

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 583

H.P. 418

House of Representatives, March 6, 1989

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

Cosponsored by Senator CLARK of Cumberland, Representative WEBSTER of Cape Elizabeth and Senator CARPENTER of York.

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STATE OF MAINE

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

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**An Act to Revise the Traffic Movement Standards under the Site  
Location of Development Laws.**

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

3               **38 MRSA §484, sub-§2, as repealed and replaced by**  
PL 1987, c. 760, §1 and c. 812, §§10 and 18, is  
5       repealed and the following enacted in its place:

7               2. Traffic movement. The developer has made  
adequate provision for traffic movement of all types  
9       into, out of or within the development area. The board  
shall consider traffic movement both on-site and  
11       off-site. Before issuing a permit, the board shall  
find that any traffic increase attributable to the  
13       proposed development will not result in unreasonable  
congestion or unsafe conditions on a road in the  
15       vicinity of the proposed development. If a proposed  
development is located on a road or in the vicinity of  
17       a road which fails to meet the traffic standard imposed  
by this subsection prior to the proposed development,  
19       and the development's contribution to traffic  
conditions is minimal, then the board may not hold the  
21       developer responsible for the preexisting traffic  
condition by requiring the developer to correct the  
23       preexisting traffic condition as a condition for  
approval, as long as the developer makes adequate  
25       provision for on-site traffic conditions caused by the  
development. For purposes of this section, "minimal"  
27       means an increase in traffic of less than 10%.

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#### STATEMENT OF FACT

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33               This bill clarifies that the Board of  
Environmental Protection may not require an applicant  
35       for a site location permit to correct preexisting road  
conditions which are not located on the site of the  
37       development and are outside the control of the  
development. Under this bill, the developer is  
39       required to make adequate provisions for traffic on the  
site of the development.