

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1336

H.P. 947

House of Representatives, April 13, 1995

Resolve, to Direct the Land and Water Resources Council to Develop Alternatives to the Site Location of Development Laws That Protect the Environment and Improve the Effectiveness and Efficiency of the State's Land Use Laws.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOULD of Greenville. (GOVERNOR'S BILL)

2 **Sec. 1. Land and Water Resources Council duties. Resolved:** That
3 no later than February 1, 1996, the Land and Water Resources
4 Council, as established in the Maine Revised Statutes, Title 5,
5 section 3331, subsection 1, shall prepare and submit a report to
6 the Joint Standing Committee on Natural Resources that recommends
7 one or more alternatives to the site location of development law,
8 Title 38, chapter 3, subchapter I, article 6. Any alternative
9 recommended must specifically take into account the goals of the
10 growth management program under Title 30-A, chapter 187. The
11 report must consider alternatives that would, when possible,
12 accomplish the following objectives:

13 1. Maintain present standards of environmental protection
14 with attention to both individual and cumulative impacts;

15 2. Coordinate state land use programs so that they function
16 more efficiently as integrated parts of a system and complement
17 local and interlocal land use planning; and

18 3. Ensure that high quality natural resources data and
19 information are collected and maintained.

20 The report must be accompanied by any proposed legislation that
21 may be necessary to implement the report's recommendations; and
22 be it further

23 **Sec. 2. Institutional approaches. Resolved:** That in considering
24 institutional approaches that accomplish the objectives outlined
25 in section 1, the Land and Water Resources Council shall consider
26 distribution of jurisdiction over standards for noise, flooding,
27 infrastructure, soils and financial capacity under the following
28 broad guidelines.

29 1. If a municipality is of a certain size or has a basic
30 level of planning and enforcement capacity, and if that
31 municipality has certain ordinances in effect consistent with the
32 growth management program, then jurisdiction over the standards
33 may be held by the municipality unless the project being reviewed
34 is of statewide or regional significance as described in
35 subsection 3.

36 2. If a municipality is below a certain size or lacks
37 planning capacity or enforcement capacity, then jurisdiction of
38 some or all of these standards may remain with the State.

39 3. With regard to some or all of these standards, the State
40 should consider retaining review authority for projects of
41 statewide or regional significance, with review triggered upon
42 the State's initiative or through petition by the public.

2 4. The review of the impact on traffic must be governed
4 principally by the Maine Department of Transportation in
6 coordination with its regional and statewide planning efforts and
8 consistent with the growth management program. The council
should evaluate a mechanism to assess a transportation impact fee
for projects with proceeds distributed at the state, regional and
local levels for transportation improvements; and be it further

10 **Sec. 3. Work groups. Resolved:** That the Land and Water
12 Resources Council shall convene 5 work groups with members from
14 conservation and development interests, state agencies, local
government and consultants to advise the council and make
recommendations for alternatives to the site location of
development law on each of the following issues:

16 1. Surface water quality, specifically storm water, erosion
18 and phosphorus;

20 2. Traffic and access management;

22 3. Groundwater;

24 4. Wildlife habitat, fisheries, unusual natural areas,
archaeological and historic sites; and

26 5. Appropriate mechanisms to regulate mining activities,
28 exclusive of metallic mineral mining.

30 In developing the alternatives for consideration by the
32 council, the work groups shall consider ways in which the
34 alternatives may be coordinated with and further the goals of the
36 growth management program, must be guided by the objectives
listed in section 1 and the institutional mechanisms in section
2, and shall include administrative mechanisms and funding needs
and options; and be it further

38 **Sec. 4. Allocation. Resolved:** The following funds are
40 allocated from the Federal Expenditure Fund to carry out the
purposes of this resolve.

42 **1995-96**

44 **DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

46 **Land Quality Control**

48 All Other \$85,000

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Provides for the allocation of funds for
contracted services supporting the analysis
of alternatives to the site location of
development law.

STATEMENT OF FACT

This resolve directs the Land and Water Resources Council to
review a restructuring of the site location of development law to
determine if jurisdiction over all or some of the environmental
issues addressed under the site law should be shared with
municipalities and to identify other alternatives. A report from
the council is due by February 1, 1996.