## MAINE STATE LEGISLATURE

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SE	COND REGULAR SESSION
ONE HUNDR	RED AND ELEVENTH LEGISLATURE
Legislative Document	No. 227
H.P. 1714	House of Representatives, March 15, 198
	epartment of Environmental Protection pursuant to
	nmittee on Energy and Natural Resources. Sent up
for concurrence and orde	ered printed.  EDWIN H. PERT, Cler
Presented by Represental Cosponsor: Senator	
	STATE OF MAINE
	THE YEAR OF OUR LORD N HUNDRED AND EIGHTY-FOUR
	Standardize Time Periods for ocessing of Applications.
Be it enacted by follows:	the People of the State of Maine as
replaced by PL 19	MRSA §344, sub-§4, as repealed and 883, c. 453, §3, is amended by add- new paragraph to read:
	es. The commissioner may waive the rements of subsection 3, at the re- icant.
subsection 3 afte	waive the time limit requirements of er consultation with the applicant, nembers of the board eligible to vote
	may waive the provisions of this e activities which require a federal

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- permit or license, upon delegation of the permitting
  authority to the department, when those provisions
  are inconsistent with federal law or regulation.
- 4 Sec. 2. 38 MRSA §635, as enacted by PL 1983, c. 5 458, §18, is amended to read:
  - §635. Board decision

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The beard shall, within 30 days of receipt of a completed application, either: Upon receipt of a properly completed application, the board shall either:

- 1. Approval. Approve the proposed project upon such terms and conditions as are appropriate and reasonable to protect and preserve the environment and the public's health, safety and general welfare, including the public interest in replacing oil with hydroelectric energy. These terms and conditions may include, but are not limited to:
- A. Establishment of a water level range for the body of water impounded by a hydropower project;
  - B. Establishment of instantaneous minimum flows for the body of water affected by a hydropower project; and
- C. Provision for the construction and maintenance of fish passage facilities;
- 25 those cases where the proposed project involves 26 maintenance, reconstruction or structural alteration 27 an existing hydropower project and where the pro-28 posed project will not alter historic water levels or 29 flows after its completion, the board may impose tem-30 porary terms and conditions of approval relating 31 paragraph A or paragraph B but shall not impose per-32 manent terms and conditions that alter historic water 33 levels or flows;
- 34 2. Disapproval. Disapprove the proposed proj-35 ect, setting forth in writing the reasons for the 36 disapproval; or

- 1 3. Hearing. Schedule a hearing on the proposed 2 Any hearing held under this subsection shall follow the notice requirements and procedures 3 4 adjudicatory hearing under Title 5, chapter an 5 375, subchapter IV. Within 45 days after the board 6 adjourns any After a hearing is held under this sub-7 section, it the board shall make findings of facts 8 and issue an order approving or disapproving the pro-9 posed project, as provided in subsections 1 and 2.
- When the proposed hydropower project lies within the jurisdiction of the Department of Environmental Protection, the Board of Environmental Protection shall make a decision in accordance with section 344.
- When the proposed hydropower project lies within the jurisdiction of the Maine Land Use Regulation Commission, the commission shall make a decision within 105 working days. The commission may waive the time limit requirement after consultation with the applicant, if 2/3 of the eligible voting members of the commission vote.

## 21 STATEMENT OF FACT

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Public Law 1983, chapter 453, established a new procedure for the processing of all applications issued by the Department of Environmental Protection. As a part of the new procedure, standardized time limits were adopted.

Section 1 of this bill allows the Department of Environmental Protection to waive the time limit requirements if they are inconsistent with federal law or regulation.

Section 2 of this bill replaces the 30-day review period for hydropower project applications with the time limits established within Public Law 1983, chapter 453, for the Department of Environmental Protection and with a 105-working day limit for the Maine Land Use Regulation Commission.

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