

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 62

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H.P. 59 House of Representatives, January 26, 1987  
Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Ridley of Shapleigh.

Cosponsored by Representative Michaud of East  
Millinocket, Representative Holloway of Edgecomb, and  
Representative Jacques of Waterville.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

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AN ACT to Assure Responsibility in Regulatory  
Decision Making.

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

38 MRSA §342, sub-§1-A, as enacted by PL 1983, c.  
483, §2, is amended to read:

1-A. Administration of department. He shall be  
is the chief administrative officer of the Department  
of Environmental Protection and responsible for all  
administrative matters of the department. It is the  
responsibility of the commissioner to assure that all  
determinations made by the staff of the department  
are promptly rendered and fully consider the costs  
and benefits associated with such determinations. It  
is the responsibility of the commissioner to resolve  
and mediate disputes between department staff and ap-

1 plicants with respect to any questions regarding re-  
2 quirements, interpretation or application of the  
3 laws, rules or department policy. Any person af-  
4 ected by a determination or decision made by the de-  
5 partment staff has the right to promptly obtain a fi-  
6 nal determination from the commissioner. In resolv-  
7 ing disputes, the commissioner shall attempt to reach  
8 a fair and appropriate result given all of the cir-  
9 cumstances of the issue before him and may utilize  
10 the services of such consultants or experts as he de-  
11 termines would be helpful to resolve any disputed is-  
12 sue.

13 STATEMENT OF FACT

14 Studies of the Department of Environmental Pro-  
15 tection have pointed to the need to assure the busi-  
16 ness community of prompt and fair determinations of  
17 issues which arise during the regulatory process pri-  
18 or to final action on an application. This bill at-  
19 tempts to assure that those who disagree with staff  
20 determinations on license requirements, data needs  
21 and other issues arising during the regulatory pro-  
22 cess will be entitled to a prompt decision on such  
23 disputes from the head of the department.

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