

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
S.P. 169 - L.D. 437

**An Act To Amend the State General Permit Process for Tidal Power To
Remove a Conflict with a Federal Permit Requirement**

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

Sec. 1. 38 MRSA §636-A, sub-§3, ¶D, as enacted by PL 2009, c. 270, Pt. D, §8, is amended to read:

D. A copy of an environmental assessment issued by the Federal Energy Regulatory Commission for the proposed tidal energy demonstration project that includes a finding of "no significant environmental impact" pursuant to the National Environmental Policy Act of 1969, Public Law 91-190, 42 United States Code, Chapter 55, although the department may accept an application as complete for processing prior to the Federal Energy Regulatory Commission's issuance of a finding of no significant environmental impact; and

Sec. 2. 38 MRSA §636-A, sub-§4, as enacted by PL 2009, c. 270, Pt. D, §8, is amended to read:

4. Notification. The department shall notify an applicant in writing within 60 days of its acceptance of the application as complete for processing or within 30 days of the Federal Energy Regulatory Commission's issuance of a finding of no significant environmental impact, whichever later occurs, if the department determines that the requirements of this section have not been met. The notification must specifically cite the requirements of this section that have not been met. If the department has not notified the applicant under this subsection within the specified time period, a general permit is deemed to have been granted.