

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 606

H.P. 440

House of Representatives, February 22, 1995

**An Act to Abolish the Process of Permit by Rule by the Board of
Environmental Protection.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MARSHALL of Eliot.
Cosponsored by Representative: DEXTER of Kingfield.

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

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Sec. 1. 5 MRSA §13054, sub-§2-A, as enacted by PL 1991, c. 826, §1, is amended to read:

2-A. Permit. "Permit" means a license, certificate, registration or other authorization required by a governmental agency for a business undertaking. ~~"Permit" includes, but is not limited to, a permit by rule issued by the Department of Environmental Protection in accordance with Title 38, section 344, subsection 7.~~

Sec. 2. 38 MRSA §344, sub-§2-A, ¶B, as enacted by PL 1989, c. 890, Pt. A, §22 and affected by §40, is repealed.

Sec. 3. 38 MRSA §344, sub-§2-A, ¶C, as amended by PL 1991, c. 804, Pt. B, §3 and affected by §7, is further amended to read:

~~C. For these applications that do not fall under the permit by rule provisions of subsection 7, the~~ The commissioner shall decide upon the application pursuant to the provisions of section 344-B.

Sec. 4. 38 MRSA §344, sub-§4-A, ¶A, as enacted by PL 1989, c. 890, Pt. A, §25 and affected by §40, is amended to read:

~~A. For these applications to be decided by the commissioner that do not fall under the permit by rule provisions of subsection 7, the~~ The commissioner shall, if requested by the applicant or any interested party, issue a draft permit or license and shall give reasonable notice to the applicant and to any other person who has notified the commissioner of an interest in the application before the commissioner takes final action on the application. The draft permit or license must be made available to the applicant and to all interested persons at the Augusta and appropriate regional offices of the department at least 5 working days before the commissioner takes final action on the application.

Sec. 5. 38 MRSA §344, sub-§7, as amended by PL 1991, c. 804, Pt. A, §3, is repealed.

Sec. 6. 38 MRSA §352, sub-§5-A, in that part designated "TABLE I," that part relating to "TITLE 38, SECTION 344" is repealed.

Sec. 7. 38 MRSA §353, sub-§7, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §13, is further amended to read:

2 ~~7. Fees for minor revisions. All fees assessed for the~~
3 ~~costs of processing permits issued in accordance with section~~
4 ~~344, subsection 7, must be paid in full when the notification is~~
5 ~~submitted to the commissioner.~~ All fees for any minor license or
6 permit revision must be paid in full when the request for the
revision is submitted to the commissioner.

8 **Sec. 8. 38 MRSA §480-Q, sub-§7-A, ¶B**, as enacted by PL 1989,
9 c. 838, §6, is repealed.
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12 **STATEMENT OF FACT**

14 Current law requires that any activity that may have an
15 adverse impact on the environment be approved by the Board of
16 Environmental Protection. If the board determines that there
17 will be no adverse impact on the environment, it may allow the
18 activity to be done by rule instead of requiring a permit. This
19 bill repeals that process and allows individuals to engage in
20 activities that will not have an adverse impact on the
environment without first having to obtain the board's approval.