

MAINE STATE LEGISLATURE

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R.S.

L.D. 2547

DATE: 4-3-00

(Filing No. H-1027)

MAJORITY
NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1814, L.D. 2547, Bill, "An Act to Implement the Recommendations of the Task Force to Study the Operation of and Support for the Board of Environmental Protection"

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 2 MRSA §6, sub-§6, as amended by PL 1997, c. 643, Pt. Q, §3, is further amended to read:

6. Range 85. The salaries of the following state officials and employees are within salary range 85:

Director of the Maine Emergency Management Agency;

Members, Maine Unemployment Insurance Commission;

Deputy Commissioner of the Department of Defense, Veterans and Emergency Management; and

Director of the Bureau of Maine Veterans' Services; and

Executive Analyst, Board of Environmental Protection.

Sec. 2. 5 MRSA §931, sub-§1, ¶L-2, as enacted by PL 1997, c. 459, §3, is amended to read:

L-2. The Director of Econometric Research within the Bureau of Taxation; and

Sec. 3. 5 MRSA §931, sub-§1, ¶L-3 is enacted to read:

COMMITTEE AMENDMENT

RWS

COMMITTEE AMENDMENT "A" to H.P. 1814, L.D. 2547

L-3. The Executive Analyst of the Board of Environmental Protection; and

Sec. 4. 5 MRSA §938-A, as enacted by PL 1989, c. 890, Pt. A, §§2 and 40, is repealed.'

Further amend the bill in section 3 in subsection 1-B in the 3rd blocked paragraph in the 7th line (page 2, line 19 in L.D.) by inserting after the following: "meeting must" the following: 'comply with Title 1, section 406 and'

Further amend the bill in section 4 by striking out all of subsection 1 and inserting in its place the following:

'1. **Staff.** Staff of the board must be hired by the chair with the consent of the board. The executive ~~director~~ analyst shall direct the daily operations administrative and operational functions of the board and board staff in an impartial and objective manner. The board shall prescribe the duties of the executive analyst. The executive analyst is prohibited from participating in any activity that substantially compromises the executive analyst's ability to discharge effectively and impartially the executive analyst's duties to the board.'

Further amend the bill in section 4 in subsection 2 in the first line (page 2, line 34 in L.D.) by striking out the following: "**employees**" and inserting in its place the following: '**employee**'

Further amend the bill in section 4 in subsection 2 in the 2nd line (page 2, line 35 in L.D.) by striking out the following: "director" and inserting in its place the following: 'analyst'

Further amend the bill by inserting after section 4 the following:

'Sec. 5. 38 MRSA §342, sub-§11-A is enacted to read:

11-A. Recommendations and assistance to board. The commissioner shall make recommendations to the board regarding proposed rules; permit and license applications; modification, revocation or suspension of licenses; appeals of license and permit decisions; and other matters considered by the board. The commissioner shall also provide the board with the technical services of the department.

Sec. 6. **Hiring.** The Chair of the Board of Environmental Protection shall hire an executive analyst no earlier than October 1, 2000.'

2 of 5

2 Further amend the bill by striking out all of section 6 and
4 inserting in its place the following:

6 'Sec. 6. Allocation. The following funds are allocated from
8 Other Special Revenue funds to carry out the purposes of this Act.

2000-01

10 ENVIRONMENTAL PROTECTION,
12 DEPARTMENT OF

14 Board of Environmental
16 Protection Fund

16	Positions - Legislative Count	(-1,000)
	Personal Services	(\$90,287)
18	All Other	(5,400)
20	TOTAL	<u>(\$95,687)</u>

22 Provides for the deallocation of funds
24 through the transfer of one Deputy
26 Commissioner, Department of Environmental
28 Protection position to the Administration -
30 Environmental Protection program, General
32 Fund.

30 Board of Environmental
32 Protection Fund

32	Positions - Legislative Count	(1,000)
	Personal Services	\$51,445
34	All Other	10,300
	Capital Expenditures	3,000
36	TOTAL	<u>\$64,745</u>

38 Allocates funds for one Executive Analyst
40 position and general operating funds.

42 DEPARTMENT OF ENVIRONMENTAL
44 PROTECTION

TOTAL (\$30,942)'

46 Further amend the bill by relettering or renumbering any
48 nonconsecutive Part letter or section number to read
consecutively.

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

2000-01

APPROPRIATIONS/ALLOCATIONS

General Fund	\$95,687
Other Funds	(\$30,942)

This bill includes a General Fund appropriation of \$95,687 in fiscal year 2000-01 for the Administration - Environmental Protection program within the Department of Environmental Protection to transfer one Deputy Commissioner position from the Board of Environmental Protection Fund to the General Fund. This bill also includes a corresponding Other Special Revenue funds deallocation to the Board of Environmental Protection Fund of \$95,687 in fiscal year 2000-01 to accomplish the transfer of the Deputy Commissioner position to the General Fund.

This bill includes an Other Special Revenue funds allocation of \$64,745 in fiscal year 2000-01 for the Board of Environmental Protection Fund to cover the costs of creating one Executive Analyst position for the Board of Environmental Protection.'

SUMMARY

This amendment is the majority report of the committee. The amendment changes the title of the professional staff position for the Board of Environmental Protection to "executive analyst" and sets the salary level within salary range 85. The amendment specifies that the position is unclassified and removes the reference to "major policy-influencing position." The amendment strikes from the bill the allocation for the Executive Director of the Board of Environmental Protection position, replaces it with a new allocation for the Executive Analyst position and specifies that the executive analyst may be hired no earlier than October 1, 2000.

The amendment specifies that the executive analyst of the board is prohibited from participating in any activity that substantially compromises the executive analyst's ability to discharge effectively and impartially the duties of the position. The amendment specifies that the Commissioner of Environmental Protection shall make recommendations to the board

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2 regarding matters considered by the board and shall provide the
board with the technical services of the department.

4 The amendment clarifies that public notice of a meeting that
6 is not a public hearing but at which the Board of Environmental
Protection will accept additional public comment on a proposed
8 rule must comply with the general public notice requirements for
public proceedings.

10 The amendment also adds a fiscal note to the bill.

COMMITTEE AMENDMENT