

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1608

H.P. 1154

House of Representatives, May 10, 1989

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

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.  
Cosponsored by Representative JACQUES of Waterville.

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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 Clarify the Traffic Movement Standards under the Site  
Location and Development Law.

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3 38 MRSA §484, sub-§2, as repealed and replaced by PL 1987,  
5 c. 760, §1 and c. 812, §§10 and 18, is repealed and the following  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

7 2. Traffic movement. The developer has made adequate  
9 provision for traffic movement of all types into, out of or  
11 within the development area. The board shall consider traffic  
13 movement both on-site and off-site. Before issuing a permit, the  
15 board shall determine that any traffic increase attributable to  
17 the proposed development will not result in unreasonable  
congestion or unsafe conditions on a road in the vicinity of the  
proposed development. Under this subsection, the board may not  
deny a permit on the basis of increased traffic attributable to  
the proposed development unless:

19 A. The proposed development would cause a change in the  
21 Department of Transportation's traffic level category for a  
period in excess of 30% of the calendar year; and

23 B. The proposed development would result in at least 30%  
25 increase in traffic at the lowest level for more than 30% of  
the calendar year.

27 **STATEMENT OF FACT**

29 This bill would prevent the Board of Environmental  
31 Protection from denying a permit under the site location and  
33 development law on the basis of increased traffic attributable to  
a proposed development unless:

35 1. The traffic increase would change the Department of  
37 Transportation's traffic level category for more than 30% of a  
calendar year; and

39 2. The traffic at the lowest level would increase by at  
least 30% for more than 30% of a calendar year.