

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

---

Legislative Document

No. 1363

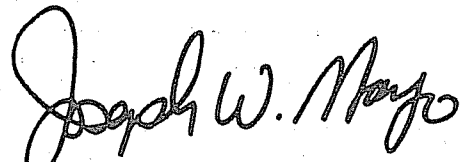
H.P. 1017

House of Representatives, April 29, 1993

**An Act Regarding Solid Waste under the Site-location-of-development  
Laws.**

---

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative LORD of Waterboro.

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

2  
3           **Sec. 1. 38 MRSA §484**, as amended by PL 1989, c. 890, Pt. A,  
4           §40 and Pt. B, §§89 to 91, is further amended to read:

6           **§484. Standards for development**

8           The department shall approve a development proposal whenever  
9           it finds that:

10           1. **Financial capacity.** The developer has the financial  
11           capacity and technical ability to develop the project in a manner  
12           consistent with state environmental standards and with the  
13           provisions of this article. ;

14           2. **Traffic movement.** The developer has made adequate  
15           provision for traffic movement of all types into, out of or  
16           within the development area. The department shall consider  
17           traffic movement both on-site and off-site. Before issuing a  
18           permit, the department shall determine that any traffic increase  
19           attributable to the proposed development will not result in  
20           unreasonable congestion or unsafe conditions on a road in the  
21           vicinity of the proposed development. The Department of  
22           Transportation shall provide the department with an analysis of  
23           traffic movement of all types into, out of or within the  
24           development area. In making its determination under this  
25           subsection, the department shall consider the analysis provided  
26           by the Department of Transportation;

27           3. **No adverse effect on the natural environment.** The  
28           developer has made adequate provision for fitting the development  
29           harmoniously into the existing natural environment and that the  
30           development will not adversely affect existing uses, scenic  
31           character, air quality, water quality or other natural resources  
32           in the municipality or in neighboring municipalities. ;

33           4. **Soil types and erosion.** The proposed development will  
34           be built on soil types which that are suitable to the nature of  
35           the undertaking and will not cause unreasonable erosion of soil  
36           or sediment nor inhibit the natural transfer of soil. ;

37           5. **Ground water.** The proposed development will not pose an  
38           unreasonable risk that a discharge to a significant ground water  
39           aquifer will occur. ;

40           6. **Infrastructure.** The developer has made adequate  
41           provision of utilities, including water supplies, sewerage  
42           facilities and solid waste disposal, roadways and open space  
43           required for the development and the development will not have an  
44           unreasonable adverse effect on the existing or proposed

2 utilities, roadways and open space in the municipality or area  
4 served by those services or open space. In assessing the impact  
6 on open space, the department shall use as a standard that which  
8 is set forth in the municipality's comprehensive land use plan,  
10 when such a plan exists. In assessing the impact on solid wastes  
12 disposal, the department shall find that adequate provision has  
14 been made by the developer if the solid waste will be accepted by  
16 a facility that operates with a valid license or permit from the  
18 department under section 1310-N;

10  
12 **7. Flooding.** The activity will not unreasonably cause or  
14 increase the flooding of the alteration area or adjacent  
16 properties nor create an unreasonable flood hazard to any  
18 structure; and

16 **8. Sand supply.** If the activity is on or adjacent to a  
18 sand dune, it will not unreasonably interfere with the natural  
20 supply or movement of sand within or to the sand dune system.

22 **STATEMENT OF FACT**

24 This bill requires the Department of Environmental  
26 Protection to make a finding that a developer has made adequate  
28 provision for solid waste disposal if the solid waste will be  
accepted by a municipal solid waste disposal facility that is  
operating with a valid license or permit from the Department of  
Environmental Protection.