

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

---

Legislative Document

No. 1015

H.P. 751

House of Representatives, March 10, 2011

### **An Act To Reduce Unnecessary Reporting Requirements for the Department of Environmental Protection**

---

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative DUCHESNE of Hudson.

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

2 **Sec. 1. 4 MRSA §152, sub-§6-A, ¶C**, as amended by PL 1991, c. 377, §1, is  
3 further amended to read:

4 C. Shoreland zoning ordinances enacted under Title 30-A, section 3001, and in  
5 accordance with Title 38, sections 435 to 446 ~~and section 449~~;

6 **Sec. 2. 38 MRSA §344, sub-§7**, as amended by PL 1991, c. 804, Pt. A, §3, is  
7 further amended to read:

8 **7. Permit by rule.** The Board of Environmental Protection may permit, by rule, any  
9 class of activities that would otherwise require the individual issuance of a permit or  
10 approval by the board, if the board determines that activities within the class will have no  
11 significant impact upon the environment. Any such rule must describe with specificity  
12 the class of activities covered by the rule and may establish standards of design,  
13 construction or use as may be considered necessary to avoid adverse environmental  
14 impacts. Any such rule must require notification to the commissioner prior to the  
15 undertaking of the regulated activity.

16 ~~The commissioner shall annually review activities requiring permits or approval from the~~  
17 ~~department to determine whether any additional classes of activities are more effectively~~  
18 ~~administered under a permit by rule system. As part of this review, the commissioner~~  
19 ~~shall solicit public comments on recommendations for activities to be included under~~  
20 ~~permit by rule and shall review the performance of the existing permit by rule program,~~  
21 ~~including a review of the compliance record of the permit by rule program. The~~  
22 ~~commissioner shall annually recommend to the board any additional categories of permits~~  
23 ~~for the board to permit by rule.~~

24 **Sec. 3. 38 MRSA §352, sub-§6**, as amended by PL 1993, c. 736, §6, is repealed.

25 **Sec. 4. 38 MRSA §449**, as amended by PL 1989, c. 890, Pt. A, §40 and Pt. B, §49,  
26 is repealed.

27 **Sec. 5. 38 MRSA §585-D, last ¶**, as amended by PL 2007, c. 619, §7, is repealed.

28 **Sec. 6. 38 MRSA §585-H**, as amended by PL 2003, c. 638, §3, is repealed.

29 **Sec. 7. PL 1997, c. 444, §9** is repealed.

30 **SUMMARY**

31 This bill repeals a requirement that the Commissioner of Environmental Protection  
32 annually conduct a review related to the permit by rule system and make any  
33 recommendations concerning additional categories of permits to the Board of  
34 Environmental Protection.

35 The bill also repeals a requirement that the Commissioner of Environmental  
36 Protection report before February 1st of each year to the joint standing committee of the

1 Legislature having jurisdiction over natural resources matters on the effects of license fee  
2 increases on department efficiency and license and permit processing times.

3 The bill also repeals a requirement that the Commissioner of Environmental  
4 Protection report biennially to the Legislature on the implementation and impact of local  
5 shoreland zoning ordinances.

6 The bill also repeals a requirement that the Department of Environmental Protection  
7 periodically evaluate whether the State should continue to implement and enforce  
8 California low-emission vehicle standards relating to the control of emissions from new  
9 motor vehicles or new motor vehicle engines.

10 The bill also repeals a requirement that the Department of Environmental Protection  
11 report annually to the joint standing committee of the Legislature having jurisdiction over  
12 natural resources on the levels of methyl tertiary butyl ether or MTBE in gasoline brought  
13 into the State.

14 The bill also removes a requirement that the Commissioner of Environmental  
15 Protection periodically hold hearings and report to the joint standing committee of the  
16 Legislature having jurisdiction over natural resources matters concerning progress toward  
17 meeting with the instream color pollution standards under the Maine Revised Statutes,  
18 Title 38, section 414-C.