

**§12003-A. Standards**

Boards established by this chapter shall comply with the following standards. [PL 1985, c. 295, §12 (NEW).]

**1. Compensation of substantive boards.** Compensation provided to members of boards that are not classified as advisory boards in sections 12004-A to 12004-L shall not exceed the legislative per diem rate defined in section 12002 for the purposes defined in section 12002-B.

A. The only exception to this policy applies to boards which require members with special expertise for which there is an extremely limited supply and which require members to undertake very difficult tasks and render decisions that have a significant impact upon the State. [PL 1985, c. 295, §12 (NEW).]

[PL 1989, c. 503, Pt. B, §28 (AMD).]

**2. Compensation of advisory boards.** Compensation provided to members of boards, defined in section 12004-I as advisory boards or boards with minimal authority, shall not exceed \$25 per day and payment of expenses.

A. Advisory and other boards, as defined in section 12004-I, which are not authorized by law to be reimbursed for expenses shall not be eligible for this reimbursement. [PL 1989, c. 503, Pt. B, §28 (AMD).]

[PL 1989, c. 503, Pt. B, §28 (AMD).]

**3. Compensation as provided in section 12004-A to 12004-K.** Compensation to members of boards shall be in accordance with the rate established for each board in section 12004-A to 12004-K. The defined rate of compensation for each board in section 12004-A to 12004-K shall be in compliance with this section.

[PL 1989, c. 503, Pt. B, §28 (AMD).]

**4. Compensation of state employee members of boards.** State employee members of boards may receive their regular wages or salaries or the authorized per diem compensation, but not both, as defined by this subsection.

A. Any state employee, classified or unclassified, who is a member of a board by virtue of the position held by that state employee or who has been designated by the commissioner or director of a state agency to represent the commissioner, director or agency shall not be paid compensation as provided in section 12002-B, subsection 1, for attendance at board meetings, hearings or other board activities. Any expenses incurred by this board member shall be paid from the budget of the agency or organization that the member represents. [PL 1985, c. 295, §12 (NEW).]

B. A state employee, classified or unclassified, who is a member of a board, who has been appointed at the request of the state employee or because of the personal interest of the state employee in the board's activities and who is not an ex officio member or a representative of a commissioner, director or state agency may not be paid the state employee's regular wages or salary for attendance at meetings or hearings of the board or for work performed for the board during the normal working hours of the state employee. [RR 2023, c. 2, Pt. B, §91 (COR).]

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**5. Records of boards.** Records and minutes of all boards shall be open and readily available in a place convenient and accessible to the public, unless the information is required by law to be kept confidential or is privileged information.

[PL 1985, c. 295, §12 (NEW).]

**6. Meetings of boards.** Meetings of boards shall be held in public places and whenever possible in a public building.

[PL 1985, c. 295, §12 (NEW).]

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

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

[PL 1985, c. 732, §2 (NEW).]

**8. Accounting procedure.** Every board defined in sections 12004-A to 12004-L has separate accounting activities as required and in the form prescribed by the Commissioner of Administrative and Financial Services. These accounting procedures must show the income, expenses and expenditures of the board as separate from the income and expenditures of the department with which the board is associated or separate from the expenditures of the staff associated with or employed by the board. The expenses of the board to be shown in the activity accounts, at a minimum, must include any per diem or rate of compensation paid to the board members, travel expenses in state and out of state of board members and any other expenses determined necessary or reasonable by the commissioner.

[PL 1991, c. 780, Pt. Y, §102 (AMD).]

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

[PL 1985, c. 732, §2 (NEW).]

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

[PL 1987, c. 786, §3 (NEW).]

## SECTION HISTORY

PL 1985, c. 295, §12 (NEW). PL 1985, c. 732, §2 (AMD). PL 1987, c. 786, §3 (AMD). PL 1989, c. 503, §§B28,B29 (AMD). PL 1991, c. 780, §Y102 (AMD). RR 2023, c. 2, Pt. B, §91 (COR).

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