

MAINE STATE LEGISLATURE

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L.D. 1854

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MAJORITY
NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1353, L.D. 1854, Bill, "An Act to Implement the Recommendations of the Land and Water Resources Council Regarding Gravel Pits and Rock Quarries"

Amend the bill in section 23 in that part designated "~~§490-C.~~" by striking out all of the first indented paragraph (page 7, lines 26 to 39 in L.D.) 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~~ create or operate an excavation under this article must file a notice of intent to comply before ~~expanding that pit to the total area of excavation on the parcel equals 5 or more acres excavated since January 1, 1970. Both reclaimed and unreclaimed areas are added together in determining whether this 5-acre threshold is met.~~ 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 municipality and each abutting property owner must be mailed at least 7 days prior to filing the notice of intent to comply with the regulator. 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.~~ The municipality where the proposed excavation is located may submit comments to the department if proposed excavation may pose an unreasonable adverse impact under the standards in section 490-D. Within 30 days of receipt of the notice of intent to comply, the department must respond to the comments made by the municipality.'

COMMITTEE AMENDMENT

2 Further amend the bill in section 23 in that part designated
3 "§490-C." in subsection 2 in the 5th line (page 8, line 2 in
4 L.D.) by striking out the following: "supplies" and inserting in
5 its place the following: 'supplies sources'

6
7 Further amend the bill in section 24 in that part designated
8 "§490-D." in subsection 3 in paragraph C in the 2nd line (page 9,
9 line 8 in L.D.) by striking out the following: "source of supply"
10 and inserting in its place the following: 'source of supply'

11
12 Further amend the bill in section 24 in that part designated
13 "§490-D." in subsection 3 in paragraph E in the 3rd line (page 9,
14 line 43 in L.D.) by striking out the following: "supply" and
15 inserting in its place the following: 'source'

16
17 Further amend the bill in section 24 in that part designated
18 "§490-D." in subsection 3 in paragraph F in the 3rd line (page
19 10, line 3 in L.D.) by inserting after the following: "public"
20 the following: 'drinking water source'

21
22 Further amend the bill in section 24 in that part designated
23 "§490-D." in subsection 3 in paragraph G in the 6th line (page
24 10, line 16 in L.D.) by striking out the following: "supply" and
25 inserting in its place the following: 'source'

26
27 Further amend the bill in section 24 in that part designated
28 "§490-D." in subsection 3 in paragraph G in the 7th line (page
29 10, line 17 in L.D.) by striking out the following: "supply" and
30 inserting in its place the following: 'source'

31
32 Further amend the bill in section 24 in that part designated
33 "§490-D." in subsection 3 in the 2nd blocked paragraph in the
34 next to the last line (page 10, line 30 in L.D.) by striking out
35 the following: "or public water supply" and inserting in its
36 place the following: 'water supply or public drinking water
37 source'

38
39 Further amend the bill in section 24 in that part designated
40 "§490-D." in subsection 11 in paragraph A in the last line (page
41 14, line 32 in L.D.) by striking out the following: "January"
42 and inserting in its place the following: 'July'

43
44 Further amend the bill in section 24 in that part designated
45 "§490-D." in subsection 11 in paragraph B in the last line (page
46 14, line 37 in L.D.) by striking out the following: "January"
47 and inserting in its place the following: 'July'

48
49 Further amend the bill in section 24 in that part designated
50 "§490-D." in subsection 14 in the 2nd blocked paragraph in the

2 last line (page 16, line 6 in L.D.) by inserting after the
3 following: "~~discharged.~~" the following: 'Rules adopted under this
4 subsection are major substantive rules as defined in Title 5,
5 chapter 375, subchapter II-A.'

6 Further amend the bill in section 25 in that part designated
7 "~~§490-E.~~" in the first paragraph by inserting at the end the
8 following: 'An applicant for a variance under this article shall
9 hold a public informational meeting as described in those rules.'

10 Further amend the bill in section 25 in that part designated
11 "~~§490-E.~~" by inserting after the first indented paragraph the
12 following:

13 'The department shall adopt rules that set forth the
14 standards for granting a variance from the performance standards
15 in this article. These rules are major substantive rules as
16 defined in Title 5, chapter 375, subchapter II-A. Those rules
17 must be provisionally adopted and submitted to the Legislature
18 for review not later than January 1, 1997. Notwithstanding Title
19 5, section 8072, subsection 3, the Executive Director of the
20 Legislative Council shall immediately assign those provisionally
21 adopted rules to the joint standing committee of the Legislature
22 having jurisdiction over natural resources matters.

23 A variance from performance standards may not be granted
24 prior to March 1, 1997 unless the owner or operator requesting
25 the variance had filed a notice of intent to comply under section
26 490-C prior to the effective date of this paragraph.'

27 Further amend the bill in section 35 in that part designated
28 "~~§490-W.~~" in subsection 16 in the first line (page 22, line 5 in
29 L.D.) by striking out the following: "~~supply~~" and inserting in
30 its place the following: 'source'

31 Further amend the bill in section 35 in that part designated
32 "~~§490-W.~~" in subsection 16 in the 2nd line (page 22, line 6 in
33 L.D.) by striking out the following: "~~supply~~" and inserting in
34 its place the following: 'source'

35 Further amend the bill in section 35 in that part designated
36 "~~§490-Y.~~" in subsection 2 in the 4th line (page 24, line 4 in
37 L.D.) by striking out the following: "~~or public~~"

38 Further amend the bill in section 35 in that part designated
39 "~~§490-Y.~~" in subsection 2 in the last line (page 24, line 5 in
40 L.D.) by inserting after the following: "~~supplies~~" the following:
41 'or public drinking water sources'

42 Further amend the bill in section 35 in that part designated

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2 "§490-Z." in subsection 3 in paragraph C in the 2nd line (page
25, line 7 in L.D.) by striking out the following: "supply" and
4 inserting in its place the following: 'source'

6 Further amend the bill in section 35 in that part designated
"§490-Z." in subsection 3 in paragraph E in the 3rd line from the
end (page 25, line 40 in L.D.) by striking out the following:
8 "supply" and inserting in its place the following: 'source'

10 Further amend the bill in section 35 in that part designated
"§490-Z." in subsection 3 in paragraph E in the next to the last
12 line (page 25, line 41 in L.D.) by striking out the following:
"supply" and inserting in its place the following: 'source'

14 Further amend the bill in section 35 in that part designated
16 "§490-Z." in subsection 3 in the 2nd blocked paragraph in the 3rd
line (page 26, line 3 in L.D.) by striking out the following:
18 "supply" and inserting in its place the following: 'source'

20 Further amend the bill in section 35 in that part designated
"§490-Z." in subsection 3 in the 2nd blocked paragraph in the
22 next to the last line (page 26, line 7 in L.D.) by striking out
the following: "or private drinking water supplies" and inserting
24 in its place the following: 'drinking water sources or private
drinking water supplies'

26 Further amend the bill in section 35 in that part designated
28 "§490-Z." in subsection 3 in the 3rd blocked paragraph in the 3rd
line (page 26, line 12 in L.D.) by striking out the following:
30 "or private drinking water supply" and inserting in its place the
following: 'drinking water source or private drinking water
32 supply'

34 Further amend the bill in section 35 in that part designated
"§490-Z." in subsection 10 in paragraph A in the last line (page
36 29, line 14 in L.D.) by striking out the following: "January"
and inserting in its place the following: 'July'

38 Further amend the bill in section 35 in that part designated
40 "§490-Z." in subsection 10 in paragraph B in the last line (page
29, line 19 in L.D.) by striking out the following: "January"
42 and inserting in its place the following: 'July'

44 Further amend the bill in section 35 in that part designated
"§490-CC." in the first paragraph by inserting at the end the
46 following: 'An applicant for a variance under this article shall
hold a public informational meeting as described in those rules.'

48 Further amend the bill by inserting at the end before the
50 statement of fact the following:

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FISCAL NOTE

1996-97

REVENUES

Other Funds \$27,750

Increasing certain fees pertaining to the regulation of gravel pits will increase dedicated revenue to the Department of Environmental Protection by \$27,750 annually beginning in fiscal year 1996-97. New statutory regulation of rock quarries will result in insignificant increases of dedicated revenue to the Department of Environmental Protection from registration and excavation fees.

The Department of Environmental Protection will incur some minor additional costs to adopt certain rules pertaining to variances for gravel pit performance standards. These costs can be absorbed within the department's existing budgeted resources.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

STATEMENT OF FACT

This amendment allows a municipality in which a proposed excavation is located, which believes that the excavation may cause unreasonable adverse impacts, to submit comments to the Department of Environmental Protection and requires the department to respond to the comments. It also requires an owner or operator of an excavation to mail notice to the municipality and to abutting property owners at least 7 days prior to mailing notice to the regulator and commencing excavation activity.

This amendment also adds language specifying that rules relating to variance standards and reclamation requirements are major substantive rules and that the variance standard rules must be provisionally adopted by January 1, 1997. It also provides that variances are not available until March 1, 1997, except to those owners or operators who filed a notice of intent to comply prior to the effective date of this legislation.

Finally, the amendment changes the effective date of new

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2 traffic standards and clarifies that public informational
meetings are required for variances.

4 The amendment also adds a fiscal note to the bill.