

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 1714, L.D. 2273)

SECOND REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 2435

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H.P. 1840

House of Representatives, April 6, 1984

Reported by Representative Michaud from the Committee on Energy and Natural Resources and printed under Joint Rule 2.

Original bill presented by Representative Hall of Sangerville and cosponsored by Senator Kany of Kennebec.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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

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

Sec. 1. 38 MRSA §344, sub-§4, as repealed and replaced by PL 1983, c. 453, §3, is amended to read:

4. Exceptions. The commissioner may waive the time limit requirements of subsection 3, at the request of the applicant.

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

The commissioner may waive the provisions of this 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, first ¶, as enacted by PL  
5 1983, c. 458, §18, is amended to read:

6 The board shall, within 30 days of receipt of a  
7 completed application, either Upon receipt of a prop-  
8 erly completed application, the board shall either:

9 Sec. 3. 38 MRSA §635, sub-§3, as enacted by PL  
10 1983, c. 458, §18, is amended to read:

11 3. Hearing. Schedule a hearing on the proposed  
12 project. Any hearing held under this subsection  
13 shall follow the notice requirements and procedures  
14 for an adjudicatory hearing under Title 5, chapter  
15 375, subchapter IV. Within 45 days after the board  
16 adjourns any After a hearing is held under this sub-  
17 section, ~~it~~ the board shall make findings of facts  
18 and issue an order approving or disapproving the pro-  
19 posed project, as provided in subsections 1 and 2.

20 Sec. 4. 38 MRSA §635-A is enacted to read:

21 §635-A. Time limits for processing applications

22 Whenever the board receives a properly completed  
23 application, the board shall make a decision as expe-  
24 ditiously as possible. When the proposed project  
25 lies within the jurisdiction of the Department of En-  
26 vironmental Protection, the Board of Environmental  
27 Protection shall make a decision in accordance with  
28 section 344, except that the commissioner may waive  
29 the requirements of section 344, only at the request  
30 of the applicant.

31 When the proposed project lies within the juris-  
32 isdiction of the Maine Land Use Regulation Commission,  
33 decisions shall be made within 105 working days ex-  
34 cept that decisions delegated to the director shall  
35 be made within 60 working days. The director may  
36 wave the time limit requirements of this section on-  
37 ly at the request of the applicant.

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STATEMENT OF FACT

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The purpose of this new draft is to prevent delays in the licensing process while maintaining, to the maximum extent, consistency between the Maine Land Use Regulation Commission and the Department of Environmental Protection procedures.

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Under the new draft, applications submitted to the Department of Environmental Protection would be processed in 20 working days if the project could be handled under the Department of Environmental Protection "license by rule" procedures, in 60 working days if the project was of a routine type delegated by the board to the commissioner and in 105 working days if the project required substantial review by the board.

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If the application was submitted to the Maine Land Use Regulation Commission, the application would be processed in 60 working days if the project was of a routine type delegated by the commission to the director and in 105 working days if the project required review by the commission. The Maine Land Use Regulation Commission does not have permit by rule.

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Extensions could be made by the commissioner or director only if requested by the applicant.

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These time periods are consistent with the periods for all other similar Department of Environmental Protection and Maine Land Use Regulation Commission permits. In addition, in the majority of applications this new draft will not result in significant increases in processing time under the current provisions. Currently, a hydro project requiring substantial review requires a minimum of 75 days for a decision and generally would need more time. The current law also provides no absolute maximum for processing time. This new draft provides for a maximum processing time of 105 days.

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