

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

COMMITTEE ON NATURAL RESOURCES

February 10, 2004

The Honorable Beverly C. Daggett  
President of the Senate  
The Honorable Patrick Colwell  
Speaker of the House of Representatives  
121<sup>st</sup> Legislature  
State House  
Augusta, ME 04330

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Natural Resources from the review and evaluation of the Board of Underground Storage Tank Installers under the State Government Evaluation Act. In its review, the committee found that the Board is operating within its statutory authority.

Sincerely,

Handwritten signature of Senator John L. Martin.

Senator John L. Martin  
Chair

Handwritten signature of Representative Theodore Koffman.

Representative Theodore Koffman  
Chair

cc: Alison Smith, Chair, Board of Underground Storage Tank Installers  
David C. Elliott, Director, Office of Policy and Legal Analysis  
Jim Hynson, DEP

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<p style="text-align:center"><b>JOINT STANDING COMMITTEE ON NATURAL RESOURCES</b></p>
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**Review of the Board of Underground Storage Tank Installers  
Pursuant to the Government Evaluation Act**

**The Government Evaluation Act**

The Government Evaluation Act (“Act”) provides for a system of periodic review of the efficacy and performance of state government agencies. The law, enacted in the 117<sup>th</sup> Legislature to replace the Government Audit and Program Review Program, substitutes a legislative audit of each agency with an agency self-assessment.

The keystone to the Act is the agency program evaluation report, which consists of a number of components required by the statute. Essentially, the report is an agency self-assessment that the committee of jurisdiction uses as a starting point for its evaluation of the agency’s effectiveness, efficiency and performance. The components that must be included in the report are: the agency’s enabling statutes; program descriptions; organizational structure, position count and job classifications; compliance with federal and state health and safety laws; ten-year financial summaries; regulatory agenda; coordinated efforts with other state agencies; constituencies served by the agency; alternative delivery systems; emerging issues for the agency; comparison of state laws to federal laws; policies regarding use of personal information; and public filing requirements..

**Review Process**

Pursuant to the requirements of the Act, the Joint Standing Committee on Natural Resources notified the Board of Underground Storage Tank Installers of its intent to review the Board. The Board submitted its Program Evaluation Report on November 1, 2003. The Committee held a worksession on the report on January 27, 2004. At the worksession, the Chair of the Board, Alison Smith reviewed its report with the Committee.

**Findings of Review**

The Board of Underground Storage Tank Installers is charged with safeguarding the public health, safety and welfare, protecting the public from incompetent and unauthorized persons, ensuring the highest degree of professional conduct on the part of certified installers and inspectors, and ensuring availability of services. The primary public health issue is the threat of improperly installed underground oil storage facilities leaking and resulting in contamination of drinking water supplies. The primary public safety issue involves the threat of explosion or fire involved with either unconfined flammable liquids being present from leaks or from construction operations that involve the installation or removal of underground tanks.

The Joint Standing Committee on Natural Resources unanimously finds that the Board of Underground Storage Tank Installers is operating within its statutory authority. In addition, the Committee commends the Board for its ongoing commitment to providing this necessary service.