

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 59

H. P. 47

House of Representatives, January 2, 1975

Filed January 2, 1975 under Joint Rule 6 by Mr. Mills of Eastport. To be printed and delivered to the House of Representatives of the 107th Legislature.

EDWIN H. PERT, Clerk

Presented by Mr. Mills of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

**AN ACT to Require Consideration of Economic Factors under the Site
Location Law.**

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

Sec. 1. 38 MRSA, § 484, 2nd ¶, as amended by PL 1971, c. 618, § 12, is further amended to read:

At such hearing, the board shall solicit and receive testimony to determine whether such development will in fact substantially affect the environment or pose a threat to the public's health, safety or general welfare **and shall determine the economic effects of such development.**

Sec. 2. 38 MRSA, § 484, sub-§ 1, as last amended by PL 1971, c. 613, § 5, is further amended to read:

1. **Financial capability.** The developer has the financial capacity and technical ability to meet state air and water pollution control standards and has made adequate provision for solid waste disposal, the control of offensive odors, and the securing and maintenance of sufficient ~~and~~ healthful water supplies;

Sec. 3. 38 MRSA, § 484, sub-§ 3, as last amended by PL 1971, c. 613, § 5, is further amended to read:

3. **Minimal adverse effect on the natural environment.** The developer has made adequate provision for fitting the development harmoniously into the existing natural environment, **that the economic benefits outweigh the adverse environmental effects of such development** and that the development

will ~~not adversely affect~~ **have minimal adverse effect on** existing uses, scenic character, or natural resources in the municipality or in neighboring municipalities.

STATEMENT OF FACT

The purpose of this bill is to allow the Board of Environmental Protection to consider economic as well as environmental factors in administering the Site Location of Development Act. The bill injects another element of qualification into the act in that a development, to be approved under the proposed amendment, must produce economic benefits which outweigh any adverse environmental impacts. Moreover, the nearly impossible to meet criterion of "no adverse effect on the natural environment" is modified to a more practical standard of "minimal adverse effect on the natural environment."