

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1293

S.P. 396

In Senate, February 27, 1997

Resolve, to Evaluate Permit by Rule and Compliance with the Natural Resources Protection Laws.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TREAT of Kennebec.
Cosponsored by Representative ROWE of Portland and
Senators: DAGGETT of Kennebec, HARRIMAN of Cumberland, LaFOUNTAIN of York,
MICHAUD of Penobscot, NUTTING of Androscoggin, Representatives: FISK of Falmouth,
FULLER of Manchester, MERES of Norridgewock.

Sec. 1. State Planning Office evaluation of permit by rule. Resolved:

2 That the State Planning Office shall evaluate the Board of
Environmental Protection's rules relating to permit-by-rule
4 requirements for activities regulated pursuant to the Maine
Revised Statutes, Title 38, chapter 3, subchapter I, Article
6 5-A. In its evaluation, the State Planning Office shall consider
the following issues:

8
10 1. Whether all of the activities that have been designated
eligible for permit by rule are appropriate for the
12 permit-by-rule process in light of the requirement to protect the
natural resources in, on or adjacent to which the activities are
located;

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16 2. Whether there are adequate checks to ensure compliance
with the permit standards;

18
20 3. Whether permit by rule provides the Department of
Environmental Protection with sufficient information to evaluate
projects; and

22
24 4. Whether there is a satisfactory process for appeal when
a permit by rule is approved; and be it further

Sec. 2. Report. Resolved: That the State Planning Office shall
26 report its findings and recommended changes to the permit-by-rule
program to the joint standing committee of the Legislature having
28 jurisdiction over natural resources matters during the Second
Regular Session of the 118th Legislature.

30
32 **SUMMARY**

34 This resolve requires the State Planning Office to evaluate
the Board of Environmental Protection's rules relating to permit
36 by rule under the natural resources protection laws and to report
to the joint standing committee of the Legislature having
38 jurisdiction over natural resources matters during the Second
Regular Session of the 118th Legislature on its findings and
40 recommended changes to the permit-by-rule program.