

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

## CHAPTER 21

## H.P. 947 - L.D. 1336

**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**

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

**Whereas,** this resolve requires the Land and Water Resources Council to study alternatives to the site location of development law; and

**Whereas,** the council is required to submit a report to the Legislature not later than February 1, 1996; 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

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

1. Maintain present standards of environmental protection with attention to both individual and cumulative impacts;
2. Coordinate state land use programs so that they function more efficiently as integrated parts of a system and complement local and interlocal land use planning; and
3. Ensure that high quality natural resources data and information are collected and maintained.

The council is authorized to submit legislation to implement its recommendations to the Second Regular

Session of the 117th Legislature not later than February 1, 1996; and be it further

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

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

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

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

4. The review of the impact on traffic must be governed principally by the Maine Department of Transportation in coordination with its regional and statewide planning efforts and 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

**Sec. 3. Work groups. Resolved:** That the Land and Water Resources Council shall convene 5 work groups with members from 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:

1. Surface water quality, specifically storm water, erosion and phosphorus;
2. Traffic and access management;
3. Groundwater;
4. Wildlife habitat, fisheries, unusual natural areas, archaeological and historic sites; and
5. Appropriate mechanisms to regulate mining activities, exclusive of metallic mineral mining.

In developing the alternatives for consideration by the council, the work groups shall consider ways in which the alternatives may be coordinated with and further the goals of the 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

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

1995-96

**DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**

**Land Quality Control**

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.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 14, 1995.

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**CHAPTER 22**

**S.P. 409 - L.D. 1097**

**Resolve, to Establish the Task Force  
to Study Environmental Regulation  
Relating to the Paper Industry**

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

**Whereas,** the Commission on the Future of Maine's Paper Industry developed evidence that a number of Maine's environmental standards exceed those of the Federal Government; and

**Whereas,** the predominant complaint made to the commission about environmental standards concerned duplicate review and permitting; and

**Whereas,** the issues of standards and permitting are very important and immediate for the paper industry; and

**Whereas,** the predominant complaint made about environmental regulation, in general, concerned permit processing time; and

**Whereas,** the Commission on the Future of Maine's Paper Industry identified the public input as the time-consuming aspect of the permitting process; and

**Whereas,** the cycle in which the paper industry now finds itself is opportunistic for capital investment; 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

**Sec. 1. Task force created and charged. Resolved:** That the Task Force to Study Environmental Regulation, referred to in this resolve as the "task force," is created to study state environmental standards and duplicate environmental review and permitting; and be it further

**Sec. 2. Appointment of members. Resolved:** That the task force consists of 5 members. The Governor shall appoint one member from the Department of Economic and Community Development, one member from the Department of Environmental Protection, one member from the federal Environmental Protection Agency and 2 members from the paper industry.

All appointments must be made no later than 30 days following the effective date of this resolve. The Governor shall notify the Executive Director of the Legislative Council upon making the appointments; and be it further

**Sec. 3. Convening of task force. Resolved:** That the Governor shall call the first meeting of the study commission between the 30th and 45th days following the effective date of this resolve. If the deadlines for the appointments and meeting are not met, the task force may extend the deadline for completion of its work in order to compensate for the lost days. A quorum for the task force is a majority of the members appointed at the time of the vote; and be it further

**Sec. 4. Selection of chair. Resolved:** That the Department of Economic and Community Development appointee is chair of the task force; and be it further