

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2028

H. P. 1949

Governor's Bill. The Committee on State Government suggested.

Office of the Clerk of the House

EDWIN H. PERT, Clerk

Presented by Mr. Blodgett of Waldoboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

**AN ACT to Provide Flexibility in the Organizational Structure of the Department of
Environmental Protection.**

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

Sec. 1. 38 MRSA § 342, sub-§§ 4 and 5, as enacted by PL 1971, c. 618, § 8, are repealed and the following enacted in their place:

4. **Organization of department.** The commissioner, subject to the approval of the Governor, shall organize the department into the bureaus, divisions, regional offices and other administrative units that he deems necessary to fulfill the duties of the department and support the duties of the Board of Environmental Protection. With the approval of the Board of Environmental Protection, he shall prescribe the functions of the bureaus and other administrative units to insure that the powers and duties of the board are administered efficiently so that all license applications and other business of the department may be expeditiously completed in the public interest.

5. **Appointment of deputy commissioner.** The commissioner may appoint a deputy commissioner of Environmental Protection who shall perform the duties of the commissioner in case the commissioner is unable to act, or in the event a vacancy exists in the office of the commissioner, and other duties that may be assigned by the commissioner.

Sec. 2. 38 MRSA § 361, first ¶, last sentence is amended to read:

The members shall be appointed for a term of ~~3~~ 4 years and until their successors are appointed and duly qualified.

STATEMENT OF FACT

This bill removes the 3 mandatory bureau labels, air, land and water and permits the commissioner with the approval of the Governor to organize the department into various organizational units. This will enable the department to adjust to changing times, provide greater organizational flexibility and allow greater efficiency and effectiveness. The bill also allows the commissioner to appoint a deputy commissioner who will be able to perform the duties of the commissioner in his absence or in case the commissioner is unable to act. This will allow administrative continuity of the department. The bill increases the term of board members by one year. The issues facing the board are complex and it takes 1½ to 2 years for a board member to become fully versed in all environmental activities. This will allow the State to gain additional benefits from the knowledge and experience of board members.