

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-301)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 976, L.D. 1164, Bill, "AN ACT to Establish Restrictive Covenants for Property Affected by Hazardous Waste."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 38 MRSa §1304, sub-§9 is enacted to read:

9. Restrictive covenants. The board shall require applicants to submit a closure plan for approval prior to issuing a license for^a facility for hazardous waste. The board may require the applicant to demonstrate the financial capacity to implement the closure plan prior to licensing.

Sec. 2. 38 MRSa §1308-A is enacted to read:

§1308-A. Hazardous waste facility closure

1. Closure plan. Closure of any new or existing facility for hazardous waste shall be in accordance with a closure plan approved by the board. This plan may include leachate control, site stabilization, post-closure monitoring and other measures necessary to assess and maintain the integrity of the facility site. Prior to closure, the owner or operator of the facility shall submit a closure plan to the board for approval.

2. Closure notice. Upon approval of a closure plan for a facility for hazardous waste, the department shall file notice

with the register of deeds for the county in which the facility is located. This notice shall contain the name and address of the current owner of the property, its location, the nature of hazardous wastes handled and the methods of treatment, storage and disposal used at the facility.

3. Restrictions. The board may require the present or subsequent owner of the land used for a facility for hazardous waste to execute and record a written instrument which imposes a restrictive covenant on the present and future uses of all or part of the land. The covenant shall be recorded in the registry of deeds of the county in which the facility is located. The instrument shall be executed by the owners of the property and the commissioner. It may only be required when the board determines that it is necessary to protect the public health and safety. A covenant executed under this section shall run with the land.

4. Petition for removal of restrictions. The owner of the property restricted by covenant under subsection 3 may petition the board to modify or remove these deed restrictions. This petition shall detail the restrictions to which the petitioner objects, the basis of the objections, the nature of the relief requested and the nature of any new or additional evidence to be offered. Upon a showing that the restrictions are not necessary to protect public health and safety, the board may remove all or part of the restrictions.'

Statement of Fact

This amendment clarifies the application of the requirements to new and existing facilities, and makes minor technical changes.

Reported by the Committee on Energy & Natural Resources.
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of the House.

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