MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

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NO. 2270

H.P. 1660

Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.

EDWIN H. PERT. Clerk

Presented by Representative MITCHELL of Freeport.
Cosponsored by Representatives MICHAUD of East
Millinocket, OLIVER of Portland and McGOWAN of Canaan.

STATE OF MAINE

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

AN ACT to Restrict the Department of
Environmental Protection from Hiring
Independent Legal Counsel to Oppose the
Attorney General Unless Authorized by the
Legislature.

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

38 MRSA §350 is enacted to read:

§350. Authorization to employ private legal counsel

The department may not employ private legal counsel unless the employment is approved by the Legislature. This approval is received when a resolve authorizing the employment, and having been referred to the committee of the Legislature having jurisdiction over energy and natural resources, becomes law.

The requirements of this section are in addition to those set forth in Title 5, section 191 for the approval of employment of private legal counsel by State agencies.

STATEMENT OF FACT

The purpose of this bill is to require legislative approval of the employment of private legal counsel by the Department of Environmental Protection. A resolve seeking this approval must be submitted to the Legislature and referred to the joint standing committee having jurisdiction over energy and natural resources. If the resolve becomes law, the department may employ private legal counsel, provided the requirements of Title 5, section 191 are met. This section of existing law requires approval of the Attorney General before a State agency may employ private legal counsel.

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