

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1097

S.P. 358

In Senate, March 22, 2021

**An Act Regarding the Definition of "Development of State or
Regional Significance That May Substantially Affect the
Environment"**

Received by the Secretary of the Senate on March 18, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KEIM of Oxford.

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

2 **Sec. 1. 38 MRSA §482, sub-§5, ¶F**, as repealed and replaced by PL 1993, c. 680,
3 Pt. A, §35, is amended to read:

4 F. In those subdivisions that would otherwise not require site location approval, unless
5 intended to circumvent this article, the following transactions may not, except as
6 provided, be considered lots offered for sale or lease to the general public:

7 (1) Sale or lease of common lots created with a conservation easement as defined
8 in Title 33, section 476, ~~provided that~~ as long as the department is made a party;
9 ~~and~~

10 **Sec. 2. 38 MRSA §482, sub-§5, ¶H**, as repealed and replaced by PL 1993, c. 680,
11 Pt. A, §35, is amended to read:

12 H. The transfer of contiguous land by a permit holder to the owner of a lot within a
13 permitted subdivision is exempt from review under this article, ~~provided that~~ as long
14 as the land was not owned by the permit holder at the time the department approved
15 the subdivision. Further division of the transferred land must be reviewed under this
16 article; and

17 **Sec. 3. 38 MRSA §482, sub-§5, ¶I** is enacted to read:

18 I. A residential subdivision of less than 100 dwelling units, regardless of whether they
19 are all or a mix of single-family, duplex or multifamily housing, is exempt from review
20 under this article.

21 **Sec. 4. 38 MRSA §482, sub-§6, ¶B**, as amended by PL 1993, c. 383, §18 and
22 affected by §42, is further amended to read:

23 B. Buildings, parking lots, roads, paved areas, wharves or areas to be stripped or
24 graded and not to be revegetated that cause a total project to occupy a ground area in
25 excess of ~~3~~ 5 acres. Stripped or graded areas that are not revegetated within a calendar
26 year are included in calculating the ~~3-acre~~ 5-acre threshold.

27 **Sec. 5. 38 MRSA §488, sub-§17**, as amended by PL 1997, c. 393, Pt. A, §45, is
28 further amended to read:

29 **17. Structure area within residential lots.** Buildings, roads, paved areas or areas to
30 be stripped or graded and not revegetated that are located within lots used solely for single-
31 family residential housing are not counted toward the ~~3-acre~~ 5-acre threshold described in
32 section 482, subsection 6, paragraph B for purposes of determining jurisdiction. A road
33 associated only with such lots is also not counted toward the ~~3-acre~~ 5-acre threshold. For
34 purposes of this subsection, "single-family residential housing" does not include multi-unit
35 housing such as condominiums and apartment buildings.

36 **Sec. 6. 38 MRSA §488, sub-§30** is enacted to read:

37 **30. Solar energy project of less than 10 megawatts.** A solar energy project designed
38 to generate less than 10 megawatts is exempt from review under this article.

1 **SUMMARY**

2 The purpose of this bill is to ensure that the site location of development law subjects
3 to review those projects that are truly of state or regional significance. It requires the
4 application of the law to residential subdivisions only if they contain at least 100 dwelling
5 units. It increases the threshold for review by modifying the definition of "structure" to
6 include at least 5 nonvegetated acres, increased from 3 acres. It exempts solar energy
7 projects generating less than 10 megawatts from review, even if the project covers more
8 than 20 acres.