MAINE STATE LEGISLATURE

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(After Deadline) SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2326

S.P. 897 In Senate, February 22, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 27.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator CLARK of Cumberland.

Cosponsored by Senator ESTES of York, Representative MURPHY of Kennebunk, Representative ROLDE of York.

STATE OF MAINE

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

AN ACT to Clarify the Site Location of
Development Law.

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

Sec. 1. 38 MRSA §484, sub-§2, as amended by PL
1983, c. 513, §3, is repealed and the following
enacted in its place:

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1						devel			
2	adequate	provis	ion fo	r traf	fic m	ovement	of	all	types
3	directly	into,	out of	or wi	thin	the dev	elopm	ent	area.
4	An appli	cation	may	not be	e der	nied b	ecause	of	the
5	developme	nt's i	mpact	on tra	affic	condit	ions	on	roads
6	that are	not c	ontigue	ous to	the	propose	d dev	zelop	ment.
7	The boar	d shal	l not	disappı	ove a	an appl	.icati	on u	ınless
8	it finds	that	any tr	affic .	increa	ise whi	ch is	dir	ectly
9	attributa	ıble	to t	he p	ropose	ed de	velop	ment	is
10	substanti								
11	unsafe co	onditio	ns on a	a road	conti	guous t	o the	pro	posed
12	developme	:nt;							

Sec. 2. Application. This Act shall apply to any application pending on or after October 1, 1987.

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STATEMENT OF FACT

16 The purpose of this bill is to clarify that the 17 Board of Environmental Protection may not deny 18 application because of traffic conditions on roads 19 that are not adjacent to the proposed development. 20 The board must find that a proposed development will result in a substantial increase in traffic causing congestion and safety problems before rejecting the 21 22 Ż3 application. The board has recently adopted "Policy" 24 which results in moratorium on development a because of its broad 25 application, particularly projects in southern Maine which are not located on 26 27 U.S. Route 1 and produce very minimal amounts of new traffic. This bill intends to repeal "Policy 20" and restrict the Department of Environmental Protection's 28 29 30 rule to that contemplated by the existing provisions 31 of the Site Location of Development Law.

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