

Maine Revised Statute Title 2: EXECUTIVE

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Title 2: EXECUTIVE

Chapter 1: GOVERNOR

2 §1. RESIDENCE; OFFICE HOURS; SECRETARY; SALARY

The Governor shall have his official residence at Augusta during his term of office, and shall keep his office at the State House open for the transaction of the business of the State during all normal working hours of the State House.

In the absence of the Governor, his private secretary shall be in attendance and the private secretary shall devote his entire time to the duties of his office.

Until the first Wednesday of January 1987, the Governor shall receive an annual salary of \$35,000. Beginning the first Wednesday of January 1987, the Governor shall receive an annual salary of \$70,000. [1985, c. 693, §1 (NEW).]

A former Governor may accept as a personal gift from the State at the end of his final term the desk and chair used by that Governor as Governor. [1987, c. 437, §1 (NEW).]

SECTION HISTORY

1965, c. 412, §1 (AMD). 1973, c. 597, (AMD). 1983, c. 477, §§E24-1,2 (AMD). 1985, c. 693, §1 (AMD). 1987, c. 437, §1 (AMD). 1993, c. 361, §B1 (AMD).

2 §1-A. RETIREMENT ALLOWANCE

1. Terms and conditions. Any former Governor and any surviving spouse of a deceased Governor or former Governor is entitled, upon application and upon reaching age 60, to a retirement allowance under the following terms and conditions.

- A. The amount of the retirement allowance is $\frac{3}{8}$ of the annual salary being paid the current Governor on the date the former Governor reaches age 60 or leaves office, which ever comes later. [1987, c. 422, (AMD).]
- B. The surviving spouse of a Governor or former Governor shall be eligible to receive:
- (1) If the spouse is age 60 or older:
 - (a) The retirement allowance the Governor was receiving or was entitled to receive if the deceased or former Governor died at age 60 or older; or
 - (b) A retirement pension equal to $\frac{3}{8}$ of the salary paid to the Governor currently in office if the former Governor died before age 60; or
 - (2) If the spouse is under age 60:
 - (a) At the time the spouse reaches age 60, a retirement pension equal to $\frac{3}{8}$ of the salary paid to the Governor currently in office; or
 - (b) Before the spouse reaches age 60, a reduced retirement pension actuarially equivalent to the benefit which he would have received under division (a). [1987, c. 422, (AMD).]
- C. Any person who succeeds to the office of Governor by means other than by election must serve as Governor a minimum of 6 months to qualify himself or a surviving spouse for the retirement allowance. [1985, c. 801, §§ 1, 7 (NEW).]
- D. Whatever adjustments are made under Title 5, sections 17806 and 18407 shall be applied to payments made under this section. [1985, c. 801, §§ 1, 7 (NEW).]

[1987, c. 422, (AMD) .]

2. Maine Public Employees Retirement System. The trustees of the Maine Public Employees Retirement System shall be responsible for the payment of the retirement allowance under this section from the Governor's Retirement Fund.

A. The board of trustees of the Maine Public Employees Retirement System shall forward to the Executive Department for inclusion in its budget request an estimate of the amount needed to be appropriated to the Governor's Retirement Fund which will be sufficient, when combined with the amount in the fund, to provide the benefits payable out of the fund during the ensuing biennium. [1985, c. 801, §§ 1, 7 (NEW); 2007, c. 58, §3 (REV).]

B. A Governor may become or continue to be a member of the State Employee and Teacher Retirement Program and is entitled to all benefits, except that the benefit provided under this section is in lieu of, and not in addition to, all benefits provided under Title 5, Part 20. [2007, c. 491, §1 (AMD).]

C. When a retirement allowance under this section becomes effective:

(1) Any accumulated contributions of a Governor who is or was a member of the State Employee and Teacher Retirement Program or was a member of the former Maine State Retirement System must be transferred from the Members' Contribution Fund to the Governor's Retirement Fund; and

(2) An amount must be transferred from the Retirement Allowance Fund to the Governor's Retirement Fund equal to the accrued benefit reserve minus the accumulated contributions under subparagraph (1), which would have been required to pay the benefits to which the Governor or surviving spouse would have been entitled under Title 5, chapter 423, subchapter 5. [2007, c. 491, §2 (AMD).]

D. A Governor shall contribute 7.65% of earnable compensation to the Governor's Retirement Fund. A former Governor may withdraw these contributions. If a former Governor withdraws contributions, the former Governor is not eligible for a retirement allowance under this section. A former Governor who has withdrawn contributions may repay withdrawn contributions pursuant to rules adopted by the Board of Trustees of the Maine Public Employees Retirement System in order to become eligible for a retirement allowance under this section. [1993, c. 410, Pt. FFFF, §1 (NEW); 2007, c. 58, §3 (REV).]

[2007, c. 491, §§1, 2 (AMD) .]

SECTION HISTORY

1985, c. 801, §§1,7 (NEW). 1987, c. 422, (AMD). 1993, c. 410, §FFFF1 (AMD). 2007, c. 491, §§1, 2 (AMD). 2007, c. 58, §3 (REV).

2 §2. EXPENSE ACCOUNT

The "Governor's Expense Account", as heretofore established, shall be credited with such amounts as are appropriated by the Legislature therefor. This appropriation shall be available for expenditure by the Governor at his discretion. This account shall not be subject to audit, except as to total amount to be paid.

2 §3. EXPENSE ACCOUNT OF GOVERNOR-ELECT

The "Governor-elect's Expense Account," as heretofore established, shall be a continuing reserve to which shall be credited the sum of \$5,000. At the close of each fiscal year there shall be transferred from unappropriated surplus an amount sufficient to restore such expense account to \$5,000.

This appropriation shall be available for expenditure by the Governor-elect at his discretion, provided he is Governor-elect to his first term in office. This account shall not be subject to audit, except as to total amount to be paid. [1973, c. 509, §1 (AMD).]

SECTION HISTORY

1973, c. 509, §1 (AMD).

2 §4. ACCEPTANCE OF FEDERAL GRANTS

The Treasurer of State is authorized and empowered to accept for the State any federal funds or any equipment, supplies or materials apportioned under federal law and to do such acts as are necessary for the purpose of carrying out such federal law. The Governor is authorized and empowered to authorize and direct departments or agencies of the State, to which are allocated the duties involved in the carrying out of such state laws as are necessary to comply with the terms of the Federal Act authorizing such granting of federal funds or such equipment, supplies or materials, to expend such sums of money and do such acts as are necessary to meet such federal requirements. [1979, c. 711, Pt. F, §1 (AMD).]

SECTION HISTORY

1975, c. 771, §5 (AMD). 1977, c. 583, §§1,2 (AMD). 1979, c. 711, §F1 (AMD).

2 §5. ACCEPTANCE OF GIFTS

The Governor is authorized to accept in the name of the State any and all gifts, bequests, grants or conveyances to the State of Maine. [1975, c. 771, §6 (AMD).]

No other state official or any member of any other branch of State Government may accept any gift, grant or conveyance to the State or to that branch of government, with a value greater than \$50, unless specifically authorized to do so by law or by clear implication of law, or unless empowered to do so by the Governor. [1999, c. 1, §1 (AMD).]

SECTION HISTORY

1975, c. 771, §6 (AMD). 1981, c. 53, (AMD). 1999, c. 1, §1 (AMD).

2 §6. SALARIES SUBJECT TO ADJUSTMENT BY GOVERNOR

Notwithstanding any other provisions of law, the Governor is authorized to adjust the salaries of the following state officials within the salary ranges indicated in this section. The adjustment may be at the time of appointment of the official and subsequently as provided by law. The salary ranges shall be as provided by law; except that, for the purposes of this section, each salary range shall be increased by 2 steps in addition to and in the same manner of increase as the steps in the range otherwise provided by law. No other state salary shall be paid to these officials. [1981, c. 705, Pt. L, §§1-3 (RPR).]

1. Range 91. The salaries of the following state officials and employees are within salary range 91:

- Commissioner of Transportation;
- Commissioner of Conservation;
- Commissioner of Administrative and Financial Services;
- Commissioner of Education;
- Commissioner of Environmental Protection;
- Executive Director of Dirigo Health;
- Commissioner of Public Safety;
- Commissioner of Professional and Financial Regulation;
- Commissioner of Labor;
- Commissioner of Agriculture, Food and Rural Resources;
- Commissioner of Inland Fisheries and Wildlife;
- Commissioner of Marine Resources;
- Commissioner of Corrections;
- Commissioner of Economic and Community Development;
- Commissioner of Defense, Veterans and Emergency Management; and

Executive Director, Workers' Compensation Board.

[2005, c. 397, Pt. A, §1 (RPR) .]

1-A. Range 58. The salaries of the following state officials and employees are within salary range 58:
Commissioner of Health and Human Services.

[2003, c. 689, Pt. C, §2 (NEW) .]

2. Range 90. The salaries of the following state officials and employees are within salary range 90:
Superintendent of Financial Institutions;
Superintendent of Consumer Credit Protection;
State Tax Assessor;
Superintendent of Insurance;
Executive Director of the Maine Consumer Choice Health Plan;
Deputy Commissioner, Department of Administrative and Financial Services;
Associate Commissioner for Adult Services, Department of Corrections;
Associate Commissioner for Juvenile Services, Department of Corrections;
Public Advocate;
Deputy Commissioner, Department of Health and Human Services;
Chief Information Officer;
Associate Commissioner for Legislative and Program Services, Department of Corrections; and
Chief of the State Police.

[2007, c. 539, Pt. N, §1 (AMD); 2007, c. 695, Pt. A, §47 (AFF) .]

3. Range 89. The salaries of the following state officials and employees are within salary range 89:
Director, Bureau of General Services;
Director, Bureau of Alcoholic Beverages and Lottery Operations;
State Budget Officer;
State Controller;
Director of the Bureau of Forestry;
Director, State Planning Office;
Director, Energy Resources Office;
Director of Human Resources;
Director, Bureau of Parks and Lands; and
Director of Econometric Research.

[2005, c. 683, Pt. A, §2 (RPR) .]

4. Range 88. The salaries of the following state officials and employees are within salary range 88:
Director, Bureau of Air Quality;
Director, Bureau of Land and Water Quality;
Director, Bureau of Remediation and Waste Management;
Deputy Commissioner, Environmental Protection;
Director, Office of Licensing and Registration;
Administrator, Office of Securities; and
Deputy Chief of the State Police.

[2007, c. 695, Pt. A, §47 (AFF); 2007, c. 695, Pt. A, §5 (RPR) .]

5. Range 86. The salaries of the following state officials and employees are within salary range 86:

Director of Labor Standards;
 State Archivist;
 Director, Bureau of Geology and Natural Areas;
 Executive Director, Maine Land Use Regulation Commission;
 Chair, Maine Unemployment Insurance Commission;
 Child Welfare Services Ombudsman; and
 Director of the Maine Drug Enforcement Agency.

[2005, c. 405, Pt. D, §4 (AMD) .]

6. Range 85. The salaries of the following state officials and employees are within salary range 85:

Director of the Maine Emergency Management Agency;
 Members, Maine Unemployment Insurance Commission;
 Deputy Commissioner of the Department of Defense, Veterans and Emergency Management;
 Director of the Bureau of Maine Veterans' Services; and
 Executive Analyst, Board of Environmental Protection.

[2005, c. 405, Pt. D, §4 (AMD) .]

7. Range 83.

[2003, c. 510, Pt. A, §1 (RP) .]

8. Range 81. The salaries of the following state officials and employees shall be within salary range 81:

Assistant Adjutant General.

[1981, c. 705, Pt. L, §§1-3 (RPR) .]

9.

[1977, c. 697, §1 (RP) .]

10. Range 80. The salaries of the following state officials and employees are within salary range 80:

[2007, c. 1, Pt. F, §1 (AMD) .]

11. Range 38. The salaries of 2 deputy commissioners of the Department of Health and Human Services are within salary range 38.

A. [2007, c. 539, Pt. N, §2 (RP).]

B. [2007, c. 539, Pt. N, §2 (RP).]

[2007, c. 539, Pt. N, §2 (AMD) .]

12. Range 52. The salary of the executive director of the Maine Commission on Indigent Legal Services is within salary range 52.

[2009, c. 419, §1 (NEW) .]

SECTION HISTORY

1967, c. 542, (NEW). 1969, c. 45, §1 (AMD). 1969, c. 504, §1 (AMD). 1969, c. 552, §§1,2 (AMD). 1969, c. 576, §§1,2 (AMD). 1971, c. 328, §1 (AMD). 1971, c. 480, §3 (AMD). 1971, c. 531, §1 (AMD). 1971, c. 622, §§1-4 (AMD). P&SL 1973, c. 108, §8 (AMD). P&SL 1973, c. 148, §§D1,2 (AMD). 1973, c. 186, §1 (AMD). P&SL 1973, c. 207, §§5-10 (AMD). P&SL 1973, c. 209, §4 (AMD). P&SL 1973, c. 221, §§10,11 (AMD). 1973, c. 460, §§18,19 (AMD). 1973, c. 513, §22 (AMD). 1973, c. 570, §2 (AMD). 1973, c. 585, §§11,12 (AMD). 1973, c. 590, §1 (AMD). 1973, c. 633, §1 (AMD). 1973, c. 770, §1 (AMD). 1973, c. 788, §2 (AMD). 1973, c. 509, §2 (RPR). 1975, c. 59, §3 (AMD). P&SL 1975, c. 147, §§C1-C3 (AMD). 1975, c. 497, §3 (AMD). 1975, c. 623, §§1-B,2 (AMD). 1975, c. 766, §§1,2 (AMD). 1975, c. 770, §2 (AMD). 1975, c. 771, §7 (AMD). 1975, c. 776, §1 (AMD). 1977, c. 131, (AMD). 1977, c. 204, §§1,2 (AMD). 1977, c. 553, §1 (AMD). 1977, c. 697, §1 (RPR). 1979, c. 127, §§2,3 (AMD). 1979, c. 488, §§1,2 (AMD). 1979, c. 489, §§1-3 (AMD). 1979, c. 501, §1 (AMD). 1979, c. 579, §§1,2 (AMD). 1979, c. 651, §§1,2,47 (AMD). 1979, c. 663, §3 (AMD). 1979, c. 732, §§3,31 (AMD). 1981, c. 168, §1 (AMD). 1981, c. 359, §1 (AMD). 1981, c. 452, §§1,2 (AMD). 1981, c. 470, §A1 (AMD). 1981, c. 479, §1 (AMD). 1981, c. 501, §1 (AMD). 1981, c. 705, §§L1,3 (RPR). 1983, c. 349, §1 (AMD). 1983, c. 351, §§1,2,41 (AMD). 1983, c. 553, §46 (AMD). 1985, c. 372, §A1 (AMD). 1985, c. 506, §A1 (AMD). 1985, c. 746, §1 (AMD). 1985, c. 785, §§B1-3 (AMD). 1985, c. 785, §A1 (AMD). 1987, c. 402, §A3 (AMD). 1987, c. 511, §A1 (AMD). 1987, c. 534, §§A1,A19 (AMD). 1987, c. 634, §1 (AMD). 1987, c. 666, §1 (AMD). 1987, c. 715, §§1-3 (AMD). 1987, c. 787, §1 (AMD). 1987, c. 816, §DD1 (AMD). 1989, c. 483, §A1 (AMD). 1989, c. 501, §§BB1,BB2 (AMD). 1989, c. 502, §§A2,A3 (AMD). 1989, c. 585, §§A1,A2 (AMD). 1989, c. 612, (AMD). 1989, c. 700, §§A8-10 (AMD). 1989, c. 875, §§E1,2 (AMD). 1989, c. 878, §§A3,4 (AMD). 1989, c. 890, §§A1,40 (AMD). 1991, c. 528, §E1 (AMD). 1991, c. 579, §1 (AMD). 1991, c. 591, §E1 (AMD). 1991, c. 626, §1 (AMD). 1991, c. 780, §§Y1-5,RR1 (AMD). 1991, c. 837, §B1 (AMD). 1991, c. 841, §1 (AMD). 1991, c. 885, §A1 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 579, §19 (AFF). 1991, c. 885, §§A9-11 (AFF). 1993, c. 349, §§1,2 (AMD). 1993, c. 410, §§L1,CCC1 (AMD). 1995, c. 309, §§1,2 (AMD). 1995, c. 368, §§GG1,UU1 (AMD). 1995, c. 395, §C1 (AMD). 1995, c. 462, §A1 (AMD). 1995, c. 465, §§A1,2 (AMD). 1995, c. 494, §1 (AMD). 1995, c. 502, §§E1,32,F1, H1 (AMD). 1995, c. 560, §§K1,2 (AMD). 1995, c. 665, §K1 (AMD). 1995, c. 309, §29 (AFF). 1995, c. 465, §C2 (AFF). 1995, c. 560, §K83 (AFF). 1997, c. 455, §§1,32 (AMD). 1997, c. 459, §1 (AMD). 1997, c. 643, §§H1,2,Q1-3 (AMD). 1999, c. 259, §§1,2 (AMD). 1999, c. 556, §2 (AMD). 1999, c. 731, §F1 (AMD). 1999, c. 784, §1 (AMD). 2001, c. 44, §11 (AMD). 2001, c. 182, §1 (AMD). 2001, c. 354, §3 (AMD). 2001, c. 708, §1 (AMD). 2001, c. 44, §14 (AFF). 2003, c. 469, §A1 (AMD). 2003, c. 510, §A1 (AMD). 2003, c. 608, §1 (AMD). 2003, c. 689, §§C1-3 (AMD). 2005, c. 12, §SS2 (AMD). 2005, c. 397, §§A1,2 (AMD). 2005, c. 405, §§D1-4 (AMD). 2005, c. 412, §§1-3 (AMD). 2005, c. 683, §§A1,2 (AMD). 2007, c. 1, Pt. F, §1 (AMD). 2007, c. 240, Pt. HH, §1 (AMD). 2007, c. 273, Pt. B, §§1, 2 (AMD). 2007, c. 539, Pt. N, §§1, 2 (AMD). 2007, c. 695, Pt. A, §5 (AMD). 2007, c. 273, Pt. B, §7 (AFF). 2007, c. 695, Pt. A, §47 (AFF). 2009, c. 419, §1 (AMD).

2 §6-A. SALARIES OF COMMISSIONERS AND CERTAIN EMPLOYEES OF THE PUBLIC UTILITIES COMMISSION

The salaries of the commissioners and certain employees of the Public Utilities Commission shall be as follows. [1981, c. 452, §3 (RPR).]

1. Chair. The salary of the chair of the commission is equal to the salary of the Chief Justice of the Superior Court as established pursuant to Title 4, section 4, subsection 2-A and section 102, subsection 1.

[1999, c. 398, Pt. H, §1 (AMD) .]

1-A. Commission members.

[1987, c. 402, Pt. A, §4 (RP) .]

2. Commission members. The salary of members of the commission is equal to the salary of an Associate Justice of the Superior Court as established pursuant to Title 4, section 102, subsections 2 and 2-A.

[1999, c. 398, Pt. H, §2 (AMD) .]

3. Other employees. The salaries of the following employees are within salary range 53:

A. General counsel; [1981, c. 452, §3 (NEW) .]

B. Director of telephone and water utility industries; [2009, c. 122, §1 (AMD) .]

C. Administrative Director; [1985, c. 618, §1 (AMD) .]

D. Director of electric and gas utility industries; [2009, c. 122, §2 (AMD) .]

D-1. Director of energy programs; and [2005, c. 23, §1 (NEW) .]

E. Director of consumer assistance. [1985, c. 618, §1 (NEW) .]

[2009, c. 122, §§1, 2 (AMD) .]

3-A. Other employees; range 35. The salaries of the following employees are within salary range 35:

A. Assistant administrative director. [2007, c. 482, §1 (AMD) .]

B. [2007, c. 482, §1 (RP) .]

C. [2007, c. 482, §1 (RP) .]

[2007, c. 482, §1 (AMD) .]

4. Legislative approval.

[1983, c. 729, §2 (RP) .]

5. Retirement contribution. The State shall pay the mandatory retirement contribution required by Title 5, section 17701, for commissioners who elect to become members of the Maine Public Employees Retirement System. Payment shall be made as provided in Title 5, section 17702. A commissioner may elect at the time of appointment to receive a 5% salary increase instead of state payment of the retirement contribution.

Membership in the Maine Public Employees Retirement System is optional.

[1989, c. 502, Pt. A, §4 (AMD); 2007, c. 58, §3 (REV) .]

SECTION HISTORY

1977, c. 697, §2 (NEW). 1981, c. 582, §1 (AMD). 1981, c. 452, §3 (RPR). 1983, c. 344, §1 (AMD). 1983, c. 477, §§E,4 (AMD). 1983, c. 729, §§1,2 (AMD). 1983, c. 853, §§C1,C2 (AMD). 1983, c. 863, §§B1-3,B45 (AMD). 1983, c. 862, §1 (RAL). 1985, c. 618, §§1,2 (AMD). 1985, c. 693, §§2,3,14 (AMD). 1985, c. 737, §§A5,6 (AMD). 1985, c. 737, §C5 (AMD). 1987, c. 402, §§A4,A5 (AMD). 1987, c. 631, §1 (AMD). 1989, c. 502, §A4 (AMD). 1999, c. 398, §§H1,2 (AMD). 2005, c. 23, §1 (AMD). 2007, c. 482, §1 (AMD). 2007, c. 58, §3 (REV). 2009, c. 122, §§1, 2 (AMD).

2 §6-B. SALARIES OF CERTAIN EMPLOYEES OF THE MAINE HEALTH CARE FINANCE COMMISSION

(REPEALED)

SECTION HISTORY

1983, c. 579, §1 (NEW). 2007, c. 466, Pt. A, §1 (RP).

2 §6-C. SALARY OF EXECUTIVE DIRECTOR OF THE BOARD OF LICENSURE IN MEDICINE

Notwithstanding any other provision of law, the salary of the Executive Director of the Board of Licensure in Medicine shall be within salary range 89. [1993, c. 600, Pt. B, §21 (AMD).]

SECTION HISTORY

1987, c. 178, §1 (NEW). 1993, c. 600, §B21 (AMD).

2 §6-D. SALARY OF THE EXECUTIVE DIRECTOR OF THE MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM

Notwithstanding Title 5, section 17105, subsection 3, the salary of the Executive Director and deputy directors appointed by the Executive Director of the Maine Public Employees Retirement System are established by the Board of Trustees of the Maine Public Employees Retirement System and may not exceed the maximum rate of salary that may be received by a state employee. [1993, c. 410, Pt. L, §2 (AMD); 2007, c. 58, §3 (REV).]

SECTION HISTORY

1989, c. 483, §A2 (NEW). 1993, c. 410, §L2 (AMD). 2007, c. 58, §3 (REV). 2007, c. 58, §3 (REV).

2 §6-E. SALARIES OF CERTAIN EMPLOYEES OF THE WORKERS' COMPENSATION BOARD

Notwithstanding any other provision of law, the salaries of the following employees of the Workers' Compensation Board are established by the Workers' Compensation Board and must be within the salary ranges indicated in this section. [1993, c. 145, §1 (NEW).]

1. Executive director.

[2003, c. 608, §2 (RP) .]

2. General counsel. The salary of the general counsel is within salary range 86.

[1993, c. 145, §1 (NEW) .]

2. General counsel. The salary of the general counsel is within salary range 89.

[2007, c. 312, §1 (AMD) .]

3. Deputy general counsel. The salary of the deputy general counsel is within salary range 85.

[1993, c. 145, §1 (NEW) .]

4. Assistants to the general counsel. The salary of the assistants to the general counsel is within salary range 82.

[1993, c. 145, §1 (NEW) .]

5. Deputy directors. The salary of the deputy directors is within the following salary ranges:

A. Deputy Director of Medical/Rehabilitation Services, Range 85; [1999, c. 354, §1 (RPR).]

B. Deputy Director of Business Services, Range 85; [2005, c. 498, §1 (AMD).]

C. Deputy Director of Benefits Administration, Range 85; and [2005, c. 498, §2 (AMD).]

E. Deputy Director of Information Management, Range 85. [2005, c. 498, §3 (NEW).]

[2005, c. 498, §§1-3 (AMD) .]

6. Hearing officers. The salary of the hearing officers is within salary range 90.

[1993, c. 145, §1 (NEW) .]

7. Mediators. The salary of the mediators is within salary range 80.

[1993, c. 145, §1 (NEW) .]

SECTION HISTORY

1993, c. 145, §1 (NEW). 1999, c. 354, §1 (AMD). 2003, c. 608, §2 (AMD). 2005, c. 498, §§1-3 (AMD). 2007, c. 312, §1 (AMD).

2 §7. CONSTITUTIONAL OFFICERS AND REGULATORY BOARDS

(REPEALED)

SECTION HISTORY

1967, c. 542, (NEW). 1971, c. 531, §2 (AMD). 1971, c. 550, §1 (AMD). 1973, c. 509, §3 (RPR). 1973, c. 788, §§2-A (RPR). P&SL 1975, c. 147, §C4 (RPR). 1977, c. 675, §1 (AMD). 1977, c. 709, §1 (AMD). 1977, c. 697, §3 (RPR). 1979, c. 127, §4 (AMD). 1979, c. 544, §§1,2 (AMD). 1979, c. 548, §1 (AMD). 1979, c. 651, §3 (AMD). 1983, c. 477, §§E,2 (AMD). 1983, c. 853, §§A1,2,5 (AMD). 1983, c. 853, §§C3,18 (AMD). 1983, c. 863, §§B4,B45 (AMD). 1985, c. 693, §§4,14 (AMD). 1985, c. 737, §C5 (AMD). 1989, c. 502, §A5 (AMD). 1991, c. 885, §A2 (AMD). 1991, c. 885, §§A9-11 (AFF). 1995, c. 462, §A2 (RP).

2 §8. LAND USE MEDIATION; OBLIGATION TO PARTICIPATE

Agencies within the executive branch shall participate in mediation under Title 5, chapter 314, subchapter II, when requested to participate by the Court Alternative Dispute Resolution Service. [2001, c. 184, §1 (AMD).]

SECTION HISTORY

1995, c. 537, §1 (NEW). 1997, c. 393, §A1 (AMD). 2001, c. 184, §1 (AMD).

2 §9. GOVERNOR'S OFFICE OF ENERGY INDEPENDENCE AND SECURITY

1. Office established. The Governor's Office of Energy Independence and Security, referred to in this section as "the office," is established in the Executive Department to carry out responsibilities of the State relating to energy resources, planning and development. The office is directly responsible to the Governor.

[2007, c. 656, Pt. C, §1 (NEW) .]

2. Director. The office is under the control and supervision of the Director of the Governor's Office of Energy Independence and Security, referred to in this section as "the director." The director is appointed by the Governor and serves at the pleasure of the Governor.

[2007, c. 656, Pt. C, §1 (NEW) .]

2-A. Powers. The director may request from the Efficiency Maine Trust, established in Title 35-A, chapter 97, and the trust may provide from funds available to it funding sufficient to carry out the duties of the office under section 3 and any other applicable law.

[2009, c. 372, Pt. H, §1 (NEW) .]

3. Duties. The director is responsible for the execution of the duties of the office. The director shall:

A. Serve as a member of the Efficiency Maine Trust Board, established under Title 5, section 12004-G, subsection 10-C; [2009, c. 372, Pt. H, §2 (AMD).]

B. In collaboration with the relevant state agencies, coordinate state energy policy and actively foster cooperation with the Efficiency Maine Trust, established in Title 35-A, chapter 97; [2009, c. 372, Pt. H, §2 (AMD).]

C. In consultation with the Efficiency Maine Trust Board, established in Title 5, section 12004-G, subsection 10-C, prepare and submit a comprehensive state energy plan to the Governor and the Legislature by January 15, 2009 and every 2 years thereafter; [2009, c. 372, Pt. H, §2 (AMD).]

C-1. By February 1st of each year, prepare and submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters an annual report that describes the activities of the office during the previous calendar year in carrying out its duties under this subsection and describes the State's progress in implementation of the state energy plan prepared pursuant to paragraph C. After receipt and review of the annual report required under this paragraph, the joint standing committee of the Legislature having jurisdiction over utilities and energy matters may submit legislation relating to energy policy; [2009, c. 372, Pt. H, §2 (NEW).]

D. In collaboration with other relevant state agencies, private industry and nonprofit organizations, collect and analyze energy data, including, but not limited to, data on energy supply, demand and costs in this State with consideration of all available energy sources; [2007, c. 656, Pt. C, §1 (NEW).]

E. Coordinate the dissemination of energy information to the public and the media; [2007, c. 656, Pt. C, §1 (NEW).]

F. Provide technical assistance and information to the Governor and the Legislature regarding the State's short-range and long-range energy needs and the resources to meet those needs; [2007, c. 656, Pt. C, §1 (NEW).]

G. Seek funds and partnerships with public and private sources to support the goals of the office, including, but not limited to, promoting energy efficiency, demand-side management and distributed generation; [2007, c. 656, Pt. C, §1 (NEW).]

H. Work with transmission and distribution utilities, state agencies involved in the permitting of energy generation facilities and other relevant entities to negotiate agreements that create value for electricity consumers with developers of renewable generation who are interested in building energy generation facilities or developing or utilizing energy transmission infrastructure in this State. This paragraph does not authorize the director to be a signatory to any such agreement unless that authority is otherwise granted by law. The director shall report on activities undertaken pursuant to this paragraph by February 1, 2009, and annually thereafter, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters; [2007, c. 656, Pt. C, §1 (NEW).]

I. Monitor energy transmission capacity planning and policy affecting this State and the regulatory approval process for the development of energy infrastructure pursuant to Title 35-A, section 122 and make recommendations to the Governor and the Legislature as necessary for changes to the relevant laws and rules to facilitate energy infrastructure planning and development; and [2007, c. 656, Pt. C, §1 (NEW).]

J. Take action as necessary to carry out the goals and objectives of the state energy plan prepared pursuant to paragraph C. [2007, c. 656, Pt. C, §1 (NEW).]

[2009, c. 372, Pt. H, §2 (AMD) .]

SECTION HISTORY

2007, c. 656, Pt. C, §1 (NEW). 2009, c. 372, Pt. H, §§1, 2 (AMD).

Chapter 3: EXECUTIVE COUNCIL

2 §51. COMPENSATION AND EXPENSE OF MEMBERS

(REPEALED)

SECTION HISTORY

P&SL 1971, c. 178, §2 (AMD). 1975, c. 771, §8 (RP).

2 §52. EXPIRATION OF ORDERS AT END OF TERM; EXCEPTIONS

(REPEALED)

SECTION HISTORY

1975, c. 771, §8 (RP).

Chapter 5: STATE HEALTH PLANNING

2 §101. DUTIES OF GOVERNOR

1. Duties of the Governor. The Governor or the Governor's designee shall:

A. Develop and issue the biennial State Health Plan, referred to in this chapter as "the plan," pursuant to section 103 by December 1, 2005 and every 2 years thereafter; [2005, c. 397, Pt. C, §1 (AMD); 2005, c. 397, Pt. C, §2 (AFF).]

B. Make an annual report to the public assessing the progress toward meeting goals of the plan and provide any needed updates to the plan; [2003, c. 469, Pt. B, §1 (NEW).]

C. Issue an annual statewide health expenditure budget report that must serve as the basis for establishing priorities within the plan; and [2003, c. 469, Pt. B, §1 (NEW).]

D. Establish a limit for allocating resources under the certificate of need program described in Title 22, chapter 103-A, called the capital investment fund, for each year of the plan pursuant to section 102. [2005, c. 369, §1 (AMD).]

The Governor shall provide the reports specified in paragraphs B and C to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters.

[2005, c. 369, §1 (AMD); 2005, c. 397, Pt. C, §1 (AMD); 2005, c. 397, Pt. C, §2 (AFF) .]

SECTION HISTORY

2003, c. 469, §B1 (NEW). 2005, c. 369, §1 (AMD). 2005, c. 397, §C1 (AMD). 2005, c. 397, §C2 (AFF).

2 §102. CAPITAL INVESTMENT FUND

1. Purpose. The capital investment fund is a limit for resources allocated annually under the certificate of need program described in Title 22, chapter 103-A.

[2003, c. 469, Pt. B, §1 (NEW) .]

2. Process; criteria. The process for determining the capital investment fund amount must be set forth in rules and may include the formation of an ad hoc expert panel to advise the Governor. The process must include the division of the total capital investment fund amount into nonhospital and hospital components, must establish large and small capital investment fund amounts within each component and must be based on 3rd-year capital and operating expenses of projects under the certificate of need program. The process must take into account the following:

A. The plan; [2003, c. 469, Pt. B, §1 (NEW).]

B. The opportunity for improved operational efficiencies in the State's health care system; [2003, c. 469, Pt. B, §1 (NEW).]

C. The average age of the infrastructure of the State's health care system; and [2003, c. 469, Pt. B, §1 (NEW).]

D. Technological developments and the dissemination of technology in health care. [2003, c. 469, Pt. B, §1 (NEW).]

[2003, c. 469, Pt. B, §1 (NEW) .]

3. Nonhospital capital expenditures. The nonhospital component of the capital investment fund must be at least 12.5% of the total.

[2009, c. 194, §1 (AMD) .]

SECTION HISTORY

2003, c. 469, §B1 (NEW). 2005, c. 227, §1 (AMD). 2007, c. 94, §1 (AMD).
2009, c. 194, §1 (AMD).

2 §103. STATE HEALTH PLAN

1. Purpose. The plan issued pursuant to section 101, subsection 1, paragraph A must set forth a comprehensive, coordinated approach to the development of health care facilities and resources in the State based on statewide cost, quality and access goals and strategies to ensure access to affordable health care, maintain a rational system of health care and promote the development of the health care workforce.

[2003, c. 469, Pt. B, §1 (NEW) .]

2. Input. In developing the plan, the Governor shall, at a minimum, review the process for the development of the plan with the joint standing committee of the Legislature having jurisdiction over health and human services matters and seek input from the Advisory Council on Health Systems Development, pursuant to section 104; the Maine Quality Forum and the Maine Quality Forum Advisory Council, pursuant to Title 24-A, chapter 87, subchapter 2; a statewide health performance council; and other agencies and organizations.

[2005, c. 369, §2 (AMD) .]

3. Requirements. The plan must:

- A. Assess health care cost, quality and access in the State based on, but not limited to, demographic, health care service and health care cost data; [2005, c. 369, §3 (AMD) .]
- B. Develop benchmarks to measure cost, quality and access goals and report on progress toward meeting those goals; [2003, c. 469, Pt. B, §1 (NEW) .]
- C. Establish and set annual priorities among health care cost, quality and access goals; [2003, c. 469, Pt. B, §1 (NEW) .]
- D. Prioritize the capital investment needs of the health care system in the State within the capital investment fund, established under section 102; [2003, c. 469, Pt. B, §1 (NEW) .]
- E. Outline strategies to:
 - (1) Promote health systems change;
 - (2) Address the factors influencing health care cost increases; and
 - (3) Address the major threats to public health and safety in the State, including, but not limited to, lung disease, diabetes, cancer and heart disease; [2005, c. 369, §4 (AMD) .]
- F. Provide recommendations to help purchasers and providers make decisions that improve public health and build an affordable, high-quality health care system; [2009, c. 355, §1 (AMD) .]
- G. Be consistent with the requirements of the certificate of need program described in Title 22, chapter 103-A; and [2009, c. 355, §2 (AMD) .]
- H. Include the report cards on health status by district issued by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Statewide Coordinating Council for Public Health pursuant to Title 22, section 413, subsection 3 to monitor progress in improving health.

The plan must also use survey and other health tracking systems available in or to the Maine Center for Disease Control and Prevention to monitor rates of preventive risk factors and diseases among the uninsured. [2009, c. 355, §3 (NEW).]

[2009, c. 355, §§1-3 (AMD) .]

3-A. Review. The plan must be reviewed by the joint standing committee of the Legislature having jurisdiction over health and human services matters prior to being finalized and issued by the Governor.

[2005, c. 369, §6 (NEW) .]

4. Uses of plan. The plan must be used in determining the capital investment fund amount pursuant to section 102 and must guide the issuance of certificates of need by the State and the health care lending decisions of the Maine Health and Higher Education Facilities Authority. A certificate of need or public financing that affects health care costs may not be provided unless it meets goals and budgets explicitly outlined in the plan.

[2003, c. 469, Pt. B, §1 (NEW) .]

SECTION HISTORY

2003, c. 469, §B1 (NEW). 2005, c. 369, §§2-6 (AMD). 2009, c. 355, §§1-3 (AMD).

2 §104. ADVISORY COUNCIL ON HEALTH SYSTEMS DEVELOPMENT

1. Appointment; composition.

[2007, c. 441, §1 (RP) .]

1-A. Appointment; composition. The Advisory Council on Health Systems Development, established in Title 5, section 12004-I, subsection 31-A and referred to in this section as "the council," consists of 20 members appointed pursuant to this subsection.

A. The Governor shall appoint 15 members with the approval of the joint standing committee of the Legislature having jurisdiction over health and human services matters:

- (1) Two individuals with expertise in health care delivery, one of whom represents hospitals;
- (2) One individual with expertise in long-term care;
- (3) One individual with expertise in mental health;
- (4) One individual with expertise in public health care financing;
- (5) One individual with expertise in private health care financing;
- (6) One individual with expertise in health care quality;
- (7) One individual with expertise in public health;
- (8) Two representatives of consumers;
- (9) One individual with expertise in the insurance industry;
- (10) Two individuals with expertise in business, one representing a business or businesses with fewer than 50 employees;
- (11) One representative of the Department of Health and Human Services, Maine Center for Disease Control and Prevention that works collaboratively with other organizations to improve the health of the citizens of this State; and

(12) One individual with expertise in health disparities and representing the State's racial and ethnic minority communities.

Prior to making appointments to the council, the Governor shall seek nominations from the public, from statewide associations representing hospitals, physicians and consumers and from individuals and organizations with expertise in health care delivery systems, health care financing, health care quality and public health. [2009, c. 179, §1 (AMD).]

B. Five members of the council must be members of the Legislature who serve on the joint standing committee of the Legislature having jurisdiction over health and human services matters or the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters:

(1) Two members of the Senate, appointed by the President of the Senate, including one member recommended by the Senate Minority Leader; and

(2) Three members of the House of Representatives appointed by the Speaker of the House, including one member recommended by the House Minority Leader. [2007, c. 441, §1 (NEW).]

[2009, c. 179, §1 (AMD) .]

2. Term. Except for members who are Legislators, members of the council serve 5-year terms except for initial appointees. Initial appointees must include 3 members appointed to 3-year terms, 4 members appointed to 4-year terms and 4 members appointed to 5-year terms. A member may not serve more than 2 consecutive terms. Members of the Legislature serve 2-year terms coterminous with their elected terms. Except for a member who is a Legislator, a member may continue to serve after expiration of the member's term until a successor is appointed.

[2007, c. 441, §1 (AMD) .]

3. Compensation. Members of the council are entitled to compensation according to the provisions of Title 5, chapter 379. Members of the council who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel for attendance at meetings of the council.

[2007, c. 441, §1 (AMD) .]

4. Quorum. A quorum is a majority of the members of the council.

[2003, c. 469, Pt. B, §1 (NEW) .]

5. Chair. The council shall annually choose one of its members to serve as chair for a one-year term.

[2003, c. 469, Pt. B, §1 (NEW) .]

6. Meetings. The council shall meet at least 4 times a year at regular intervals and may meet at other times at the call of the chair or the Governor. Meetings of the council are public proceedings as provided by Title 1, chapter 13, subchapter 1.

[2003, c. 469, Pt. B, §1 (NEW) .]

7. Duties. The council shall advise the Governor in developing the plan to the extent data and resources are available by:

A. Collecting and coordinating data on health systems development in this State; [2003, c. 469, Pt. B, §1 (NEW).]

B. Synthesizing relevant research; [2007, c. 441, §1 (AMD).]

C. Conducting at least 2 public hearings on the plan and the capital investment fund each biennium; [2007, c. 441, §1 (AMD) .]

D. Conducting a systemic review of cost drivers in the State's health care system, including, but not limited to, market failure, supply and demand for services, provider charges and costs, public and commercial payor policies, consumer behavior, cost and pricing of pharmaceuticals and the need for and availability and cost of capital equipment and services; [2007, c. 441, §1 (NEW) .]

E. Collecting and reporting on health care cost indicators, including the cost of services and the cost of health insurance. The council shall report on both administrative and service costs. These indicators must, at a minimum, include:

- (1) The annual rate of increase in the unit cost, adjusted for case mix or other appropriate measure of acuity or resource consumption, of key components of the total cost of health care, including without limitation hospital services, surgical and diagnostic services provided outside of a hospital setting, primary care physician services, specialized medical services, the cost of prescription drugs, the cost of long-term care and home health care and the cost of laboratory and diagnostic services;
- (2) The interaction of indicators including, but not limited to, cost shifting among public and private payors and cost shifting to cover uncompensated care to persons unable to pay for items or services and the effect of these practices on the total cost paid by all payment sources for health care;
- (3) The administrative costs of health insurance and other health benefit plans, including the relative costliness of private insurance as compared to Medicare and MaineCare, and the potential for measures and policies that would tend to encourage greater efficiency in the administration of public and private health benefit plans provided to consumers in this State;
- (4) Geographic distribution of services with attention to appropriate allocation of high-technology resources;
- (5) Regional variation in quality and cost of services; and
- (6) Overall growth in utilization of health care services. [2007, c. 441, §1 (NEW) .]

F. Identifying specific potential reductions in total health care spending without shifting costs onto consumers and without reducing access to needed items and services for all persons, regardless of individual ability to pay. In identifying specific potential reductions pursuant to this paragraph, the council shall recommend methods to reduce the rate of increase in overall health care spending and the rate of increase in health care costs to a level that is equivalent to the rate of increase in the cost of living to make health care and health coverage more affordable for people in this State; and [2007, c. 441, §1 (NEW) .]

G. Beginning March 1, 2008 and annually thereafter, make specific recommendations relating to paragraphs A to F to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters and to any appropriate state agency. [2007, c. 441, §1 (NEW) .]

[2007, c. 441, §1 (AMD) .]

8. Staff support. The Governor's office shall provide staff support to the council. The Department of Health and Human Services, Maine Center for Disease Control and Prevention, the Maine Health Data Organization and other agencies of State Government as necessary and appropriate shall provide additional staff support or assistance to the council.

[2007, c. 441, §1 (AMD) .]

9. Data. The council shall solicit data and information from both the public and private sectors to help inform the council's work.

A. The following organizations shall forward data that documents key public health needs, organized by region of the State, to the council annually:

(1) The Department of Health and Human Services, Maine Center for Disease Control and Prevention; and

(3) A statewide public health association. [2007, c. 539, Pt. N, §3 (AMD).]

B. Public purchasers using state or municipal funds to purchase health care services or health insurance shall, beginning January 1, 2004, submit to the council a consolidated public purchasers expenditure report outlining all funds expended in the most recently completed state fiscal year for hospital inpatient and outpatient care, physician services, prescription drugs, long-term care, mental health and other services and administration, organized by agency. [2003, c. 469, Pt. B, §1 (NEW).]

C. The council shall encourage private purchasers established under Title 13, Title 13-B and Title 13-C to develop and submit to the council a health expenditure report similar to that described in paragraph B. [2003, c. 469, Pt. B, §1 (NEW).]

D. The Maine Health Data Organization and the Maine Quality Forum shall forward cost and quality data annually and any ad hoc data requested by the council. [2007, c. 441, §1 (NEW).]

[2007, c. 539, Pt. N, §3 (AMD) .]

10. Funding. The council may apply for grants and other nongovernmental funds to provide staff support or consultant support to carry out the duties and requirements of this section.

[2007, c. 441, §1 (NEW) .]

SECTION HISTORY

2003, c. 469, §B1 (NEW). 2003, c. 689, §B6 (REV). 2007, c. 441, §1 (AMD). 2007, c. 539, Pt. N, §3 (AMD). 2009, c. 179, §1 (AMD).

2 §105. RULEMAKING

The Governor shall adopt rules for the implementation of this chapter. Rules adopted pursuant to this chapter are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [2003, c. 469, Pt. B, §1 (NEW).]

SECTION HISTORY

2003, c. 469, §B1 (NEW).

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