

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 828

S. P. 246

In Senate, February 27, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Cummings of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Require the Consideration of Economic Factors in the Location of Developments under the Site Location of Development Act.

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

Sec. 1. 38 MRSA § 481, as last amended by PL 1971, c. 613, § 1, is repealed and the following enacted in place thereof:

§ 481. Findings and purpose

The Legislature finds that the economic and social well-being of the citizens of the State of Maine depend upon the location of state, municipal, quasi-municipal, educational, charitable, commercial and industrial developments with respect to the environment of the State; that many developments because of their size and nature are capable of causing irreparable damage to the people and the environment in their surroundings; that the location of such developments is too important to be left only to the determination of the owners of such developments; and that discretion must be vested in state authority to regulate the location of developments which may substantially affect environment.

The purpose of this subchapter is to provide a flexible and practical means by which the State, acting through the Board of Environmental Protection, in consultation with appropriate state agencies, may exercise the police power of the State to control the location of those developments substantially affecting local environment in order to insure that such developments will be located in a manner which will have a minimum adverse impact on the environment of their surroundings considering the existing state of that environment and all uses thereof, the economic needs of the State and the area surrounding the development and the economic benefit from such development.

Sec. 2. 38 MRSA § 482, sub-§ 3, as enacted by PL 1969, c. 571, § 2, is repealed and the following enacted in place thereof:

3. Environment of a locality. "Environment of a locality" includes the character, quality and uses of land, air and waters in the area likely to be affected by such development. The existing degree to which such land, air and water have been subject to development and the degree to which such land, air and waters are free from nonnaturally occurring contamination.

Sec. 3. 38 MRSA § 484, 2nd ¶, as last amended by PL 1971, c. 618, § 12, is repealed and the following enacted in place thereof:

The board shall consider in its determination and shall require information and solicit and receive testimony at a hearing, if held, to determine the nature of the economic and social benefits which would accrue from construction and operation of the development to the State and area in which it is proposed that the development will operate, as well as whether such development will in fact have a substantial adverse effect on the environment or pose a threat to the public's health, safety or general welfare.

Sec. 4. 38 MRSA § 484, sub-§ 3, as last amended by PL 1971, c. 613, § 5, is further amended to read:

3. No adverse effect on the environment. The developer has made adequate provision for fitting the development harmoniously into the existing ~~natural~~ environment and that the development will not adversely affect existing uses, scenic character or natural resources in the municipality or in neighboring municipalities.

Sec. 5. 38 MRSA § 484, as last amended by PL 1971, c. 613, § 8, is further amended by inserting before the last paragraph the following new paragraph:

No development proposal may be denied unless: The economic, cultural, recreational or other benefit to the public from the development will not outweigh the economic, environmental or recreational loss to the public caused by an adverse impact on the environment of the locality or all feasible and reasonable means of preventing or lessening the adverse impact have not been proposed.

STATEMENT OF FACT

The purpose of this bill is to amend the Site Location of Development Act to require the consideration of economic factors in site location determinations and also to require some economic analysis before a project could be rejected.