

§568-B. Clean-up and Response Fund Review Board created

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 monitor income and disbursements from the fund under section 551. The review board consists of 9 members appointed for 3-year terms as follows:

- A. One person representing the petroleum industry, appointed by the Governor, who is a representative of a statewide association of energy dealers; [PL 2019, c. 314, §1 (AMD).]
- A-1. One person, appointed by the President of the Senate, who has expertise in oil storage facility design and installation, oil spill remediation or environmental engineering; [PL 2019, c. 314, §1 (AMD).]
- B. Two members of the public appointed by the Governor who must have expertise in biological science, earth science, engineering, insurance or law and may not be employed in or have a direct and substantial financial interest in the petroleum industry; [PL 2019, c. 314, §1 (AMD).]
- C. The commissioner or the commissioner's designee; [PL 2015, c. 319, §30 (AMD).]
- D. The State Fire Marshal or the fire marshal's designee; [PL 2015, c. 319, §30 (AMD).]
- E. [PL 2019, c. 314, §1 (RP).]
- F. One member familiar with oil spill technology appointed by the Speaker of the House of Representatives; [PL 2015, c. 319, §30 (NEW).]
- G. One member with expertise in coastal geology, fisheries biology, marine fisheries or coastal wildlife habitat appointed by the President of the Senate; and [PL 2019, c. 314, §1 (AMD).]
- H. One member who is a licensed state pilot or a licensed merchant marine officer appointed by the Speaker of the House of Representatives. [PL 2015, c. 319, §30 (NEW).]

An appointed member may not serve more than 2 consecutive 3-year terms.

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.

[PL 2023, c. 61, §8 (AMD).]

1-A. Vacancies on review board. An appointed 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.

[PL 2023, c. 61, §8 (NEW).]

2. Powers and duties of review board. The Clean-up and Response Fund Review Board has the following powers and duties:

- A. [PL 2023, c. 61, §8 (RP).]
- B. To adopt rules in accordance with Title 5, chapter 375, subchapter 2 and guidelines necessary for the furtherance of the review board's duties and responsibilities under this subchapter; [PL 2011, c. 243, §3 (AMD).]
- C. [PL 2015, c. 319, §30 (RP).]
- D. To monitor income and disbursements from the fund under section 551 and adjust fees pursuant to section 551, subsection 4, paragraph F, as required to avoid a shortfall in the fund; [PL 2015, c. 319, §30 (AMD).]

E. To, at such times and in such amounts as it determines necessary, and in consultation with the department, direct the transfer of funds from the Underground Oil Storage Replacement Fund to the fund; [PL 2015, c. 319, §30 (AMD).]

F. To review department priorities for disbursements from the fund and make recommendations to the commissioner on how the fund should be allocated; [PL 2015, c. 319, §30 (AMD).]

G. To review and comment on the State's marine oil spill contingency plan; and [PL 2015, c. 319, §30 (NEW).]

H. To review and monitor issues for oil spill prevention and response and recommend to the commissioner any regulatory changes that are appropriate. [PL 2015, c. 319, §30 (NEW).]
[PL 2023, c. 61, §8 (AMD).]

2-A. Meetings. The Clean-up and Response Fund Review Board shall meet 2 times per year unless the review board votes to hold an additional meeting or not to hold a meeting. Action may not be taken unless a quorum is present. A quorum is a majority of the seated members.
[PL 2023, c. 61, §8 (AMD).]

2-B. Chair. The review board shall choose a member to serve as chair of the review board every 2 years.
[PL 2023, c. 61, §8 (AMD).]

2-C. Appeals to review board.
[PL 2023, c. 61, §8 (RP).]

2-D. Report; adequacy of fund. Beginning on April 15, 2015 and every other year thereafter, the Clean-up and Response Fund Review Board, with the cooperation of the commissioner, shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the department's and the review board's experience administering the fund, clean-up activities and 3rd-party damage claims. The report must include an assessment of the adequacy of the fund to cover anticipated expenses and any recommendations for statutory change. To carry out its responsibility under this subsection, the review board may order an independent audit of disbursements from the fund.
[PL 2015, c. 319, §30 (AMD).]

2-E. Staff support. The commissioner shall provide the Clean-up and Response Fund Review Board with staff support.
[PL 2015, c. 319, §30 (NEW).]

3. Repeal date.
[PL 2015, c. 319, §30 (RP).]

SECTION HISTORY

PL 1993, c. 363, §12 (NEW). PL 1993, c. 363, §21 (AFF). PL 1995, c. 399, §§6-8 (AMD). PL 1995, c. 399, §21 (AFF). PL 1999, c. 505, §§A9-11 (AMD). PL 2001, c. 356, §8 (AMD). PL 2003, c. 245, §11 (AMD). PL 2003, c. 551, §14 (AMD). PL 2009, c. 319, §13 (AMD). PL 2011, c. 211, §23 (AMD). PL 2011, c. 211, §27 (AFF). PL 2011, c. 243, §3 (AMD). PL 2011, c. 691, Pt. A, §41 (AMD). PL 2011, c. 691, Pt. A, §42 (AFF). PL 2013, c. 22, §§1, 2 (AMD). PL 2015, c. 319, §30 (AMD). PL 2019, c. 314, §§1-3 (AMD). PL 2023, c. 61, §8 (AMD).

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