

Committee: JUD
LA: MJR
LR # and item number: 251302
New Title?: YES
Add Emergency?: no
Date: 2/15/12

PROPOSED COMMITTEE AMENDMENT
Prepared for Sen. Saviello
2/15/2012 2:35 PM

File Name: G:\COMMITTEES\JUD\AMENDMTS\125th 2nd\251302.docx (2/15/2012 1:02:00 PM)

COMMITTEE AMENDMENT “.” TO LD 1647, 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 amending the title to read:

Resolve, Directing the Board of Environmental Protection and the Land Use Regulation Commission to Adopt Rules on Standing to Appeal

Amend the bill by striking out the bill and inserting in its place the following:

Sec. 1. Administrative standing governing appeals to the Land Use Regulation Commission. Resolved: That the Land Use Regulation Commission 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 routine technical rules under Title 5, chapter 375, subchapter 2-A ; and be it further

Sec. 2. Administrative standing governing appeals to the Board of Environmental Protection. Resolved: That the Board of Environmental Protection 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 Title 38, section 341-H, rules adopted by the board pursuant to this section are routine technical rules under Title 5, chapter 375, subchapter 2-A.

SUMMARY

This amendment replaces the bill with a resolve.

The resolve directs the Board of Environmental Protection and the Land Use Regulation Commission to adopt rules to specifically provide for standing for administrative appeals to the board or commission. The standing for administrative appeals must be the same as the standing that has been established for persons to appeal decisions of the board or the commission to court. The rules are routine technical rules under the Administrative Procedure Act.