



Testimony Neither For Nor Against LD 2210

An Act to Clarify Board of Environmental Protection Procedures Regarding Appeals of Licensing or Permitting Decisions of the Commissioner of Environmental Protection

February 25, 2026

Senator Tepler, Representative Doudera, and Honorable Members of the Environment and Natural Resources Committee;

On behalf of the American Council of Engineering Companies of Maine (ACEC of Maine), please find below our comments neither for nor against LD 2210, An Act to Clarify Board of Environmental Protection Procedures Regarding Appeals of Licensing or Permitting Decisions of the Commissioner of Environmental Protection.

ACEC of Maine is primarily interested in better understanding the intent of this bill with respect to appellants who are not directly impacted by a project. Specifically, we wish to understand whether an appellant must hold some kind of standing or demonstrate an interest in the project being permitted or licensing being issued. We understand that some aspects of this bill may seek to codify existing policy at the DEP or BEP, but we caution that codifying a policy that widely allows anyone to appeal a decision may create unintended consequences.

We recognize that DEP is working hard to streamline its processes and expedite procedures. We are concerned that if anyone who is aggrieved but not actually impacted by a project is permitted to weigh in as an appellant, it may clog up the docket at the BEP.

We would encourage the ENR Committee to consider putting parameters around who may appeal a decision and what specific interest they must demonstrate. While a specific legal standard of standing may not be appropriate, we do think some guardrails around who may appeal would help prevent frivolous appeals by individuals who will never be directly impacted by a proposed project.

ACEC is always happy to be a resource for the ENR Committee, and to answer any questions you may have about our experiences with appeals, our perspective on cautionary guidelines, and any other issue that may arise during your discussion on this bill and others.

Thank you for your consideration of this testimony.

Sincerely,

Elizabeth M. Frazier

On behalf of ACEC of Maine