

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 684

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S. P. 220

In Senate, March 2, 1977

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

MAY M. ROSS, Secretary

Presented by Senator O'Leary of Oxford.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT Concerning Standing before the Board of Environmental Protection.**

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

38 MRSA § 361-B, as enacted by PL 1975, c. 301, is repealed and the following enacted in its place:

§ 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 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, statewide 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 these questions if he determines that the information which might be presented in response to them 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 that 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; and that the petitioner's participation at the hearing will be limited to such contentions.

#### STATEMENT OF FACT

This bill 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 the hearing.