



April 04, 2011

Committee on State and Local Government  
Senator Douglas Thomas, Co-Chair  
Representative David Cotta, Co-Chair  
100 State House Station  
Augusta, ME 04333

**Re: LD 904, "An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms"**

Dear Senator Thomas and Representative Cotta:

Thank you for this opportunity to comment on LD 904, "An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms". The Maine Association of Professional Soil Scientists (MAPSS) is opposed to this legislation for several reasons.

The Maine Association of Professional Soil Scientists (MAPSS) is a professional organization made up of members with varied professional backgrounds, including professionals who work in large and small private consulting companies, for Federal, State, local, and tribal government, non-profits, students in a variety of fields, and those with an interest in soils. Many of our members are consultants, and are certified by the State as Certified Soil Scientists. These members are governed by the State Board of Certification for Geologists and Soil Scientists, which also oversees Maine Certified Geologists. Currently, there are 74 Certified Soil Scientists and 250 Certified Geologists.

We are opposed to the proposed vacancy changes as the replacement of Board members is not determined solely by action of the Board. That is to say, if a member is to be re-appointed, or a new Board member is proposed for appointment, it requires the action of both the Board and an official appointment by Governor to fill a vacancy. Most recently, in several cases, the Governor's Office has not taken action on an appointment or reappointment to the Board. Thus, a Board vacancy may not be indicative of a Board that is not active.

We are also opposed to the term limit provisions that are proposed in the legislation, though the language in this section indicates that laws governing the Board may supersede the proposal. The composition of the Board of Certification for Geologists and Soil Scientists is determined by Maine Statute:

*"The board consists of 7 members, 5 of whom are appointed by the Governor from the following categories: One academic geologist; one independent consultant or salaried geologist; one independent consultant or salaried soil scientist; one other soil scientist; and a public member as defined in Title 5, section 12004-A. The 4 geologist members appointed by the Governor must be licensed under this chapter. The 6th and 7th members are the State Soil Scientist with the Maine Soil and Water*

*Conservation Commission, ex officio, and the State Geologist or the State Geologist's designee, who must be a geologist employed in State Government, ex officio. No person, except the public member, is eligible for appointment to the board unless certified under this chapter." 32 MRSA Section §4907*

While there are numerous consulting soil scientists and geologists to fill potential Board vacancies, there is one State Soil Scientist. In the case of a mandated Board composition, a term limit is not a remedy to ensure active Boards that meet their mission.

MAPSS favors an approach that allows the Board, in working the appropriate oversight body, to address concerns related to Board vacancies, term limits, and Board representation, rather than a universal approach that fails to recognize differences among Boards and their constitution.

Thank you again for the opportunity to provide comments to the Committee. Please do not hesitate to contact me to discuss any of our comments.

Sincerely,

**Maine Association of Professional Soil Scientists**

A handwritten signature in black ink that reads "Johanna Szillery". The signature is written in a cursive style and is centered within a light gray rectangular box.

Johanna E. Szillery, C. S. S.  
President

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