

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

CHAPTER 779

H.P. 1840 - L.D. 2435

AN ACT to Standardize Time Periods for the Processing of Applications.

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

Sec. 1. 38 MRSA §344, sub-§4, as repealed and replaced by PL 1983, c. 453, §3, is amended to read:

4. Exceptions. The commissioner may waive the time limit requirements of subsection 3, at the request of the applicant.

The board may waive the time limit requirements of subsection 3 after consultation with the applicant, if 2/3 of the members of the board eligible to vote do so vote.

The commissioner may waive the provisions of this section for those activities which require a federal permit or license, upon delegation of the permitting authority to the department, when those provisions are inconsistent with federal law or regulation.

Sec. 2. 38 MRSA §635, first ¶, as enacted by PL 1983, c. 458, §18, is amended to read:

The board shall, within 30 days of receipt of a completed application, either Upon receipt of a properly completed application, the board shall either:

Sec. 3. 38 MRSA §635, sub-§3, as enacted by PL 1983, c. 458, §18, is amended to read:

3. Hearing. Schedule a hearing on the proposed project. Any hearing held under this subsection shall follow the notice requirements and procedures for an adjudicatory hearing under Title 5, chapter 375, subchapter IV. ~~Within 45 days after the board adjourns any~~ After a hearing is held under this subsection, the board shall make findings of facts and issue an order approving or disapproving the proposed project, as provided in subsections 1 and 2.

Sec. 4. 38 MRSA §635-A is enacted to read:

§635-A. Time limits for processing applications

Whenever the board receives a properly completed application, the board shall make a decision as expeditiously as possible. When the proposed project lies within the jurisdiction of the Department of Environmental Protection, the Board of Environmental Protection shall make a decision in accordance with section 344, except that the commissioner may waive the requirements of section 344, only at the request of the applicant.

When the proposed project lies within the jurisdiction of the Maine Land Use Regulation Commission, decisions shall be made within 105 working days except that decisions delegated to the director shall be made within 60 working days. The director may waive the time limit requirements of this section only at the request of the applicant.

Effective July 25, 1984.

CHAPTER 780

H.P. 1686 - L.D. 2244

AN ACT to Clarify Responsibility Under the Maine Potato Quality Control Law.

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

Sec. 1. 7 MRSA §1033, sub-§2, ¶F, as enacted by PL 1981, c. 513, §10, is amended to read:

F. To adopt a fee schedule and require the payment of a fee to cover such portion of the expenses of the board as the board determines necessary; and

Sec. 2. 7 MRSA §1033, sub-§2, ¶G, as enacted by PL 1981, c. 513, §10, is repealed and the following enacted in its place:

G. To recommend to the commissioner the maximum inspection fee which should be assessed for loads packed in Maine bags and to advise the commissioner of all factors necessary to achieve full industry participation in the Maine Bag Program; and

H. To do other acts necessary to implement this Article.