



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

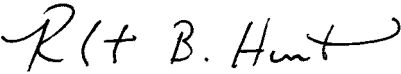
No. 708

H.P. 447

House of Representatives, February 25, 2025

**An Act to Allow for Rescission of a Site Location of Development
Permit When a Development Is Decommissioned**

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Received by the Clerk of the House on February 20, 2025. 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2 **Sec. 1. 38 MRSA §489-C, sub-§1**, as amended by PL 1995, c. 493, §9, is repealed
3 and the following enacted in its place:

4 **1. Development other than a subdivision.** For a development other than a
5 subdivision as defined at the time of permit issuance:

6 A. The permittee has not constructed or caused to be constructed, or operated or caused
7 to be operated, the development; or

8 B. The development has been fully decommissioned to the department's satisfaction;

9 **Sec. 2. 38 MRSA §489-C**, as corrected by RR 1995, c. 2, §99, is amended by
10 enacting at the end a new paragraph to read:

11 For the purposes of this section, "fully decommissioned" means all aboveground and
12 belowground components of a development have been physically removed, the site has
13 been restored to preconstruction grade, any previously vegetated areas have been
14 revegetated with native vegetation similar to nearby native vegetation and all waste has
15 been recycled or disposed of at a facility authorized to accept the materials for recycling or
16 disposal.

17 **SUMMARY**

18 Under current law, if a permittee requests the Commissioner of Environmental
19 Protection to rescind a site location of development permit for a development that is not a
20 subdivision, the commissioner must rescind the permit if, among other things, the
21 development has not been constructed or operated by the permittee. This bill requires the
22 commissioner to rescind such a permit if the development has been fully decommissioned
23 to the department's satisfaction. The bill also defines "fully decommissioned."