

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)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1892

S. P. 527

In Senate, May 20, 1975

Reported by Senator Trotzky of Penobscot from Committee on Natural Resources and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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-C is enacted to read:

§ 361-C. Petition for reconsideration

The commissioner shall give reasonable notice to the applicant, upon request, 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. Draft orders shall be available to any persons at the Augusta office of the department prior to the date the board acts on the draft order.

Within 10 days of the applicant's receipt of a final board decision, any person may petition the Board of Environmental Protection in writing for an opportunity to present new or additional evidence to cure any deficiencies in the original application, correct errors in the final decision, secure reconsideration of the conditions of approval or of the denial, or challenge any facts of which official notice was taken. Such petition shall set forth in detail the findings, conclusions or conditions to which the applicant objects, the basis of the objections, the nature of the relief requested and the nature of the new or additional evidence.

The board shall, within 30 days of receipt of such petition and after appropriate notice, grant the petition in full or in part, order a public hearing or dismiss the petition. Any public hearing held under this section shall be held within 30 days of the board's decision to hold such hearing and the commissioner shall provide reasonable notice to interested persons. The time

for appeal of a final decision of the board on any application shall be computed from the date upon which notice is received of any administrative action pursuant to this section.

STATEMENT OF FACT

This Act will provide an opportunity to petition for a change, in the board's final decision, as supported by new or additional evidence.