

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2024

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Legislative Document

No. 2058

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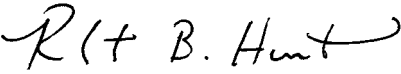
H.P. 1320

House of Representatives, December 13, 2023

### **An Act Regarding Compliance with Environmental Permit and License Application Requirements**

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Submitted by the Department of Environmental Protection pursuant to Joint Rule 203.  
Received by the Clerk of the House on December 11, 2023. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

  
ROBERT B. HUNT  
Clerk

Presented by Representative BRIDGEO of Augusta.

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

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

4 **1. Acceptance and notification.** The commissioner shall notify the applicant in  
5 writing of the official date on which the application was accepted as complete for  
6 processing or the reasons the application was not accepted. If a written notice of acceptance  
7 or nonacceptance is not mailed to the applicant within 15 working days of receipt of the  
8 application, the application is deemed to be accepted as complete for processing on the  
9 15th working day after receipt by the department. If the application is not accepted, the  
10 commissioner shall return the application to the applicant with the reasons for  
11 nonacceptance specified in writing. A reason for nonacceptance of an application may  
12 include, but is not limited to, submission of the application after the activity requiring a  
13 permit or license pursuant to this Title has begun if the applicant knowingly violated a  
14 requirement to obtain the permit or license for the activity or the applicant previously  
15 violated a requirement to obtain a permit or license pursuant to this Title. Any applicant  
16 whose application has not been accepted by the commissioner shall attend a presubmission  
17 meeting with the department before resubmitting that application. The commissioner shall  
18 notify the board of all applications accepted as complete.

19 An application is acceptable as complete for processing if the application is properly filled  
20 out and information is provided for each of the items included on the form. Acceptance of  
21 an application as complete for review does not constitute a determination by the department  
22 on the sufficiency of that information and does not preclude the department from requesting  
23 additional information during processing.

24 The commissioner shall require the applicant to provide notice to the public for each  
25 application for a permit or license accepted. The commissioner shall solicit comments from  
26 the public for each application in a manner prescribed by the board in the rules.

27 All correspondence notifying an applicant of denial of an application by the board or  
28 commissioner must be by certified mail, return receipt requested.

29 **SUMMARY**

30 This bill provides that the Department of Environmental Protection may specify as a  
31 reason for nonacceptance of a permit or license application that the application was  
32 submitted after the activity requiring the permit or license has begun if the applicant  
33 knowingly violated a requirement to obtain a permit or license for the activity or the  
34 applicant previously violated a requirement to obtain a permit or license.