

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 406, L.D. 519, Bill, "An Act to Exempt Gravel Pits with Less Than 5 Unreclaimed Acres from Regulation by the Department of Environmental Protection under the Site Location of Development Act"

Amend the amendment in section 5 in that part designated "~~§490-C.~~" by striking out all of the first paragraph (page 5, lines 12 to 23 in amendment) and inserting in its place the following:

'Except as provided in section 484-A, a person intending to operate a borrow pit as a medium borrow pit under this article must file a notice of intent to comply before expanding that pit to 5 or more acres. A notice filed under this section must be complete, submitted on forms approved by the department and mailed to the municipality, the department, the Maine Historic Preservation Commission and each abutting property owner. The notice that is mailed to the regulator must be sent by certified mail, return receipt requested. Upon receiving the postal receipt, the owner or operator may commence operation of the borrow pit.'

Further amend the amendment in section 5 in that part designated "~~§490-D.~~" in subsection 4 in the 2nd and 3rd lines from the end (page 7, lines 9 and 10 in amendment) by striking out the following: "no later than the time at which the area is reclaimed" and inserting in its place the following: 'as soon as practicable after filing the notice of intent to comply'

Further amend the amendment in section 5 in that part designated "~~§490-D.~~" in subsection 6 in the 2nd line (page 7, line 19 in amendment) by striking out the following: "50" and inserting in its place the following: '150' and in the 3rd line (page 7, line 20 in amendment) by striking out the following: "50" and inserting in its place the following: '150'

HOUSE AMENDMENT

2 Further amend the amendment in section 5 in that part
4 designated "~~S490-J.~~" in subsection 4 in the last blocked
6 paragraph in the 2nd line from the end (page 12, line 29 in
amendment) by striking out the following: "2 and 3" and
inserting in its place the following: 'and 2'

8 Further amend the amendment in section 6 in the 5th line
10 from the end (page 12, line 39 in amendment) by striking out the
12 following: "amending that permitting process" and inserting in
14 its place the following: 'minimum standards for borrow pits
having fewer than 5 acres and recommendations for amending the
site law permitting process'

16 Further amend the amendment by inserting at the end before
the fiscal note the following:

18 'Sec. 9. Allocation. The following funds are allocated from
Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
22 ENVIRONMENTAL PROTECTION, 24 DEPARTMENT OF		
26 Land Quality Control		
28 Positions	(3.0)	(3.0)
Personal Services	\$79,235	\$107,182
30 All Other	11,250	15,000

32 Provides for the allocation
34 of funds to authorize one
Environmental Specialist IV
36 position, 2 additional
Environmental Specialist II
38 positions and general
operating costs to administer
40 the regulation of certain
borrow pits.

42 DEPARTMENT OF ENVIRONMENTAL 44 PROTECTION		
TOTAL	\$90,485	\$122,182'

46 Further amend the amendment by striking out all of the
fiscal note and inserting in its place the following:

FISCAL NOTE

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1993-94 1994-95

APPROPRIATIONS/ALLOCATIONS

Other Funds \$90,485 \$122,182

The overall fiscal impact to the Maine Environmental Protection Fund from the various regulatory changes affecting certain borrow pits can not be determined at this time.

The bill includes additional Other Special Revenue allocations to the Department of Environmental Protection of \$90,485 and \$122,182 in fiscal years 1993-94 and 1994-95, respectively, for one Environmental Specialist IV position, 2 additional Environmental Specialist II positions and general operating costs to administer the new requirements for borrow pits. It can not be determined at this time whether there will be any additional dedicated revenues to fund the costs of these allocations.

The Department of Environmental Protection will incur some minor additional costs to convene a working group and to submit an annual report to the Legislature. These costs can be absorbed within the department's existing budgeted resources.

STATEMENT OF FACT

This amendment amends the majority report of the Joint Standing Committee on Energy and Natural Resources.

The amendment 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 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.

