



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1997

S.P. 822

In Senate, May 23, 2023

**An Act to Implement Critical Reforms to the Department of
Environmental Protection Outlined in the State COVID-19
Reopening Plan**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator STEWART of Aroostook.

Cosponsored by Representatives: FAULKINGHAM of Winter Harbor, TERRY of Gorham.

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

2 **Sec. 1. 5 MRSA §13055, sub-§1, ¶F**, as amended by PL 2003, c. 673, Pt. M, §2,
3 is further amended to read:

4 F. The Office of Community Development; ~~and~~

5 **Sec. 2. 5 MRSA §13055, sub-§1, ¶G**, as enacted by PL 2003, c. 673, Pt. M, §2, is
6 amended to read:

7 G. The Office of Innovation; ~~and~~

8 **Sec. 3. 5 MRSA §13055, sub-§1, ¶H** is enacted to read:

9 H. The State Regulatory Ombudsman Program.

10 **Sec. 4. 5 MRSA c. 383, sub-c. 11** is enacted to read:

11 **SUBCHAPTER 11**

12 **STATE REGULATORY OMBUDSMAN PROGRAM**

13 **§13120-U. State Regulatory Ombudsman Program**

14 The commissioner shall establish and implement pursuant to this section the State
15 Regulatory Ombudsman Program, referred to in this section as "the program." The program
16 is established to facilitate permitting for developers working on projects of critical impact.
17 The commissioner shall adopt rules to implement the program. Rules adopted pursuant to
18 this section are routine technical rules as defined in chapter 375, subchapter 2-A.

19 **Sec. 5. 38 MRSA §485-A, sub-§1**, as affected by PL 1989, c. 890, Pt. A, §40 and
20 amended by Pt. B, §92, is further amended to read:

21 **1. Application.** Any person intending to construct or operate a development shall,
22 before commencing construction or operation, notify the commissioner in writing of the
23 intent, nature and location of the development, together with such other information as the
24 board may by rule require. ~~The~~ Within 90 days, the department shall approve the proposed
25 development, setting forth such terms and conditions as are appropriate and reasonable,
26 disapprove the proposed development, setting forth the reasons for the disapproval, or
27 schedule a hearing in the manner described in section 486-A.

28 **Sec. 6. Task force related to regulatory processes.** A task force related to
29 regulatory processes is established within the Department on Economic and Community
30 Development to make recommendations on ways to make regulatory processes faster, more
31 transparent and more accessible. The Commissioner of Economic and Community
32 Development shall convene relevant stakeholders as members of the task force, including
33 regulatory staff, economic development staff and development consultants. The task force
34 shall:

35 1. Make recommendations regarding a fast-track program within the department that
36 makes regulatory processes faster, more transparent and more accessible by exploring:

37 A. Expanding the use of special fee project permitting to expedite the review of projects
38 with potentially significant positive economic, social or environmental effects;

1 B. Predesignating projects of critical impact if the projects meet certain criteria as
2 determined by the department; and

3 C. Creating permitting schedules with clear timeline targets at relevant milestones that
4 meet all requirements in applicable law to complete environmental review and
5 permitting in a timely manner;

6 2. Review executive orders and rule changes during the state of emergency related to
7 the COVID-19 pandemic to determine which orders and rule changes had a positive impact
8 on the State's prosperity and make recommendations about incorporating the changes into
9 law; and

10 3. Identify duplicative requirements across local, state and federal permits and make
11 recommendations to reduce duplicative requirements.

12 No later than December 6, 2023, the task force shall submit a report with its
13 recommendations, including any suggested legislation, to the Joint Standing Committee on
14 Environment and Natural Resources. The committee may report out legislation relating to
15 the report to the Second Regular Session of the 131st Legislature.

16 **Sec. 7. Online permitting system within the Department of Environmental**
17 **Protection.** The Department of Environmental Protection shall develop and implement
18 an online permitting system that enables tracking of permit applications handled by the
19 department.

20 SUMMARY

21 This bill:

22 1. Establishes the State Regulatory Ombudsman Program within the Department of
23 Economic and Community Development to facilitate permitting for developers working on
24 projects of critical impact;

25 2. Provides that the department must approve, disapprove or schedule a hearing on an
26 application to construct or operate a development within 90 days of receipt of the
27 application;

28 3. Establishes a task force related to regulatory processes to make recommendations to
29 the Joint Standing Committee on Environment and Natural Resources to make regulatory
30 processes faster, more transparent and more accessible; and

31 4. Requires the Department of Environmental Protection to develop and implement an
32 online permitting system that enables tracking of permit applications handled by the
33 department.