

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 571

6
7 S.P. 213

In Senate, February 14, 1985

8 Reference to the Committee on Energy and Natural Resources suggested
9 and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

11 Presented by Senator Kany of Kennebec.

Cosponsored by Representative Holloway of Edgecomb, Senator Usher of
12 Cumberland and Senator Brown of Washington.

13 STATE OF MAINE

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Include the Mining of Sand, Fill or
18 Gravel for Commercial Purposes under
19 the Site Location of Development Law.
20

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

23 38 MRSA §482, sub-§2, as amended by PL 1983, c.
24 819, Pt. A, §63, is further amended to read:

25 2. Development which may substantially affect
26 the environment. "Development which may substantially
27 affect the environment," in this Article called "de-
28 velopment," means any state, municipal, quasi-municipal,
29 educational, charitable, commercial or industrial
30 development, including subdivisions, which occu-
31 pies a land or water area in excess of 20 acres, or
32 which contemplates drilling for or excavating natural
33 resources, on land or under water where the area af-
34 ected is in excess of 60,000 square feet, except in
35 the case of borrow pits for sand, fill or gravel used
36 for commercial purposes or which is a mining activi-

1 ty, or which is a hazardous activity, or which is a
2 structure; but excluding state highways, state aid
3 highways, borrow pits for sand, fill or gravel, ~~of~~
4 ~~less than 5 acres or~~ when the extracted material is
5 employed solely for the personal use of the owner.
6 Development also means extraction of sand, fill or
7 gravel from borrow pits of any size when the ex-
8 tracted material is used for commercial purposes, ex-
9 cept when the pits are regulated by the Department of
10 Transportation; ~~and such borrow pits or~~ entirely
11 within the jurisdiction of the Maine Land Use Regula-
12 tion Commission under, chapter 206-A.

13 No person ~~shall~~ may construct or cause to be con-
14 structed or operate ~~or~~ cause to be operated, or in
15 the case of a subdivision sell, offer for sale, or
16 cause to be sold, any development requiring approval
17 under section 483 without first having obtained ap-
18 proval for such construction, operation or sale from
19 the Board of Environmental Protection.

20 STATEMENT OF FACT

21 Current law exempts borrow pits for sand, fill or
22 gravel covering up to 5 acres from regulation by the
23 Site Location of Development Law. This bill elimi-
24 nates the exemption for borrow pits used for commer-
25 cial purposes, unless the pit is regulated by the De-
26 partment of Transportation and the Maine Land Use
27 Regulation Commission. Pits for personal use would
28 be exempted.

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