

MAINE STATE LEGISLATURE

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L.D. 722
(Filing No. S- 71)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 276, L.D. 722, "Resolve, to Redesign the Structure of the Board of Environmental Protection"

Amend the resolve by striking everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the current structure of the Board of Environmental Protection was created almost 2 decades ago; and

Whereas, environmental laws, regulations and policies have become increasingly complex; and

Whereas, the expertise, time and commitment required of citizen members of the Board of Environmental Protection to perform the rule-making and licensing functions delegated to the board by the Legislature have become overwhelming in the face of increasingly complex environmental issues; and

Whereas, a comprehensive review of the role, structure and effectiveness of the current board is needed; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission to Evaluate the Structure and Function of the Board of Environmental Protection be created. The commission shall consist of 7 members representing the joint standing committee of the Legislature having jurisdiction over natural resource matters as follows: two members of the Senate, appointed by the President of the Senate; and 5 members of the House of Representatives,

R. of S.

1 appointed by the Speaker of the House of Representatives.
2 Appointments shall be made within 30 days of the effective date
3 of this resolve. The Chair of the Board of Environmental
4 Protection and the Commissioner of Environmental Protection shall
5 advise and consult with the commission upon request.

7 The commission shall hold an organizational meeting at the
8 call of the Executive Director of the Legislative Council within
9 45 days of the effective date of this resolve. At this meeting,
10 the commission shall elect a chair from within the membership.
11 The commission shall hold a public hearing and meet as needed to
12 carry out this resolve. Legislators shall receive legislative
13 per diem and reimbursement for expenses upon application to the
14 Executive Director of the Legislative Council; and be it further

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Sec. 2. Study. Resolved: That this commission shall study:

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18 1. The relationship between the Board of Environmental
19 Protection and the Department of Environmental Protection in
20 regards to licensing and permitting authority, developing and
21 promulgating rules and deciding appeals;

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24 2. The current work load, staffing needs and expertise of
25 the board as those factors affect the board's ability to make
26 decisions independently of the department;

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28 3. Time requirements of citizen members to attend meetings
29 and become informed on complex environmental issues; and

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30 4. Effective models for regulatory oversight and review of
31 environmental decision-making in use in other states and their
32 applicability to Maine; and be it further

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Sec. 3. Work plan. Resolved: That in examining these
34 questions the commission shall:

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38 1. Conduct, summarize and analyze a review, including a
39 literature search on alternative models of environmental
40 decision-making;

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42 2. Review the history of the relationship between the
43 department and the board;

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44 3. Review findings and recommendations of previous studies
45 of the board's role;

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48 4. Evaluate time requirements and expertise of board
49 members to:

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50 A. Review issues;

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52 B. Make license and permit decisions;

of S.

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- C. Promulgate rules;
- D. Decide appeals;
- E. Attend meetings; and
- F. Decide enforcement actions; and

5. Evaluate staffing requirements for the board based on Maine's experience and models in use in other states; and be it further

Sec. 4. Report. Resolved: That this commission shall report its findings and recommendations, together with any legislative recommendations, to the joint standing committee of the Legislature having jurisdiction over natural resource matters not later than December 15, 1989; and be it further

Sec. 5. Staff support. Resolved: That staff support shall be requested from the Legislative Council; and be it further

Sec. 6. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

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Study Commissions - Funding

Personal Services	\$2,695
All Other	9,900

Provides funds for the per diem, meeting and related expenses of the Commission to Evaluate the Structure and Function of the Board of Environmental Protection. This amount includes up to \$5000 for travel expenses for invited speakers from out of state.

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TOTAL \$12,595

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.'

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 276, L.D. 722

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STATEMENT OF FACT

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This amendment changes the composition of the Commission to Evaluate the Structure and Function of the Board of Environmental Protection, proposes an outline of tasks to address the questions to be studied by the commission, changes the final reporting date for the study and adds funds for travel expenses for invited speakers.

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Reported by Senator Ludwig for the Committee on Energy and Natural Resources. Reproduced and Distributed Pursuant to Senate Rule 12.

(4/28/89)

(Filing No. S-71)