

§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).]

1-E. Public-use airports. Notwithstanding any provision of this article to the contrary, the department may not include in any permit issued pursuant to this article any conditions that, as determined by the department, would decrease safety within the air operations area at a public-use airport.

As used in this subsection, the following terms have the following meanings.

A. "Air operations area" has the same meaning as in 14 Code of Federal Regulations, Section 153.3, except that, for a public-use airport that does not have an airport security program, "air operations area" means those portions of the public-use airport that, as determined by the department, are substantially similar to those portions of an airport described in 14 Code of Federal Regulations, Section 153.3, including aircraft movement areas, aircraft parking areas, loading

ramps and safety areas for use by aircraft and any adjacent areas not separated by adequate security systems, measures or procedures. [PL 2025, c. 329, §2 (NEW).]

B. "Airport security program" means a security program approved by the United States Transportation Services Administration under 49 Code of Federal Regulations, Section 1542.101. [PL 2025, c. 329, §2 (NEW).]

C. "Public-use airport" has the same meaning as in 49 United States Code, Section 47102(22). [PL 2025, c. 329, §2 (NEW).]
[PL 2025, c. 329, §2 (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). PL 2025, c. 329, §2 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 132nd Maine Legislature and is current through October 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.