

# 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)



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

---

Legislative Document

No. 1038

S.P. 328

In Senate, March 10, 2021

**An Act To Facilitate a Timely Revision Process in the Site Location  
of Development Laws**

---

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator KEIM of Oxford.

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

2 **Sec. 1. 38 MRSA §344-B, 2nd ¶**, as enacted by PL 1991, c. 804, Pt. B, §4 and  
3 affected by §7, is amended to read:

4 The provisions of this section apply ~~only~~ to new and revised permit and license  
5 applications.

6 **Sec. 2. 38 MRSA §344-B, sub-§1**, as amended by PL 2001, c. 212, §1, is further  
7 amended to read:

8 **1. Publication of timetables.** No later than November 1st of each year, the  
9 commissioner shall publish processing timetables for each permit and license issued by the  
10 department. Permit and license processing timetables must be published simultaneously in  
11 all newspapers designated by the Secretary of State as papers of record under Title 5,  
12 section 8053, subsection 5. The commissioner shall enter the published processing  
13 timetables into the record of the board at the first meeting of the board following  
14 publication. The processing period for each type of permit or license application may not  
15 exceed 90 days.

16 Except as provided in this section, the deadline governing the processing of an application  
17 is determined by the timetable in effect on the date the application is determined to be  
18 complete.

19 **Sec. 3. 38 MRSA §344-B, sub-§3**, as enacted by PL 1991, c. 804, Pt. B, §4 and  
20 affected by §7, is amended to read:

21 **3. Processing period.** The processing period for ~~an~~ a new application begins on the  
22 date the commissioner notifies the applicant that the application is complete. The  
23 processing period for a revised application begins on the date the commissioner receives  
24 the revised application. Except as provided in paragraph A, the consent of the applicant is  
25 required to stop the processing period or to extend the deadline.

26 A. The processing time for an application stops if:

27 (1) The commissioner determines that a public hearing is required. Under this  
28 subparagraph, the processing period may be stopped only for as long as necessary  
29 to accommodate the public hearing process and must commence at the end of the  
30 comment period following the public hearing;

31 (2) The board assumes jurisdiction over an application. If the board assumes  
32 jurisdiction over an application, the board shall set a new timetable for the  
33 application and shall stop the processing period or extend the deadline subject to  
34 the conditions of this subsection. The forfeiture provisions of subsection 5 do not  
35 apply to timetables set by the board; or

36 (3) The commissioner determines that the applicant has significantly modified the  
37 application. Under this subparagraph, the processing period is stopped until the  
38 applicant and the commissioner agree to a new timetable.

39 B. The commissioner may stop the processing time with the consent of the applicant  
40 for any period of time agreeable to the commissioner and the applicant if the  
41 commissioner determines that:

42 (1) Additional information is required from the applicant;

1 (2) Agencies other than the department that are required to comment on an  
2 application do not respond within the time frames established by a memorandum  
3 of understanding between the agencies; or

4 (3) The applicant wishes to stop the processing period or to extend the deadline.  
5 Expiration of a processing period may not be the sole reason for denial of an application.

## 6 **SUMMARY**

7 This bill provides that the processing period for each type of permit or license  
8 application submitted to the Department of Environmental Protection may not exceed 90  
9 days. It applies the processing period to both new and revised applications.