

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION

2
3 ONE HUNDRED AND TENTH LEGISLATURE

4
5 **Legislative Document**

No. 2033

6
7 S. P. 887 In Senate, February 24, 1982
Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

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

8 MAY M. ROSS, Secretary of the Senate
Presented by Senator C. Sewall of Lincoln.

Cosponsor: Senator Brown of Washington.

9
10 STATE OF MAINE

11
12 IN THE YEAR OF OUR LORD
13 NINETEEN HUNDRED AND EIGHTY-TWO

14
15 AN ACT Concerning Solid Waste Disposal
16 Sites.
17

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

19 38 MRSA §1306, as repealed and replaced by PL 1981, c.
20 430, §12, is amended by adding at the end a new paragraph to
21 read:

22 No action pursuant to section 348 may be instituted
23 against, and no civil or criminal penalty pursuant to
24 section 349 may be imposed on, any municipality or its
25 municipal officials for any violation of this section as it
26 relates to requirements imposed on the municipality under
27 section 1305, subsection 1, if the board finds that actions
28 that have been taken and which are continuing to be taken by
29 the municipality in attempting to comply with section 1305,
30 subsection 1, considering such factors as the municipality's
31 population, topography, soil types, drinking water sources,
32 geographical location in the State, economic base and other
33 relevant criteria, have been and continue to be reasonable.

1 STATEMENT OF FACT

2 The purpose of this bill is to eliminate the exposure
3 to civil and criminal liability of towns that, for legiti-
4 mate reasons, still do not have disposal facilities for
5 domestic and commercial solid waste that comport with
6 Department of Environmental Protection standards. Several
7 small towns, because of their geographical location, topog-
8 raphy, small population and economy still do not have ac-
9 ceptable solid waste disposal facilities. As long as the
10 town's efforts to comply with the law have been, and con-
11 tinue to be, reasonable, this bill prevents any legal action
12 from being initiated and any fines from being imposed due to
13 the continuing nature of the town's violation of the law.

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