

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1782

H. P. 1463

House of Representatives, April 9, 1975

Speaker laid before the House and referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Peterson of Windham.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT to Create the Office of Environmental Ombudsman to Advise Applicants of Project and Environmental Requirements under State Law.

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Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 12 MRSA Pt. 8, c. 501 is enacted to read:

PART 8

ENVIRONMENTAL OMBUDSMAN

CHAPTER 501

ENVIRONMENTAL OMBUDSMAN

§ 5051. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Environmental agency. "Environmental agency" shall mean any agency within the Department of Conservation and Department of Environmental Protection, and the State Soil and Water Conservation Commission, Board of Pesticides Control, Board of Sanitation, Licensing and Inspection, Bureau of Health of the Department of Health and Welfare, Office of the State Fire Marshal and the Saco River Corridor Commission, to the extent that they regulate, control, license, permit or otherwise restrict or approve the development or use of land, air or water within this State.

§ 5052. Establishment

The office of Environmental Ombudsman is established.

### § 5053. Appointment; term of office; vacancy

The Environmental Ombudsman shall be nominated by the Governor and, with the advice and consent of the Council, shall be appointed for a 7-year term, from the day of appointment and until his successor is duly nominated and appointed. If he dies, resigns, is removed or suspended or becomes ineligible to serve, the Governor shall thereafter nominate an Acting Environmental Ombudsman until he or his successor is duly appointed.

### § 5054. Qualifications

The Environmental Ombudsman shall be a person of some legal and scientific training and expertise, with familiarity with the environmental agencies and laws of this State, and of recognized judgment and objectivity. No person may serve as Environmental Ombudsman if he is a candidate for or holds any other state office, or if he is employed by the State, or while he is engaged in any other occupation for reward or profit.

### § 5055. Removal

The Legislature, by a  $\frac{2}{3}$  vote in each House, may remove or suspend the Environmental Ombudsman from office, but only for neglect of duty, misconduct or disability.

### § 5056. Compensation

The Environmental Ombudsman shall be paid a salary of \$18,000 per year.

### § 5057. Environmental Coordinating Commission

There is established the Environmental Coordinating Commission to assist the Environmental Ombudsman and to provide him with whatever information, forms or documents he may require. Each environmental agency shall appoint one of its members, chosen on the basis of his knowledge of agency rules, regulations and procedures, his environmental expertise and his ability or competence, to provide the information required. The agency member shall be available to respond to any request for information, forms, documents or reports on the status of any pending license, permit or approval, and shall provide any technical assistance, either through himself or others within his agency, required by the Environmental Ombudsman.

### § 5058. Duties of Environmental Ombudsman

The office of Environmental Ombudsman shall, under the direct control and supervision of the Environmental Ombudsman, provide a centralized source for any person of all state rules, regulations, procedures, forms, applications or other documents required for any development or use of land, air or water within this State. The office shall consult with and advise any person or corporation, at their request, of all information which may be required for any license, permit or approval, and shall supply a comprehensive list of all state requirements, permits, licenses or approvals required for a proposed project and the agencies which require them. In addition the office may provide a centralized source of federal rules, regulations or documents that are required for such purposes within this State.

To accomplish these duties:

1. **Employees.** The Environmental Ombudsman may employ such assistance as may be necessary to carry out this chapter;
2. **Procedures, rules and regulations.** The Environmental Ombudsman may establish procedures, rules and regulations to ensure efficient, comprehensive and rapid response to requests;
3. **Assistance.** The Environmental Ombudsman, or his staff, shall receive assistance as they may require from any other state agency;
4. **Telephone.** The office of Environmental Ombudsman shall have at least one toll-free incoming telephone line available throughout the State, and shall ensure that the number and purpose of such line is widely disseminated;
5. **State requirements.** Every rule, regulation, form or other document required by environmental agencies of this State shall be conveyed to and registered at the office of Environmental Ombudsman by each environmental agency;
6. **Listing.** Every state requirement for a particular proposed project shall be listed and succinctly described at the request of an applicant;
7. **Aid.** The office of Environmental Ombudsman shall endeavor to aid and assist any applicant to complete the requirements of this State in development or use of land, air or water within this State, consistently with the laws of this State;
8. **Priorities.** The Environmental Ombudsman shall establish priorities for handling classes of potential applicants to most efficiently use his office and facilities, and to provide assistance to the highest number of citizens.
9. **Counties and municipalities.** The office of Environmental Ombudsman shall aid counties and municipalities in the same manner as any other person or corporation, and may also provide assistance with and information about requirements and procedures of county or municipal agencies, to applicants;
10. **Environmental Coordinating Commission.** The office of Environmental Ombudsman shall utilize to the fullest extent possible the members of the Environmental Coordinating Commission to carry out these duties;
11. **Recommendations to agencies.** The Environmental Ombudsman may make such recommendations as he believes necessary to environmental agencies, to insure proper, fair and rapid consideration of proposals, and fair and consistent procedures, consistent with the laws of this State; and
12. **Annual report.** The Environmental Ombudsman shall submit to the Legislature and the public an annual report discussing his activities under this chapter and containing recommendations for agency procedures, rules or regulations, or for revision of the laws of this State.

**Sec. 2. Appropriation.** There is appropriated from the General Fund to the office of Environmental Ombudsman the sum of \$60,000. The breakdown shall be as follows:

	1975-76	1976-77
OFFICE OF ENVIRONMENTAL OMBUDSMAN		
Personal Services	(2) \$25,000	(2) \$25,000
All Other	5,000	5,000
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	\$30,000	\$30,000

#### STATEMENT OF FACT

The purpose of this bill is to create an independent office to centralize all information on development or use of land, air or water under the State environmental licensing statutes. This office uses personnel from various state agencies, and provides information and advice to potential applicants of all the relevant state requirements, and how to meet them, thus aiding the applicant in making application for the several licenses, permits or approvals that may be required from numerous state agencies.