

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1663

H. P. 1271

House of Representatives, March 28, 1973

Referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Maine Coastal Protection.

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

Sec. 1. R. S., T. 38, § 482, sub-§ 1-A, additional. Section 482 of Title 38 of the Revised Statutes, as amended, is further amended by adding a new subsection 1-A to read as follows:

1-A. Chemical facility. "Chemical facility" means any facility used for producing basic organic or inorganic chemicals, plastic materials, synthetic resins, synthetic rubber or synthetic rubber products, synthetic fibers or petrochemicals in volumes the annual average of which exceeds 200 tons per day.

Sec. 2. R. S., T. 38, § 482, sub-§§ 2-A and 2-B, additional. Section 482 of Title 38 of the Revised Statutes, as amended, is further amended by adding 2 new subsections, 2-A and 2-B, to read as follows:

2-A. Heavy industrial facility. "Heavy industrial facility" means any oil terminal or oil refining facility, pulp or paper mill, primary metal producing facility, or chemical processing facility, as defined.

2-B. Maine Coastal Zone. The following minor civil divisions and waters adjacent thereto within the sovereignty and jurisdiction of the State shall comprise the Maine Coastal Zone:

In York County. Eliot, Kittery, York, Wells, Kennebunk, Arundel, Kennebunkport, Biddeford, Saco and Old Orchard Beach;

In Cumberland County. Scarborough, Cape Elizabeth, South Portland, Portland, Falmouth, Cumberland, Yarmouth, Freeport, Brunswick and Harpswell;

In Sagadahoc County. Bath, West Bath, Phippsburg, Arrowsic, Georgetown and Woolwich;

In Lincoln County. Wiscasset, Westport, Southport, Boothbay Harbor, Boothbay, Edgecomb, Newcastle, South Bristol, Bristol, Damariscotta, Bremen, Waldoboro and Monhegan Plantation;

In Knox County. Friendship, Cushing, Warren, St. George, South Thomaston, Thomaston, Owl's Head, Rockland, Rockport, Camden, North Haven, Vinalhaven, Isle au Haut and Matinicus Isle Plantation;

In Waldo County Lincolnville, Northport, Belfast, Searsport, Stockton Springs, Prospect, Islesboro and Frankfort;

In Hancock County. Verona, Stonington, Orland, Penobscot, Castine, Brooksville, Sedgwick, Deer Isle, Swan's Island, Brooklin, Blue Hill, Surry, Ellsworth, Trenton, Lamoine, Hancock, Franklin, Sullivan, T. 7, S.D., Gouldsboro, Winter Harbor, Bar Harbor, Mount Desert, Tremont, Southwest Harbor, Cranberry Isles, Long Island Plantation and Sorrento;

In Washington County. Steuben, Milbridge, Harrington, Addison, Beals Island, Jonesport, Jonesboro, Roque Bluffs, Machiasport, Machias, Whiting, Cutler, Trescott Township, Lubec, Edmunds Township, Dennysville, Pembroke, Perry, Eastport, Robbinston and Calais.

Sec. 3. R. S., T. 38, § 482, sub-§§ 3-A - 3-E, additional. Section 482 of Title 38 of the Revised Statutes, as amended, is further amended by adding 5 new subsections, 3-A to 3-E, to read as follows:

3-A. Oil refining facility. "Oil refining facility" means any facility used for the refining of crude petroleum or other unfinished oils into petroleum products.

3-B. Oil terminal facility. "Oil terminal facility" means any facility for use in the ship to shore or shore to ship transfer of petroleum or liquid petroleum products on a volume the annual average of which exceeds 30,000 barrels per day, and storage and pipeline facilities to be used in connection therewith.

3-C. Paper mill. "Paper mill" means any facility used for manufacturing paper, paperboard, building paper or building board from wood pulp or other fibrous materials.

3-D. Primary metal producing facility. "Primary metal producing facility" means any facility used for smelting or refining ferrous or nonferrous metals from ore, pig or scrap.

3-E. Pulp mill. "Pulp mill" means any facility used for manufacturing pulp from wood or from other materials such as rags, linters, waste paper or straw.

Sec. 4. R. S., T. 38, § 484-A, additional. Title 38 of the Revised Statutes is amended by adding a new section 484-A to read as follows:

§ 484-A. Approvals and exceptions

Except in the minor civil divisions of Portland, South Portland, Machias, Machiasport, Whiting and Cutler, the board shall not approve, pursuant to section 484, the creation of any heavy industrial facility in the Maine Coastal Zone and shall not approve the construction of any oil refining facility or any oil terminal facility in the minor civil divisions of Machias, Machiasport, Whiting or Cutler.

Applications to the board for approval of construction of oil refining facilities or oil terminal facilities in the Maine Coastal Zone pursuant to section 484 may be submitted to the board only if approved by the Maine Coastal Development Corporation pursuant to Title 23, sections 4202 et seq.; and each such application must provide that such facility shall be owned by the Maine Coastal Development Corporation throughout the duration of its operation, and that its operation shall at all times be subject to regulation by said corporation pursuant to Title 23, sections 4202 et seq.

In the application of section 484, subsection 3, to oil terminal or oil refinery facilities, "adversely affected" in regard to water quality shall mean a long-term degrading of water quality to the extent that it represents a lowering of classification.

The board may approve the location of a heavy industrial facility other than an oil terminal or oil refining facility in the Maine Coastal Zone provided that the facility is to be located in the same minor civil division in which a heavy industrial facility is in operation as of January 1, 1973; and provided that the facility meets all other requirements imposed by this Title.

STATEMENT OF FACT

This legislation, following the recommendation of the Governor's Task Force on Energy, Heavy Industry and the Maine Coast, amends the State's "Site Selection" law to limit heavy industrial development on the Maine coast to the minor civil divisions of Portland, South Portland, Machias, Machiasport, Whiting and Cutler, and restricts oil terminal and oil refinery facilities on the coast to the minor civil divisions of Portland and South Portland.