

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2081

6
7 H.P. 1571

House of Representatives, February 15, 1984

8 Submitted by the Joint Standing Committee on State Government
9 pursuant to Joint Rule 19. Approved by Legislative Council on May 25, 1983.

10 Reported by Representative Gwadosky from the Committee on State
Government and printed under Joint Rule 19.

EDWIN H. PERT, Clerk

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Establish Standards and a
18 Policy for the Compensation of Members of
19 Boards, Commissions and Similar Organizations.
20

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

23 Sec. 1. 3 MRSA §2-A, sub-§1, as enacted by PL
24 1981, c. 498, §1, is amended to read:

25 1. State Compensation Commission established.
26 ~~There is established the~~ The State Compensation Commission,
27 ~~to~~ established by Title 5, section 12004,
28 subsection 10, shall consist of 5 members appointed
29 as follows: Two members shall be appointed by the
30 President of the Senate; 2 members shall be appointed
31 by the Speaker of the House; and one member shall be
32 appointed by a majority of the preceding 4 commis-
33 sioners, and shall serve as chairman of the commis-
34 sion. The 5 members shall be residents of the State,
35 appointed from the public. No one may be appointed
36 who is a Legislator at the time of his appointment.

1 state authority business shall be compensated ac-
2 ording to the provisions of Title 5, chapter
3 379. The director shall be a full-time employee
4 of the authority, but shall be permitted to re-
5 ceive fees or honoraria for services provided to
6 others not in conflict with his full-time duties
7 and not performed during time for which he is re-
8 ceiving compensation from the state authority. In
9 addition to any authorized compensation, the di-
10 rector shall be entitled to such employee benef-
11 its as may be made available to other employees
12 of the state authority, including, but not lim-
13 ited to, authority contributions to any retire-
14 ment plan, insurance plan, deferred compensation
15 plan or other similar benefits, and each commis-
16 sioner and advisory board member shall be enti-
17 tled to receive reimbursement for actual expenses
18 incurred in the performance of state authority
19 business and such equipment, materials, member-
20 ships or insurance protection as shall be appro-
21 priate and necessary to the performance of his
22 duties.

23 Sec. 168. 30 MRSA §5301 is amended to read:

24 §5301. Membership

25 The Board of Emergency Municipal Finance, as
26 heretofore established authorized by Title 5, section
27 12004, subsection 8, and hereinafter designated in
28 this subchapter as the "board," shall be composed of
29 the 3 persons who legally hold the offices of Commis-
30 sioner of Finance and Administration, Treasurer of
31 State and State Tax Assessor. Upon the succession of
32 any person to any of these respective offices, he or
33 she shall immediately become a member of the board
34 and the person who formerly held such office shall
35 cease to be such a member. The person holding the of-
36 fice of State Tax Assessor shall be the chairman of
37 the board. The members of the board shall ~~not receive~~
38 ~~any compensation for their services as such members~~
39 except their expenses be compensated according to the
40 provisions of Title 5, chapter 379.

41 Sec. 169. 30 MRSA §6212, sub-§1, as enacted by
42 PL 1979, c. 732, §§1 and 31, is amended to read:

1 1. Commission created. There is hereby estab-
2 ~~lished~~ a The Maine Indian Tribal-State Commission is
3 established pursuant to Title 5, section 12004, sub-
4 section 4. The commission shall consist of 9 members,
5 4 to be appointed by the Governor of the State sub-
6 ject to review by the Joint Standing Committee on Ju-
7 diciary and to confirmation by the Legislature, 2
8 each to be appointed by the Passamaquoddy Tribe and
9 the Penobscot Nation and a chairman to be selected in
10 accordance with subsection 2. The members of the com-
11 mission, other than the chairman, shall each serve
12 for a term of 3 years and may be reappointed. In the
13 event of the death, resignation or disability of any
14 member, the appointing authority may fill the vacancy
15 for the unexpired term.

16 Sec. 170. 30 MRSA §6212, sub-§4, as enacted by
17 PL 1979, c. 732, sub-§§1 and 31, is amended to read:

18 4. Personnel, fees, expenses of commissioners.
19 The commission shall have authority to employ such
20 personnel as it deems necessary and desirable in or-
21 der to effectively discharge its duties and responsi-
22 bilities. Such employees shall not be subject to
23 state personnel laws or rules.

24 The commission members shall be paid \$75 per day for
25 ~~their services and shall be reimbursed for reasonable~~
26 ~~expenses including travel~~ according to the provisions
27 of Title 5, chapter 379.

28 Sec. 171. 32 MRSA §63, sub-§1, as amended by PL
29 1975, c. 771, §331, is further amended to read:

30 1. Membership. ~~There shall be a~~ The State Board
31 of Licensure of Administrators of Medical Care Facil-
32 ities other than Hospitals consisting, as estab-
33 lished by Title 5, section 12004, subsection 1, shall
34 consist of 8 members appointed by the Governor. The
35 members shall be citizens of the United States and
36 residents of the State of Maine. One member shall be
37 a physician licensed to practice medicine or osteopa-
38 thy with not less than 5 years of active practice
39 within the State. One member shall be a hospital ad-
40 ministrator with not less than 5 years active prac-
41 tice in the State as a hospital administrator. One
42 member shall be a registered nurse with not less than

1 Low-level Waste Siting Commission, established by Title
2 5, section 12004, subsection 10, shall hereafter
3 be referred to as the "commission."

4 Sec. 277. 38 MRSA §1476, sub-§5, as reallacated
5 by PL 1983, c. 381, §5, is amended to read:

6 5. Compensation. Members, except state employ-
7 ees, shall ~~receive reimbursement for the necessary~~
8 ~~actual expenses incurred in carrying out their duties~~
9 be compensated according to the provisions of Title
10 5, chapter 379.

11 STATEMENT OF FACT

12 The purpose of this bill is to establish stan-
13 dards and policies for the compensation of members of
14 boards, commissions, committees, councils, authori-
15 ties and similar organizations and to establish a
16 central statutory inventory of these organizations.
17 This bill establishes the legislative per diem,
18 \$35/day-currently, as a ceiling per diem, except ad-
19 visory boards and boards with minimal authority are
20 eligible only for expenses. The exception to this
21 state policy is compensation of boards for which
22 there is a very limited supply of expertise and the
23 boards issue substantive decisions that have a sig-
24 nificant impact upon the State.

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