

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 476

H. P. 386

House of Representatives, February 16, 1977

On Motion of Mr. Blodgett of Waldoboro referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Green of Auburn.

Cosponsor: Mrs. Huber of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Establish an Environmental Coordination Procedure.

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

Sec. 1. 12 MRSA § 685-B, sub-§ 1, ¶ C, 3rd ¶, as last amended by PL 1971, c. 618, § 12, is repealed and the following enacted in its place:

Approval by the commission that the proposed development meets the requirements of section 685-B, subsection 4, and of the land use standards, rules and regulations adopted by the commission shall be a sufficient basis to support a finding that the development meets the requirements of the Site Location of Development Law, Title 38, sections 481 to 488, the Minimum Lot Size Law, sections 4807 to 4807-G, the Wetlands Law, Title 38, sections 471 to 478, the Great Ponds Law, Title 38, section 422 or the Stream Alteration Law, sections 2206 to 2212 and the rules and regulations adopted with respect to any of such statutes, as any of such statutes, rules or regulations may apply. Disapproval by the commission shall be a sufficient basis to support a finding that the proposed development does not meet the requirements of the Site Location of Development Law, Title 38, sections 481 to 488, the Minimum Lot Size Law, sections 4807 to 4807-G, the Wetlands Law, Title 38, sections 471 to 478, the Great Ponds Law, Title 38, section 422, or the Stream Alteration Law, sections 2206 to 2212 and the rules and regulations adopted with respect to any of such statutes, as any of such statutes, rules or regulations may apply.

Sec. 2. 12 MRSA § 685-B, sub-§ 1, ¶ C, as last amended by PL 1971, c. 618, § 12, is further amended by adding at the end the following new paragraph:

The commission shall establish coordination and assistance procedures for all land use permits issued by agencies of the State for proposed development within the unorganized townships and plantations. Such procedures shall, to the extent practicable, ensure: The availability to the public of necessary information concerning such land use permits; the provision of assistance to applicants in obtaining such permits from such agencies; the coordination of application procedures, time schedules, application forms and similar requirements so as to reduce delay and duplication of effort by applicants and the issuing agencies. Such permit issuing agencies shall cooperate with the commission in the development and effectuation of such coordination and assistance procedures.

Sec. 3. 12 MRSA § 685-B, sub-§ 4, ¶ A, as enacted by PL 1971, c. 457, § 5, is repealed and the following enacted in its place:

A. Adequate technical and financial provision has been made for complying with the requirements of the state's air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto, including without limitation the Site Location of Development Law, Title 38, sections 481 to 488, the Minimum Lot Size Law, sections 4807 to 4807-G, the Wetlands Law, Title 38, sections 471 to 478, the Great Ponds Law, Title 38, section 422, and the Stream Alteration Law, sections 2206 to 2212, for solid waste disposal, for controlling of offensive odors and for the securing and maintenance of sufficient healthful water supplies, and

Sec. 4. 38 MRSA § 341, as last repealed and replaced by PL 1975, c. 771, § 418, is amended by adding at the end the following new paragraph:

The Department of Environmental Protection shall establish coordination and assistance procedures for all environmental permits issued by agencies of the State for activities within the organized municipalities. Such procedures shall, to the extent practicable, ensure: The availability to the public of necessary information concerning such environmental permits; the provision of assistance to applicants in obtaining such permits from all such agencies; the coordination of application procedures, time schedules, application forms and similar requirements so as to reduce delay and duplication of effort by the applicant and the issuing agencies. Such permit issuing agencies shall cooperate with the Department of Environmental Protection in the development and effectuation of such coordination and assistance procedures.

STATEMENT OF FACT

This bill is an attempt to resolve duplication of jurisdiction between the Land Use Regulation Commission and the Department of Environmental Protection or the Land Use Regulation Commission and the Department of Inland Fisheries and Wildlife. This is resolved by authorizing the Land Use Regulation Commission to act in the unorganized areas in place of the

Department of Environmental Protection and the Department of Inland Fisheries and Wildlife. Sections 1, 2 and 3 accomplish this purpose.

This bill also requires the Land Use Regulation Commission and the Department of Environmental Protection to establish a coordination and assistance service to help people deal with the various environmental programs of the State. The Land Use Regulation Commission would do this for the unorganized areas while the Department of Environmental Protection would do this for the organized areas.