

OPPOSE

LD 1647 – An Act to Define “Person Aggrieved” in Proceedings before the Department of Environmental Protection and the Maine Land Use Regulation Commission

Sponsor: Senator SAVIELLO of Franklin County

Background: Pierce Atwood, a law firm that often represents developers and large corporations, is the key backer of this bill to limit citizen access to the environmental appeals process.

Summary: LD 1647 will create high hurdles for citizens and citizen groups who wish to appeal staff decisions of the Department of Environmental Protection (DEP) and the Land Use Regulation Commission (LURC) to their respective citizen boards

Explanation: LD 1647 bill narrows the range of members of the public who are eligible to appeal and will require LURC and the BEP to conduct lengthy and technical legal investigations into whether citizens and citizen groups meet legalistic standing tests.

In many cases, citizens and citizen groups will have to hire lawyers to represent them, just to get the opportunity to participate in the process. The bill will result in shutting many citizens and citizen groups out of Maine’s decision-making process, despite the public interest in the outcome. If citizens and citizens groups have no ability to appeal, their voices in the permitting process will be easily ignored or never even heard.

This bill will ease the way for well-financed parties and their lawyers to use procedural challenges to prevent citizens, stakeholders and even towns from raising substantive concerns about their project and try to disqualify them from being able to even have an opportunity to be heard by the board or commission.

The proponents, primarily one Portland law firm, have yet to demonstrate any real problem that needs fixing. BEP and LURC, together with guidance and advice from the Attorney General’s office, already act to keep out frivolous appeals.

NRCM opposes LD 1647 and supports the majority Ought Not to Pass report.