

UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration

NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

Ms. Kathleen Leyden Director Maine Coastal Program State Planning Office State House Station 38 184 State Street Augusta, ME 04333-0038

JAN - 6 2006

Dear Ms. Leyden:

Thank you for your October 18, 2005, request to incorporate numerous changes to the Maine Coastal Program based on public laws enacted by the 122nd Maine Legislature during its First Regular and First Special Sessions, from December 1, 2004, to June 18, 2005; public laws enacted by the 121st Maine Legislature in connection with the recodification of Title 12 of the Maine Revised Statutes Annotated; and amendments to the permit-by-rule regulations administered by the Maine Department of Environmental Protection. You specifically requested that these revised statutes and regulations be incorporated into the Maine Coastal Program (MCP) as routine program changes (RPC's) per the Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. § 923.84. OCRM received the request on October 28, 2005.

Based on our review of your submission, the Office of Ocean and Coastal Resource Management (OCRM) concurs that the changes to the statutory and regulatory provisions noted below are RPC's and OCRM approves the incorporation of the statutory and regulatory provisions as enforceable policies of the Maine Coastal Program (MCP).

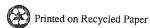
Approved Changes to the MCP

-Statutory Provisions-

All provisions below were enacted on September 17, 2005, as part of the 122nd Maine Legislature, First Regular and First Special Sessions.

Public Law P.L. 2005 c.44	Statute Section Changed 12 MRSA §6171-C; 12 MRSA §6172, sub-§1-B; 12 MRSA §6192, sub-§1, ¶A
P.L.2005 c.52, sections 1-2	38 MRSA §1273, sub-§4 38 MRSA §1281
P.L.2005 c.100	38 MRSA §1318-A
P.L.2005 c.116, sections 1-5	38 MRSA §480-B, sub-§2-B 38 MRSA §480-Q, sub-§17, ¶E and F





Public Law P.L.2005 c.116, sections 1-5	Statute Section Changed 38 MRSA §480-Q, sub-§17, ¶G 38 MRSA §480-B, sub-§10 38 MRSA §480-BB
P.L.2005, sections 1-17	38 MRSA \$484-B 38 MRSA \$490-A, sub-\$5-A 38 MRSA \$490-W, sub-\$18 38 MRSA \$490-C, first ¶ 38 MRSA \$490-Y, first ¶ 38 MRSA \$490-D, sub-\$\$6-A, 7 and 8 38 MRSA \$490-Z, sub-\$\$6,7,8 38 MRSA \$490-D, sub-\$9 38 MRSA \$490-D, sub-\$9 38 MRSA \$490-D, sub-\$13 38 MRSA \$490-Z, sub-\$12 38 MRSA \$490-J, sub-\$12 38 MRSA \$490-J, sub-\$2, ¶¶A and B 38 MRSA \$490-EE, sub-\$3, ¶B 38 MRSA \$490-FF 38 MRSA \$490-FF 38 MRSA \$490-Z, sub-\$3 38 MRSA \$490-Z, sub-\$14, ¶F
P.L. 2005 c.159 sections 1-3	38 MRSA §464, sub-§9 38 MRSA §464, sub-§9-A 38 MRSA §467, sub-§7, ¶C
P.L. 2005 c.181	38 MRSA §585-J
P.L. 2005 c.181, sections 1-7	38 MRSA \$464, sub-\$4, ¶A 38 MRSA \$465, sub-\$1, ¶C 38 MRSA \$465, sub-\$2, ¶C 38 MRSA \$465, sub-\$3, ¶C 38 MRSA \$465, sub-\$4, ¶C 38 MRSA \$465-A, sub-\$1, ¶C 38 MRSA \$466, sub-\$8-A
P.L.2005 c.212, section 1	38 MRSA §570-K, sub-§5
P.L.2005 c. 217, section 1	38 MRSA §488, sub-§23
P.L.2005 c.219	38 MRSA §413, sub-§1-A 38 MRSA §413, sub-§1-B, ¶B 38 MRSA §420-D, first ¶ 38 MRSA §420-D, sub-§1 38 MRSA §420-D, sub-§7, ¶D 38 MRSA §420-D, sub-§10 38 MRSA §420-D, sub-§12 and 13
P.L.2005 c.226 section 1-5	12 MRSA §685-A, sub-§12 38 MRSA §438-A, 2nd ¶ 38 MRSA §438-B, first ¶ 38 MRSA §438-B, sub-§§2,3,4 38 MRSA §438-B, sub-§5

3 Public Law Statute Section Changed P.L. 2005 c.330, section 4-40 38 MRSA §343-B, first ¶ 38 MRSA §347-A, sub§3 38 MRSA §568, sub-§3, ¶¶A and B 38 MRSA §1316-A, 3rd and 4th ¶¶ 38 MRSA 352, sub-§2, ¶G 38 MRSA §361-A, sub§1-J

38 MRSA §361-A, sub§1-K 38 MRSA §420-D, sub-§2 38 MRSA §436-A, sub-§1 38 MRSA §480-B, sub-§2 38 MRSA §467, sub-§3, ¶B 38 MRSA §470-H 38 MRSA §480-E-1 38 MRSA §480-Q, sub-§§24, 25 38 MRSA §480-Q, sub-§26 38 MRSA 480U, sub-§2, ¶A 38 MRSA §482, sub-§2, ¶B 38 MRSA §488, sub-§9 38 MRSA §551, sub-§2 38 MRSA §569-A, sub-§2 38 MRSA §568-A, sub-§2, ¶C 38 MRSA §579 38 MRSA §1304, sub-§12, ¶C 38 MRSA §1306, sub-§4 38 MRSA §1310, 3rd ¶ 38 MRSA §1310, 4th ¶ 38 MRSA §1317-A 38 MRSA §1318-B, sub-§1 38 MRSA §1365, sub-§1 38 MRSA §1365, sub-§3 38 MRSA §1365, sub-§4 38 MRSA §1610, sub-§2, ¶D 38 MRSA §1610, sub-§5, $\P\P D$ and E38 MRSA §1610, sub-§6, ¶A 38 MRSA §1610, sub-§7

P.L2005 c.341, section 1

38 MRSA §1310-S, sub-§2

P.L.2005 c.440, section 1

38 MRSA §438-A, sub-§6-A

P.L.2005 c.452, sections A-1 and A-3

12 MRSA §685-B, sub-§4, ¶C 38 MRSA §484, sub-§3, ¶F

The following provisions were enacted as an emergency measure on June 17, 2005. P.L2005 c.406, section 1 38 MRSA §1316-O

The following provisions were enacted as an emergency measure on June 20, 2005. P.L.2005 c.409, sections 1-4

38 MRSA §465, sub-§3, ¶B

38 MRSA §465, sub-§4, ¶B

38 MRSA §465-B, sub-§2, ¶B

38 MRSA §465-B, sub-§3, ¶B

The following provisions were effective as state law on June 29, 2005. P.L.2005 c.12, section SS22

38 MRSA §420-B, sub-§2

The following provisions were enacted as an emergency measure on May 12, 2005.

P.L.2005 c.107

12 MRSA §685-B, sub-§2, ¶B

12 MRSA §685-F

The following provisions were enacted as an emergency measure on May 20, 2005.

P.L.2005 c.203

12 MRSA §6175

12 MRSA §6432-A

The following provisions were effective as state law on October 15, 2005.

P.L.2005 c.247, section 6

38 MRSA §1306, sub-§5

The following provisions were effective as state law on August 31, 2004 as part of the 121st Maine Legislature.

P.L.2003 c.414, portions of section A-2 and Part D Title 12, chapter 925, subchapter 3

P.L.2003 c.655, sections B-308-314

12 MRSA §§12802, sub-§1

12 MRSA 12804, sub-§§2 and 3, and 12808, first ¶

12 MRSA §12808, sub-§1 12 MRSA §12808, sub-§1-A

-Administrative Rule Changes-

All administrative changes to Department of Environmental Protection permit by rule standards below took effect as state law on May 25, 2005.

DEP rules, chapter 305

Sections 1, 2(B)(3), 2(C)(1)(c), 2(D), 3(A), 3(c)(9), 4(3)(1), 6, 7(A), 7(D)(5), 8, 8(A), 9(A), 10(A), 11 (B)(2),(8); 12(A), 13(A),13(D)(2), 14,15,and 15(A).

Federal Consistency will apply to the approved changes only after you publish notice of this approval pursuant to 15 C.F.R. §923.84(b)(4). Please include in the public notice the list of changes to enforceable policies provided in this letter, and please send a copy of the notice to OCRM.

Thank you for your cooperation in this review. Please contact Betsy Nicholson at (603) 862-1205, if you have any questions.

Sincerely,

John King

Chief Coastal Programs Division

cc: OCRM Files