

### §4203. Nutrient Management Review Board

The Nutrient Management Review Board is established pursuant to Title 5, section 12004-D, subsection 5. [PL 1997, c. 642, §2 (NEW).]

**1. Duties.** The board's duties are as follows:

A. The board shall review and approve all proposed amendments to the original rules adopted in accordance with this chapter; [PL 2003, c. 283, §2 (AMD).]

B. When an aggrieved party within 30 days of the commissioner's decision appeals a decision of the commissioner regarding a livestock operations permit under section 4205, a request for a variance under section 4204, subsection 8 or a certification under section 4210, the board shall hold a hearing in accordance with Title 5, chapter 375, subchapter 4. The board may affirm, amend or reverse a permit or certification decision made by the commissioner. The board's decision is a final agency action; and [PL 2003, c. 283, §2 (AMD).]

C. When an aggrieved party within 30 days of the commissioner's decision appeals a decision of the commissioner regarding site-specific best management practices prescribed for a farm or other issue governed under section 156 or Title 17, section 2701-B, the board shall hold a hearing in accordance with Title 5, chapter 375, subchapter 4. The board may affirm, amend or reverse a decision made by the commissioner. The board's decision is a final agency action. The board may also conduct an information-gathering meeting at the request of the department or any party with a legitimate interest to facilitate the complaint resolution process under section 156 or Title 17, section 2701-B. [PL 2007, c. 649, §4 (AMD).]

[PL 2007, c. 649, §4 (AMD).]

**2. Membership.** The board consists of 7 members appointed as follows:

A. One member from the University of Maine Cooperative Extension Service with expertise in agricultural production appointed by the Director of the Cooperative Extension Service; [PL 1997, c. 642, §2 (NEW).]

B. The Commissioner of Environmental Protection or the commissioner's designee; [PL 1997, c. 642, §2 (NEW).]

C. The commissioner or the commissioner's designee; and [PL 1997, c. 642, §2 (NEW).]

D. Four other persons appointed by the Governor, consisting of:

(1) One member with expertise in nutrient management or soil science;

(2) One member actively involved in a livestock production operation with less than 300 animal units;

(3) One member actively involved in a livestock production operation with more than 300 animal units; and

(4) One member with an interest in nutrient management issues representing the general public. [PL 1997, c. 642, §2 (NEW).]

[PL 1997, c. 642, §2 (NEW).]

**2-A. Temporary membership.** When the subject matter of an appeal or complaint resolution process under this section is other than manure or nutrient management, the commissioner may appoint up to 3 temporary board members for the purpose of hearing an appeal, conducting an information-gathering meeting or facilitating the complaint resolution process under section 156. At least one temporary member must have expertise with the subject matter of the complaint or problem and one temporary member must represent the agricultural sector involved. The terms for temporary members

expire when the board determines that it has taken final action on the appeal or complaint resolution process.

[PL 2007, c. 649, §5 (AMD).]

**3. Terms of membership; chair.** Except for initial appointees, each member appointed by the Governor serves for a term of 4 years. In the case of a vacancy, the Governor shall appoint a member to fill the unexpired term. The Governor shall determine initial appointment terms to stagger term expirations. The board shall annually elect one of its members as chair.

[PL 1997, c. 642, §2 (NEW).]

**4. Compensation.** Members of the board are entitled to expenses only.

[PL 1997, c. 642, §2 (NEW).]

**5. Staff.** The department shall provide staff to the board.

[PL 1997, c. 642, §2 (NEW).]

**6. Meetings.** The board shall meet twice a year with the commissioner to discuss the implementation and enforcement of the provisions of this chapter and as needed to perform its duties.

[PL 1997, c. 642, §2 (NEW).]

#### SECTION HISTORY

PL 1997, c. 642, §2 (NEW). PL 1999, c. 530, §3 (AMD). PL 2003, c. 283, §§2,3 (AMD). PL 2007, c. 649, §§4, 5 (AMD).

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