

MAINE STATE LEGISLATURE

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Date: 5/30/13

minority

L.D. 861
(Filing No. H-277)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 612, L.D. 861, "Resolve, Regarding Legislative Review of Portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a Major Substantive Rule of the Department of Environmental Protection"

Amend the resolve by striking out all of the emergency preamble.

Amend the resolve in section 1 in the last line (page 1, line 18 in L.D.) by inserting after the following: "is authorized" the following: 'only if the rule consists solely of a provision that the board interprets and applies the term "aggrieved person" in a manner consistent with Maine court decisions that address judicial standing requirements for appeals of final agency action'

Amend the resolve by striking out all of the emergency clause.

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary. It provides that final adoption of portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a major substantive rule provisionally adopted by the Department of Environmental Protection is authorized only if the rule consists solely of a provision that the board interprets and applies the term "aggrieved person" in a manner consistent with Maine court decisions that address judicial standing requirements for appeals of final agency action. It also removes the emergency preamble and emergency clause from the resolve.

COMMITTEE AMENDMENT