

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1503, L.D. 2083, Bill, "An Act to Exempt Residential Developments from Noise Control Provisions"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Exempt Residential Developments and Construction Noise from Noise Control Provisions'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

38 MRSA §482-A, as enacted by PL 1987, c. 346, §2, is amended to read:

§482-A. Noise effect

The ~~Except as provided in subsection 4, the effect of noise from a commercial or industrial development~~ may be regulated pursuant to section 484, subsection 3.

~~1. Amended rules; adoption. On or before December 31, 1987, the Department of Environmental Protection~~ The board shall adopt amended rules for the control of noise generated by commercial or industrial developments. These rules shall ~~shall~~ must:

A. Reflect consideration of local zoning with regard to both the zone in which the development is located and the proximity of the development to residential areas;

B. Employ a consistent methodology to assess background and intrusive noise effects of developments of a similar nature;

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2 C. Provide that the board may limit the hours of operation
of the development to minimize the impact on surrounding
uses; and

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6 D. Contain an appropriate list of activities which that,
although connected with a development, are wholly or
partially exempt from review by the board department.

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10 2. **Consideration of local ordinance.** In determining whether
a developer has made adequate provision for the control of noise
generated by a commercial or industrial development, the board
12 shall consider ~~its--own--regulations~~ rules adopted under this
section and the quantifiable noise standards of the municipality
14 in which the development is located and of any municipality which
that may be affected by the noise.

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18 3. **Prohibition.** Nothing in this section may be construed to
prohibit any municipality from adopting noise regulations
stricter than those adopted by the ~~Department--of--Environmental~~
20 ~~Protection~~ board.

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24 4. Construction noise; residential developments. Between
7 a.m. and 7 p.m. or during daylight hours, whichever is longer,
noise generated by construction of developments approved under
this article is exempt from regulation under this section. Noise
26 from residential developments approved under this article is
exempt from regulation under this section.'

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STATEMENT OF FACT

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This amendment exempts noise generated by the construction
of commercial or industrial developments, in addition to noise
34 from residential developments, from review under the site
location of development laws.

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Reported by the Committee on Energy and Natural Resources
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