

§485-A. Notification required; board action; administrative appeals

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

[PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §92 (AMD).]

1-A. Wood supply. For a new or expanded development requiring an annual supply of wood or wood-derived materials in excess of 150,000 tons green weight, the applicant shall submit a wood supply plan for informational purposes to the Maine Forest Service concurrent with the application required in subsection 1. The wood supply plan must include, but is not limited to, the following information:

A. The expected operational life of the development; [PL 1989, c. 681, §2 (NEW).]

B. The projected annual wood consumption of wood mill residue, wood fiber and recycled materials from forest products during the entire operational life of the development; [PL 1989, c. 681, §2 (NEW).]

C. The expected market area for wood supply necessary to supply the development; and [PL 1989, c. 681, §2 (NEW).]

D. Other relevant wood supply information. [PL 1989, c. 681, §2 (NEW).]

[PL 1989, c. 681, §2 (NEW).]

1-B. Advance ruling.

[PL 1999, c. 468, §11 (RP).]

1-C. Long-term construction projects. The department shall adopt rules identifying requirements for a long-term construction project that allow approval of development within a specified area and within specified parameters such as maximum area and groundwater usage, although the specific nature and extent of the development or timing of construction may not be known at the time a permit for the long-term construction project is issued. The location and parameters of the development must meet the standards of this article.

[PL 2011, c. 653, §19 (AMD); PL 2011, c. 653, §33 (AFF).]

1-D. Hearing required; transmission line. If an application for the development and construction of a transmission line or lines requiring approval under this article is received by the department, the department or the board, as applicable, shall hold a hearing in accordance with section 486-A and may not issue an order without a hearing.

[PL 2023, c. 644, §10 (NEW); PL 2023, c. 660, §12 (NEW).]

2. Hearing request. If the department has issued an order without a hearing regarding any person's development, that person may request, in writing, a hearing before the board within 30 days after notice of the department's decision. This request must set forth, in detail, the findings and conclusions of the department to which that person objects, the basis of the objections and the nature of the relief requested. Upon receipt of the request, the board shall schedule and hold a hearing limited to the matters set forth in the request. Hearings must be scheduled in accordance with section 486-A.

[PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §92 (AMD).]

3. Failure to notify commissioner. The commissioner may, at any time with respect to any person who has commenced construction or operation of any development without having first notified the commissioner pursuant to this section, schedule and conduct a public hearing with respect to that development.

[PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §92 (AMD).]

4. Permit display. A person issued a permit pursuant to this article for activities in a great pond watershed shall have a copy of the permit on site while work authorized by that permit is being conducted.

[PL 1991, c. 838, §25 (NEW).]

SECTION HISTORY

PL 1987, c. 812, §§11,18 (NEW). PL 1989, c. 681, §2 (AMD). PL 1989, c. 890, §§A40,B92 (AMD). PL 1991, c. 838, §25 (AMD). PL 1995, c. 704, §A12 (AMD). PL 1995, c. 704, §C2 (AFF). PL 1999, c. 468, §11 (AMD). PL 2005, c. 602, §5 (AMD). PL 2009, c. 293, §2 (AMD). PL 2009, c. 602, §2 (AMD). PL 2011, c. 653, §19 (AMD). PL 2011, c. 653, §33 (AFF). PL 2023, c. 644, §10 (AMD). PL 2023, c. 660, §12 (AMD).

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