

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 722

S.P. 276

In Senate, March 13, 1989

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator KANY of Kennebec.

Cosponsored by Speaker MARTIN of Eagle Lake, President PRAY of Penobscot and Representative MICHAUD of East Millinocket.

STATE OF MAINE

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

Resolve, to Redesign the Structure of the Board of Environmental Protection .

(EMERGENCY)



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

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

7  
9           Whereas, environmental laws, regulations and policies have  
become increasingly complex; and

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

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

19  
21           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
23 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
25 safety; now, therefore, be it

27           **Commission established. Resolved:** That a Commission to  
Evaluate the Structure and Functioning of the Board of  
Environmental Protection be created. The commission shall  
29 consist of 7 members as follows: four members of the House of  
Representatives, appointed by the Speaker of the House, 3 members  
31 representing the joint standing committee of the Legislature  
having jurisdiction over natural resource matters and one member  
33 representing the joint standing committee of the Legislature  
having jurisdiction over judiciary matters; 3 members of the  
35 Senate, appointed by the President of the Senate, 2 members  
representing the joint standing committee of the Legislature  
37 having jurisdiction over natural resource matters and one member  
representing the joint standing committee of the Legislature  
39 having jurisdiction over judiciary matters. The chair of the  
Board of Environmental Protection and the Commissioner of  
41 Environmental Protection shall advise and consult with the  
commission upon request.

43  
45           The commission shall hold an organizational meeting at the  
call of the Executive Director of the Legislative Council within  
30 days after the effective date of this resolve. At this  
47 meeting, the commission shall elect a chair from within the  
membership. The commission shall hold a public hearing and meet  
49 as needed to carry out this resolve. Legislators shall receive  
legislative per diem and reimbursement for expenses upon  
51 application to the Executive Director of the Legislative Council;  
and be it further

53

1           **Report. Resolved:** That this commission shall report its  
2 findings and recommendations, together with any legislative  
3 recommendations, to the joint standing committee of the  
4 Legislature having jurisdiction over natural resource matters not  
5 later than January 15, 1990. This report shall evaluate:

7           1. The relationship between the Board of Environmental  
8 Protection and the Department of Environmental Protection and the  
9 consistency of the existing statutory provisions under which the  
10 board is charged with issuing certain permits and the  
11 commissioner is charged with issuing others;

13           2. The current work load and staffing needs of the board;

15           3. The role of the board in promulgating rules, issuing  
16 licenses and deciding appeals; and

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

21           **Staff support. Resolved:** That staff support shall be  
22 requested from the Legislative Council; and be it further

25           **Appropriation. Resolved:** That the following funds are  
26 appropriated from the General Fund to carry out the purposes of  
27 this resolve.

29           1989-90

31           **LEGISLATURE**

33           **Study Commissions - Funding**

35           Personal Services	\$2,695
All Other	4,900

37           Provides funds for the per diem, meeting and  
38 related expenses of the Commission to  
39 Evaluate the Structure and Functioning of  
40 the Board of Environmental Protection.

43 <b>LEGISLATURE</b>	
44 <b>TOTAL</b>	<u>\$7,595</u>

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

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**STATEMENT OF FACT**

This bill proposes to create a legislative commission to reexamine the State's system for promulgating environmental regulations, environmental permitting and environmental appeals review. The bill creates a 7 member commission to examine the board's current role and how it may be improved.