

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to S.P. 352, L.D. 1152, Bill, "AN ACT to Clarify Standing before the Board of Environmental Protection."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'38 MRSA §361-B is enacted to read:

§361-B. Standing before the Board of Environmental Protection

In any proceeding before the Board of Environmental Protection standing to participate shall be upon the following basis:

1. Parties. "Parties" shall include the applicant and such other persons, firms and corporations who have met the requirements of subsection 4 and who are or will be directly and substantially affected by the outcome of the proceeding. Municipalities and governmental agencies which have an interest in the proceedings shall have the rights and powers of parties. Parties shall have the right to receive copies of all filings, documents and papers and to testify, cross-examine and appeal;

2. Intervenors. "Intervenors" shall include those persons, firms and corporations who have met the requirements of subsection 4 and who have an interest in the proceedings. This category shall include, but not be limited to, national, state-wide and local groups, organizations, associations or corporations which have an interest in the proceedings, but not such as to become a party. Intervenors shall have full rights to present direct and rebuttal testimony, participate

in hearings, be provided with copies of all filings, papers and documents of the applicant and other parties, file briefs and present oral argument but may not appeal from the decision of the board. Intervenors shall have the right to cross-examine any witness by submitting written questions to the chairman of the hearing to be asked of the witness. The chairman shall ask such questions if he determines that the information which might be presented in response thereto would be helpful to the board in its determination.

3. Public. Any person, other than a party or intervenor, shall have the right to provide written or oral testimony to the board and ask written questions under the conditions set forth in subsection 2, but may not appeal.

4. Petition demonstrating interest and contentions. No person, firm or corporation, other than the applicant, shall be granted the status of party or intervenor unless such person has filed, at least 3 days prior to the date of the hearing, a written petition which demonstrates the specific interest required by subsections 1 or 2; the specific contentions of the petitioner; <sup>and</sup> that the petitioner's participation at the hearing will be limited to such contentions.'

#### Statement of Fact

This amendment defines standing to participate in proceedings before the Board of Environmental Protection and provides for the submission of a petition demonstrating these requirements prior to hearing.

Reported by the Majority of the Committee on Natural Resources.  
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