



# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1482

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S.P. 603

In Senate, April 5, 2023

**An Act to Impose a Moratorium on Open-pit Rock Quarry  
Excavation**

(EMERGENCY)

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** stricter standards for municipal implementation of the laws governing rock  
4 quarry excavation activities need to be established prior to the expiration of the 90-day  
5 period to ensure the safety of Maine residents; and

6           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
7 the meaning of the Constitution of Maine and require the following legislation as  
8 immediately necessary for the preservation of the public peace, health and safety; now,  
9 therefore,

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

11           **Sec. 1. 38 MRSA §490-GG** is enacted to read:

12 **§490-GG. New open-pit mining moratorium**

13           Notwithstanding any provision of law to the contrary, a person may not engage in open-  
14 pit mining in a quarry under this article if the person was not engaged in open-pit mining  
15 in that quarry on or prior to December 31, 2022. For purposes of this section, "open-pit  
16 mining" means the process of excavating rock by use of surface pits or surface excavation.

17           This section is repealed January 1, 2027.

18           **Sec. 2. Department of Environmental Protection review of performance**  
19 **standards for quarries.** The Department of Environmental Protection shall review the  
20 performance standards for quarries in the Maine Revised Statutes, Title 38, section 490-Z  
21 and develop recommendations to update the standards. The department shall consider  
22 public input during the review. By December 6, 2023, the department shall submit a report  
23 to the Joint Standing Committee on Environment and Natural Resources, which must  
24 include suggested legislation. The committee may submit legislation related to the report  
25 to the Second Regular Session of the 131st Legislature.

26           **Sec. 3. Retroactivity.** This Act applies retroactively to December 31, 2022.

27           **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
28 takes effect when approved.

29 **SUMMARY**

30           This bill prohibits persons not engaged in open-pit mining on or prior to December 31,  
31 2022 from engaging in open-pit mining under the laws governing quarries. The prohibition  
32 is retroactive to December 31, 2022 and is repealed January 1, 2027. The bill also requires  
33 the Department of Environmental Protection to review the statutory performance standards  
34 for quarries and submit recommended changes to the Joint Standing Committee on  
35 Environment and Natural Resources.