

Rulemaking Fact Sheet

(5 MRS A §8057-A)

AGENCY: **01-672 MAINE LAND USE PLANNING COMMISSION,**
Department of Agriculture, Conservation & Forestry

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON:

Stacy Benjamin, Maine Land Use Planning Commission, 22 State House Station, Augusta, Maine 04333-0022. Telephone: (207) 441-3761. Email: stacy.benjamin@maine.gov.

CHAPTER NUMBER AND RULE TITLE: **Chapter 2, Definitions**
Chapter 10, Land Use Districts and Standards

TYPE OF RULE (*check one*): Routine Technical Major Substantive

STATUTORY AUTHORITY: *12 M.R.S. §§ 685-A(3); 685-A(7-A); and 685-C(5)*

DATE, TIME AND PLACE OF PUBLIC HEARING: *NA; a public hearing has not been scheduled.*

COMMENT DEADLINE:

Written comments must be submitted on or prior to Monday, July 15, 2024.

Written rebuttal comments must be submitted on or prior to Monday, July 29, 2024.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

Currently, the Land Use Planning Commission has standards for exterior lighting associated with development that requires a permit ([Chapter 10](#), Section 10.25,F,2). There are also standards for lighted signs ([Chapter 10](#), Section 10.27,J). The current standards are 20 years old and are outdated. The proposed rulemaking aims to update the standards to reflect the changes in lighting technology since they were adopted, and to help ensure there are no undue adverse impacts to natural or scenic resources from unnecessary or inappropriate lighting. Specifically, the proposed update would: require lights to be less than or equal to 3,000 Kelvin; require fully shielded light fixtures for lights over 1,800 lumens; address ski areas and outdoor recreation venues; amend the list of exempted activities; require fully shielded and downward directing lighting for externally illuminated signs; and, require a black or dark background for internally illuminated signs. The changes also include clerical edits and minor editing for clarity and conciseness in the included sections.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___YES XNO [*§8056(1)(B)*]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

These changes replace complex and outdated standards, so it is anticipated that it will be easier for applicants and staff to understand and implement the standards. It is also anticipated that the new standards will be more effective in conserving Maine's dark sky resource than current standards.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

Commission considered the following when developing the proposed changes:

- Municipal examples of lighting ordinances and ordinance considerations recommended by dark sky organizations
- Lighting uses and applications in the Commission's service area
- Feedback on conceptual ideas from Commissioners and interested parties representing a variety of interests

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Not applicable per 12 M.R.S. §685-A(7-A)(B)

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED
AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.