

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2266

S.P. 890

In Senate, February 1, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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 WEBSTER of Franklin.

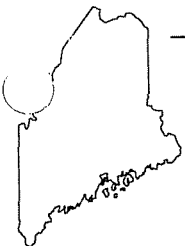
Cosponsored by Representative MICHAUD of East Millinocket, Representative DEXTER of Kingfield and Senator LUDWIG of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Requiring That Department of Environmental Protection and Maine Land Use Regulation Commission Orders Be in Writing.

(After Deadline)



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

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4 **Sec. 1. 12 MRSA §684**, as amended by PL 1985, c. 737, Pt. A, §22, is further amended to read:

6 **§684. Commission officers; meetings and rules; hearings; orders**

8 The commission shall elect annually, from its own membership, a secretary and such any other officers ~~it deems the~~ commission determines necessary. Meetings shall ~~must~~ be held at the call of the ~~chairman~~ chair or at the call of more than 1/2 of the membership. These public meetings shall ~~must~~ be held at least once a month. The commission, acting in accordance with the procedures set forth in Title 5, chapter 375, subchapter II, may adopt whatever rules ~~it deems the commission determines~~ necessary for the conduct of its business. The secretary shall keep minutes of all proceedings of the commission, which minutes shall ~~must~~ be a public record available and on file in the office of the commission. Members of the commission, except state employees, ~~shall be compensated~~ are entitled to compensation as provided in Title 5, chapter 379. A quorum of the commission for the transaction of business shall be 4 members. ~~No~~ An action may ~~not~~ be taken by the commission unless ~~upon approval~~ approved by a vote of 4 members.

26 Whenever the commission is required or empowered to conduct a hearing pursuant to any provision of law, such ~~the~~ hearing may be held and conducted by the commission or by any member of the commission or by any qualified employee or representative of the commission as the commission ~~chairman~~ chair may determine. If the hearing is conducted by a single commissioner or qualified employee or representative, such ~~the~~ commissioner, employee or representative shall report his findings of fact and conclusions to the commission ~~together with~~, and a transcript of the hearing and all exhibits. ~~Such findings~~ Findings of fact and conclusions shall become a part of the record. The commission shall ~~is~~ not be bound by such ~~these~~ findings or conclusions ~~when acting upon~~ such of the record, but shall take such action, issue such orders and make such decisions as if ~~it~~ the commission had held and conducted the hearing ~~itself~~.

42 All decisions or orders issued by the commission or its staff must be in writing.

44 **Sec. 2. 38 MRSA §344, sub-§8** is enacted to read:

46 8. Orders. All decisions or orders issued by the
48 department, the board, the commissioner or their staffs must be in writing.

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Sec. 3. 38 MRSA §347-A, sub-§4 is enacted to read:

4. Orders. All decisions or orders issued by the department, the board, the commissioner or their staffs must be in writing.

STATEMENT OF FACT

This bill requires that all orders issued by the Department of Environmental Protection and the Maine Land Use Regulation Commission be in writing.