

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

(Filing No. H-546)

COMMITTEE AMENDMENT "A" to H.P. 1272, L.D. 1597,
Bill, "AN ACT to Permit the Board of Environmental Protection
to Accept Municipal Subdivision Permits in Lieu of Site
Location Review and to Repeal the Minimum Lot Size
Requirements."

Amend said Bill by striking out all of the Title and
inserting in place thereof the following: 'AN ACT to Permit
the Board of Environmental Protection to Accept Municipal
Subdivision Permits in Lieu of Site Location Review.'

Further amend said Bill by striking out everything
after the enacting clause and inserting in place thereof
the following:

'38 MRSA §489 is enacted to read:

§489. Municipal review of subdivisions

1. A municipality may apply to the Board of Environmental
Protection, on forms provided by the board, for authority
to substitute permits issued pursuant to Title 30, section
4956 for permits required by section 483 for subdivisions
more than 20 acres but less than 100 acres. The board shall
grant such authority if it finds that the municipality has:

A. Established a planning board;

B. Developed a suitable application;

C. Made provisions by ordinance or regulation for
prompt notice to the board upon receipt of the
application, written notification to the applicant

and the board of the issuance of or denial of a permit,

stating the reason therefor, public notice and

satisfactory hearing procedures.

In the event that the board finds that a municipality has failed to satisfy one or more of the above listed criteria, it shall notify the municipality accordingly and make recommendations through which it may establish compliance. The municipality may then submit a modified application for approval.

If at any time the board determines that a municipality has failed to exercise its permit granting authority in accordance with its approved procedures or the purposes of this Article as embodied in the standards set forth in section 484 and Title 30, section 4956, it shall notify the municipality of the specific alleged deficiencies and shall order a public hearing, of which adequate public notice shall be given, to be held in the municipality, to solicit public or official comment thereon. Following such hearing, if it finds that such deficiencies will persist, it shall revoke the municipality's permit granting authority.

In the event that a municipality has the authority granted by this Act revoked by the board, it may reapply to the board for such authority at any time.

2. Within 30 days after receipt of a completed application for a permit for a subdivision, the municipality shall either issue the permit or deny the permit setting forth the reasons therefor or order a hearing thereon within 30 days of the order, for which hearing adequate public notice shall be given. Within 30 days after the adjournment of such hearings, the municipality shall either issue the permit or deny the permit setting forth the reasons therefor.

3. No permit issued by a municipality shall become effective until 30 days subsequent to its issuance. A copy of the application for the permit, the permit issued by the municipality and its findings on review of the application shall be sent to the board immediately upon its issuance by certified mail. The board shall review such permit and either approve, deny or modify it as it deems necessary. Failure of the board to act within 30 days of the issuance of the permit by the municipality shall constitute its approval and the permit shall be effective as issued.

4. In the event that a permit applied for is denied either by the municipality or the Board of Environmental Protection, the applicant may request a hearing before either of the above with reasonable public notice given.

5. If a proposed subdivision is located in more than one municipality, the authority provided in subsection 1 shall not apply.

Statement of Fact

The purpose of this amendment is to clarify the municipal review of subdivisions.

Reported by the Committee on Natural Resources.

Reproduced and distributed under the direction of the Clerk of the House.
5/30/75

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