

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1787

S.P. 698

In Senate, February 18, 2010

**An Act To Provide for Legislative Review of Recently Proposed
Revisions to Certain Rules Adopted Pursuant to the Site Location of
Development Laws**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 GOODALL of Sagadahoc.
Cosponsored by Representative DUCHESNE of Hudson.

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

2 **Sec. 1. 38 MRSA §485-A**, as amended by PL 2009, c. 293, §2, is further amended
3 to read:

4 **§485-A. Notification required; board action; administrative appeals**

5 **1. Application.** Any person intending to construct or operate a development shall,
6 before commencing construction or operation, notify the commissioner in writing of the
7 intent, nature and location of the development, together with such other information as
8 the board may by rule require. The department shall approve the proposed development,
9 setting forth such terms and conditions as are appropriate and reasonable, disapprove the
10 proposed development, setting forth the reasons for the disapproval, or schedule a hearing
11 in the manner described in section 486-A.

12 **1-A. Wood supply.** For a new or expanded development requiring an annual supply
13 of wood or wood-derived materials in excess of 150,000 tons green weight, the applicant
14 shall submit a wood supply plan for informational purposes to the Maine Forest Service
15 concurrent with the application required in subsection 1. The wood supply plan must
16 include, but is not limited to, the following information:

- 17 A. The expected operational life of the development;
- 18 B. The projected annual wood consumption of wood mill residue, wood fiber and
19 recycled materials from forest products during the entire operational life of the
20 development;
- 21 C. The expected market area for wood supply necessary to supply the development;
22 and
- 23 D. Other relevant wood supply information.

24 **1-C. Long-term construction projects.** The department shall adopt rules
25 identifying requirements for a long-term construction project that allow approval of
26 development within a specified area and within specified parameters such as maximum
27 area and groundwater usage, although the specific nature and extent of the development
28 or timing of construction may not be known at the time a permit for the long-term
29 construction project is issued. The location and parameters of the development must
30 meet the standards of this article. This subsection does not apply to metallic mineral
31 mining or advanced exploration activities. ~~Rules adopted pursuant to this subsection are~~
32 ~~major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.~~

33 **2. Hearing request.** If the department has issued an order without a hearing
34 regarding any person's development, that person may request, in writing, a hearing before
35 the board within 30 days after notice of the department's decision. This request must set
36 forth, in detail, the findings and conclusions of the department to which that person
37 objects, the basis of the objections and the nature of the relief requested. Upon receipt of
38 the request, the board shall schedule and hold a hearing limited to the matters set forth in
39 the request. Hearings must be scheduled in accordance with section 486-A.

