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Legislative Document

No. 437

S.P. 169

In Senate, February 14, 2013

An Act To Streamline the General Permit Process for Tidal Power

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Energy, Utilities and Technology 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 THIBODEAU of Waldo.
Cosponsored by Representative MAKER of Calais.

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

2 **Sec. 1. 38 MRSA §636-A, sub-§3, ¶D**, as enacted by PL 2009, c. 270, Pt. D, §8,
3 is amended to read:

4 D. A copy of an environmental assessment issued by the Federal Energy Regulatory
5 Commission for the proposed tidal energy demonstration project that includes a
6 finding of "no significant environmental impact" pursuant to the National
7 Environmental Policy Act of 1969, Public Law 91-190, 42 United States Code,
8 Chapter 55, although the department may accept an application prior to the Federal
9 Energy Regulatory Commission's issuance of a finding of no significant
10 environmental impact; and

11 **Sec. 2. 38 MRSA §636-A, sub-§4**, as enacted by PL 2009, c. 270, Pt. D, §8, is
12 amended to read:

13 **4. Notification.** The department shall notify an applicant in writing within 60 days
14 of its acceptance of the application for processing or within 30 days of the Federal Energy
15 Regulatory Commission's issuance of a finding of no significant environmental impact,
16 whichever later occurs, if the department determines that the requirements of this section
17 have not been met. The notification must specifically cite the requirements of this section
18 that have not been met. If the department has not notified the applicant under this
19 subsection within the specified time period, a general permit is deemed to have been
20 granted.

21 **SUMMARY**

22 This bill streamlines the permitting of a tidal energy demonstration project by the
23 Department of Environmental Protection by specifying that the environmental assessment
24 that includes a finding of "no significant environmental impact" is not required for the
25 department to accept the application for processing. The bill establishes that the date of
26 the notification of acceptance of the application for processing must be within 30 days of
27 the filing of the assessment if it was not filed at the time of the initial application.