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ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 328, L.D. 1038, “An Act To Facilitate a Timely Revision Process in the Site Location of Development Laws”

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

The provisions of this section apply only to new permit and license applications and amended permit applications submitted pursuant to chapter 3, subchapter 1, article 6.

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

1. Publication of timetables. No later than November 1st of each year, the commissioner shall publish processing timetables for each permit and license issued by the department and a processing timetable for amended permits issued pursuant to chapter 3, subchapter 1, article 6. Permit and license processing timetables must be published simultaneously in all newspapers designated by the Secretary of State as papers of record under Title 5, section 8053, subsection 5. The commissioner shall enter the published processing timetables into the record of the board at the first meeting of the board following publication.

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

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

3. Processing period. The processing period for ~~an~~ a new application and an amended application submitted pursuant to chapter 3, subchapter 1, article 6 begins on the date the commissioner notifies the applicant that the application is complete. Except as provided

COMMITTEE AMENDMENT

1 in paragraph A, the consent of the applicant is required to stop the processing period or to
2 extend the deadline.

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

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

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

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

16 B. The commissioner may stop the processing time with the consent of the applicant
17 for any period of time agreeable to the commissioner and the applicant if the
18 commissioner determines that:

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

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

23 (3) The applicant wishes to stop the processing period or to extend the deadline.

24 Expiration of a processing period may not be the sole reason for denial of an application.'

25 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
26 number to read consecutively.

27 SUMMARY

28 This amendment replaces the bill. It requires the Commissioner of Environmental
29 Protection to establish a processing timetable for amended permit applications for a permit
30 issued pursuant to the site location of development laws and specifies that the processing
31 period for these amended permit applications begins on the date the commissioner notifies
32 the applicant that the application is complete.