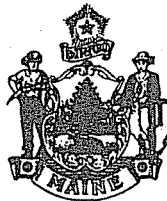


# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

---

Legislative Document

No. 1636

H.P. 1111

House of Representatives, April 24, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MAYO of Thomaston.

Cosponsored by Senator TITCOMB of Cumberland and Representative COLES of Harpswell.

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

**An Act to Allow Municipalities to Regulate Borrow Pits.**

---



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

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48  
50

Sec. 1. 30-A MRSA §3106 is enacted to read:

**§3106. Other borrow pits**

A municipality may enact ordinances under its home rule authority regulating the siting, construction and operation of borrow pits within the jurisdiction of the Department of Environmental Protection under Title 38, chapter 3, subchapter I, article 6. The ordinance must include standards that are at least as stringent as those adopted by the Board of Environmental Protection under that article.

Sec. 2. 38 MRSA §489-A, sub-§1, ¶¶C and D, as enacted by PL 1989, c. 207, §2, are amended to read:

C. Structures as described in section 482, subsection 6, paragraph A, which occupy a total floor area of 100,000 square feet or more but less than 150,000 square feet of floor area; or

D. Structures as described in section 482, subsection 6, paragraph B, which occupy a ground area in excess of 3 acres but less than 7 acres of nonrevegetated land; or

Sec. 3. 38 MRSA §489-A, sub-§1, ¶E is enacted to read:

E. Borrow pits within the meaning of section 482.

Sec. 4. 38 MRSA §489-A, sub-§2, ¶D-1 is enacted to read:

D-1. Borrow pit regulations have been adopted that are determined by the board to be at least as stringent as those adopted by the board under this article;

**STATEMENT OF FACT**

Municipalities have the authority to regulate small borrow pits not within the jurisdiction of the Department of Environmental Protection. This bill authorizes municipalities to enact ordinances regulating borrow pits within the jurisdiction of the Department of Environmental Protection if the municipalities adopt standards that are at least as stringent as those adopted by the Board of Environmental Protection. The bill also includes borrow pits within the kinds of projects for which permits issued by municipalities registered by the Department of Environmental Protection may be substituted for permits issued by the Department of Environmental Protection.