of Category	100%	57.1%	14.3%		8.6%			2.8%		17.1%				
B. % of Total	14.5%	8.2%	2.1%		1.2%			0.4%		2.5%				
9. Commodity or Product Protection and Promotion Boards	14	8	3							3				
A. % of Category	100%	57.1%	21.4%							21.4%				
B. % of Total	5.8%	3.3%	1.2%							1.2%				
10. Advisory Boards; Boards With Minimal Authority	102	62	28		11									1
A. % of Category	100%	60.8%	27.5%		10.8%									0.9%
B. % of Total	42.1%	25.6%	11.6%		4.5%									0.4%
11. Independent Advisory Boards	6	3			3									
A. % of Category	100%	50%			50%									
B. % of Total	2.5%	1.2%			1.2%									
12. Intergovernmental Organizations	13	7	4											2
A. % of Category	100%	53.8%	30.8%											15.4%
B. % of Total	5.4%	2.9%	1.6%											0.8%
13. Interagency Organizations	4		3											1
A. % of Category	100%		75%											25%
B. % of Total	1.6%		1.2%											0.4%
Total Boards	242	112	46	2	25	4	12	1	5	24	3	2	2	3
A. % of Category	-													
B. % of Total	100%	46.3%	19.0%	0.8%	10.3%	1.6%	5.0%	0.4%	2.1%	9.9%	1.2%	0.8%	0.8%	1.2%

Table II describes the rate of formation and dissolution within some of the categories of boards.

TABLE II
GENERAL CATEGORIES OF BOARDS:
RATE OF FORMATION
AND DISSOLUTION

Category	Total # Bds 1984	% of Total 1984	Total # Bds 1986	% of Total 1986	% Increase- Decrease 1984-1986
1. Professional/occupational Licensing Bds	38	19.4%	44	18.2%	•15.8%
2. Bds vested with some degree of substantive authority	44	22.4%	59	24.4%	•34.1%
a. Property Assessment	4	2.0%	2	0.8%	-50%
b. Arbitration	4	2.0%	4	1.6%	-
c. Substantive Reg. Bds.	3	1.5%	3	1.2%	-
d. Environmental Reg.	3	1.5%	3	1.2%	-
e. Rate Regulation	2	1.0%	2	0.8%	-
f. Financing & Admin. Bds.	7	3.6%	10	4.1%	•42.8%
g. Policy-making bds for specific-limited purposes	21	10.7%	35	14.5%	•66.7%
3. Commodity-Product Protection & Promotion	13	6.6%	14	5.8%	•7.7%
4. Advisory Boards; Boards with Minimal Authority	81	41.3%	102	42.1%	•25.9%
5. Independent Advisory Bds	3	1.5%	5	2.1%	•66.7%
6. Intergovernmental Org.	12	6.1%	13	5.4%	•8.3%
7. Interagency Organizations			4	1.6%	
Total	196		242	100%	•23.5%

The data in Table II shows that the most substantial increases in numbers of boards, since 1984, have occurred in:

- A. Policy-making boards for specific and limited purposes;
- B. Advisory Bds & Bds with Minimal Authority; and
- C. Professional and Occupational Licensing Boards.

It is difficult to determine precisely the reasons for the increase in number of boards. To a certain extent, the increase in the number of boards is due to a limited increase in the number of state agencies for which policy review, advisory, and regulatory boards are created. The increase may also reflect growing complexity of issues for which public opinion and decision-making is solicited.

The cost of compensating members of boards, exclusive of travel, meals, and other expenses for the fiscal years 1982-1983 and 1985-1986 are shown below:

	<u>1982-83</u>	<u>1985-86</u>
1. General Fund Expenditures \$	77,290.00	\$168,578.84
2. Highway Fund (State Claims Board)	20,515.00	18,700.00
3. Federal Block Grant Monies	490.00	6,120.16
4. Dedicated Revenues	95,845.85	97,394.30
5. State Agency Revenues (E.G.) State Liquor Commission et al))	29,040.00	16,700.00
State Liquor Comm -5,200.00		
State Lottery Comm-3,700.00	1985-86	
Board of Trustees- 7,800.00		
TOTAL	\$223,180.85	\$307,693.30

While the total cost of per diem payments has increased roughly 38% over a 3 year period, the cost to the general fund for per diem payments during the same period rose 118%. It is interesting to note that the total increase of 23.5% in the number of boards over the period 1984-86 (a 2 year period), when averaged at 11.75% per year is similar to the annual rate of increase (12.66%) in total expenditures for per diem over the three year period, 1982-1985. To a certain extent, the rate of increase in total per diem payments may also reflect slightly more activity among boards.

The compensation of board members is shown below in 2 different tables to depict a more complete picture of payment of per diem or salary to board members.

TABLE III

Numbers of Boards According to
Level of Compensation
1986

1. No compensation and no Reimbursement of Expenses	46 Bds	19.0% of total
2. Payment of Expenses only	112 Bds	46.3% of total
3. Payment of Per Diem of \$20-less than \$50	44 Bds	18.2% of total
4. Payment of \$50 for Per Diem	5 Bds	2.1% of total
5. Payment of Legislative Per Diem	24 Bds	9.9% of total
6. Payment of \$75 Per Diem	3 Bds	1.2% of total
7. Payment of \$100 Per Diem	2 Bds	0.8% of total
8. Payment of Salary or other Compensation	5 Bds	2.1% of total

Table 3 shows that 65.3% of all official boards are not paid a per diem or other form of compensation and nearly 20% of all the boards receive neither compensation nor expense reimbursement. The data also shows that only 5 boards (1.2% of total # of boards) receive more than the Legislative per diem.

TABLE IV
 PERCENTAGE OF EACH CATEGORY OF BOARD
 FOR WHICH COMPENSATION IS AUTHORIZED

CATEGORY	TOTAL # OF BOARDS	# OF BDS AUTHORIZED PER DIEM-SALARY	% OF CATEGORY
1. Occupational-Professional Licensing Boards	44	32	72.7%
2. Property Assessment; Valuation & Appeals Bds	2	2	100%
3. Labor-Mgmt Arbitration Boards	4	4	100%
4. Substantive Regulatory Bds	3	3	100%
5. Environmental Regulation	3	3	100%
6. Rate Regulation	2	2	100%
7. Financing & Administrative Bds	10	7	70%
8. Policy Making Boards for Specific or Limited Purposes	35	10	28.6%
9. Commodity-Product Protection of Promotion Bds	14	3	21.4%
10. Advisory Bds	102	11	10.8%
11. Independent Advisory Bds	6	3	50%
12. Intergovernmental Bds	13	2	15.4%
13. Interagency Bds	4	4	100%

Table IV shows that in most categories of boards either a very large percentage of the boards in each category are paid or not paid a per diem. There is only 1 category of boards in which the boards are equally divided between those which are paid a per diem and those which do not receive compensation.

V. FINDINGS

A. There has been a significant increase (roughly 25%) within the past 2 years in the creation of boards and commissions that are affiliated with state government.

1. New boards are created without serious consideration given to empowering an existing board to carry out additional or new duties.

B. For the most part, the discrepancies among boards within specific classifications of boards are not substantial with respect to payment of per diem or no per diem compensation.

a. 65.3% of all official boards do not provide per diem compensation or similar form of compensation to board members.

b. 17.7% of all boards are paid a per diem of \$35 or less and 15.2% are paid a per diem of \$50 or more.

C. There are discrepancies among boards within specific board categories with respect to rate of compensation, but the most significant of these discrepancies are limited primarily to 3 categories of boards. Discrepancies among boards with respect to compensation, in most cases, reflect differences in powers, duties, and responsibilities of each board and the type of expertise required for membership on the board. The more extensive the powers, duties, and responsibilities and the more limited the supply of expertise, the greater the rate of compensation required.

1. Occupational and professional licensing boards are dependent upon license fees which, to a great extent, determine the rate of compensation of board members.

a. 27.7% of these boards are not authorized a per diem.

b. 56.6% of these boards are authorized a per diem of \$20 to \$35 per day.

c. 11.5% of these boards are authorized the legislative per diem (\$55).

d. 4.5% of these boards are paid a salary.

2. Financing and Administrative boards.

a. 30% of these boards are not authorized payment of per diem.

b. 1 board or 10% is authorized a per diem of \$25.

c. 60% of these boards are authorized a \$50 per diem rate (1 board) or the legislative per diem (5 boards).

3. Policy-making Boards for specific or limited purposes.

a. 71.4% of these boards are not authorized per diem.

b. 11.4% of these boards are authorized a per diem rate of \$25 (3 bds) to \$40 (1 bd).

c. 17.1% receive the legislative per diem rate.

D. Compensation is not the major factor with respect to the degree of activity, motivation, and achievement of each board. The nature of the board's work, the degree of motivation and inspiration of the board chairperson, and the degree of motivation and cooperation of state agency directors (commissioners) with the boards are the most important factors affecting the operation of boards and commissions.

E. The criteria within current law for establishing rates of compensation for board members are satisfactory.

F. For the most part, the duties and responsibilities of the board do not require a significant amount of time of the board members.

1. Excluding the occupational and professional licensing boards, a very small percentage of boards (roughly 1%) convened for an entire day to conduct the boards' business.

a. In 1985, the average length of a board meeting was 2 hrs and 30 minutes.

2. In 1985, (excluding professional/occupational licensing bds), on the average, boards met 8 times a year.

a. Advisory boards, on the average, met 5 times a year.

G. While public participation in the governmental process is admirable and worthy of encouragement, it should not be encouraged at the cost of promoting special interests over the interests of the general public or at the expense of the legislative process.

1. In some cases, special interests use boards and commissions to generate support for their particular special interests.

2. In other cases, boards have been used to thwart gubernatorial and legislative policies.

H. Boards and commissions enable members of the public and private sectors (outside government) to develop, implement and advise with respect to policies of state government. Since members of boards are not elected, boards and commissions should be held accountable for their actions and their participation. Many boards and commissions, however, have not been willing to divulge information required by law to be recorded and filed with the Secretary of State.

I. Legislative confirmation of board or commission members is not established or implemented according to any standards or criteria. In some cases legislative confirmation of members is required when the degree of action that members may take is extremely limited or when confirmation will not improve the quality of the board's work.

VI. Recommendations:

A. The following boards are recommended for termination because the boards either reported there were no meetings of the board, the board is inactive or unnecessary, or the department with which the board is associated recommended its termination because of its inactivity.

1. Arborist Examining Board
2. Board of Emergency Municipal Finance
3. Minimum Wage Rate on Construction Projects
4. Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency
5. Board of Trustees, Mining Excise Tax Trust Fund
6. Potato Marketing Improvement Committee
7. Agriculture Promotion Committee
8. Maine Marketing Advisory Board
9. Maine Groundfish Association
10. Potato Marketing Committee
11. Eastern States Exposition Advisory Board

12. Maine Agricultural Viability Advisory Committee
13. Indian Scholarship Committee
14. Maine Education Council
15. Special Commission to Study the Implementation of Educational Reform
16. Low Level Waste Siting Commission
17. Ground Water Protection Commission
18. Scientific Advisory Panel
19. Advisory Committee on Radiation
20. Probate Law Revision Commission
21. Maine Marine Resources Commission
22. Keep Maine Scenic Committee
23. Maine Trails System Advisory Committee
24. Advisory Committee to the Public Advocate
25. Advisory and Review Board on Driver Licensing and Vehicle Registration
26. Public Transportation Advisory Committee
27. Advisory Committee on Maine Public Broadcasting
28. Education Commission of the States
29. Vehicle Equipment Safety Commission
30. Intergovernmental Relations Board.

B. Departments and agencies of State government should be authorized to form ad-hoc advisory boards to advise the commissioner, director, or board of trustees with respect to specific issues. These "informal" boards should not be included in Title 5, Chapter 379, and members of these boards should not be considered officers of the State within the meaning of the Constitution.

C. Members of advisory boards should not be defined as officers of the State within the meaning of the Maine Constitution. Members of these boards should not be required to be sworn by the Secretary of State.

D. Since boards and commissions should serve a public purpose and interest, each board should be required to appoint a clerk who shall be the official representative of the board with respect to reporting requirements and the serving of legal documents.

E. In the event that a board fails to report to the Secretary of State as required by law, the board shall be declared in violation of serving a public purpose. The penalties in current law for failing to comply with the reporting requirements should remain in the law.

F. Since property valuation and assessment boards have some functions that are similar to those of arbitration, mediation, and conciliation boards, the two categories should be merged.

G. The creation of new boards and commissions should be very carefully considered and existing boards should be used to the greatest possible extent to undertake proposed duties and responsibilities in areas similar or related to those duties and responsibilities undertaken by current boards.

H. A standard format for the creation and organization of boards and commissions is strongly suggested to be used as guidelines for the creation of new boards. The executive director of the Legislative Council and the Office of the Governor are urged to provide a standard format to executive agencies, legislative staff, and other interested persons.

I. The appointment process by which members of boards and commissions are appointed by the Governor, Speaker of the House, and President of the Senate is currently hampered by an inadequate information system. It is necessary to provide the Secretary of State with resources to develop an improved computer program system that can significantly improve the timely appointment of board members.

J. Each member of the State Claims Board, consisting of an attorney, an appraiser, and a county commissioner (from the county in the location of the dispute), should receive the same rate of compensation. The issue relating to the compensation of the county commissioner by both the county and the State Claims Board needs to be addressed. If county commissioners cannot retain their per diem payment from the board, they may not be willing to serve on the board.

RECOMMENDED LEGISLATION

STATE OF MAINE
113TH LEGISLATURE
FIRST REGULAR SESSION

AN ACT RELATING TO BOARDS AND COMMISSIONS

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

Sec. 1. 5 MRSA Chapter 18 is repealed.

Sec. 2. 5 MRSA Chapter 379, 1st 3 lines as enacted by P.L. 1983, c. 812 are repealed and replaced to read:

CHAPTER 379

BOARDS, COMMISSIONS, COMMITTEES AND SIMILAR ORGANIZATIONS

SUBCHAPTER I

COMPENSATION

Sec. 3. 5 MRSA §12003-A as last amended by P.L. 1985, c. 732, §2, is further amended by adding sub-§10 to read:

10. Advisory boards. Members of any board which serves exclusively as an advisory board, particularly those boards described in §12004-I, shall be deemed not to be an officer of the State within the meaning of the Maine Constitution and shall not be required to be commissioned or certified by the Secretary of State as provided in 5 MRSA §84.

Sec. 4. 5 MRSA §12004, as enacted by P.L. 1983, c. 812, 1st paragraph, is amended by adding a new last sentence to read:

For the purposes of §§12004-G to 12004-J, the term "field" does not designate the state agency or department with which a board is associated or affiliated but only refers to the generic subject matter before the board.

Sec. 5. 5 MRSA §12004, sub§§1-13 are repealed and replaced to read:

§12004-A. Occupational and Professional Licensing Boards

The primary responsibilities of occupational and professional licensing boards include the examination of applicants, issuance of licenses or certificates, registration of licenses and regulation of licensees with respect to the practice of a particular occupation or profession. The primary powers of these boards include the authority to hold hearings, adopt rules, establish standards and procedures, issue licenses and initiate action for the revocation or suspension of occupational or professional licenses.

For the purposes of any occupational or professional licensing boards which a public member or members, "public member" means a person who has no financial interest in the profession regulated by the board to which he has been appointed and who has never been licensed, certified or given a permit in the occupation or profession for which he is appointed to regulate.

This classification includes the following boards:

NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
1. Board of Accountancy	Legislative Per Diem	32 MRSA §3971
2. Maine State Board for Registration of Architects and Landscape Architects	\$35/Day	32 MRSA §211
3. Board of Licensing of Auctioneers	\$30/Day	32 MRSA §271
4. Board of Examiners of Applicants for Admission to the Bar	Legislative Per Diem	4 MRSA §801
5. State Board of Barbers	\$35/Day	32 MRSA §351

6. Board of Boiler Rules	Expenses Only	26 MRSA \$171
7. Board of Chiropractic Examination and Registration	\$25/Day	32 MRSA \$501

NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
8. State Board of Cosmetology	\$35/Day	32 MRSA §1601
9. Board of Dental Examiners	\$35/Day	32 MRSA §1071
10. Board of Registration of Dietetic Practice	\$35/Day	32 MRSA §9903
11. Board of Commercial Driver Education	\$35/Day Public Member	32 MRSA §9552
12. Electricians' Examining Board	\$30/Day	32 MRSA §1151
13. Board of Elevator and Tramway Safety	Expenses Only	26 MRSA §475
14. Board of Emergency Medical Services	\$20/Day	32 MRSA §88
15. State Board of Registration for Professional Engineers	Expenses Only	32 MRSA §1301
16. State Board of Registration for Professional Foresters	Expenses Only	32 MRSA §5004
17. State Board of Funeral Service	\$20/Day	32 MRSA §1451
18. State Board of Certification for Geologists and Soil Scientists	Expenses Only	32 MRSA §4907
19. Board of Hearing Aid Dealers and Fitters	\$35/Day	32 MRSA §1658
20. State Board of Registration for Land Surveyors	Expenses Only	32 MRSA §1671
21. Manufactured Housing Board	\$35/Day	10 MRSA §9003
22. Nursing Home Administrators Licensing Board	\$30/Day	32 MRSA §63-A
23. Board of Registration in Medicine	\$1,250/Year-Member \$1,500/Year-Chairman \$7,500/Year-Secretary	32 MRSA §3263

NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
24. State Board of Nursing	Legislative Per Diem	32 MRSA §2151
25. Board of Occupational Therapy Practice	Expenses Only	32 MRSA §2273
26. Oil and Solid Fuel Board	\$30/Day	32 MRSA §2351
27. State Board of Optometry	\$25/Day	32 MRSA §2415
28. Board of Osteopathic Examination and Registration	Legislative Per Diem	32 MRSA §2561
29. Board of Commissioners of the Profession of Pharmacy	\$25/Day	32 MRSA §2851
30. Board of Examiners in Physical Therapy	\$25/Day	32 MRSA §3112
31. Plumbers' Examining Board	\$35/Day	32 MRSA §3401
32. Board of Examiners of Podiatrists	\$25/Day	32 MRSA §3601
33. State Board of Examiners of Psychologists	\$35/Day	32 MRSA §3821
34. Board of Respiratory Care Practitioners	\$35/Day	32 MRSA §9703
35. Radiologic Technology Board of Examiners	Expenses Only	32 MRSA §9853
36. Real Estate Commission	\$35/Day	32 MRSA §4051A
37. State Board of Social Worker Registration	Expenses Only	32 MRSA §7026
38. Board of Examiners on Speech Pathology and Audiology	\$25/Day	32 MRSA §6010
39. Maine State Pilotage Commission	Not Authorized	38 MRSA §89
40. Board of Registration of Substance Abuse Counselors	Not Authorized	32 MRSA §6201

NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
41. State Board of Veterinary Medicine	Legislative Per Diem	32 MRSA §4854
42. Board of Underground Oil Storage Tank Installers	Expenses Only	32 MRSA §10001
43. Maine Athletic Commission	(a) The total per diem compensation for each member shall not exceed \$1,000 per year.	8 MRSA §141

§12004-B. Arbitration, Mediation, Valuation, and Appeals Boards

The primary responsibilities of the boards in this section include the assessment of property for purchase, valuation, or tax purposes; the hearing of appeals with respect to property valuation or assessment; and the arbitration, conciliation, or mediation of disputes or grievances.

The primary powers of these boards include the holding of hearings; the adoption of rules; the determination, modification, or assessment of fees, taxes, and penalties; arbitration, conciliation, and mediation; and the establishment of standards and procedures; and the adjudication of disputes. This classification includes the following boards:

NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
1. State Board of Arbitration and Conciliation	\$50/Day	26 MRSA §911
2. Maine Labor Relations Board	\$75/Day \$100/Day-Chairperson	26 MRSA §968
3. Panel of Mediation	\$75/Day	26 MRSA §892
4. State Civil Service Appeals Board	\$50/Day	5 MRSA §7081
5. State Claims Board	\$150/Day	23 MRSA §152
6. State Board of Property Tax Review	\$50/Day	36 MRSA §271
7. Maine Agricultural Bar-gaining Board	\$50/Day	13 MRSA §1956

§12004-C. Educational Policy Boards

The primary responsibilities of the boards in this section include the formulation of educational policy; review and evaluation of educational policy; and the administration of educational institutions.

This classification includes the following:

NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
1. State Board of Education	Legislative Per Diem	20-A MRSA §401
2. Board of Trustees, University of Maine System	Expenses Only	P&SL 1865,C.532
3. Board of Trustees, Maine Vocational Technical Institute System	Legislative Per Diem	20A MRSA §12705
4. Board of Trustees, Maine Maritime Academy	Expenses Only	P&SL 1941, c.37
5. Board of Trustees, Maine Criminal Justice Academy	Expenses Only	25 MRSA §2802

§12004-D. Environmental regulation and control

The primary responsibility of environmental regulation and control boards is the protection of the state's natural resources and environment.

The primary powers of these boards include regulation of activities that affect the environment and natural resources of the State, the issuance of licenses and permits, the setting of standards and procedures, the assessment of fees and penalties, the holding of hearings and the adoption of rules.

This classification includes the following boards:

NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
1. Maine Land Use Regulation Commission	Legislative Per Diem	12 MRSA §683
2. Board of Environmental Protection	Legislative Per Diem	38 MRSA §341
3. Board of Pesticides Control	Legislative Per Diem	22 MRSA §1471-B

§12004-E. Budget and Rate Regulation

The primary responsibilities of rate regulation boards include the setting of revenue or budget ceilings; and the setting of prices or rates for commodities or services provided statewide. In addition to the power to hold hearings, adopt rules, establish policies and procedures, these boards may determine revenue limits, establish prices, conduct investigations and initiate action to revoke or suspend licenses and permits.

NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
1. Maine Health Care Finance Commission	\$100/Day	22 MRSA §383
2. Maine Milk Commission	Legislative Per Diem	7 MRSA §2952
3. State Liquor Commission	Legislative Per Diem	28 MRSA §51
§12004-F. Bonding and Financing organization		

Bonding and financing organizations have the primary responsibilities to finance construction of projects, new businesses or business expansions; to administer pension funds or the proceeds of bond sales; and administer organizations created to fulfill these responsibilities.

The primary powers of these boards include the authority to hold hearings and adopt rules; establish procedures and standards; the authority to lease or acquire property; and enter into contracts; sell bonds; invest income; and borrow money.

This classification includes the following boards:

NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
1. Finance Authority of Maine	Legislative Per Diem	10 MRSA §964
2. Board of Commissioners, Maine Municipal Bond Bank	Legislative Per Diem	30 MRSA §5164
3. Maine State Housing Authority	Legislative Per Diem	30 MRSA §4601-A
4. Maine Turnpike Authority	Legislative Per Diem	23 MRSA §1965
5. Board of Commissioners, Maine Public Utility Financing Bank	Legislative Per Diem	35 MRSA §5164
6. Maine Health and Higher Educational Facilities Authority	Legislative Per Diem	22 MRSA §2054
7. Maine School Building Authority	Expenses Only	20A MRSA §15704
8. Maine Port Authority	\$25/Day	23 MRSA §4420
9. Board of Trustees, Maine State Retirement System	\$50/Day	5 MRSA §17102

10. Board of Trustees, Not Authorized 5 MRSA \$285
 Accident and Sickness or
 Health Insurance Program

§12004-G. General Government

The primary responsibilities of the boards in this section vary and are limited to a specific purpose. These responsibilities may include the regulation of a particular activity, the licensing of a particular activity, the establishment of policy for a specific purpose or organization and the acquisition of property for a specific purpose.

In addition to the powers to hold hearings, adopt rules and establish policies and procedures, these boards may enter into contracts, establish just charges, conduct investigations, acquire property or enforce state laws.

This classification includes the following boards:

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
1. Administration	Information Services Policy Board	Expenses Only	5 MRSA \$1891
2. Administration	Work Center Purchases Committee	Expenses only for Nonstate employee members to be paid from funds of departments represented on the committee	5 MRSA \$1826-C
3. Agriculture	Animal Welfare Board	Legislative Per Diem	17 MRSA \$1051-A
4. Business	Pine Tree Partnership Fund Board	Expenses Only	10 MRSA \$353
5. Civil Service	Policy Review Board	Expenses Only	5 MRSA \$7041
6. Corrections	State Parole Board	Legislative Per Diem	34-A MRSA \$5201
7. Education	Board of Trustees, Preschool Handicapped Coordination Services Council	Expenses Only	20-A MRSA \$7707
8. Education	Maine State Commission on the Arts	Expenses Only	27 MRSA \$401

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
9. Education	Maine State Museum Commission	Expenses Only	27 MRSA §82
10. Environment/ Natural Resources	Baxter State Park Authority	Not Authorized	12 MRSA §901
11. Environment/ Natural Resources	(General) River Corridor Commission	Not Authorized	30 MRSA §1961
12. Environment/ Natural Resources	Saco River Corridor Commission	Expenses Only	38 MRSA §954
13. Finance	State Lottery Commission	Legislative Per Diem	8 MRSA §351
		(a)The chairman shall receive no more than \$5,000 per year to include per diem and expenses. (b)The other board members shall each receive no more than \$3,500 per year to include per diem and expenses.	
14. Human Services: Human Rights	Human Rights Commission	\$25/Day \$1,000 Max/Yr	5 MRSA §4561
15. Human Services: Child Protection	Board of the Maine's Children's Trust Fund	Expenses Only	22 MRSA §4083
16. Human Services/Health Facilities	Maine Medical Laboratory Commission	Expenses Only	22 MRSA §2026
17. Human Services/Drug Therapy	Participation Review Board	\$40/Day	22 MRSA §2415
18. Inland Fisheries and Wildlife	Policy Council (to the Department of Inland Fisheries and Wildlife)	\$25/Day	12 MRSA §7033
19. Judiciary: Law	State Court Library Committee	Expenses Only	4 MRSA §191
20. Labor	Board of Occupational Safety and Health	Expenses Only	26 MRSA §564

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
21. Labor	State Apprenticeship Council	Expenses Only	26 MRSA §1002
22. Labor	Occupational Safety Loan Review Panel	Expenses Only	26 MRSA §63
23. Maine Indians	Maine Indian Tribal-State Commission	\$75/Day	30 MRSA §6212
24. Marine Resources	Policy Council (to the Department of Marine Resources)	\$25/Day	12 MRSA §6024
25. Natural Resources	Soil and Water Conservation Commission	Expenses Only	12 MRSA §51
26. Sport and Entertainment	State Harness Racing Commission	Legislative Per Diem	8 MRSA §261
27. State Government	Commission on Governmental Ethics and Election Practices	Expenses Only	1 MRSA §1002
28. Veterans' Affairs	Board of Trustees-Maine Veterans' Home	Expenses Only	37-B MRSA §603

§12004-H. Commodity or product protection and promotion boards. The primary responsibility for commodity or product protection and promotion boards is to protect natural resources and agricultural products produced in the State and promote the sales of these goods in the State and outside the State.

The primary powers of these organizations may include the assessment and collection of industry taxes, quality control inspections, establishment of grades and classifications, advertising, the holding of hearings and the adoption of rules.

This classification includes the following boards:

NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
1. Maine Blueberry	Expenses Only	36 MRSA §4312-B
2. Commodity Marketing Committee	Expenses Only	7 MRSA §427
3. Maine Dairy Promotion Board	Legislative Per Diem	36 MRSA §4503
4. Maine Dairy and Nutrition Council	Legislative Per Diem	36 MRSA §4523
5. Seed Potato Board	Expenses Only	7 MRSA §2151
6. Maine Potato Board	Legislative Per Diem	36 MRSA §4603
7. Maine Potato Quality Control Board	Expenses Only	7 MRSA §1033
8. Maine Sardine Council	Expenses Only	36 MRSA §4693
9. University of Maine System Blueberry Advisory Committee	Expenses Only	36 MRSA §4312

§12004-I. Advisory Boards & Boards with minimal authority. The primary responsibilities and powers of advisory boards and boards with minimal authority include the responsibility and authority to advise state agencies, review policies and procedures, conduct studies, evaluate programs and make recommendations to the state agencies, the Legislature or the Governor.

This classification includes the following:

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
1. Administration	Standardization Committee	\$25/Day Public Member	5 MRSA §1814
2. Civil Emergency	Citizens' Civil Emergency Commission	Expenses Only	37-A MRSA §56-A
3. Community Services	Community Services Advisory Board	Expenses Only	5 MRSA §3517
4. Corrections	Maine Correctional Advisory Commission	\$25/Day	34-A MRSA §1204

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
5. Corrections	Board of Visitors(For each institution under the department)	Expenses Only	34-A MRSA \$3002
6. Education	Advisory Committee on Medical Education	Not Authorized	20-A MRSA \$11807
7. Education	Archives Advisory Board	Expenses Only	5 MRSA \$96
8. Education	Committee for the Training of Firemen	Expenses Only	20-A MRSA \$9002
9. Education	Interdepartmental Coordinating Committee for Pre-school Handicapped Children	Expenses Only	20-A MRSA \$7704
10. Education	Educational Leave Advisory Board	Not Authorized	5 MRSA \$723
11. Education	Maine Historic Preservation Commission	Expenses Only	27 MRSA \$501
12. Education	Maine Library Commission	Expenses Only	27 MRSA \$111
13. Education: Governor Baxter School	Policy Review Board	Expenses Only	2-A MRSA \$7503
14. Education: Student Assessment	Advisory Committee on Student Assessment	\$25/Day	20A MRSA \$6203
15. Education, Truants and Dropouts	Advisory Committee	Expenses Only	20A MRSA \$5152
16. Education: Elementary	Advisory Committee on Early Elementary Education	\$25/Day	20A MRSA \$260
17. Environment Forestry	Citizen's Forestry Advisory Council	\$25/Day	12 MRSA \$5101-B

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
18. Energy	Advisory Council on Energy Efficiency Building Performance Standards	Expenses Only	10 MRSA \$1414
19. Energy	State Energy Resources Advisory Board	Not Authorized	5 MRSA \$5007
20. Environment: Natural Resources	Advisory Board for the Licensing of Guides	Expenses Only	12 MRSA \$7301
21. Environment: Natural Resources	Junior Maine Guides and Trip Leaders Curriculum Advisory Board	Expenses Only	12 MRSA \$7302
22. Finance	Advisory Council on Deferred Compensation Plans	Expenses Only	5 MRSA \$884
23. Finance	Natural Resource Financing and Marketing Board	\$25/Day	10 MRSA \$985
24. Finance	Maine Veterans' Small Business Loan Board	Expenses Only	10 MRSA \$1100-A
25. Finance	Council of Advisors on Consumer Credit	Expenses Only	9-A MRSA \$6-301
26. Finance	Advisory Committee on Single State Audits	No Expenses	5 MRSA \$1658
27. Housing	Advisory Board to the Maine State Housing Authority	Expenses Only	30 MRSA \$4602
28. Housing	Passamaquoddy Indian Housing Authority-Indian Township	Not Authorized	22 MRSA \$4733
29. Housing	Passamaquoddy Indian Housing Authority-Pleasant Point	Not Authorized	22 MRSA \$4733

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
30. Housing	Penobscot Tribal Reservation Housing Authority	Not Authorized	22 MRSA §4733
31. Human Services	Maine Aid to Families With Dependent Children Coordinating Committee	Not Authorized	22 MRSA §3773
32. Human Services	Advisory Council to Maine Aid to Families With Dependent Children Coordinating Committee	Not Authorized	22 MRSA §3774
33. Human Services: Health Facilities	Certificate of Need Advisory Committee	\$25/Day	22 MRSA §307
34. Human Services	Maine Council on Alcohol and Drug Abuse Prevention and Treatment	Expenses Only	22 MRSA §7107
35. Human Services: Rehabilitation	Advisory Committee to Division of Deafness	Expenses Only	22 MRSA §3074
36. Human Services	Maine Dental Health Council	Expenses Only	22 MRSA §2096
37. Human Services	Committee to Advise the Department of Human Services on AIDS	Expenses Only	5 MRSA §17002
38. Human Services: Health	Public Health Advisory Committee	Expenses Only	22 MRSA §1693
39. Human Services: Hospitals	Hospital Advisory Committee	Not Authorized	22 MRSA §396-P
40. Human Services: Finance	Health Payor Advisory Committee	Not Authorized	22 MRSA §396-P

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
41. Human Services	Professional Advisory Committee	Not Authorized	22 MRSA \$396-P
42. Human Services: Public Health	Radiological Emergency Preparedness Committee	Expenses Only	37-B MRSA \$954
43. Human Services: Public Health	Advisory Board for Licensure of Water Treatment Plant Operators	Expenses Only	22 MRSA \$2624
44. Judiciary	Judicial Council	Expenses Only	4 MRSA \$451
45. Judiciary: Criminal Law	Criminal Law Advisory Commission	Expenses Only	17-A MRSA \$1351
46. Labor	State Advisory Council	\$25/Day	26 MRSA \$1082
47. Labor	Displaced Homemakers Advisory Council	Not Authorized	26 MRSA \$1604
48. Local and County Government	County Records Board	Not Authorized	30 MRSA \$347
49. Local and County Government	Municipal Records Board	Not Authorized	30 MRSA \$2214
50. Local and County Government	Regional Council of Governments	Paid by Member Governments	30 MRSA \$1981
51. Marine Resources: Industry	Lobster Advisory Council	Expenses Only	12 MRSA \$6462
		(a) Total expenses for council shall not exceed \$2,500 per year.	
52. Marine Resources	Atlantic Sea Run Salmon Commission	Expenses Only	12 MRSA \$6251

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
53. Mental Health and Retardation	Maine Advisory Committee on Children with Special Needs	Expenses Only	34B MRSA §6241
54. Mental Health and Retardation	Board of Visitors (for each state institution under the department)	Expenses Only	34B MRSA §1403
55. Mental Health and Retardation	Maine Committee on the Problems of the Mentally Retarded	Expenses Only	34B MRSA §1210
56. Mental Health and Retardation	Mental Health Advisory Council	Expenses Only	34B MRSA §1209
57. Mental Health and Mental Retardation	Mental Health Rights Advisory Board	Not Authorized	34B MRSA §1209-A
58. Mental Health and Mental Retardation	Release Review Advisory Committee	Expenses Only	34B MRSA §1213
59. Mental Health & Retardation	Resident Treatment Centers Advisory Group	Not Authorized	22 MRSA §8154
60. Mental Health and Retardation	State Planning and Advisory Council on Developmental Disabilities	Expenses Only	34B MRSA §1211
61. Mental Health and Retardation	Sterilization Procedures Review Committee	Not Authorized	34B MRSA §7017
62. Natural Resources Forests	Forest Fire Advisory Council	Expenses Only	12 MRSA §9621
63. Natural Resources: Recreation	White Water Advisory Committee	\$25/Day	12 MRSA §7369-A
64. Natural Resources: Recreation	White Water Safety Committee	\$25/Day	12 MRSA §7367

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
65. Occupations: Insurance	General Lines Agent Examination Advisory Board	Expenses Only	24A MRSA \$1525
66. Occupations: Insurance	Life Agent Examination Advisory Board	Expenses Only	24A MRSA \$1525
67. Occupations: Real Estate	Continuing Education Committee	Not Authorized	32 MRSA \$4115-B
68. Occupations: Medicine	Professional Malpractice Advisory Panel	Not Authorized	24 MRSA \$2802
69. State Government	Capital Planning Commission	Expenses Only	5 MRSA \$298
70. State Government	State Compensation Commission	Expenses Only	3 MRSA \$2-A
71. State Government	State Government Internship Program Advisory Committee	Expenses Only	5 MRSA \$293
72. State Planning	Maine Critical Areas Advisory Board	Expenses Only	5 MRSA \$3313
73. Telecommunications	Advisory Committee on State Telecommunications	Not Authorized	5 MRSA \$350
74. Transportation: Motor Vehicles	Maine Aeronautical Advisory Board	Not Authorized	6 MRSA \$302
75. Transportation: Ferry Service	Maine State Ferry Advisory Board	Not Authorized	23 MRSA \$4301
76. Transportation: Highway	Maine Highway Safety Committee	Expenses Only	25 MRSA \$2902
77. Transportation: Motor Vehicles	Medical Advisory Board (Licensing of Drivers)	Not Authorized	29 MRSA \$547
78. Transportation: Signs & Billboards	Travel Information Advisory Council	\$25/Day	23 MRSA \$1904

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
79. Tourism	Maine Vacation-Travel Commission	Expenses Only	5 MRSA \$7005
80. Workers' Compensation	Apportionment Review Panel	Expenses Only	39 MRSA \$57-B
80. Workers' Compensation	Employment Rehabilitation Advisory Board	Expenses Only	39 MRSA \$89

§12004-I. Independent advisory boards

Independent advisory boards are boards which are established by statute as independent organizations which have a separate line item in the budget document and to which moneys are allocated or appropriated by the Legislature.

The primary responsibilities of those boards are to evaluate the performance of departments or agencies of State Government, recommend policies and procedures to the Governor and Legislature for adoption, serve in an advocacy capacity for a specific group or sector of the population or hold hearings for the evaluation of policies and issues.

This classification includes the following boards:

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
1. Employment: Disabled	Governor's Committee on Employment of the Handicapped	Expenses Only	26 MRSA \$801
2. Environment	Radioactive Waste Advisory Commission	Expenses all members, Public and legislative members \$25/day	18 MRSA \$1454
3. Human Services	Maine Human Services Council	\$25/Day	22 MRSA \$5313
4. Human Services	Maine Committee on Aging	\$25/Day	22 MRSA \$5108
5. Marine Resources	Maine-New Hampshire Boundary Commission	Expenses Only	5 MRSA \$251
6. Women	Maine Commission for Women	Expenses Only	5 MRSA \$7021

§12004-J. Intergovernmental organizations

The primary responsibility of intergovernmental organizations is to establish cooperation between this State and other states or Canadian provinces.

This classification includes the following boards:

FIELD	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
1. Education	New England Board of Higher Education	Not Authorized	20-A MRSA §11002
2. Environment	New England Interstate Water Pollution Control Commission	Expenses Only	38 MRSA §532
3. Environment	Northeastern Forest Fire Protection Commission	Expenses Only	P&SL 1949, c. 75
4. Marine Resources	Atlantic States Marine Fisheries Commission	Expenses Only	12 MRSA §4603
5. State Government	Commission on Interstate Cooperation	Not Authorized	3 MRSA §201
6. State Government	Commission on Uniform State Laws	Expenses Only	3 MRSA §241
7. State Government	New England Interstate Planning Commission	From commission budget	10 MRSA §304
8. State Government	Maine-Canadian Legislative Advisory Commission	Not Authorized	3 MRSA §227.
9. State Government	New England and Eastern Canada Legislative Commission	Expenses Only	3 MRSA §231
10. Transportation	Maine-New Hampshire Interstate Bridge Authority	Expenses Only	P&SL 1937, c. 18

§12004-K. Interagency organizations

The primary responsibilities of interagency organizations include the development or implementation of programs; coordination of programs; review of information, data and systems; planning; making recommendations; proposing legislation; holding hearings, entering into agreement; and receiving and administering funds. Those organizations are usually composed of commissioners, or their designees, or directors from different state executive agencies.

This classification includes the following:

NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
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. Joint Committee of Licensure-Certification for School Psychological Services	Not Authorized	32 MRSA §3840

Sec. 6. 5 MRSA §12005, as last amended by P.L. 1985, c. 732, §5, is repealed and replaced to read:

§12005-A. Report to Secretary of State

Every board established by this chapter shall be required to appoint a clerk of the board who shall be responsible for submitting reports to the Secretary of State as required by this chapter. The clerk shall submit an annual report to the Secretary of State on forms provided by the Secretary of State. This report shall be submitted no later than December 15th of each calendar year and shall include information required by this section and any other information deemed necessary by the Secretary of State to fulfill the purposes of this chapter:

1. Clerk of board. The name, address, and telephone number of the clerk of the board.

2. The names and addresses of members. The names and current addresses of each member of the board.

3. Date of appointment and expiration. The date of appointment of each member and the date of expiration of the term of each member.

4. Dates and locations of all meetings. The dates and locations of all meetings of the board during the calendar year for which the report is prepared.

A. In the event that a board reports no meetings for the calendar year of the report, the clerk shall indicate the last meeting of the board.

5. Attendance at and length of meetings. The number of members attending each meeting and the length of each meeting;

6. Compensation. The total per diem compensation, if any, received by the board for each meeting and the total received for the calendar year;

7. Expenses. The total expenses for which the board is reimbursed, if any, for each meeting, and the total expenses for which all board members were reimbursed for the calendar year;

8. Vacancies. The number of vacancies on the board as of December 15th and the term of the vacancy.

Sec. 7. 5 MRSA §§12007-12009 are enacted to read:

§12007. Clerk of the Board

1. Appointment. Each board shall appoint a clerk who shall be responsible for submitting reports to and responding to the Secretary of State and the Commissioner of Finance. Each clerk shall provide the Secretary of State and the Commissioner of Finance with the mailing address of the board and the clerk as required in this chapter. Each clerk shall respond and report in a timely manner as provided in this chapter.

2. Penalty. Any board which fails to appoint a clerk and report as required shall be subject to the penalties in §12006.

§12008. Ad-Hoc Advisory boards

The commissioner or chief executive officer of any state agency as defined in 5 MRSA §8002 and the board of trustees of any state authority or organization may form informal, ad-hoc advisory boards to advise the commissioner, director, or board of trustees on any issue. In forming an ad-hoc advisory board pursuant to this section, the commissioner, director or board of trustees shall make a reasonable effort to include a representation of all the interests that may be involved in or may be affected by the issue.

Any ad-hoc advisory board shall be deemed an informal board and shall not be required to be listed in this chapter. A member of any ad-hoc advisory board shall be deemed not to be an officer of the State within the meaning of the Maine Constitution.

§12009. Duty of Secretary of State

The Secretary of State shall compile and maintain the information provided to him pursuant to §12005.

1. Report to the Commissioner of Finance. The Secretary of State shall, by January 30 each year, submit to the Commissioner of Finance a list of the boards together with the name and address of each clerk who failed to report as required in §12005.

2. Report of Board activities. The Secretary of State shall, by January 30 of each year, submit a report to the Governor and the committee of the Legislature having jurisdiction over state government. This report, at a minimum, shall include the following information with respect to boards in the previous calendar year:

- A. The average meeting length of each board;
- B. The number of meetings of each board;
- C. The total compensation paid to each board;
- D. The total amount of expenses reimbursed to each board;
- E. The average rate of attendance for each board

2. Report on appointments. By December 30 of each year, the Secretary of State shall submit a report to the Governor, the Speaker of the House, and the President of the Senate. This report shall include the following information and any additional information deemed important by the Secretary of State:

- A. A list of appointments, by board, which will expire in the ensuing calendar year and for which reappointments or new appointments are required; This list shall include the date of expiration of the term of each appointment due to expire and the length of any existing vacancy.
- B. The appointing authority responsible for making the appointments or reappointments as described in ¶A;
- C. A list of appointments due to expire in the following year which, by law, require a new appointment rather than reappointment of the person in that position; and
- D. A list of appointments due to expire in the following year for which confirmation by the Maine Senate is required.

Sec. 8. 5 MRSA Chapter 379, 1st 3 lines as enacted by P.L. 1983, chapter 814 are repealed and replaced to read:

SUBCHAPTER II

ORGANIZATION AND OPERATION

Sec. 9. 7 MRSA §313 is repealed.

Sec. 10. 7 MRSA §402-A is repealed.

Sec. 11. 7 MRSA §403, sub-§3 is repealed.

Sec. 12. 7 MRSA §972, as last amended by P.L. 1985, c. 779, §35, is repealed and replaced to read:

§972-A. Ad hoc Advisory Committee

The commissioner may create an ad hoc advisory committee with respect to the implementation of this chapter. This advisory committee shall be created in compliance with the provisions of 5 MRSA §12007.

Sec. 13. 7 MRSA §974, sub-§1, ¶D as enacted by P.L. 1981, c. 513, §7 is amended to read:

D. Other terms and conditions prescribed by rule by the commissioner upon consultation with the ad hoc advisory committee Potato-Marketing-Improvement-Committee.

Sec. 14. 7 MRSA §974, sub-§2, ¶B, as enacted by P.L. 1981, c. 513, §7 is amended to read:

B. A fee for administrative costs which shall be at a rate set by rule by the commissioner upon consultation with the Potato-Marketing-Improvement ad hoc advisory Committee, but which rate shall not exceed 1% of the loan.

Sec. 15. 7 MRSA Subchapter V, Articles 2 and 2-A are repealed.

Sec. 16. 7 MRSA §1008-B is repealed.

Sec. 17. 10 MRSA, §985, sub-§1, 1st sentence as enacted by P.L. 1983, c. 519, §7 is amended to read:

1. Membership of the board. The Natural Resource Financing and Marketing Board of the authority shall consist of 7 voting members including the Commissioner of Conservation, the Commissioner of Marine Resources and the Commissioner of Agriculture, Food and Rural Resources, or their designees, and 4 public members appointed by the Governor, ~~subject to the approval of the joint standing committee of the Legislature having jurisdiction over State Government and to confirmation by the Senate.~~

Sec. 18. 12 MRSA Chapter 204, is repealed.

Sec. 19. 12 MRSA §602, sub-§15, ¶C is repealed.

Sec. 20. 17 MRSA §1051, 1st sentence is amended to read:

§1051. Authority; definitions

The Animal Welfare Board, as established by Title 5, ~~section 12004, subsection 8,~~ Chapter 379 shall enforce all provisions of this chapter; Title 7, chapters 701, 703 and 711, and Title 17-A, section 510.

Sec. 21. 17 MRSA §1051-A, 1st paragraph, last sentence, is amended to read:

The remaining 9 members of the board shall be appointed by the Governor, ~~subject to review by the joint standing committee of the Legislature having jurisdiction over agriculture and to confirmation by the Legislature.~~

Sec. 22. 20-A MRSA Chapter 7 is repealed.

Sec. 23. 20-A MRSA Chapter 9, subchapter I is repealed.

Sec. 24. 22 MRSA §675 is repealed.

Sec. 25. 22 MRSA §§1693 and 1693-A as last amended by P.L. 1983, c. 812, §121, are repealed and the following enacted in place thereof:

§1693-B. Environmental Health Advisory Committee

1. Committee established. The commissioner shall appoint a committee of representatives of the public and private sectors to serve as an advisory body to the Environmental Health Program, as authorized by Title 5, Chapter 379. The committee shall advise, assist and consult with the commissioner regarding the public health implications of hazardous elements in the environment. The committee may make recommendations to the commissioner, concerning the steps which should be taken to make for a healthful environment. The committee shall be solely advisory in nature. It shall be composed of not less than 11 members, of whom 3 shall be public members. The members shall serve for 3-year terms, except that initially 4 shall be appointed for 3 years, 4 for 2 years and 3 for one year. The members shall include individuals with training and experience in any of the following, or related fields: Environmental medicine; epidemiology; toxicology; human genetics; or biomedical research. The commissioner shall appoint the chairman of the committee. Members of the committee shall be compensated according to the provisions of Title 5, chapter 379. The committee shall meet at least once annually in Augusta.

2. Additional duties. The Environmental Health Advisory Committee shall assist the Environmental Health Unit in carrying out its responsibilities in the Hazardous Air Pollution Program and other related duties regarding the public health impact of chemical hazards in the environment.

The committee may review and evaluate potential health risks associated with pollutants other than those in the air. Requests for such a review shall be made to the Director of the Bureau of Health. If the director determines that the request is justified, the request shall be forwarded to the committee. The director may assess any reasonable costs to the party making the request.

A. In view of the need for pure scientific considerations in the review and evaluation of potential health risks associated with pollutants, the committee is prohibited from injecting political, economic and technology considerations into their decision-making process under this section.

B. The committee shall report its findings to the Director of the Bureau of Health who shall make them available to the public. Recommendations by the committee shall be by majority vote with a written opinion being provided. Any minority opinion shall be included in the report.

3. Provide advice with respect to Radiation. The Environmental Health Advisory Committee shall advise and make recommendations to the commissioner and the department with respect to the regulation of sources of radiation and implementation of the provisions of Title 22, Chapter 160.

Sec.. 26. 23 MRSA §152, last paragraph as last amended by P.L. 1985, c. 785 is further amended to read:

The 5th member of the board shall be appointed for each hearing or series of hearings within the county where the land taken lies. He shall be a member of the board of county commissioners of the county wherein the land taken is situated and shall be appointed by the chairman of the State Claims Board upon recommendation which shall be made, upon request, by the board of county commissioners of that particular county. In the event that any board or county commissioners should fail to make the required recommendation, then the chairman of the State Claims Board may appoint a member of such board to serve. He shall be sworn by the chairman of the State Claims Board and shall serve as a member of that board only for the particular hearing or hearings for which he is appointed. He shall participate fully in such hearings and the awards made as a result thereof. Each such member shall be paid at the same per diem rate as that fixed for other members of the board. Any member of the board of county commissioners thus designated shall serve only for the particular hearing or hearings set

forth in his appointment and such service shall be as a ~~member of the State Claims Board and not~~ in his capacity as a member of the board of county commissioners. Any county commissioner serving in the capacity as a member of the State Claims Board may retain any compensation from the board.

Sec. 27. 23 MRSA §4209, sub-§7 is repealed.

Sec. 28. 26 MRSA §1307, as last amended by P.L. 1983, c. 812, §165 is repealed and replaced to read:

§1307-A. Minimum Wage Rate on Construction Projects

The Director of the Bureau of Labor Standards may form an informal, ad hoc advisory board to advise the director with respect to issues relating to wage rates on construction projects. In forming this advisory board, the director shall select a person from labor engaged in the building trades, a person from the highway and heavy contractors, and a person from the building contractors.

Sec. 29. 29 MRSA §2246 is repealed.

Sec. 30. 29 MRSA Chapter 11, Subchapter VII is repealed.

Sec. 31. 30 MRSA Chapter 241, Subchapter III is repealed.

Sec. 32. 32 MRSA Chapter 29 is repealed.

Sec. 33. 35 MRSA Chapter 303 is repealed.

Sec. 34. Resolves, 1983, Chapter 48 is repealed.

Sec. 35. Private and Special Laws, 1975, c. 14, sec. 1 is repealed.

Sec. 36. Private and Special Laws, 1979, c. 43 is repealed.

Sec. 37. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1987-88

1988-89

Department of the
Secretary of State

Administration

Personal Services
All other
Capital Expenditures

STATEMENT OF FACT

The purpose of this bill is to improve the functioning of boards and commissions, facilitate the process of appointments of board members, assure to the greatest possible extent that boards serve the public welfare, and to terminate inactive and unnecessary boards. To achieve this purpose, this bill:

A. terminates 30 boards which are inactive, no longer necessary or useful, or have been repealed by previous laws in other parts of the statutes. The boards that are terminated include the following:

1. Arborist Examining Board
2. Board of Emergency Municipal Finance
3. Minimum Wage Rate on Construction Projects
4. Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency
5. Board of Trustees, Mining Excise Tax Trust Fund
6. Potato Marketing Improvement Committee
7. Agriculture Promotion Committee
8. Maine Marketing Advisory Board
9. Maine Groundfish Association
10. Potato Marketing Committee
11. Eastern States Exposition Advisory Board
12. Maine Agricultural Viability Advisory Committee
13. Indian Scholarship Committee
14. Maine Education Council
15. Special Commission to Study the Implementation of Educational Reform
16. Low Level Waste Siting Commission
17. Ground Water Protection Commission
18. Scientific Advisory Panel
19. Advisory Committee on Radiation
20. Probate Law Revision Commission

21. Maine Marine Resources Commission
22. Keep Maine Scenic Committee
23. Maine Trails System Advisory Committee
24. Advisory Committee to the Public Advocate
25. Advisory and Review Board on Driver Licensing and Vehicle Registration
26. Public Transportation Advisory Committee
27. Advisory Committee on Maine Public Broadcasting
28. Education Commission of the States
29. Vehicle Equipment Safety Commission
30. Intergovernmental Relations Committee.

B. authorizes state agencies to form ad hoc advisory boards to advise an agency with respect to a specific issue rather than create a formal advisory board to serve this function.

C. declares that members of advisory boards are not officers of the State within the meaning of the Constitution and thereby removes the requirement that these members be commissioned by the Secretary of State.

D. requires that each board appoint a clerk who is responsible for reporting board activities to the Secretary of State and the Commissioner of Finance.

E. Provides resources to the Secretary of State to provide the Governor, the Speaker of the House and the President of the Senate with a list of positions on boards and commissions for which appointments are necessary for that year. This will enable the appointing authorities to make timely appointments. In addition, these resources will be used to develop a better computer program system that will generate much more information about board membership and activities.

F. combines the arbitration and property assessment/valuation categories of boards because of their similar duties and responsibilities.

G. removes the confirmation requirement for members of the Natural Resource Financing and Marketing Board and the Animal Welfare Board; and

H. Increases the per diem rate of compensation for the following boards:

1. State Claims Board - Per diem increased from \$100 to \$150/Day
2. Board of Trustees, Maine State Retirement system - Per diem increased from \$50/Day to Legislative Per Diem
3. Maine Health and Higher Education Facilities Authority - Provided with Legislative Per Diem. Previously no per diem was paid.

FURTHER RECOMMENDED LEGISLATION

"AN ACT to Establish Rates of Compensation of Boards
In Terms of the Legislative Per Diem Rate."

This bill, proposed by the Board of Commissions, will take effect on July 1, 1988. The bill ties the rate of compensation of boards and commissions to the legislative per diem rate which is the standard established by law. The bill does not tie the rates of compensation of occupational and professional licensing boards or advisory boards to the legislative per diem rate unless those boards are currently authorized to receive the legislative per diem rate.

Occupational and professional licensing boards operate on dedicated revenues and the revenues of these boards may not be adequate to tie the compensation of these boards to the legislative per diem.

The purpose of this bill is to take the rate of inflation into account with respect to compensation of boards. These boards will not have to appeal to the Legislature for an increase in compensation each time the legislative per diem rate changes.

A copy of this proposed bill may be obtained from the Office of Policy and Legal Analysis.

TP/elk/7766