

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 794

S. P. 242

In Senate, February 26, 1975

Referred to the Committee on Natural Resources. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator O'Leary of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

**AN ACT to Provide Opportunity for Reasonable Correction of Applications
before the Board of Environmental Protection.**

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

38 MRSA § 361, as last amended by PL 1973, c. 450, § 1, is further amended by adding at the end the following new paragraphs:

Whenever the board proposes to issue or grant any license, permit or approval, it shall provide reasonable opportunity and notice for the applicant to confer with the commissioner or his delegate who shall solicit and receive comments from the applicant as to the reasonableness of said permit, license or approval. Before taking final action, the board shall be fully appraised of the position of the applicant with regard to such license, permit or approval. In the event that the board denies any application either with or without a hearing, any such denial must contain in detail, the findings and conclusion of the board and the specific basis for the denial. Within 30 days after notification of such denial, an applicant may request in writing a rehearing to present new or additional evidence to cure any deficiencies in the original application or hearing. Any such rehearing shall be held within 45 days of the time of such request and the board shall cause notice of the date, time and place of the rehearing to be given to the public by causing such notice to be published in some newspaper of general circulation in the proposed locality and the date of said publication to be at least 10 days before the date set for the rehearing. The right of appeal of any applicant shall be preserved and any time period for the taking of an appeal from the original order shall commence upon the date notification is received of the final order of the board following the rehearing.

Any objection on appeal of any order of the board will not be allowed unless such objection was raised before the board.

STATEMENT OF FACT

This bill would provide the means, presently lacking under existing law, for an applicant to correct any deficiencies in an application for hearing and obtain a permit, if deserved. The proposition that an applicant should have only one opportunity to demonstrate the merits of his proposal is untenable.