

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 182

H.P. 141 House of Representatives, February 3, 1987
Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Representatives RIDLEY of Shapleigh,
MICHAUD of East Millinocket and LORD of Waterboro.

STATE OF MAINE

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

1 AN ACT to Assure Geographical Balance on the
2 Board of Environmental Protection.
3

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

6 Sec. 1. 38 MRSA §361, first ¶, as amended by PL
7 1985, c. 746, §17, is further amended to read:

8 The Board of Environmental Protection, as estab-
9 lished by Title 5, section 12004, subsection 5, and
10 in this subchapter called the "board," shall consist
11 of 10 members appointed by the Governor, subject to
12 review by the joint standing committee of the Legis-
13 lature having jurisdiction over energy and natural
14 resources and to confirmation by the Legislature.
15 Members of the board shall be chosen to represent the
16 broadest possible interest and experience which can

1 be brought to bear in the implementation of this Title
2 and all other laws which the board is charged
3 with the duty of administering. The members shall be
4 appointed for a term of 4 years. The Governor shall
5 appoint one member to serve as chairman. Any member
6 who has not been renominated by the Governor within
7 90 days of the expiration of his term shall not continue
8 to serve on the board unless the Governor notifies
9 the Legislature, in writing and within 90 days
10 of the expiration of that member's term, of his finding
11 that extension of that member's term is required
12 to ensure fair consideration of specific major applications
13 pending before the board. That member's term
14 shall terminate upon final board decisions on the
15 specific applications identified in the Governor's
16 communication. No 2 board members may reside in the
17 same county and membership on the board shall be rotated
18 among the counties to assure that each county
19 has an equal opportunity to be represented. The members
20 shall be appointed for terms of 3 years and no
21 member may serve more than 2 terms.

22 Sec. 2. Transition. To assure that equal representation
23 on the Board of Environmental Protection for all sectors
24 of the State commences as soon as possible, the terms
25 of all present members of the board shall expire upon
26 the effective date of this Act.
27

1

STATEMENT OF FACT

2 There is nothing in the present law to prevent a
3 clustering of Board of Environmental Protection mem-
4 bers from one section of the State or even one coun-
5 ty. Thus, important policy decisions affecting
6 growth and development, as well as preservation, can
7 be made by a limited group, from a limited area of
8 the State, and independent of the Governor's office
9 or the Legislature, at the expense of other areas of
10 the State. This is of particular concern since the
11 Maine Revised Statutes, Title 38, section 341, spe-
12 cifically charges the Department of Environmental
13 Protection with "directing growth and development. .
14 .". In one recent decision, 5 out of 6 board members
15 voting against a project for northern Maine were from
16 2 southern Maine counties. This bill assures that
17 all counties obtain equal representation on the
18 board. The bill also limits board members to 2
19 terms. This avoids a situation of nonelected offi-
20 cials serving for so many years that they lose touch
21 with the Legislature and the people. Because the
22 problem of imbalance and long tenure on the board
23 must be addressed immediately, the terms of all
24 present board members are terminated, subject to re-
25 appointment by the Governor.

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