

**§480-F. Delegation of permit-granting authority to municipality; home rule**

**1. Delegation.** A municipality may apply to the board for authority to issue all permits under this article or for partial authority to process applications for permits involving activities in specified protected natural resources or for activities included in chapter 305 of the department's rules, addressing permit by rule. The board shall grant such authority if it finds that the municipality has:

- A. Established a planning board and a board of appeals; [PL 1997, c. 364, §19 (RPR).]
- B. Adopted a comprehensive plan and related land use ordinances determined by the former State Planning Office or the Department of Agriculture, Conservation and Forestry to be consistent with the criteria set forth in Title 30-A, chapter 187, subchapter 2 and determined by the commissioner to be at least as stringent as criteria set forth in section 480-D; [PL 2011, c. 655, Pt. FF, §11 (AMD); PL 2011, c. 655, Pt. FF, §16 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]
- C. The financial, technical and legal resources to adequately review and analyze permit applications and oversee and enforce permit requirements; [PL 1997, c. 364, §19 (RPR).]
- D. Made provision by ordinance or rule for:
  - (1) Prompt notice to the commissioner of all applications received except for those activities included in chapter 305 of the department's rules, addressing permit by rule; and
  - (2) Prompt notice to the public upon receipt of application and written notification to the applicant and the commissioner of the issuance or denial of a permit stating the reasons for issuance or denial, except for those applications for which no public notice or written decision is required; [PL 1997, c. 364, §19 (RPR).]
- E. Provided an application form that is substantially the same as that provided by the commissioner; and [PL 1997, c. 364, §19 (RPR).]
- F. Appointed a code enforcement officer, certified pursuant to Title 30-A, section 4451. [PL 2011, c. 655, Pt. FF, §12 (AMD); PL 2011, c. 655, Pt. FF, §16 (AFF).]  
[PL 2011, c. 655, Pt. FF, §§11, 12 (AMD); PL 2011, c. 655, Pt. FF, §16 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

**2. Procedure.** The following procedures apply to applications under this article processed by municipalities.

- A. For applications processed by municipalities except those described in chapter 305 of the department's rules, no permit issued by a municipality may become effective until 30 days subsequent to its receipt by the commissioner, but, if approved by the department in less than 30 days, the effective date is the date of approval. A copy of the application for the permit and the permit issued by the municipality must be sent to the commissioner, immediately upon its issuance, by registered mail. The department shall review that permit and either approve, deny or modify it as necessary. If the department does not act within 30 days of its receipt of the permit by the municipality, this constitutes its approval and the permit is effective as issued, except that within this 30-day period the department may extend the time for its review an additional 30 days. [PL 1997, c. 364, §20 (NEW).]
- B. For those applications for approval of activities described in chapter 305 of the department's rules, a copy of the municipality's action to approve or deny an application must be sent to the commissioner within 14 days of the municipality's decision. [PL 1997, c. 364, §20 (NEW).]  
[PL 1997, c. 364, §20 (RPR).]

**3. Home rule.** Nothing in this article may be understood or interpreted to limit the home rule authority of a municipality to protect the natural resources of the municipality through enactment of standards that are more stringent than those found in this article.

[PL 1987, c. 809, §2 (NEW).]

**4. Joint enforcement.** Any person who violates any permit issued under this section is subject to the provisions of section 349 in addition to any penalties which the municipality may impose. The provisions of this section may be enforced by the commissioner and the municipality that issued the permit.

[PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §74 (AMD).]

#### SECTION HISTORY

PL 1987, c. 809, §2 (NEW). PL 1989, c. 890, Pt. A, §40 (AFF). PL 1989, c. 890, Pt. B, §74 (AMD). PL 1995, c. 267, §1 (AMD). PL 1997, c. 364, §§19-20 (AMD). PL 2003, c. 688, §A43 (AMD). PL 2011, c. 655, Pt. FF, §§11, 12 (AMD). PL 2011, c. 655, Pt. FF, §16 (AFF). PL 2011, c. 657, Pt. W, §5 (REV).

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