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Representative Doudera, Senator Tepler, and the entire Environment and Natural Resources Committee. Thank you for the opportunity to present to you LD 704, “An Act to Clarify Performance Standards for Quarries.” I am Bill Pluecker, and I represent House District 44 comprising the towns of Warren, Union, and Hope.

This past December I received a number of complaints about blasting in a gravel pit in Warren. Multiple families reported blasts knocking pictures off the walls and worries about windows being cracked. People reported hearing the blasts the next town over, in Thomaston, and called public safety to ensure that something awful had not happened.

I reached out to Deputy Commissioner Madore about the issue, and very much appreciated his prompt response to the issue. DEP staff conducted a site visit and reported that the blasting was the result of the construction of a 50’ by 100’ shop in the bottom of a gravel pit. While on site, they observed another small area drilled for another blast to happen on an unspecified date. DEP staff also confirmed that the building plan was approved by the town. The Deputy Commissioner informed me that excavations that are a part of a construction project are not regulated under the quarry law. Furthermore, DEP personnel concluded that the excavated area was less than one acre at the time of his site visit, meaning it was not subject to the Performance Standards for quarries. Since this project was not subject to Site Law and the excavation area was determined to be under one acre, it was not regulated under the quarry law.

After speaking to my town’s code enforcement officer, it was clear that the volume of material that was blasted was quite valuable despite not being produced under existing site regulations, but was likely produced by taking advantage of a loophole

in the law that allows essentially unregulated blasting as long as construction on the site is permitted. I have heard stories that this is not a unique circumstance, and it is generally known that if a construction permit is obtained for a quarry, blasting can be conducted with much less review.

In my estimation, whether you are blasting in a quarry for the production of gravel or in order to install a foundation, it makes good sense that the same regulations would apply around notice to neighbors, appropriate timing of blasts, and noise reduction. In both situations, the site is the same, the neighbors are the same, and to a large degree, the production of gravel is similar and can be sold in both circumstances. I encourage you to pass this simple bill, and close this problematic loophole in the law.

Thank you very much. I apologize for not being able to make the hearing today. I am traveling with my aging parents, but I look forward to attending the work session to be able to discuss the bill with you further at that time. Please do not hesitate to reach out to me with any questions in the meantime.