

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2348

H.P. 1672

House of Representatives, February 18, 1992

Reported by Representative MELENDY for the Commission to Study State Permitting and Reporting Requirements pursuant to Public Law 1991, chapter 606.

Reference to the Joint Standing Committee on Energy and Natural Resources suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads "Ed Pert".

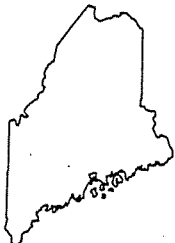
EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Revise the Purpose of the Board and Department of
Environmental Protection and to Temporarily Exempt Certain Activities
from Certain Permit Requirements.**

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State's economy is experiencing a major recession that seriously impacts the creation of employment opportunities; and

Whereas, the time required to obtain an environmental permit is on occasion a detriment to the efficient conduct of business in the State; and

Whereas, it is felt that temporarily exempting certain activities from the necessity of obtaining a permit under the natural resources protection laws and the site location of development laws provides a needed incentive for job creation; and

Whereas, it is difficult for environmental protection agencies to give consideration to the impact on business in rulemaking under their present legislative mandate; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §341-A, sub-§1, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

1. Purpose. The department shall prevent, abate and control the pollution of the air, water and land and preserve, improve and prevent diminution of the natural environment of the State in a manner that enhances quality of life, economic climate and the protection of natural resources while minimizing the impact of environmental regulations whenever possible. The department shall protect and enhance the public's right to use and enjoy the State's natural resources and may educate the public on natural resource use, requirements and issues.

Sec. 2. 38 MRSA §341-B, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

§341-B. Purpose of the board

The purpose of the Board of Environmental Protection is to provide informed, independent and timely decisions on the interpretation, administration and enforcement of the laws

2 relating to environmental protection and to provide for credible,
3 fair and responsible public participation in department
4 decisions. The board shall fulfill its purpose through
5 rulemaking, decisions on selected permit applications, review of
6 the commissioner's licensing and enforcement actions and
7 recommending changes in the law to the Legislature. The board
8 shall perform its duties in a manner that enhances quality of
9 life, economic climate and the protection of natural resources
10 while minimizing the impact of environmental regulations whenever
11 possible.

12 Sec. 3. 38 MRSA §480-V is enacted to read:

14 §480-V. Temporary exemptions

16 A permit is not required for the following projects:

18 1. Gravel pits. Gravel pits covering up to 25 acres;

20 2. Subdivisions. All residential and commercial
22 subdivisions;

24 3. Wetlands. Activities that affect no more than 1 acre of
25 Class III wetlands;

26 4. Buildings. Buildings that meet any one of the following
28 criteria:

30 A. Have a ground area of less than 75,000 square feet;

32 B. Have a floor area of less than 150,000 square feet; or

34 C. Have a total project area of less than 5 acres; and

36 5. Department of Transportation. Projects of the
37 Department of Transportation that have been designed by licensed
38 state engineers.

40 Persons conducting these projects must abide by all
41 applicable laws and rules and are subject to all enforcement
42 action and penalties provided by law and rule.

44 A person planning any project listed in this section shall
45 notify the department prior to its initiation, provide
46 information required by the board and notify the department on
47 completion of the project and of any variance in information
48 concerning the project from that reported to the department at
the project's inception.

2 The commissioner shall adopt by rule project fees sufficient
4 to cover the cost of monitoring and inspecting projects covered
4 by this section. A person may not initiate projects described in
4 this section until these fees are paid.

6 This section is repealed April 1, 1994.

8 **Sec. 4. 38 MRSA §488, sub-§9** is enacted to read:

10 9. Temporary exemptions. A permit is not required under
12 this article for the following projects:

14 A. Gravel pits covering up to 25 acres;

16 B. All residential and commercial subdivisions;

18 C. Activities that effect no more than 1 acre of Class III
18 wetlands; and

20 D. Buildings that meet any one of the following criteria:

22 (1) Have a ground area of less than 75,000 square feet;

24 (2) Have a floor area of less than 150,000 square
26 feet; or

28 (3) Have a total project area of less than 5 acres; and

30 E. Projects of the Department of Transportation that have
30 been designed by licensed state engineers.

32 A person planning any project listed in this subsection shall
34 notify the department prior to its initiation, provide
36 information required by the board, and notify the department on
36 completion of the project and of any variance in information
38 concerning the project from that reported to the department at
38 the project's inception.

40 Persons conducting these projects must abide by all applicable
42 laws and rules and are subject to all monitoring and enforcement
42 proceedings.

44 The commissioner shall adopt by rule project fees sufficient to
46 cover the cost of monitoring and inspecting projects covered by
46 this subsection. A person may not initiate such projects until
46 these fees are paid.

48 This subsection is repealed April 1, 1994.

50 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

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STATEMENT OF FACT

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6 This bill represents a majority recommendation of the
Commission to Study State Permitting and Reporting Requirements.
8 It is one of 4 bills and 1 resolution being submitted by this
commission.

10

12 This bill requires the Board of Environmental Protection and
the Department of Environmental Protection to perform their
14 duties in a manner that includes the enhancement of the States's
economic climate and that minimizes the impact of environmental
regulations.

16

18 For a 2-year period, the bill exempts 5 types of projects
from the necessity of obtaining permits under the natural
resources protection laws and the site location of development
20 laws.