

MAINE STATE LEGISLATURE

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ROFS

L.D. 1647

Date: 3 - 22 - 12

MINORITY

(Filing No. S- 464)

JUDICIARY

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STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 546, L.D. 1647, Bill, "An Act To Define "Person Aggrieved" in Proceedings before the Department of Environmental Protection and the Maine Land Use Regulation Commission"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Require Rulemaking Regarding Standing To Appeal in Proceedings before the Board of Environmental Protection and the Maine Land Use Regulation Commission'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Sec. 1. Standing governing administrative appeals to the Maine Land Use Regulation Commission. Resolved: That the Maine Land Use Regulation Commission shall adopt rules to conform the standards for standing to appeal a decision to the commission to the judicial standards for standing to appeal a decision of the commission to court. Rules adopted pursuant to this section are major substantive rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and are subject to legislative review by the joint standing committee of the Legislature having jurisdiction over judiciary matters; and be it further

Sec. 2. Standing governing administrative appeals to the Board of Environmental Protection. Resolved: That the Board of Environmental Protection shall adopt rules to conform the standards for standing to appeal a decision to the board to the judicial standards for standing to appeal a decision of the board to court. Notwithstanding the Maine Revised Statutes, Title 38, section 341-H, rules adopted by the board pursuant to this section are major substantive rules under Title 5, chapter 375, subchapter 2-A and are subject to legislative review by the joint standing committee of the Legislature having jurisdiction over judiciary matters.'

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT " **A**" to S.P. 546, L.D. 1647

1 This amendment replaces the bill with a resolve.

2 This amendment directs the Board of Environmental Protection and the Maine Land
3 Use Regulation Commission to adopt rules governing standing for administrative appeals
4 to the board and commission, respectively. The standing for administrative appeals must
5 be the same as the standing that has been established for persons to appeal decisions of
6 the board or the commission to court. The rules are major substantive rules under the
7 Maine Administrative Procedure Act and are subject to review by the joint standing
8 committee of the Legislature having jurisdiction over judiciary matters.

FISCAL NOTE REQUIRED
(See attached)



Approved: 03/13/12 *MAC*

125th MAINE LEGISLATURE

LD 1647

LR 2513(02)

An Act To Define "Person Aggrieved" in Proceedings before the Department of Environmental Protection and the Maine Land Use Regulation Commission

Fiscal Note for Bill as Amended by Committee Amendment "A" S-464

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The Department of Conservation and the Board of Environmental Protection can undertake required rulemaking activities within existing resources in FY 2012-13.