



130th MAINE LEGISLATURE

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Legislative Document

No. 1038

S.P. 328

In Senate, March 10, 2021

**An Act To Facilitate a Timely Revision Process in the Site Location
of Development Laws**

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 KEIM of Oxford.

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

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

4 The provisions of this section apply ~~only~~ to new and revised permit and license
5 applications.

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

8 **1. Publication of timetables.** No later than November 1st of each year, the
9 commissioner shall publish processing timetables for each permit and license issued by the
10 department. Permit and license processing timetables must be published simultaneously in
11 all newspapers designated by the Secretary of State as papers of record under Title 5,
12 section 8053, subsection 5. The commissioner shall enter the published processing
13 timetables into the record of the board at the first meeting of the board following
14 publication. The processing period for each type of permit or license application may not
15 exceed 90 days.

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

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

21 **3. Processing period.** The processing period for ~~an~~ a new application begins on the
22 date the commissioner notifies the applicant that the application is complete. The
23 processing period for a revised application begins on the date the commissioner receives
24 the revised application. Except as provided in paragraph A, the consent of the applicant is
25 required to stop the processing period or to extend the deadline.

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

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

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

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

39 B. The commissioner may stop the processing time with the consent of the applicant
40 for any period of time agreeable to the commissioner and the applicant if the
41 commissioner determines that:

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

1 (2) Agencies other than the department that are required to comment on an
 2 application do not respond within the time frames established by a memorandum
 3 of understanding between the agencies; or
 4 (3) The applicant wishes to stop the processing period or to extend the deadline.
 5 Expiration of a processing period may not be the sole reason for denial of an application.

6 **SUMMARY**
 7 This bill provides that the processing period for each type of permit or license
 8 application submitted to the Department of Environmental Protection may not exceed 90
 9 days. It applies the processing period to both new and revised applications.