

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1164

H. P. 976

House of Representatives, March 9, 1981

Referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Kany of Waterville.

Cosponsors: Representative Hall of Sangerville, Representative Ketover of Portland and Representative Huber of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Establish Restrictive Covenants for Property Affected by Hazardous Waste.

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

38 MRSA § 1308-A is enacted to read:

§ 1308-A. Hazardous waste facility closure

1. **Closure plan.** Closure of any hazardous waste facility 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 hazardous waste facility, the department shall file notice with the register of deeds for the county in which the hazardous waste facility is located. This notice shall contain the name and address of the current owner of the property, its location and the nature and methods of hazardous waste handling at the facility.

3. **Restrictions.** The board may require the present or subsequent owner of the land used for a hazardous waste facility 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 appropriate registry of deeds. It may only be required when the board determines that it is necessary to protect the public health and safety.

4. Petition for removal of restrictions. The owner of property restricted by covenant under subsection 3 may petition the board to modify or remove these deed restrictions. This petition shall detail the conditions 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 bill does 3 things. First, if a hazardous waste facility is closed, the bill requires this closure to be in accordance with a plan approved by the Board of Environmental Protection. Second, the bill requires the board to notify the appropriate register of deeds whenever a hazardous waste facility is closed. This notice will allow subsequent property owners to determine the types of material handled and the methods of disposal or treatment conducted on the property. Finally, the bill authorizes the Board of Environmental Protection to restrict use of land used for hazardous waste facilities, if the board determines that this is necessary to protect public health and safety.