

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1648

S.P. 547

In Senate, December 21, 2011

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### **An Act To Clarify the Site Location of Development Laws Regarding Exemptions for Previously Developed Sites**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 19, 2011. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

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

2 **Sec. 1. 38 MRSA §488, first ¶**, as amended by PL 1997, c. 72, §3, is further  
3 amended to read:

4 This article does not apply to any development in existence or in possession of  
5 applicable state or local licenses to operate or under construction on January 1, 1970, or  
6 to any development the construction and operation of which has been specifically  
7 authorized by the Legislature prior to May 9, 1970, or to public service corporation  
8 transmission lines, except transmission lines carrying 100 kilovolts or more, nor does it  
9 apply to the renewal or revision of leases of parcels of land upon which a structure or  
10 structures have been located as of March 15, 1972, nor to the rebuilding or reconstruction  
11 of natural gas pipelines or transmission lines within the same right-of-way. A  
12 modification of or an addition to a development or any portion of a development that  
13 qualifies for an exemption under this paragraph does not alter or affect this exemption,  
14 nor does any such modification or addition that may independently be subject to  
15 jurisdiction under this article confer jurisdiction over the exempt development. For the  
16 purposes of this paragraph, "modification" includes a change in use.

17 **Sec. 2. 38 MRSA §488, sub-§15**, as amended by PL 1997, c. 748, §4, is further  
18 amended to read:

19 **15. Exemption for former military bases.** Development on a military base at the  
20 time ownership of the military base is acquired by a state or local development authority  
21 is exempt from review under this article. Subsequent transfer of ownership of a former  
22 military base or any portion of a former military base by a state or local development  
23 authority to another entity does not affect the exemption granted under this subsection.  
24 Development proposed or occurring on a former military base after ownership of the  
25 military base is acquired by a state or local development authority is subject to review  
26 under this article, except that section 482, subsection 2, paragraph E does not apply to the  
27 development to the extent that the development reuses a building and associated facilities  
28 in existence on September 29, 1995.

29 A modification of or an addition to a development or any portion of a development that  
30 qualifies for an exemption under this subsection does not alter or affect this exemption,  
31 nor does any such modification or addition that may independently be subject to  
32 jurisdiction under this article confer jurisdiction over the exempt development. For the  
33 purposes of this subsection, "modification" includes a change in use.

34 For purposes of this subsection, "military base" means all property under the ownership  
35 or control of a federal military authority prior to the acquisition of ownership by a state or  
36 local development authority, the ownership of which is subsequently acquired by a state  
37 or local development authority. For purposes of this subsection, "ownership" means a fee  
38 interest or leasehold interest in property.

39 **SUMMARY**

40 Current law provides that developments that are in existence, authorized, licensed or  
41 under construction prior to specified dates are exempted from the laws governing site

1 location of development. This bill specifies that any modification, change in use or  
2 addition to such a development or to a development on a military base similarly exempt  
3 does not affect the exemption.