



BEP INFORMATION SHEET

Petitions to Intervene in a Licensing Hearing

Date: June 2019. Contact: (207) 287-2811 or (207) 287-2452

The Maine Administrative Procedure Act (5 M.R.S. §§ 9051-9064) and Department of Environmental Protection rules provide an opportunity for government agencies and interested persons to petition to intervene in a licensing proceeding when a public hearing will be held. Persons who may want to file a petition to intervene should consult the Department's Chapter 3 *Rules Concerning the Conduct of Licensing Hearings* (06-096 C.M.R. ch. 3). Please note the following:

Intervention is **not** Required for the following Persons

- Members of the public who want to address the Board briefly at the hearing or to submit written comments or statements about the application do not need to file a petition to intervene. A portion of the hearing will be reserved for testimony from the public and written comments will be accepted until the close of the hearing.
- Members of the public who want to receive notice of the hearing and Board meetings related to the hearing may ask to be placed on an "interested persons" list for the project and do not need to file a petition to intervene.

Persons Who May Want to File a Petition to Intervene

- Persons [including individuals, organizations, citizen groups, municipalities etc.] who want to present detailed, technical information to the Board concerning the application may want to file a petition to intervene. If granted intervenor status, such persons would be required to make their witnesses available to testify at the hearing and respond to questions from the Board, and be cross-examined by the applicant and other intervenors.
- Persons granted intervenor status have the right to offer testimony and evidence and to cross-examine the witnesses presented by the other parties. Intervenors are required to attend pre-hearing conferences and abide by all procedural orders. Intervenors will likely be required to file their testimony in written form prior to the hearing so that it may be reviewed by the Board, the applicant, and other intervenors in advance of the hearing.
- Persons granted intervenor status may be required to consolidate, or join their appearance at the hearing, with other intervenors that have similar interests and positions in order to expedite the conduct of the hearing.

Government Agencies

- Federal, state, municipal or other government agencies have the right to participate in the hearing as intervenors, if they choose. Alternatively, government agencies that do not want to participate as intervenors may participate at a reduced level. See Chapter 3, § 11C of the Department's rules.

For more information: Contact the Board's Executive Analyst at (207) 287-2452.

Note: This Information Sheet is provided for general guidance only; it is not intended to be legally binding or to be used as a legal reference.