

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

S  
D. OF R.

STATE OF MAINE  
SENATE  
108TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 1588, L.D. 1800, Bill, "AN ACT to Standardize Some of the Procedures and Statutes Administered by the Department of Environmental Protection."

Amend the bill in section 9, in that part designated "§343." by inserting at the end of / <sup>subsection 3,</sup> the following blocked paragraph:

'Any petition requesting the adoption, amendment or repeal of any rule or regulation filed pursuant to this subsection shall contain a statement of the reasons and facts in support of such requests.'

Further amend the bill in section 9, in that part designated "§344." subsection 3, 2nd paragraph, by striking out all of the first underlined sentence and inserting in its place the following:

'The commissioner shall give reasonable notice to the applicant of the date the board will act on the application and that a draft order relating to the application is available in the Augusta office of the department.'

Further amend the bill in section 9, in that part designated "§344." by inserting at the end of subsection 5 the following new blocked paragraph:

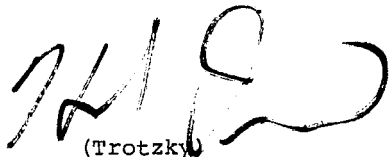
'The running of the time for appeal, as provided in section 346, is terminated by a timely petition for reconsideration filed pursuant to this subsection, and the full time for appeal, as provided in

section 346, commences to run and is to be computed from the date upon which notice is received of any administrative action denying the petition or any order or decision of the board as a result of the petition; provided that the filing of a petition for reconsideration shall not be deemed an administrative or judicial prerequisite for the filing of appeal pursuant to section 346.'

Statement of Fact

This amendment is intended to:

- 1. Make it clear that a reconsideration petition is not a prerequisite to the filing of an appeal and clarify the timing of an appeal when such petitions are filed;
- 2. Require an explanation by any petitioner seeking a change in Department of Environmental Protection rules; and
- 3. Require notice to an applicant of the date upon which the board intends to act on the application.



(Trotzky)

NAME:

COUNTY: Penobscot