

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 614

S.P. 195

In Senate, February 17, 2011

**An Act To Expedite the Review of Certain Maine Land Use
Regulation Commission and Department of Environmental
Protection Applications**

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Representatives: CLARK of Millinocket, CRAY of Palmyra.

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

2 **Sec. 1. 12 MRSA §685-B, sub-§2-B,** as enacted by PL 1989, c. 584, §2 and
3 amended by c. 810, §2, is further amended to read:

4 **2-B. Determination deadline.** The commission shall render its determination on an
5 application for subdivision approval within 60 days after the commission determines that
6 the application is complete and the proposal is a permitted use within the affected district
7 or subdistrict. If within 30 days after the commission determines that the application is
8 complete and the proposal is a permitted use within the affected district or subdistrict the
9 director of the commission determines that the commission cannot render its decision
10 within the 60-day time period, the commission shall enter into an agreement with an
11 individual, partnership, firm or corporation outside the commission to review the
12 application.

13 **Sec. 2. 38 MRSA §344-B, sub-§7** is enacted to read:

14 **7. Outside review required.** If at the expiration of 1/2 of the processing time
15 established pursuant to this section the commissioner determines that the department
16 cannot process a permit or license within that processing time, the commissioner shall,
17 with the consent of the applicant, enter into an agreement with an outside reviewer
18 pursuant to section 344-A.

19 **SUMMARY**

20 This bill requires the Maine Land Use Regulation Commission to enter into an
21 agreement for an outside review of an application to subdivide land if the director of the
22 commission determines within 30 days of the application's being accepted as complete
23 that the commission cannot complete the review within the 60-day statutory time period.
24 The bill also requires the Commissioner of Environmental Protection to enter into an
25 agreement with an outside reviewer if, at the expiration of 1/2 of the published processing
26 time for permit and license applications, the commissioner determines that the department
27 cannot complete the application review within the published processing time.