

MAINE STATE LEGISLATURE

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NEW DRAFT OF: H. P. 739; L. D. 957

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1517

H. P. 1196

House of Representatives, May 16, 1969

Reported by Mrs. Brown from Committee on Natural Resources. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Approval of Refuse Disposal Areas.

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

R. S., T. 12, part 2-A, additional. Title 12 of the Revised Statutes is amended by adding a new part 2-A, to read as follows:

PART 2-A

WASTE DISPOSAL

CHAPTER 217

SOLID WASTE DISPOSAL

§ 1661. Purpose

The Legislature intends by enacting this chapter to establish minimal control of solid waste disposal for the purpose of eliminating unnecessary threats to public health, safety and welfare.

§ 1662. Definitions

1. Date of application. Date of application shall mean the day that the application is received by the Department of Health and Welfare.

2. Disposal. Disposal shall mean the deposit, storage, collection, transfer, utilization, processing or final disposal of solid waste.

3. Disposal area. Disposal area shall mean a plot of land primarily used for disposal, except that it shall not include land used by a single family, a member of which is the owner, occupant or lessee of such land.

4. **Methods.** Methods shall include, but not be limited to, incineration, composting, sanitary landfill.

5. **Sanitary landfill.** Sanitary landfill is a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

6. **Solid waste.** Solid waste shall include, but shall not be limited to, garbage, refuse and other discarded solid materials resulting from industrial and commercial operations and from community activities, except materials resulting from agricultural operations and brush and slash from a lumbering operation.

7. **Person.** Person shall mean a municipal corporation.

§ 1663. Requirements

Any disposal area shall:

1. Be located more than 150 feet from tidal waters, ponds, rivers, streams and other natural water courses;
2. Be located so that no solid waste, except inert fill, contacts ground water;
3. Comply with the Revised Statutes, as amended, and any future amendments;
4. Comply with ordinances of interested municipalities; and
5. Comply with applicable rules and regulations within the authority of and promulgated by state agencies, provided that no rule or regulation shall be binding on any applicant if such rule or regulation was promulgated less than 14 days prior to the date of application.

§ 1664. Application for permit

1. No disposal area shall be used until a permit therefor has been granted by the Department of Health and Welfare. Any application for a permit shall be in the form prescribed by the Department of Health and Welfare and shall show a planned method of disposal and a planned disposal area which shall conform to the requirements listed in section 1663.

2. The Department of Health and Welfare shall be responsible for obtaining written approval from all other agencies with statutory authority to approve the method of disposal and the disposal area. Failure to obtain such written approval shall not bar the grant of a permit, if the application complies with subsection 1.

§ 1665. Permit

A permit shall be granted if the application shows that the disposal area will meet the requirements of section 1663. Otherwise the permit shall be denied.

Any denial shall be in writing and shall clearly indicate the reason or reasons for the denial. The denial shall be mailed first class to the applicant.

If the permit is not denied within 30 days of the date of application, then the permit shall be deemed to have been granted.

§ 1666. Appeal

Any person aggrieved by the grant or denial of a permit may appeal to the Superior Court within 30 days of such grant or denial.

§ 1667. Prohibitions

1. No person shall own, operate, maintain or manage a disposal area without a permit.

2. No person shall own, operate, maintain or manage a disposal area which does not meet the requirements listed in section 1664.

§ 1668. Enforcement

Any person in violation of section 1667 may be enjoined upon complaint of any person in Superior Court.

Any person in violation of section 1667 shall be fined not more than \$100 per day.

§ 1669. Applicability

This chapter shall not apply to disposal areas in operation as of the effective date of this Act, provided such disposal areas are not enlarged or relocated by the acquisition of land.

§ 1670. Construction

This chapter shall be liberally construed in favor of the public health, safety and welfare.

§ 1671. Powers reserved

Except as provided in section 1664, subsection 2, the powers of all agencies and political subdivisions are reserved.

§ 1672. Assistance to municipalities

The Department of Health and Welfare shall advise and provide persons with information relating to solid waste disposal.