

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SHARON ANGLIN TREAT, DISTRICT 18, CHAIR
JOHN M. NUTTING, DISTRICT 20
JEFFREY H. BUTLAND, DISTRICT 26



G. STEVEN ROWE, PORTLAND, CHAIR
DAVID C. SHIAH, BOWDOINHAM
THOMAS BULL, FREEPORT
SCOTT W. COWGER, HALLOWELL
LINDA ROGERS MCKEE, WAYNE
BRUCE S. BRYANT, DIXFIELD
EDWARD L. DEXTER, KINGFIELD
ROY I. NICKERSON, TURNER
JUNE C. MERES, NORRIDGEWOCK
CLIFTON FOSTER, GRAY

AMY B. HOLLAND, LEGISLATIVE ANALYST
KAREN MONTELL, COMMITTEE CLERK

STATE OF MAINE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

COMMITTEE ON NATURAL RESOURCES

March 13, 1998

The Honorable Mark W. Lawrence
President of the Senate
The Honorable Elizabeth H. Mitchell
Speaker of the House of Representatives
118th Legislature
Augusta, ME 04333

Dear Mr. President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Natural Resources from the review and evaluation of the Board of Environmental Protection under the State Government Evaluation Act. In its review, the committee found that it does not have sufficient information to evaluate the Board of Environmental Protection at this time. The committee therefore recommends that the Board submit a follow-up report to us next session that addresses and makes recommendations regarding issues outlined in the report.

Sincerely,

Sharon Anglin Treat
Chair

Representative G. Steven Rowe
House Chair

KF
4943
.Z99
MB4
1997N
REVIEW C.2

and C. Bonsey, Chair of the Board of Environmental Protection
Boulter, Director, Office of Policy and Legal Analysis

**JOINT STANDING COMMITTEE ON
NATURAL RESOURCES**

**Review of the Board of Environmental Protection under the
Government Evaluation Act**

The Government Evaluation Act

The Government Evaluation Act ("Act") provides for a system of periodic review of the efficacy and performance of state government agencies. The review of an agency's finances and programs must include a review of agency management and organization, program delivery, goals and objectives, statutory mandates and fiscal accountability (3 MRSA § 951 et seq.). The law was enacted by the 117th Legislature to replace the old Government Audit and Program Review Program and substituted a legislative audit of each agency on a rotating basis with an agency self assessment. The first reviews under the Act will be completed at the end of the 118th Legislature.

The keystone to the Act is the agency program evaluation report which consists of a number of components required by the statute. Essentially, the report is an agency self-assessment which the committee of jurisdiction uses as a starting point for its evaluation of the agency's effectiveness, efficiency and performance. The components that must be included in the report are: the agency's enabling state and federal legislation; program descriptions; organizational structure, position count and job classifications; compliance with federal and state health and safety laws; ten-year financial summaries; regulatory agenda; coordinated efforts with other state agencies; constituencies served by the agency; alternative delivery systems; and emerging issues for the agency.

Review Process

Pursuant to the requirements of the Act, the Joint Standing Committee on Natural Resources notified the Board of Environmental Protection of its intent to review the Board shortly before the end of the 118th Legislature's First Regular and First Special Sessions. The Board of Environmental Protection submitted a draft program evaluation report to the Natural Resources Committee in January, 1998.

The Natural Resources Committee held three meetings to conduct its review under the Act. On January 7, 1998, the committee received the Board's program evaluation report. The committee met on February 20, 1998 to begin its evaluation of the report, and again on March 9, 1998 to continue its review and formulate its findings and recommendations.

Findings of Review

The Joint Standing Committee on Natural Resources has conducted an initial review of the Board of Environmental Protection, and finds that it does not have sufficient information to evaluate the efficacy and performance of the Board.

During its review of the Board, the committee raised several questions relating to the Board and found that these were not easily answered in the program evaluation report required by the statute. The committee therefore finds that a follow-up report and review is necessary.

Recommendations

As a result of its review of the Board of Environmental Protection, the Joint Standing Committee on Natural Resources makes the following recommendations.

The committee recommends that the Board of Environmental Protection evaluate the structure and staff support of the Board and the Board's relationship with the Department of Environmental Protection. The committee recommends that the Board consider the following issues: whether the board has adequate staff to operate as an independent body, distinct from the Commissioner and department staff; whether the current relationship between the Board and the Department is working to fulfill the Board's purpose to provide "informed, independent and timely decisions"; and whether the Board holds sufficient public hearings on applications of substantial public interest to provide adequate public participation in major environmental policy decisions.

The committee recommends that the Board submit a report including a discussion of these and any other relevant issues and any recommendations for statutory changes to the Joint Standing Committee on Natural Resources for its consideration during the First Regular Session of the 119th Legislature.

Follow-up Review

The Joint Standing Committee on Natural Resources will conduct its follow-up review of the Board of Environmental Protection during the First Regular Session of the 119th Legislature. The Board shall submit a written report responding to the issues raised in this report to the Natural Resources Committee by January 1, 1999.