

# 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)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

L.D. 2443

(Filing No. S- 570)

STATE OF MAINE  
SENATE  
112TH LEGISLATURE  
THIRD SPECIAL SESSION

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

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

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

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

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

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 commercial landfill facilities; and

2. Recognition of home rule authority. To recognize 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 municipal permit for a new commercial landfill facility or the substantial expansion of a commercial landfill facility, as defined in Title 38, section 1303, subsection 11-B.

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

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

COMMITTEE AMENDMENT " B " 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. "Commer-  
5 cial landfill facility" does not include a waste fa-  
6 ility owned, controlled, operated or used exclusive-  
7 ly by:

8 A. A public waste disposal corporation under  
9 section 1304-B, subsection 5;

10 B. A municipality under section 1305; or

11 C. A refuse disposal district under chapter 17.'

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

16 Further amend the bill in section 3 in subsection  
17 11-B by inserting after the first paragaph the fol-  
18 lowing:

19 'Substantial expansion" does not include an expan-  
20 sion which is necessary, as determined by the board,  
21 to:

22 A. Dispose of municipal solid waste; or

23 B. Accommodate any commercial, industrial or  
24 residential development that requires site loca-  
25 tion of development approval.'

26 Further amend the bill in section 5, in the 5th  
27 line (page 3, line 41 in L.D.) by inserting after  
28 "subsection 8," the following: 'or under municipal  
29 ordinance,'

R. of S.

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

1

STATEMENT OF FACT

2           This amendment replaces section 1 of the bill to  
3 reaffirm that the State places importance on state  
4 and municipal control of new commercial landfill fa-  
5 cility development. It also specifically recognizes  
6 that municipalities may exercise their home rule au-  
7 thority extended under the Maine Revised Statutes and  
8 the Constitution of Maine to enact their own  
9 moratoria on the processing or issuance of a permit  
10 for a new or expanded commercial landfill facility.

11           This amendment amends section 2 of the bill to  
12 further define "commercial landfill facilities" as  
13 solid waste landfills that are paid by waste genera-  
14 tors to accept solid waste; this excludes from the  
15 definition of "commercial landfill facility" those  
16 sites which accept solid waste, other than waste the  
17 owner generates, without charging a fee. Section 2  
18 is also amended to clarify that a facility used ex-  
19 clusively by a public waste disposal corporation, mu-  
20 nicipality or a refuse disposal district is not con-  
21 sidered a "commercial landfill facility."

22           This amendment modifies section 3 of the bill  
23 which defines "substantial expansion." The bill de-  
24 fines "substantial expansion" in terms of present  
25 volume or land area affected, whichever is less.  
26 This amendment allows expansions to be based on the  
27 larger of the 2 figures.

