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

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

Sec. 1. 12 MRSA §682, sub-§6-A is enacted to read:

6-A. Person aggrieved. "Person aggrieved" means a person that the commission determines has suffered or may suffer an actual or imminent injury as a result of a licensing or other decision of the commission. For the purposes of this subsection, "injury" means a decision of the commission that adversely and directly affects or will adversely and directly affect an aggrieved person's property, pecuniary or personal rights.

Sec. 2. 38 MRSA §341-D, sub-§4, ¶A, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

A. Final license or permit decisions made by the commissioner when a person aggrieved by a decision of the commissioner appeals that decision to the board within 30 days of the filing of the decision with the board staff. The board staff shall give written notice to persons that have asked to be notified of the decision. The board may allow the record to be supplemented when it finds that the evidence offered is relevant and material and that:

- (1) ~~An interested party~~ A person aggrieved seeking to supplement the record has shown due diligence in bringing the evidence to the licensing process at the earliest possible time; or
- (2) The evidence is newly discovered and could not, by the exercise of diligence, have been discovered in time to be presented earlier in the licensing process.

The board is not bound by the commissioner's findings of fact or conclusions of law but may adopt, modify or reverse findings of fact or conclusions of law established by the commissioner. Any changes made by the board under this paragraph must be based upon the board's review of the record, any supplemental evidence admitted by the board and any hearing held by the board;

Sec. 3. 38 MRSA §361-A, sub-§3-D is enacted to read:

3-D. Person aggrieved. "Person aggrieved" means a person that the department determines has suffered or may suffer an actual or imminent injury as a result of a licensing or other decision of the department. For the purposes of this subsection, "injury" means a decision of the department that adversely and directly affects or will adversely and directly affect an aggrieved person's property, pecuniary or personal rights.

SUMMARY

This bill provides a definition of "person aggrieved" in the laws governing the Maine Land Use Regulation Commission and the Department of Environmental Protection. It also provides that a person aggrieved, rather than an interested party, may seek to supplement the record in an appeal to the Board of Environmental Protection.