

MAINE STATE LEGISLATURE

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L.D. 1506

DATE: 5.10.05

(Filing No. S-155)

NATURAL RESOURCES

Reported by:

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STATE OF MAINE SENATE 122ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 522, L.D. 1506, Bill, "An Act To Update the Laws Governing Borrow Pits and Quarries"

Amend the bill in section 4 in subsection 6-A in paragraph B in the 10th line (page 2, line 50 in L.D.) by inserting after the following: "and any" the following: 'public'

Further amend the bill in section 4 in subsection 8 in paragraph E in the 4th line (page 4, line 18 in L.D.) by inserting after the following: "Areas" the following: 'for access roads'

Further amend the bill in section 5 in subsection 9 by striking out all of paragraph A (page 4, lines 35 to 42 in L.D.) and inserting in its place the following:

'A. A variance must be obtained and storm water standards adopted pursuant to section 420-D must be met for any part of a project, other than the working pit area, that is not naturally internally drained if that part of the project would require a storm water management permit pursuant to section 420-D but for the exception for certain excavations in section 420-D, subsection 5. A storm water management permit pursuant to section 420-D is not required.'

Further amend the bill by inserting after section 6 the following:

COMMITTEE AMENDMENT

'Sec. 7. 38 MRSA §490-J, sub-§2, ¶¶A and B, as amended by PL 1995, c. 700, §31, are further amended to read:

2. **Annual fee.** By March 1st of each year, an annual fee of:

A. ~~Three~~ Four hundred and-fifty dollars for an excavation from which 2,500 cubic yards or more of material will be extracted during that year; and

B. ~~Fifty~~ One hundred dollars, for all other excavations. To be eligible for the annual fee under this paragraph, the owner or operator must include with the payment of this fee a signed statement certifying that less than 2,500 cubic yards of material will be extracted during that year;'

Further amend the bill in section 11 in subsection 8 in paragraph C in the 4th line (page 9, line 27 in L.D.) by inserting after the following: "Areas" the following: 'for access roads'

Further amend the bill in section 12 in subsection 9 by striking out all of paragraph A (page 9, lines 43 to 50 in L.D.) and inserting in its place the following:

'A. A variance must be obtained and storm water standards adopted pursuant to section 420-D must be met for any part of a project, other than the working pit area, that is not naturally internally drained if that part of the project would require a storm water management permit pursuant to section 420-D but for the exception for certain excavations in section 420-D, subsection 5. A storm water management permit pursuant to section 420-D is not required.'

Further amend the bill by inserting after section 14 the following:

'Sec. 15. 38 MRSA §490-EE, sub-§3, ¶B, as enacted by PL 1995, c. 700, §35, is amended to read:

B. By March 1st of each year, an annual fee of:

(1) ~~Three~~ Four hundred ~~fifty~~ dollars for an excavation from which 2,500 cubic yards or more of material will be extracted during that year; and

(2) ~~Fifty~~ One hundred dollars for all other excavations. To be eligible for the annual fee under this paragraph, the owner or operator must include with the payment of this fee a signed statement certifying

COMMITTEE AMENDMENT **A**" to S.P. 522, L.D. 1506 .

that less than 2,500 cubic yards of material will be
extracted during that year;'

Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

SUMMARY

This amendment clarifies that a buffer strip at least 50
feet wide must be maintained between the working edge of an
excavation and any public right-of-way that does not contain a
road. It clarifies that areas for access roads that are not
naturally internally drained must meet the erosion and
sedimentation control standards. It clarifies that certain areas
that are not naturally internally drained must meet the standards
in the storm water management law. It changes the annual fees in
the borrow pit and quarry laws.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 05/06/05 *MRC*

122nd MAINE LEGISLATURE

LD 1506

LR 0585(02)

An Act To Update the Laws Governing Borrow Pits and Quarries

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Revenue				
Other Special Revenue Funds	\$27,500	\$27,500	\$27,500	\$27,500

Fiscal Detail and Notes

This legislation will result in an increase in Other Special Revenue Funds to the Maine Environmental Protection Fund within the Department of Environmental Protection of \$27,500 annually from an increase in borrow pit and quarry fees. Any additional costs associated with this legislation can be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.