

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 903

H.P. 670 House of Representatives, March 24, 1987  
Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative STEVENS of Bangor.

Cosponsored by Representatives HOGLUND of Portland,  
MICHAUD of East Millinocket and Senator USHER of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Clarify Definition Language under  
2 the Site Location of Development Laws.  
3

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

6 38 MRSA §482, sub-§2, as amended by PL 1985, c.  
7 162, §7, is repealed and the following enacted in its  
8 place:

9 2. Development which may substantially affect  
10 the environment. "Development which may substantially  
11 affect the environment," in this Article called "de-  
12 velopment," means any state, municipal, quasi-municipal,  
13 educational, charitable, commercial or industrial  
14 development, including any subdivision:

15 A. Which occupies a land or water area in excess  
16 of 20 acres;

1 B. Which contemplates drilling for or excavating  
2 natural resources on land or under water where  
3 the area affected is in excess of 60,000 square  
4 feet;

5 C. Which is a mining activity as defined in this  
6 section;

7 D. Which is a hazardous activity as defined in  
8 this section; or

9 E. Which is a structure as defined in this sec-  
10 tion.

11 The term does not include state aid highways, borrow  
12 pits for sand, fill or gravel of less than 5 acres,  
13 or when regulated by the Department of Transporta-  
14 tion, and such borrow pits entirely within the juris-  
15 isdiction of the Maine Land Use Regulation Commission  
16 under Title 12, chapter 206-A, and those activities  
17 regulated by the Department of Marine Resources under  
18 Title 12, section 6072.

19 No person may construct or cause to be constructed or  
20 operate or cause to be operated, or in the case of a  
21 subdivision, sell, offer for sale or cause to be  
22 sold, any development requiring approval under sec-  
23 tion 483, without first having obtained approval for  
24 such construction, operation or sale from the Board  
25 of Environmental Protection.

26 STATEMENT OF FACT

27 The purpose of this bill is to clarify the defi-  
28 nition of development in the site location of devel-  
29 opment laws.

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