

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 389

H.P. 269

House of Representatives, February 6, 1991

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 MICHAUD of East Millinocket.

Cosponsored by Representative LORD of Waterboro, Representative JACQUES of Waterville and Representative HOGLUND of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Site Location of Development Laws.



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

2
3 Sec. 1. 38 MRSA §482, sub-§2, as repealed and replaced by PL
4 1987, c. 812, §§2 and 18, is amended to read:

6 2. Development which may substantially affect the
7 environment. "Development which may substantially affect the
8 environment," in this article called "development," means any
9 state, municipal, quasi-municipal, educational, charitable,
10 residential, commercial or industrial development which that is
11 located on contiguous land that is under the same ownership or is
12 being developed as part of an integrated development scheme and
13 that:

- 14 A. Occupies a land or water area in excess of 20 acres;
15
16 B. Contemplates drilling for or excavating natural
17 resources on land or under water where the area affected is
18 in excess of 60,000 square feet;
19
20 C. Is a mining activity as defined in this section;
21
22 D. Is a hazardous activity as defined in this section;
23
24 E. Is a structure as defined in this section;
25
26 F. Is a conversion of an existing structure that meets the
27 definition of structure in this section;
28
29 G. Is a subdivision as defined in this section; or
30
31 H. Is a multi-unit housing development as defined in this
32 section located wholly or in part within the shoreland zone.
33

34 This term does not include state highways, state aid highways and
35 borrow pits for sand, fill or gravel of less than 5 acres or when
36 regulated by the Department of Transportation, and such borrow
37 pits entirely within the jurisdiction of the Maine Land Use
38 Regulation Commission under Title 12, chapter 206-A, and those
39 activities regulated by the Department of Marine Resources under
40 Title 12, section 6072.
41

42 Sec. 2. 38 MRSA §482, sub-§2-G is enacted to read:

43
44 2-G. Integrated development scheme. "Integrated
45 development scheme" means a partnership, joint venture or other
46 arrangement pursuant to which each of the owners of separate but
47 contiguous parcels of land shares in the profits and losses of a
48 single common enterprise that is conducted on such parcels of
49 land. The term "integrated development scheme" applies only to
50 the land on which the single common enterprise is conducted, and
51 may not be the basis for aggregating adjacent land in separate
52

2 ownership that is benefitted by or related to the common
3 enterprise but is not itself the place at which the common
4 enterprise is conducted.

5 **Sec. 3. 38 MRSA §484, sub-§2**, as affected by PL 1989, c. 890,
6 Pt. A, §40 and amended by Pt. B, §90, is repealed and the
7 following enacted in its place:

8 **2. Traffic movement.** The Commissioner of the Department of
9 Transportation or an authorized designee has determined in
10 writing that the developer has made adequate provision for
11 traffic movement of all types into, out of or within the
12 development area. The Commissioner of Transportation shall
13 consider both on-site and off-site traffic movement. Before
14 making a written decision, the Commissioner of Transportation
15 must determine that any traffic increase attributable to the
16 proposed development will not result in unreasonable congestion
17 or unsafe conditions on a road in the vicinity of the proposed
18 development;

20 21 22 STATEMENT OF FACT

23 The purposes of this bill are to clarify the applicability
24 of the laws governing site location of development and to
25 simplify and expedite the application process under the law.

26
27 The bill establishes the concept of "integrated development
28 scheme" to replace the "common scheme of development" provisions
29 of existing regulations of the Department of Environmental
30 Protection.

31
32 The bill also transfers the responsibility for deciding
33 whether the traffic requirements of the site location of
34 development laws have been satisfied from the Department of
35 Environmental Protection and the Commissioner of Environmental
36 Protection to the Commissioner of Transportation. Currently, the
37 Department of Transportation reviews and comments upon the
38 applications for traffic purposes. The Department of
39 Transportation is the state agency with the expertise in traffic
40 engineering and has responsibility for the State's road system.