

# MAINE STATE LEGISLATURE

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R. of S.

1

L.D. 2443

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(Filing No. S- 569 )

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STATE OF MAINE

4

SENATE

5

112TH LEGISLATURE

6

THIRD SPECIAL SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 988, L.D.  
2443, Bill, "AN ACT to Impose a Moratorium on the Li-  
censing of Commercial Landfills for the Disposal of  
Solid Waste."

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Amend the bill by striking out all of sections 1  
and 2 and inserting in their place the following:

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'Sec. 1. 30 MRSA §4962-B is enacted to read:

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§4962-B. State policy relating to municipal commer-  
cial landfill facilities moratoria

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It is the policy of this State, with respect to  
commercial landfill facilities:

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1. State and municipal control. To affirm the  
importance of state and municipal control over the  
establishment of new commercial landfill facilities  
and over the substantial expansion of existing com-  
mmercial landfill facilities; and

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2. Recognition of home rule authority. To rec-  
ognize that any municipality may, in the exercise of  
its home rule authority under section 1917 and the  
Constitution of Maine, Article VIII, Section 1, enact  
a moratorium on the issuance or processing of any mu-  
nicipal permit for a new commercial landfill facility  
or the substantial expansion of a commercial landfill  
facility, as defined in Title 38, section 1303, sub-  
section 11-B.

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Sec. 2. 38 MRSA §1303, sub-§1-C is enacted to  
read:

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1-C. Commercial landfill facility. "Commercial  
landfill facility" means a privately-owned waste fa-

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COMMITTEE AMENDMENT "A" to S.P. 988, L.D. 2443

1 cility which accepts solid waste for a fee or other  
2 consideration, which is used for the burial of solid  
3 waste and which is used for the disposal of waste  
4 other than waste generated by its owners.

5 A. "Commercial landfill facility" does not in-  
6 clude:

7 (1) A waste facility used solely for the  
8 disposal of solid waste which is generated  
9 by, or which is under contract to be dis-  
10 posed of at, an energy recovery facility de-  
11 signed to reduce the volume or alter the  
12 physical characteristics of municipal solid  
13 waste and to produce electricity through  
14 incineration; or

15 (2) A waste facility owned, controlled, op-  
16 erated or used exclusively by:

17 (a) A public waste disposal corpora-  
18 tion under section 1304-B, subsection  
19 5;

20 (b) A municipality under section 1305;  
21 or

22 (c) A refuse disposal district under  
23 chapter 17.'

24 Further amend the bill in section 3, in the next  
25 to the last line (page 3, line 18 in L.D.) by strik-  
26 ing out the underlined word "less" and inserting in  
27 its place the underlined word 'more'

28 Further amend the bill in section 3 in subsection  
29 11-B by inserting after the first paragraph the fol-  
30 lowing:

31 '"Substantial expansion" does not include an expan-  
32 sion or location of an additional site by an existing  
33 commercial landfill owner or operator which is neces-



COMMITTEE AMENDMENT " A" to S.P. 988, L.D. 2443

1 This amendment modifies section 3 of the bill  
2 which defines "substantial expansion." The bill de-  
3 fines "substantial expansion" in terms of present  
4 volume or land area affected, whichever is less.  
5 This amendment allows expansions to be based on the  
6 larger of the 2 figures.

7 Section 3 of the bill is also amended to give the  
8 Board of Environmental Protection discretion to allow  
9 expansions of existing commercial landfill facilities  
10 when necessary to accommodate municipal waste or sol-  
11 id waste from economic growth and development. This  
12 change addresses the required guarantee for solid  
13 waste capacity at a site the Department of Environ-  
14 mental Protection considers in compliance before site  
15 location of development approval is granted. This is  
16 required under the Fitzpatrick decision. It also al-  
17 lows an existing commercial landfill facility owner  
18 or operator to locate an additional site not adjacent  
19 to the existing commercial landfill facility when the  
20 board determines it is necessary.

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Reported by the Majority for the Committee on  
Energy and Natural Resources.

Reproduced and Distributed Pursuant to Senate Rule 12.

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