

## STATE OF MAINE

—  
 IN THE YEAR OF OUR LORD  
 TWO THOUSAND AND EIGHTEEN

—  
 H.P. 1253 - L.D. 1807

**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**

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

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

**3. Terms; vacancies.** The members must be appointed for staggered 4-year terms, ~~except that a vacancy must be filled for the unexpired portion of the term.~~ A member may not serve more than 2 consecutive 4-year terms. A member continues to serve until that member has been reappointed or a successor has been appointed, except that, if the member has not been reappointed or a successor has not been appointed one year after the member's term expires, the member may no longer continue to serve. A vacancy occurring other than by expiration of a term must be filled by appointment for the unexpired portion of the term.

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 A, §13 and affected by §40, is repealed.

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

D. License or permit decisions regarding an expedited wind energy development as defined in Title 35-A, section 3451, subsection 4 or a general permit pursuant to section 480-HH or section 636-A. In reviewing an appeal of a license or permit decision by the commissioner under this paragraph, the board shall base its decision on the administrative record of the department, including the record of any adjudicatory hearing held by the department, and any supplemental information allowed by the board for supplementation of the record. The board may remand the decision to the department for further proceedings if appropriate. The chair of the Public Utilities Commission or the chair's designee ~~erves~~ may serve as a nonvoting member of the board and is entitled to fully participate but is not required to attend

meetings and hearings when the board considers an appeal pursuant to this paragraph. The chair's participation on the board pursuant to this paragraph does not affect the ability of the Public Utilities Commission to submit information to the department for inclusion in the record of any proceeding before the department.