

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 453-End

AND AT THE

**FIRST SPECIAL SESSION**  
September 6, 1983 to September 7, 1983  
Chapters 583-588

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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§108. Designation of Deputy Adjutant General

The assistant adjutant general for the Maine Army National Guard or the assistant adjutant general for the Maine Air National Guard may be appointed as Deputy Adjutant General. The Deputy Adjutant General shall have the powers, responsibilities and duties of the Adjutant General in the event of the Adjutant General's absence or inability to act, or in case of a vacancy in the office of the Adjutant General until the vacancy is filled by the Governor, as provided by law.

Sec. 2. Effective date. This Act shall take effect 91 days following adjournment of the Legislature.

Effective September 24, 1983.

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## CHAPTER 513

S.P. 630 - L.D. 1772

AN ACT to Assure Consideration of  
On-site Impacts of Major Developments  
Under the Site Location Law.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is the intention of this Legislature that the Board of Environmental Protection and Commissioner of Environmental Protection have the authority to consider all impacts of major new development on the natural resources and existing uses that will be affected by such a development, wherever the impact may occur; and

Whereas, the Maine Supreme Judicial Court has declared that "the intent and entire thrust of the Site Location of Development Law is not primarily directed at the development site itself, but rather at the effects of the development of that site will have upon the natural environment of the locality surrounding the site;" and

Whereas, the Maine Supreme Judicial Court has, as a result, interpreted the Site Location of Development law to prohibit the Board of Environmental Protection from considering the effects that a proposed development may have within the boundaries of the development site; and

Whereas, many valuable natural resources in this State are both limited in number and confined to relatively small areas, including areas of exceptionally high value for historic or recreational use, wildlife nesting or spawning areas, and high-value agricultural uses, among others; and

Whereas, the location of new development in these areas could completely eradicate the value of the area for such a use, to the substantial and long-lasting detriment of the people of the state; and

Whereas, the summer season is the principal period for the planning, administrative review and construction of new developments; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §481, as amended by PL 1981, c. 449, §3, is further amended to read:

§481. Findings and purpose

The Legislature finds that the economic and social well-being of the citizens of the State of Maine depend upon the location of state, municipal, quasi-municipal, educational, charitable, commercial and industrial developments with respect to the natural environment of the State; that many developments because of their size and nature are capable of causing irreparable damage to the people and the environment on the development sites and in their surroundings; that the location of such developments is too important to be left only to the determination of the owners of such developments; and that discretion must be vested in state authority to regulate the location of developments which may substantially affect environment.

The Legislature further finds that certain geological formations particularly sand and gravel deposits, contain large amounts of high quality ground water. The ground water in these formations is an important public and private resource, for drinking water supplies and other industrial, commercial and agricultural uses. The ground water in these formations is particularly susceptible to injury from

pollutants, and once polluted, may not recover for hundreds of years. It is the intent of the Legislature, that activities that discharge or may discharge pollutants to ground water may not be located on these formations.

The purpose of this subchapter is to provide a flexible and practical means by which the State, acting through the Board of Environmental Protection, in consultation with appropriate state agencies, may exercise the police power of the State to control the location of those developments substantially affecting local environment in order to insure that such developments will be located in a manner which will have a minimal adverse impact on the natural environment within the development sites and of their surroundings and protect the health, safety and general welfare of the people.

Sec. 2. 38 MRSA §482, sub-§3, as enacted by PL 1969, c. 571, §2, is amended to read:

3. Natural environment of a locality. "Natural environment of a locality" includes the character, quality and uses of land, air and waters in the development site or the area likely to be affected by such development, and the degree to which such land, air and waters are free from nonnaturally occurring contamination.

Sec. 3. 38 MRSA §484, sub-§2, as amended by PL 1971, c. 613, §5, is further amended to read:

2. Traffic movement. The developer has made adequate provision for traffic movement of all types into, out of or ~~into~~ within the development area;

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 28, 1983

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## CHAPTER 514

H.P. 1351 - L.D. 1786

AN ACT to Increase the Per Diem for  
County Commissioners Who Hire a Full-time  
County Administrator.

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