

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1435, L.D. 2035, Bill, "An Act Regarding Storm Water Program Administration"

Amend the amendment by inserting after section 4 the following:

'Sec. 5. 38 MRSA §485-A, sub-§1-C, as enacted by PL 1995, c. 704, Pt. A, §12 and affected by Pt. C, §2, is amended to read:

1-C. Approval of future development sites. The department shall adopt rules allowing the option of, and identifying requirements for, a planning permit that allows approval of development within a specified area and within specified parameters such as maximum area, groundwater usage and traffic generation, although the specific nature and extent of the development or timing of construction may not be known at the time the permit is issued. The location and parameters of the development must meet the standards of this article. This alternative is not available for metallic mineral mining or advanced exploration activities. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A 2-A.

If the department determines that full compliance with new or amended rules enacted after a planning permit was issued will significantly alter the plan for the development, the department may require the permittee to comply with the rules in effect at the time of issuance of the planning permit and, to the extent

2 practicable, to comply with additional requirements or standards
3 in the new or amended rules for any remaining portion of the
4 development for which final submissions have not been provided.
5 The department may not require significant alteration of
6 constructed or permitted infrastructure authorized by the
7 planning permit, or subsequent approvals designed to serve future
8 development phases in existence at the time of the new or amended
9 rules in assessing practicability.

10 For purposes of this subsection, "practicable" means available
11 and feasible considering cost, existing technology and logistics
12 based on the overall purpose of the project as authorized in the
13 planning permit.'

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15 Further amend the amendment by relettering or renumbering
16 any nonconsecutive Part letter or section number to read
17 consecutively.

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SUMMARY


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23 This amendment allows the Department of Environmental
24 Protection, if rules are enacted or amended that will
25 significantly alter a plan for development that has already
26 received a permit, to require the permittee to comply with the
27 rules that were in effect at the time the permit was issued and,
28 if practicable, additional requirements in the new or amended
29 rules.

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35 SPONSORED BY: 
36 (Senator COWGER)

38

COUNTY: Kennebec

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