

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 207

H.P. 172

House of Representatives, January 21, 2009

An Act Concerning Regulation of Borrow Pit Excavations

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JOHNSON of Greenville.
Cosponsored by Senator SMITH of Piscataquis and
Representative: DAVIS of Sangerville.

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

2 **Sec. 1. 38 MRSA §490-B, first ¶**, as amended by PL 2007, c. 297, §3, is further
3 amended to read:

4 Sections 490-A to 490-K apply to any excavation for borrow, clay, topsoil or silt,
5 whether alone or in combination, including reclaimed and unreclaimed areas, if the total
6 excavated area on a parcel is 5 or more acres ~~or the total excavated area on adjacent~~
7 ~~parcels under a common owner or operator is 5 or more acres.~~ Section 490-M applies to a
8 total excavated area of less than 5 acres. This article applies if the excavation is located
9 in whole or in part within an organized area of this State.

10 **SUMMARY**

11 This bill amends the law concerning borrow pits to regulate excavation from
12 individual parcels of land regardless of whether or not there is a common owner between
13 or among parcels.