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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON ENVIRONMENT
AND NATURAL RESOURCES

IN SUPPORT OF LD 2253

An Act to Authorize a Stop-work Order Regarding an Activity That Is Creating a Substantial Adverse Impact to a Protected Natural Resource

March 7, 2024

Senator Brenner, Representative Gramlich, and members of the Joint Standing Committee on Environment and Natural Resources, my name is Stacie Beyer, and I am the Executive Director of the Maine Land Use Planning Commission (LUPC or Commission) within the Department of Agriculture, Conservation and Forestry (DACF). I am here today to speak in support of LD 2253, *An Act to Authorize a Stop-work Order Regarding an Activity That Is Creating a Substantial Adverse Impact to a Protected Natural Resource*.

The Maine Land Use Planning Commission is the planning, zoning, and permitting authority for all of Maine's unorganized and deorganized territories. The Use Regulation law, Title 12, § 681 et seq., created the Commission and identified the agency's mission. In 1999, the Natural Resources Protection Act (NRPA) was amended to delegate *permit-granting* authority to LUPC for activities wholly within its jurisdiction (38 M.R.S. § 480-E-1). Public Law 2023, Chapter 505 (implementing LD 2034) clarifies the LUPC's enforcement authority under NRPA.

This bill would authorize the Department of Environmental Protection (DEP) to issue a stop-work order whenever the Commissioner of Environmental Protection finds that 1) an activity is being performed in a manner that violates state environmental protection laws or rules or the terms or conditions of a license or permit issued by the Department, and 2) the activity is creating a substantial adverse impact to a protected natural resource.

LUPC agrees that providing stop-work order authority would be another vital tool the Department could use to protect the state's natural resources. The longer a violation continues, the greater the potential or actual harm to the affected resource. Violations that threaten especially valuable resources or are causing substantial harm need to be remediated quickly. If the landowner refuses to correct the violation promptly, a stop-work order used appropriately would provide an effective means to prevent further harm until the violation is resolved.

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As written, the bill would only apply to the organized half of the state where DEP administers the Natural Resources Protection Act. LUPC recommends that the bill be amended to include the same provisions for the unorganized area under its jurisdiction. The natural resources in the unorganized half of the state are also sensitive and need equal protection. As with DEP, LUPC has had landowners continue with a project after being notified they have violated a Commission rule, standard, or permit issued by the Commission. In discussing the LUPC's new Enforcement Work Plan, members of the Commission's board mentioned multiple times their interest in having stop-work order authority similar to the authority granted to municipalities in Maine.

One way that the bill could be amended is to include the following language as a new subsection:

6. Land Use Planning Commission. The Commission may issue a stop-work order in the same manner and with the same limitations as provided to the Department pursuant to the Commission's delegated authority under Title 38 § 480-E-1 and enforcement authority under Title 38 § 480-R.

However, if the Committee is interested in amending the bill and using alternative language, I would gladly assist in further language review. Thank you for the opportunity to testify. I'm happy to answer questions now and at the work session.