

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 564

H.P. 427

House of Representatives, February 6, 2003

An Act To Clarify the Responsibilities of the Department of Environmental Protection

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HUTTON of Bowdoinham.
Cosponsored by Representatives: KOFFMAN of Bar Harbor, MAKAS of Lewiston,
SAVIELLO of Wilton, THOMPSON of China, TWOMEY of Biddeford, Senator: MARTIN of
Aroostook.

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

4 **Sec. 1. 38 MRSA §420-C, 3rd ¶**, as enacted by PL 1995, c. 704,
Pt. B, §2 and affected by Pt. C, §2, is amended to read:

6 This section applies to a project or any portion of a
7 project located within an organized area of this State. For any
8 activity for which a permit from the Maine Land Use Regulation
9 Commission is not required under Title 12, section 685-B,
10 subsection 1-A, paragraph B, this section also applies to any
11 portion of a project located within an unorganized area of this
12 State. This section does not apply to agricultural fields.
13 Forest management activities, including associated road
14 construction or maintenance, conducted in accordance with
15 applicable standards of the Maine Land Use Regulation Commission,
16 are deemed to comply with this section. This section may not be
17 construed to limit a municipality's authority under home rule to
18 adopt ordinances containing stricter standards than those
19 contained in this section.

20 **Sec. 2. 38 MRSA §480-P**, as enacted by PL 1987, c. 809, §2, is
21 amended by inserting at the end a new paragraph to read:

22 For any activity for which a permit from the Maine Land Use
23 Regulation Commission is not required under Title 12, section
24 685-B, subsection 1-A, paragraph B, outstanding river segments
25 also include any other outstanding river and stream segments
26 described in Title 12, section 403.

27 **Sec. 3. 38 MRSA §488, sub-§9-A** is enacted to read:

28 **9-A. Development partially within unorganized territory.**
29 For developments partially within the jurisdiction of the Maine
30 Land Use Regulation Commission, the department may request and
31 obtain technical assistance from the commission and shall request
32 recommendations from the commission. The commission shall
33 respond to the requests in a timely manner. The recommendations
34 of the commission must address the ways in which the proposed
35 project is or is not consistent with the commission's
36 comprehensive land use plan, but compliance with that plan is not
37 a requirement under this Title. The recommendations of the
38 commission must be considered by the department in acting upon a
39 development application insofar as those recommendations relate
40 to standards applicable under the natural resources protection
41 laws or any other law administered by the department.

SUMMARY

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4 This bill requires the Department of Environmental
6 Protection to request and consider comments from the Maine Land
8 Use Regulation Commission on projects that are partially within
10 the commission's jurisdiction but will not require a permit from
12 the commission under the Maine Revised Statutes, Title 12,
 section 685-B, subsection 1-A, paragraph B. The bill also
 clarifies that the department must protect outstanding river
 segments and protect against erosion and sedimentation,
 regardless of whether the project is located within organized or
 unorganized areas.