

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2273
6

7 H.P. 1714

House of Representatives, March 15, 1984

8 Submitted by the Department of Environmental Protection pursuant to
9 Joint Rule 24.

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

EDWIN H. PERT, Clerk

Presented by Representative Hall of Sangerville.

Cosponsor: Senator Kany of Kennebec.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Standardize Time Periods for
18 the Processing of Applications.
19

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

22 Sec. 1. 38 MRSA §344, sub-§4, as repealed and
23 replaced by PL 1983, c. 453, §3, is amended by add-
24 ing at the end a new paragraph to read:

25 4. Exceptions. The commissioner may waive the
26 time limit requirements of subsection 3, at the re-
27 quest of the applicant.

28 The board may waive the time limit requirements of
29 subsection 3 after consultation with the applicant,
30 if 2/3 of the members of the board eligible to vote
31 do so vote.

32 The commissioner may waive the provisions of this
33 section for those activities which require a federal

1 permit or license, upon delegation of the permitting
2 authority to the department, when those provisions
3 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:

6 §635. Board decision

7 The board shall, within 30 days of receipt of a
8 completed application, either: Upon receipt of a
9 properly completed application, the board shall ei-
10 ther:

11 1. Approval. Approve the proposed project upon
12 such terms and conditions as are appropriate and rea-
13 sonable to protect and preserve the environment and
14 the public's health, safety and general welfare, in-
15 cluding the public interest in replacing oil with
16 hydroelectric energy. These terms and conditions may
17 include, but are not limited to:

18 A. Establishment of a water level range for the
19 body of water impounded by a hydropower project;

20 B. Establishment of instantaneous minimum flows
21 for the body of water affected by a hydropower
22 project; and

23 C. Provision for the construction and mainte-
24 nance of fish passage facilities;

25 In those cases where the proposed project involves
26 maintenance, reconstruction or structural alteration
27 at 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 to
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

