

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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H.P. 447

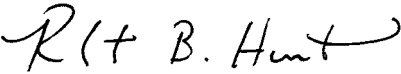
House of Representatives, February 25, 2025

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**An Act to Allow for Rescission of a Site Location of Development  
Permit When a Development Is Decommissioned**

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Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.  
Received by the Clerk of the House on February 20, 2025. Referred to the Committee on  
Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant  
to Joint Rule 401.

  
ROBERT B. HUNT  
Clerk

Presented by Representative BRIDGEO of Augusta.

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

2 **Sec. 1. 38 MRSA §489-C, sub-§1**, as amended by PL 1995, c. 493, §9, is repealed  
3 and the following enacted in its place:

4 **1. Development other than a subdivision.** For a development other than a  
5 subdivision as defined at the time of permit issuance:

6 A. The permittee has not constructed or caused to be constructed, or operated or caused  
7 to be operated, the development; or

8 B. The development has been fully decommissioned to the department's satisfaction;

9 **Sec. 2. 38 MRSA §489-C**, as corrected by RR 1995, c. 2, §99, is amended by  
10 enacting at the end a new paragraph to read:

11 For the purposes of this section, "fully decommissioned" means all aboveground and  
12 belowground components of a development have been physically removed, the site has  
13 been restored to preconstruction grade, any previously vegetated areas have been  
14 revegetated with native vegetation similar to nearby native vegetation and all waste has  
15 been recycled or disposed of at a facility authorized to accept the materials for recycling or  
16 disposal.

17 **SUMMARY**

18 Under current law, if a permittee requests the Commissioner of Environmental  
19 Protection to rescind a site location of development permit for a development that is not a  
20 subdivision, the commissioner must rescind the permit if, among other things, the  
21 development has not been constructed or operated by the permittee. This bill requires the  
22 commissioner to rescind such a permit if the development has been fully decommissioned  
23 to the department's satisfaction. The bill also defines "fully decommissioned."