

§685-F. Extraordinary projects

1. Designation as extraordinary project. The director of the Maine Land Use Planning Commission, referred to in this section as "the director," may designate a proposed project requiring review and approval under this chapter as an extraordinary project when the director determines that, because of the project's size, uniqueness or complexity, review of the project application is likely to:

- A. Significantly impair the capacity of the commission's staff and cooperating state agencies to review other applications in a timely manner; or [PL 2005, c. 107, §2 (NEW); PL 2005, c. 107, §4 (AFF).]
- B. Require the commission to incur costs that exceed the funding provided in accordance with section 685-G. [PL 2007, c. 541, Pt. B, §3 (AMD); PL 2007, c. 541, Pt. B, §6 (AFF).]

A project is considered to significantly impair the capacity of the commission's staff if review of that project is likely to occupy the equivalent of at least one person working full-time on that project for a minimum of 4 months. Designation as an extraordinary project must be made at or prior to the time the application is accepted as complete. The director shall notify the applicant in writing upon making the designation.

[PL 2011, c. 682, §23 (AMD).]

2. Processing fee. The processing fee for a project designated as extraordinary is the sum of the actual costs associated with review of that project application. These costs include, but are not limited to, costs of personnel, supplies, administration, travel, specialized computer software, services needed for review of that project, including review provided by other state agencies, and contracting for legal and consulting services. The director shall provide the applicant with an estimate of the processing fee for a project with a breakdown of anticipated costs. The applicant must pay 1/2 of the estimated processing fee prior to the beginning of the project review. The applicant must be billed quarterly for the remainder of the fee. The director shall deposit all processing fees in a dedicated account from which expenses attributable to the application review are paid. The commission shall withhold a decision on the project until the entire processing fee is paid. The director shall return all unspent funds to the applicant within 120 days of the commission's decision on the application.

[PL 2007, c. 661, Pt. C, §5 (AMD).]

3. Accounting system. The director shall require that all staff involved in any aspect of an application review for a project designated as an extraordinary project keep accurate and regular daily time records. These records must describe the matters worked on, services performed and amount of time devoted to those matters and services as well as amounts of money expended in performing those functions. The director shall keep records of all expenses incurred in reviewing a project, including staff time records, billing statements for contracted services and billing statements from other state agencies for the actual cost of review.

[PL 2009, c. 642, Pt. A, §1 (AMD).]

4. Review by commission. In accordance with section 685-B, subsection 1-B, an applicant has the right to review by the commission of a decision to designate a project as an extraordinary project or of a processing fee established under subsection 2.

[PL 2005, c. 107, §2 (NEW); PL 2005, c. 107, §4 (AFF).]

SECTION HISTORY

PL 2005, c. 107, §2 (NEW). PL 2005, c. 107, §4 (AFF). PL 2007, c. 541, Pt. B, §3 (AMD). PL 2007, c. 541, Pt. B, §6 (AFF). PL 2007, c. 661, Pt. C, §5 (AMD). PL 2009, c. 492, §3 (AMD). PL 2009, c. 642, Pt. A, §1 (AMD). PL 2011, c. 682, §23 (AMD).

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