

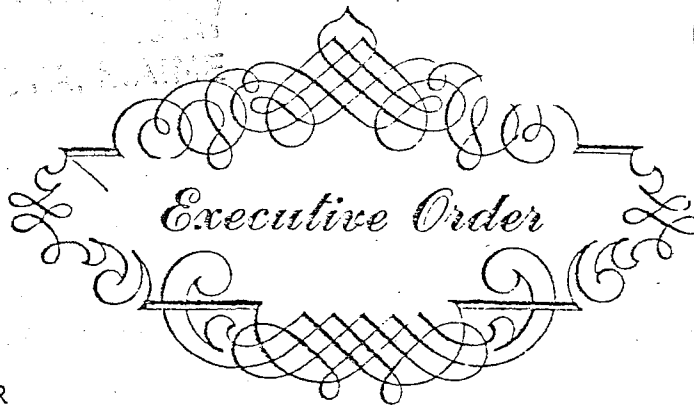
# MAINE STATE LEGISLATURE

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(Rescinded. See attached  
Memo)



OFFICE OF  
THE GOVERNOR

NO. 10FY 80/81  
DATE April 8, 1981

GOVERNOR'S CITIZEN COMMISSION TO EVALUATE THE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the environment of the State of Maine is one of the State's foremost attractions and substantially contributes to the quality of life for Maine people; and

WHEREAS, the Department of Environmental Protection has been established by the Legislature to regulate development activities in this State so as to preserve the quality of our environment; and

WHEREAS, the volume and complexity of the work for which the Department of Environmental Protection's responsibility has increased substantially during its existence;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, hereby establish a Citizen Commission to examine and evaluate the administration of the laws for which the Department of Environmental Protection is responsible, in accordance with the following provisions:

Sec. 1. Name. The Commission shall be known as the Governor's Citizen Commission to Evaluate the Department of Environmental Protection.

Sec. 2. Membership. The Commission shall be chaired by Senator Barbara Trafton of Auburn.

Its membership shall consist of Maine citizens representing business, environmental, municipal, legal and public concerns.

Sec. 3. Scope of Work. The Commission is requested to evaluate the performance of the Department in the following areas, and to make recommendations with respect to legislation and executive action to the Governor as it deems appropriate:

(1) Objectives

- a. Definition of the objectives of the Department.
- b. Evaluation of the extent to which the present operation of the Department fulfills those objectives.

(2) Commissioner

- a. Definition of the role of the Commissioner.
- b. Evaluation of any additional steps the Commissioner may be able to take to best fulfill that role.
- c. Recommendation as to the relationship which ought to exist between the Commissioner and the Board of Environmental Protection.

(3) Staff

- a. Definition of the role of the staff.
- b. Evaluation of the extent to which the staff is performing that role adequately.
- c. Evaluation of the size of the staff.
- d. Evaluation of the pay levels for the staff.
- e. Evaluation of the appropriateness of the skill and educational levels of the staff for the tasks assigned.
- f. Evaluation of the accountability of the staff.
- g. Recommendation as to whether all or a part of the staff ought to be split off to fill an autonomous "public advocate" role.

(4) Board of Environmental Protection

- a. Definition of the role of the Board of Environmental Protection.
- b. Evaluation of the extent to which the present operation of the Board fulfills those objectives.
- c. Recommendations as to what improvements might be instituted, including, specifically, evaluation of:
  - what functions shall be delegated by the Board, and to whom;
  - the optimum size and organization of the Board;
  - the most appropriate method for selecting members;
  - the number of members which constitutes a quorum.

(5) Funding

- a. Evaluation of the adequacy of the current funding level.
- b. Evaluation of expectations for federal funding changes.
- c. Recommendation as to whether the present mix between user fees and General Fund revenues is most appropriate.
- d. Recommendations as to whether funding mechanisms can be employed to improve processing of applications.

(6) The Application Process

- a. Definition of the objectives of the application process.
- b. Evaluation of the extent to which the present process fulfills those objectives,
- c. Evaluation of the adequacy of the present hearings process.
- d. Evaluation of the adequacy of the written decisions of the Board.
- e. Recommendations as to the appropriate time frame for the application process.
- f. Recommendations as to the appropriate appeals process following a decision by the Board,

(7) Rules and Regulations

- a. Evaluation of the adequacy of the present rule-making process.
- b. Recommendations as to changes in that process.

(8) Other Issues

Evaluation and recommendation on such other issues as the Commission may deem appropriate upon consultation with the Governor.

Sec. 4. Hearings

The Commission may hold such hearings and meetings anywhere in the State as it deems appropriate to learning the views of individuals and organizations interested in its proceedings.

Sec. 5. Cooperation of the Department

The Commissioner, staff and Board of the Department of Environmental Protection, and all other department heads, are requested to provide the Commission with any assistance and cooperation it may require in carrying out its responsibilities.

Sec. 6. Liaison with the Governor

The Governor's Office will maintain liaison to and assist the Commission for the Administration during its operation.

Sec. 7. Report

The Commission is requested to file a report containing its evaluations and recommendations no later than November 15, 1981, together with any draft legislation appropriate for consideration by the Governor for submission to the Legislature.

  
JOSEPH E. BRENNAN