

SACO RIVER CORRIDOR COMMISSION  
CORNISH, MAINE

RULES  
FOR THE CONDUCT  
OF PUBLIC HEARINGS CONCERNED WITH:

1. The Adoption and Amendment of Rules and Regulations;
2. The Revision or Amendment of the Comprehensive Plan;
3. The Designation of Areas for Resource Protection Districts;
4. The Adoption, Amendment and Interpretation of District Boundaries;
5. The Adoption and Amendment of Performance Standards.

Adopted by the Commission - April 17, 1974  
Amended October 18, 1989



1. Scope of Regulations.

These regulations govern the practice, procedure and conduct of hearings held by the Saco River Corridor Commission concerned with:

1. The Adoption and Amendment of Rules and Regulations;
2. The Revision or Amendment of the Comprehensive Plan;
3. The Designation of Areas for Resource Protection Districts;
4. The Adoption, Amendment and Interpretation of District Boundaries;
5. The Adoption and Amendment of Performance Standards.

These rules shall be liberally construed so as to enable the Commission to accomplish its duties and responsibilities in a just, speedy and inexpensive manner.

In special cases where good cause appears, the Commission may permit deviation from these rules insofar as it may find compliance therewith to be impracticable and unnecessary.

2. Notice and Location.

A. Notice of all hearings hereunder shall be sent to appropriate municipal, regional, state and federal agencies as required by the Act or as the Commission may determine at least ten (10) days prior to such hearings. Notice shall be published in the Portland Press Herald, the date of publication to be not less than seven (7), and not more than thirty (30) days prior to such hearing. Notice may be published in such other newspapers and journals and mailed to such other individuals and organizations as deemed appropriate by the Commission. The notice shall set forth the nature of the hearing, the time, date and place of the hearing, and a statement of where interested persons may obtain or review relevant materials in the possession of the Commission.

B. All such hearings shall be held within a municipality having lands within its jurisdiction within the Saco River Corridor.

3. Presiding Officer.

The Presiding Officer at all such hearings shall be either the Chairperson of the Commission, if present and willing to preside, a member of

the Commission selected by those members present at the hearing, or if no member of the Commission is present and willing to preside, the Executive Director or a qualified employee or representative of the Commission as designated by it. The Presiding Officer shall have the authority to:

- A. Rule upon issues of evidence;
- B. Regulate the course of the hearing;
- C. Rule upon issues of procedure;
- D. Administer oaths or affirmations, as necessary;
- E. Take such other actions as may be ordered by the Commission or that are necessary for the efficient and orderly conduct of the hearing, consistent with these regulations and applicable statutes.

4. General Conduct.

A. Opening Statement.

The Presiding Officer shall open the hearing by describing in general terms the purpose of the hearing and the general procedure governing its conduct.

B. Record of Testimony.

The Commission shall make a record of the hearing, by an appropriate means. If a sound recording is made any person shall have the opportunity to listen to the recording at such reasonable times and at such a place as may be designated by the Commission.

C. Witnesses.

Witnesses shall be required to state for the record their name, residence address, and the nature of their interest in the hearing, and whom they represent.

D. Continuances.

All hearings conducted pursuant to these regulations may be continued for reasonable cause and reconvened from time to time and from place to place as may be determined by a majority of the Commission members present or if none are present, by the Presiding Officer. Continuances may be granted at the request of any person participating in such hearing if it is determined by the Commission that a continuance is necessary. This

provision shall not be interpreted in such a fashion as to cause unreasonable or needless delay in any hearing.

All orders for continuances shall specify the time and place at which such hearing shall be reconvened. The Commission, the Presiding Officer, or the Executive Director shall notify interested persons and the public in such manner as is appropriate to insure that reasonable notice will be given of the time and place of such reconvened hearing.

E. Regulation of Certain Devices.

The placement and use of television cameras, still cameras, video or motion picture cameras or microphones at Commission hearings, other than by the Commission designees, for the purpose of recording the proceedings thereof may be regulated by the Chairperson or the Presiding Officer so as to avoid interference with the orderly conduct of the hearing.

5. Evidence.

A. Generally.

Evidence which is relevant and material to the subject matter of the hearing of a type commonly relied upon by reasonably prudent individuals in the conduct of their affairs shall be admissible. Evidence which is irrelevant, immaterial, or unduly repetitious shall be excluded. The Commission's experience, technical competence and specialized knowledge or that of its staff may be utilized in the evaluation of all evidence submitted to it.

B. Official Notice.

The Commission may, at any time, take notice of judicially cognizable fact, generally recognized facts of common knowledge to the general public and physical, technical or scientific facts within the specialized knowledge of the Commission.

C. Documentary and Real Evidence.

All documents, materials and objects offered as evidence shall, if accepted, be numbered or otherwise identified. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. The Commission or the Executive Director or the Presiding Officer may require, after prior oral or written reasonable notice, that any party

offering any documentary or photographic evidence shall provide the Commission and its staff with an appropriate number of copies of such documents or photographs unless such documents or photographs are determined to be of such form, size or character as not to be reasonably susceptible of reproduction. All documents, materials and objects accepted into evidence shall be made available during the course of the hearing for public examination and explanation. All such evidence shall also be available for public examination at a place designated by the Commission during normal business hours.

D. Objections.

All objections to rulings of the Presiding Officer regarding evidence or procedure shall be timely made during the course of the hearing.

If after the close of the hearing and during its deliberations the Commission determines that any ruling of the Presiding Officer was in error, it may reopen the hearing or take such other action as it deems appropriate to correct such error.

6. Testimony, Questioning, and Rebuttal.

A. Direct Testimony.

(1) The Commission members, staff and consultants shall testify first and may introduce documentary, photographic and real evidence including studies, reports, analyses and other information and theretofore compiled by the staff or consultants for the purpose of the hearing.

(2) Federal, State and other governmental agencies and representatives may testify at the conclusion of all Commission testimony.

(3) Other interested parties.

Any person intending to participate in the hearing will be given preference in the order of presentation within sub-paragraph 3 by informing the Saco River Corridor Commission at its office before the day of the hearing.

B. Questioning of Witnesses.

Commission members, staff, consultants and counsel may ask questions of witnesses at any time. At the conclusion of the testimony of each witness, all persons shall have the opportunity to question such witness

through the Presiding Officer or directly, as may be determined by the Presiding Officer. Such questioning shall be conducted in the following order:

- (1) Commission members, staff and consultants;
- (2) Federal, State and other governmental representative beginning in the order of appearance of those giving direct testimony;
- (3) All others, beginning in the order of appearance of those giving direct testimony.

The Presiding Officer may refuse to permit irrelevant, immaterial or repetitious questions or other questions which do not advance or serve the purpose of the hearing and shall state the basis for such refusal on the record when requested to do so by the party asking the questions.

(4) The Presiding Officer may require that such questioning be conducted at the conclusion of the testimony of each category of witness rather than at the conclusion of the testimony of each witness. The Presiding Officer may impose reasonable limitations on the number of witnesses to be heard and on the nature and length of their testimony and questioning.

In addition, in unusually complex situations or where there are large numbers of participants in the hearing or where the circumstances are such that oral examination by the public would unreasonably impede the orderly procedure of such hearing, the Presiding Officer may require that such examination be conducted in the form of written questions submitted to the Presiding Officer and read to the witness.

C. Rebuttal Testimony.

At the conclusion of all direct testimony and questioning of each witness or category of witness as determined by the Presiding Officer all persons participating in such hearing shall have the opportunity to submit rebuttal testimony in the order provided in Section 6A and B of these rules. Rebuttal testimony shall be limited to those matters which were the subject of direct testimony, and no new subject matter may be introduced into such a hearing by way of rebuttal.

D. Varying Order of Appearance.

When circumstances warrant, the Chairperson or the Presiding Officer may vary the order in which testimony is given or witnesses questioned.

7. Conclusion of Hearing.

At the conclusion of the hearing, no further evidence or testimony will be allowed into the record except as provided in Sec. 8 below.

8. Leaving the Record Open.

Upon such request made prior to or during the course of the hearing, the Presiding Officer may permit persons participating in any hearing pursuant to these regulations to file proposed findings, determinations, or other written statements with the Commission for inclusion in the record after the conclusion of the hearing within such time and upon such notification to the other participants as the Presiding Officer may require. This section is in no way to be interpreted so as to prevent the Commission members, its staff or consultants from submitting proposals to the Commission at any time.

9. Reopening of Hearing.

At any time prior to a final decision, the Commission, Chairperson or the Presiding Officer may reopen the record for further proceedings consistent with these Rules, provided, however, that the Commission, Chairperson or Executive Director shall give notice of such further proceedings to the participants and the public in such manner as is deemed appropriate.

10. Miscellaneous.

A. Record.

The record of the hearing shall consist of the recording of the hearing or a transcript if available, all exhibits, all briefs, proposed findings and rulings thereon, and any proposed findings of fact and conclusions of the Presiding Officer. Such record shall be reported to the Commission for its decision.

B. Copies of Record.



Any participants may obtain a copy of the record from the Commission upon payment to the Commission of all applicable fees, or in accordance with the Commission's schedule of fees.

C. Forms.

All motions, petitions and briefs and, to the extent practicable, written testimony, filed with the Commission, except for documents not susceptible of reproduction in the manner herein provided or for other good cause shown, shall be typewritten or printed on white opaque paper 8 1/2 x 11 inches in size, bound on the left margin. Typed matter shall be double spaced. The first page of each document shall be headed by the title:

SACO RIVER CORRIDOR COMMISSION

and shall have a caption with the title of the hearing (e.g. in the Matter of Establishing District Boundaries for Cornish,) the title of the document, the name of the person or organization submitting the document, and the date upon which the document was compiled. Submittals not meeting these criteria may be accepted at the discretion of the Commission.

11. Effective Date.

These regulations and any subsequent amendments thereto shall become effective upon adoption by the Commission.

