

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND NINETEEN

S.P. 600 - L.D. 1776

**An Act To Reduce the Membership of the Clean-up and Response Fund  
Review Board**

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

**Sec. 1. 38 MRSA §568-B, sub-§1**, as amended by PL 2015, c. 319, §30, is further amended to read:

**1. Clean-up and Response Fund Review Board.** The Clean-up and Response Fund Review Board, as established by Title 5, section 12004-G, subsection 11-A, is created to hear and decide appeals from insurance claims-related decisions under section 568-A and monitor income and disbursements from the fund under section 551. The review board consists of ~~14~~ 9 members appointed for 3-year terms as follows:

- A. ~~Two persons~~ One person representing the petroleum industry, appointed by the Governor, ~~one of whom~~ who is a representative of a statewide association of energy dealers;
- A-1. ~~Two persons~~ One person, appointed by the ~~Governor~~ President of the Senate, who ~~have~~ has expertise in oil storage facility design and installation, oil spill remediation or environmental engineering;
- B. ~~Four~~ Two members of the public appointed by the Governor. ~~Of the 4 members,~~ 2 ~~who~~ who must have expertise in biological science, earth science, engineering, insurance or law. ~~The 4 members~~ and may not be employed in or have a direct and substantial financial interest in the petroleum industry;
- C. The commissioner or the commissioner's designee;
- D. The State Fire Marshal or the fire marshal's designee;
- E. ~~One member representing marine fisheries interests appointed by the President of the Senate;~~
- F. One member familiar with oil spill technology appointed by the Speaker of the House of Representatives;

G. One member with expertise in coastal geology, fisheries biology, marine fisheries or coastal wildlife habitat appointed by the President of the Senate; and

H. One member who is a licensed state pilot or a licensed merchant marine officer appointed by the Speaker of the House of Representatives.

Members other than those described in paragraphs C and D are entitled to reimbursement for direct expenses of attendance at meetings of the review board or the appeals panel.

**Sec. 2. 38 MRSA §568-B, sub-§2-A**, as amended by PL 2015, c. 319, §30, is further amended to read:

**2-A. Meetings.** The Clean-up and Response Fund Review Board shall meet ~~6~~ 4 times per year unless the review board votes not to hold a meeting. Action may not be taken unless a quorum is present. A quorum is ~~8~~ a majority of the seated members.

**Sec. 3. 38 MRSA §568-B, sub-§2-C**, as amended by PL 2015, c. 319, §30, is further amended to read:

**2-C. Appeals to review board.** An applicant aggrieved by an insurance claims-related decision under section 568-A, including but not limited to decisions on eligibility for coverage, eligibility of costs and waiver and amount of deductible, may appeal that decision to the Clean-up and Response Fund Review Board. The appeals panel is composed of the ~~public members~~ member appointed under subsection 1, paragraph ~~B~~ A-1, the 2 members appointed under subsection 1, paragraph B, the member appointed under subsection 1, paragraph G and the member appointed under subsection 1, paragraph H. The appeals panel shall hear and decide the appeal. Action may not be taken by the appeals panel unless a quorum is present. A quorum is a majority of the seated appeals panel members. Except as provided in review board rules, the appeal must be filed within 30 days after the applicant receives the decision made under section 568-A. The appeals panel must hear an appeal at its next meeting following receipt of the appeal unless the appeal petition is received less than 30 days before the meeting or unless the appeals panel and the aggrieved applicant agree to meet at a different time. If the appeals panel overturns the decision made under section 568-A, reasonable costs, including reasonable attorney's fees, incurred by the aggrieved applicant in pursuing the appeal to the review board must be paid from the fund. Reasonable attorney's fees include only those fees incurred from the time of an insurance claims-related decision forward. Decisions of the appeals panel are subject to judicial review pursuant to Title 5, chapter 375, subchapter 7.

**Sec. 4. Transition.** Notwithstanding the Maine Revised Statutes, Title 38, section 568-B, appointed members of the Clean-up and Response Fund Review Board serving on the effective date of this Act may serve for the remainder of their terms.