

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 527

S.P. 162

In Senate, February 17, 1993

An Act to Eliminate the Necessity to License Gravel Pits.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator WEBSTER of Franklin.

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

2
4 Sec. 1. 38 MRSA §482, sub-§1-A is enacted to read:

6 1-A. Borrow pit. "Borrow pit" means a mining activity
8 undertaken primarily to extract or remove sand, fill or gravel.
A borrow pit does not mean a mining operation undertaken to
extract or remove rock or clay.

10 Sec. 2. 38 MRSA §482, sub-§2, as repealed and replaced by PL
12 1987, c. 812, §§2 and 18, is amended to read:

14 2. Development that may substantially affect the
16 environment. "Development which that may substantially affect
18 the environment," in this article called "development," means any
state, municipal, quasi-municipal, educational, charitable,
residential, commercial or industrial development which that:

20 A. Occupies a land or water area in excess of 20 acres;

22 B. Contemplates drilling for or excavating natural
resources on land or under water where the area affected is
in excess of 60,000 square feet;

24 C. Is a mining activity as defined in this section;

26 D. Is a hazardous activity as defined in this section;

28 E. Is a structure as defined in this section;

30 F. Is a conversion of an existing structure that meets the
32 definition of structure in this section;

34 G. Is a subdivision as defined in this section; or

36 H. Is a multi-unit housing development as defined in this
38 section located wholly or in part within the shoreland zone.

40 This term does not include state highways, state aid highways
and, borrow pits ~~for sand, fill or gravel of less than 5 acres or~~
42 ~~when regulated by the Department of Transportation, and such~~
~~borrow pits entirely within the jurisdiction of the Maine Land~~
44 ~~Use Regulation Commission under Title 12, chapter 206-A, and~~
those activities regulated by the Department of Marine Resources
under Title 12, section 6072.

46 Sec. 3. 38 MRSA §488, sub-§9 is enacted to read:

48 9. Borrow pits. A borrow pit is exempt from review under
50 this article unless the department receives a petition signed by

2 at least 100 people requesting the department to review the
3 borrow pit.

4 **Sec. 4. 38 MRSA §489-A, sub-§1, ¶¶C and D,** as amended by PL
5 1991, c. 761, §1, are further amended to read:

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

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

13 **Sec. 5. 38 MRSA §489-A, sub-§1, ¶E,** as enacted by PL 1991, c.
14 761, §2, is repealed.

15 **Sec. 6. 38 MRSA §489-A, sub-§2, ¶D-1,** as enacted by PL 1991, c.
16 761, §3, is repealed.

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22 **STATEMENT OF FACT**

23
24 This bill exempts borrow pit mining activities from review
25 and permitting by the Department of Environmental Protection
26 under the site location of development laws unless 100 people
27 sign a petition requesting review. A borrow pit is defined as a
28 mining activity undertaken primarily to extract or remove sand,
29 fill or gravel. A borrow pit does not mean a mining operation
30 undertaken to extract or remove rock or clay.