

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 428

S.P. 137

In Senate, February 9, 1993

**An Act Concerning Rules of the Department of Environmental  
Protection.**

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Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BEGLEY of Lincoln.

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

Sec. 1. 38 MRSA §438-A, sub-§7 is enacted to read:

**7. Duration of permit; applicability of department rules.**

A permit issued under this article for residential construction or activities related to that construction does not expire or lapse and may not be reviewed or reevaluated by the department, except that the municipality may provide that a permit for a subdivision of 3 or more parcels expires or is subject to review if the developer does not commence construction within 5 years after the permit is issued or does not complete the project within 10 years after the permit is issued. Ordinances adopted or amended after the issuance of the permit do not apply to the development if the ordinances or amendments are more stringent than those in effect when the permit was issued.

Sec. 2. 38 MRSA §480-C, sub-§4 is enacted to read:

**4. Duration of permit; applicability of department rules.**

A permit issued under this article for residential construction or activities related to that construction does not expire or lapse and may not be reviewed or reevaluated by the department, except that the department may by rule provide that a permit for a subdivision of 3 or more parcels expires or is subject to review if the developer does not commence construction within 5 years after the permit is issued or does not complete the project within 10 years after the permit is issued. Department rules adopted or amended after the issuance of the permit do not apply to the development if the rules or amendments are more stringent than those in effect when the permit was issued.

Sec. 3. 38 MRSA §483-A, as amended by PL 1991, c. 499, §19, is further amended to read:

**§483-A. Prohibition**

No person may construct or cause to be constructed or operate or cause to be operated or, in the case of a subdivision, sell or lease, offer for sale or lease or cause to be sold or leased, any development requiring approval under this article without first having obtained approval for this construction, operation, lease or sale from the department. A person having an interest in, or undertaking an activity on, a parcel of land affected by an order or permit issued by the department may not act contrary to that order or permit. A permit issued under this article for development of a subdivision does not expire or lapse and may not be reviewed or reevaluated by the department, except that the department may by rule provide that such a permit expires or is subject to review if the developer does not

commence construction within 5 years after the permit is issued  
or does not complete the project within 10 years after the permit  
is issued. Department rules adopted after the issuance of the  
permit do not apply to the development if the rules or amendments  
are more stringent than those in effect when the permit was  
issued.

#### STATEMENT OF FACT

This bill provides that permits for residential development  
issued by the Department of Environmental Protection under the  
site location of development laws or the natural resources  
protection laws or by a municipality under shoreland zoning  
ordinances do not expire or lapse, and are not reviewable once  
issued, regardless of when the project is started or how long it  
takes to complete. If the development is a subdivision  
consisting of 3 or more parcels, the department or the  
municipality may provide that the permit lapses or is subject to  
review if the project is not begun within 5 years, or completed  
within 10 years, of permit issuance. Also, the bill provides  
that department rules, municipal ordinances and amendments that  
are more stringent than those in effect when the permit is issued  
do not apply to a permitted development.