

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1152

S. P. 352

In Senate, March 20, 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 Clarify Standing before the Board of Environmental Protection.

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

38 MRSA § 361-B is enacted to read:

§ 361-B. Standing before 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 filed timely written appearances or objections and who have direct and substantial economic interest in the proceedings, including, but not limited to, abutting landowners and other persons having a direct economic interest capable of being affected by the decision in the proceedings. Municipalities and governmental agencies, which have an interest in the proceedings, shall have the rights and powers of parties. Parties shall have all rights to receive copies of all filings, documents and papers and to testify, cross-examine and appeal.

2. Intervenors. Intervenors shall mean those persons, firms or corporations who have an interest in the proceedings but do not have a direct and substantial economic interest. The board may grant intervenor status to those persons, who in the board's discretion, have the financial and technical ability to assist the board in its decision. 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 the right to present direct and rebuttal testimony, participate in hearings, be provided with copies of all

filings, papers and documents provided for parties and file briefs, but may not cross-examine or appeal.

3. Public. Public shall include, but not be limited to, members of the public who may have an interest in the proposed project and shall have the right to provide written or oral testimony to the board, but not have the right to cross-examine nor the right to appeal.

STATEMENT OF FACT

It is the intention of this bill to define standing to participate in proceedings before the Board of Environmental Protection.