

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 779

H. P. 628

House of Representatives, February 26, 1975

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Blodgett of Waldoboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

**AN ACT to Provide Deadlines within which the Board of Environmental
Protection Must Act on Certain Permits and Licenses.**

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

Sec. 1. 12 MRSA § 4807-H is enacted to read:

§ 4807-H. Regulations; enactment within 90 days; public notice; fees

The Board of Environmental Protection may enact such regulations as it deems necessary to administer and interpret the provisions of this chapter, provided that in the case of any approval requested of the board under sections 4807-B and 4807-C, the board shall act within a period not to exceed 90 days from the date of the receipt of a properly completed application and further provided that for any hearing held under this section, public notice shall be given to any interested person at least 30 days prior to such hearing in a manner specified by regulation.

The board may charge such reasonable fees as may be necessary to administer this chapter and to defray the costs of processing applications for approval.

Sec. 2. 38 MRSA § 422, 2nd ¶, as last amended by PL 1973, c. 788, § 211, is amended by adding at the end the following new sentence to read:

The board shall act to approve or deny a permit requested under this section no later than 90 days from the date of the receipt of a properly completed application. In any public hearing held under this section, public notice shall be given to any interested person at least 30 days prior to such hearing in such manner as specified by regulation.

Sec. 3. 38 MRSA § 483, first ¶, 2nd sentence, as last amended by PL 1971 c. 618, § 12, is repealed and the following enacted in place thereof:

If no hearing is held in accordance with section 484, the board shall act within 60 days of the receipt of a properly completed application to approve the proposed development, upon such terms and conditions as are appropriate and reasonable, or disapprove the proposed development setting forth the reasons therefor.

Sec. 4. 38 MRSA § 484, first ¶, as last amended by PL 1971, c. 618, § 12, is repealed and the following enacted in place thereof:

In the event that the board determines to hold a hearing on a notification submitted to it pursuant to section 483, it shall hold and complete such hearing within 150 days from the time of the receipt of a properly completed application, and shall cause notice of the date, time and place thereof to be given to all interested persons at least 30 days before the date of such hearing in a manner prescribed by regulation of the board.

Sec. 5. 38 MRSA § 590, 2nd ¶, 2nd, 3rd, 4th and 5th sentences, as last amended by PL 1971, c. 618, § 12 are repealed and the following enacted in place thereof:

Within 180 days from the receipt of a properly completed application, the board shall either grant or deny the license. A public hearing may be ordered by the board at the request of interested persons. Within 10 days after notice of a grant or denial of any application under this section, the applicant may request a hearing thereon. All hearings held under this section shall be pursuant to regulations established by the board, provided that public notice of such hearings be given to all interested persons at least 30 days prior to such hearing.

STATEMENT OF FACT

This Act would insure that unnecessary delays in actions by the Board of Environmental Protection will be avoided. The bill establishes a maximum period of 180 days within which the board must act to approve or deny permits required under the Site Location of Development and Air Pollution Control laws. A maximum period of 90 days is established within which the board must act under the Great Ponds and Minimum Lot Size laws.

The water pollution permit program already contains a maximum deadline of 180 days; the Wetlands law provides for a 60-day maximum deadline for the board. In addition, a minimum time within which the public must be notified of any public hearings held under these laws is established.