

MAINE STATE LEGISLATURE

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D.O.F.R.

1

L.D. 2368

2

(Filing No. S-479)

3

STATE OF MAINE

4

SENATE

5

112TH LEGISLATURE

6

SECOND REGULAR SESSION

7

SENATE AMENDMENT "A " to H.P. 1681, L.D. 2368,
8 Bill, "AN ACT to Amend the Laws Relating to and Ad-
9 ministered by the Department of Environmental Protec-
10 tion."

11

Amend the bill by striking out all of sections 1,
12 3, 4, 5, 6, 8, 9 and 36.

13

Further amend the bill by renumbering the sec-
14 tions to read consecutively.

15

STATEMENT OF FACT

16

The purpose of this amendment is to remove major
17 substantive portions of the new draft which were
18 added without adequate public review and comment.
19 These provisions deal with the personnel status of
20 bureau directors at the Department of Environmental
21 Protection and major delegations of new authority to
22 the Commissioner of the Department of Environmental
23 Protection.

24

The bureau directors at the Department of Envi-
25 ronmental Protection have important responsibilities
26 in overseeing and applying Maine's environmental pro-
27 tection statutes. These jobs require substantial
28 technical expertise and knowledge. Consistent and
29 fair application of these laws can only be achieved
30 if they are administered by professional civil ser-
31 vants not susceptible to political pressures.

32

The delegation of new authority to the commis-
33 sioner is unlikely to achieve its stated purpose, im-
34 proving the Bureau of Environmental Protection effi-
35 ciency, since all major decisions should still have

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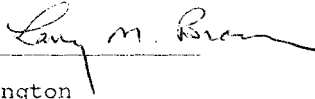
1 to go to the board and virtually all minor decisions
2 are currently delegated to the commissioner by the
3 board under existing law. The proposed change is un-
4 necessary. The danger of the proposed statutory del-
5 egation is that it will reduce public access to the
6 Department of Environmental Protection decision-mak-
7 ing by giving a single political appointee responsi-
8 bility over all subdivision and waste water discharge
9 applications.

10

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11 (Sen. Brown)

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