

MAINE STATE LEGISLATURE

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L.D. 114
(Filing No. S-64)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 62, L.D. 114, Bill, "An Act to Exempt Certain Activities from the Site Location of Development Laws"

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

'Sec. 1. 38 MRSA §482, sub-§7 is enacted to read:

7. Storage facility. "Storage facility" means a building or buildings built for the exclusive purpose of storing materials, products or goods without changing their character or composition.

Sec. 2. 38 MRSA §488, sub-§8 is enacted to read:

8. Exemption for storage facility. A development that consists exclusively of a storage facility that occupies a ground area of less than 100,000 square feet or contains a total floor area of less than 150,000 square feet and a total area of less than 4 acres of impervious surface area, including buildings, parking lots, roads, paved areas, wharves or areas to be stripped or graded and not revegetated, is exempt from review under this article if:

- A. An air emission license is not required under section 590;
- B. A waste discharge license is not required under section 413;

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2 C. During any one-hour period, the development will not
4 result in a level of traffic at any intersection, including
6 the development entrance, that equals or exceeds:

- 8 (1) Twenty-five vehicles in a left-turn-only lane;
- 10 (2) Thirty-five vehicles in a through lane, right-turn
12 lane or a combined through and right-turn lane; or
- 14 (3) After multiplying the left-turn volume by 1.5, 35
16 vehicles in a combined left-turn and through lane or a
18 combined left-turn, through and right-turn lane;

20 D. All significant wildlife habitats within the development
22 that are mapped or that qualify for mapping under section
24 480-B, subsection 10 are undisturbed;

26 E. When the development is located wholly or in part in the
28 watershed of any lake or pond classified GPA under section
30 465-A, long-term measures to control phosphorus transport
32 are taken in accordance with a phosphorous control plan that
34 is consistent with standards for phosphorus control adopted
36 by the board;

38 F. Clearing, grading, filling or any other development
40 activity does not occur on sustained slopes in excess of 30%;

42 G. Soil erosion and sedimentation during construction of
44 the development are controlled in accordance with a plan
46 approved by the municipal reviewing authority with
48 jurisdiction over the location of the development or by the
50 soil and water conservation district for the county in which
52 the development is located;

H. A storm water management system is installed that is
capable of detaining or retaining water for infiltration
from a storm of an intensity equal to a 25-year, 24-hour
storm such that the rate of the flow of storm water from the
development does not exceed the rate of outflow of storm
water from the development prior to the undertaking of the
development unless the storm water is conveyed exclusively
in man-made piped or open drainage systems directly into
marine waters other than estuarine waters;

I. The development is located entirely within a
municipality that has:

- 48 (1) Established a municipal planning board or site
50 plan reviewing authority, referred to in this
52 subsection as the municipal reviewing authority;
- (2) Employed a code enforcement officer; and

STATEMENT OF FACT

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This amendment replaces the original bill. This amendment differs from the bill by narrowing the exemption from site location of development review for developments that consist only of a storage facility, rather than the broader exemption under the bill. Under the amendment, these developments must not exceed a threshold size and must meet specific standards. In order for a development to qualify for this exemption, the municipal reviewing authority must agree to review the project and find that the project meets the standards set forth in this exemption.

Reported by Senator Titcomb for the Committee on Energy and Natural Resources. Reproduced and Distributed Pursuant to Senate Rule 12.
(4/16/91) (Filing No. S-64)