



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1807

H.P. 1253

House of Representatives, January 29, 2018

**An Act To Implement Recommendations Resulting from a State
Government Evaluation Act Review of the Board of Environmental
Protection by the Joint Standing Committee on Environment and
Natural Resources**

Reported by Representative TUCKER of Brunswick for the Joint Standing Committee on Environment and Natural Resources pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Reference to the Committee on Environment and Natural Resources suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 38 MRSA §341-C, sub-§3**, as enacted by PL 1989, c. 890, Pt. A, §13 and
3 affected by §40, is amended to read:

4 **3. Terms; vacancies.** The members must be appointed for staggered 4-year terms;
5 ~~except that a vacancy must be filled for the unexpired portion of the term.~~ A member
6 may not serve more than 2 consecutive 4-year terms. A member continues to serve until
7 that member has been reappointed or a successor has been appointed. A vacancy
8 occurring other than by expiration of a term must be filled by appointment for the
9 unexpired portion of the term.

10 **Sec. 2. 38 MRSA §341-C, sub-§5**, as enacted by PL 1989, c. 890, Pt. A, §13 and
11 affected by §40, is repealed.

12 **Sec. 3. 38 MRSA §341-D, sub-§4, ¶D**, as amended by PL 2011, c. 304, Pt. H,
13 §9, is further amended to read:

14 D. License or permit decisions regarding an expedited wind energy development as
15 defined in Title 35-A, section 3451, subsection 4 or a general permit pursuant to
16 section 480-HH or section 636-A. In reviewing an appeal of a license or permit
17 decision by the commissioner under this paragraph, the board shall base its decision
18 on the administrative record of the department, including the record of any
19 adjudicatory hearing held by the department, and any supplemental information
20 allowed by the board for supplementation of the record. The board may remand the
21 decision to the department for further proceedings if appropriate. The chair of the
22 Public Utilities Commission or the chair's designee ~~serves~~ may serve as a nonvoting
23 member of the board and is entitled to fully participate but is not required to attend
24 meetings and hearings when the board considers an appeal pursuant to this paragraph.
25 The chair's participation on the board pursuant to this paragraph does not affect the
26 ability of the Public Utilities Commission to submit information to the department for
27 inclusion in the record of any proceeding before the department.

28 **SUMMARY**

29 This bill, which is reported out by the Joint Standing Committee on Environment and
30 Natural Resources pursuant to the Maine Revised Statutes, Title 3, section 955,
31 subsection 4, implements the recommendations resulting from the committee's State
32 Government Evaluation Act review of the Board of Environmental Protection as follows:

33 1. It clarifies that a member of the board continues to serve until that member has
34 been reappointed or a successor has been appointed; and

35 2. It clarifies that the participation of the Public Utilities Commission in appeals to
36 the board of license or permit decisions relating to expedited wind energy development,
37 offshore wind energy demonstration projects or tidal energy demonstration projects is
38 optional and at the discretion of the commission's chair.