

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

SUMMARY

This bill would have exempted borrow pits in shoreland zones with valid site law permits from municipal shoreland zoning permitting requirements.

LD 519

An Act Establishing Performance Standards for Internally Drained Borrow Pits Consisting of 5 to 30 Acres of Reclaimed and Unreclaimed Land

PUBLIC 350

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED	
LORD	OTP-AM	MAJ	H-566	
	OTP-AM	MIN	H-626	COLES

SUMMARY

This bill would have exempted gravel pits that consist of less than 5 acres of unreclaimed land from regulation by the Department of Environmental Protection under the site location of development laws. Under this bill, excavation of up to 40 acres of land could occur without site-law review by the Department of Environmental Protection as long as the total acreage of unreclaimed land does not exceed 5 acres at any one time.

Committee amendment "A" (H-566), the majority report of the Committee, replaced the bill. The amendment establishes an alternative to site law permitting for owners or operators of internally drained gravel pits who wish to expand existing small pits to 5 or more acres. Under this amendment, a site law permit would not be required to expand a gravel pit to 5 or more acres if the owner or operator certifies that the "working pit" area will not exceed 10 acres at any time, that the working pit will remain naturally internally drained at all times and that all activities will be conducted in compliance with the minimum performance standards established in this amendment. A site law permit would still be required for any pit larger than 30 acres and for any pit larger than 5 acres that can not maintain natural internal drainage in excavated areas.

The amendment allows owners or operators of unlicensed gravel pits between 5 and 30 acres to exempt themselves from the site law permitting process by filing a notice of intent to comply with minimum performance standards. The exemption applies only if the owner or operator of the unlicensed pit certifies in 1994 that all existing conditions at the pit will be brought into compliance by October 1, 1995 and that all activities conducted after filing that certification will be conducted in compliance with these minimum performance standards.

The performance standards limit the total area of a pit to 30 acres and limits the "working pit" size to 10 acres. The standards also prohibit excavation in significant wildlife habitat areas, require minimum buffers around protected natural resources, prohibit excavation within 5 feet of ground water, within 200 feet of private drinking water supplies and within 1,000 feet of public water supplies. The standards also require erosion and sedimentation control, surface water protection and storm water management planning, require reclamation of affected areas and limit traffic, noise and dust generation at the site. The amendment allows the Department of Environmental Protection to grant a variance from some of these standards only if the variance does not adversely affect natural resources or existing uses and does not adversely affect the health, safety and general welfare of the public.

The amendment allows a municipality to register for authority to enforce these standards by adopting an ordinance that the Commissioner of Environmental Protection certifies as meeting or exceeding the minimum performance standards in this amendment. Once a municipality is registered to enforce these standards, all fees and fines imposed by this amendment become payable to that municipality. The commissioner may

bring an enforcement action or may suspend municipal registration if a registered municipality fails to adequately enforce these standards or changes the ordinance in a manner inconsistent with the standards.

Gravel pits currently licensed under the site law remain subject to the terms and conditions of that license. Gravel pits that do not comply with these minimum performance standards can be ordered to cease operations until they comply or until they obtain a site law permit. Violations of these standards are subject to the general penalty provisions of the Maine Revised Statutes, Title 38.

The amendment requires the Department of Environmental Protection to convene a working group to review the process for licensing gravel pits larger than 30 acres and requires the department to report annually for the next 4 years on the implementation of this amendment.

House amendment "C" (H-626) creates 3 enforcement positions at the Department of Environmental Protection with sufficient allocations to inspect an estimated 300 gravel pits per year. The House amendment also clarifies that a notice of intent to comply must be sent to the Department of Environmental Protection, the municipality, the Maine Historic Preservation Commission and the abutting landowners. Only the notice sent to the regulator must be sent by certified mail, return receipt requested.

The House amendment also clarifies that buffer strips in disrepair at the time a notice is filed must be revegetated as soon as practicable and that excavations below road level may not occur within 150 feet of a road, unless it is a private road where the owner has given permission for excavations within 150 feet.

The amendment also makes a technical correction to the fee schedule in the majority report and expands the duties of the working group to include recommendations for minimum standards for gravel pits having fewer than 5 acres.

LD 527 An Act to Eliminate the Necessity to License Gravel Pits ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
WEBSTER	ONTP	

SUMMARY

This bill would have exempted borrow pit mining activities from review and permitting by the Department of Environmental Protection under the site location of development laws unless 100 people sign a petition requesting review.

LD 539 An Act to Ensure That Senior Citizens Have Access to Parks Purchased with State Funds ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KONTOS	ONTP	

SUMMARY

This bill would have required leases of state park and recreation lands to include a provision requiring the lessee to honor senior citizen passes and privileges that are honored at state parks and recreation facilities.