

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 674

H.P. 493

House of Representatives, February 28, 1995

An Act to Create a Buffer Strip Requirement for the Location of Gravel Pits.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MARTIN of Eagle Lake.
Cosponsored by Representative: GOULD of Greenville, Senators: LAWRENCE of York,
LORD of York.

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

4 **Sec. 1. 38 MRSA §490-D, sub-§7**, as enacted by PL 1993, c. 350,
§5, is amended to read:

6 **7. Property boundary.** A natural buffer strip at least 150
8 100 feet wide must be maintained between any excavation and a any
property boundary, including a road right-of-way. This distance
10 may be reduced to not less than 10 feet with the written
12 permission of the affected ~~abutting~~ property owner or owners,
except that the distance may not be reduced to less than 25 feet
14 from the boundary of a cemetery or burial ground. The ~~distance~~
buffer strip between borrow pits owned by abutting owners may be
~~reduced to not less than 50 feet~~ eliminated with the abutter's
16 written permission as long as the elimination of this buffer
strip does not increase the runoff from either excavation across
18 the property boundary. All property boundaries must be
identified in the field by markings such as metal posts, stakes,
20 flagging or blazed trees. The department may not grant a
variance from the provisions of this ~~section~~ subsection.

22
24 **STATEMENT OF FACT**

26 The purpose of this bill is to amend the laws requiring a
buffer strip between borrow pits and property lines, in order to
28 prevent a person from avoiding the buffer strip requirement by
transfer of a narrow strip of land. It reduces the required
30 buffer strip from 150 feet to 100 feet. The bill allows for the
elimination of the buffer strip between borrow pits of abutting
32 owners in certain circumstances. The bill requires that all
property lines and natural buffer strips be identified in the
34 field by markings such a metal posts, stakes, flagging or blazed
trees.