

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)

R. of S.

1

L.D. 2443

2

(Filing No. S- 571)

3

STATE OF MAINE

4

SENATE

5

112TH LEGISLATURE

6

THIRD SPECIAL SESSION

7

SENATE AMENDMENT "A " to S.P. 988, L.D. 2443,
8 Bill, "AN ACT to Impose a Moratorium on the Licensing
9 of Commercial Landfills for the Disposal of Solid
10 Waste."

11 Amend the bill by striking out everything after
12 the Title and inserting in its place the following:

13 'Emergency preamble. Whereas, Acts of the Legis-
14 lature do not become effective until 90 days after
15 adjournment unless enacted as emergencies; and

16 Whereas, the surface and ground waters of the
17 State are precious natural resources upon which the
18 people of this State vitally depend for their drink-
19 ing water, and which support recreational and other
20 valuable land uses on which the economy and welfare
21 of many communities of the State depend; and

22 Whereas, plans for increasing development of com-
23 mercial solid waste landfills within this State place
24 these vital natural resources at risk; and

25 Whereas, currently available regulatory programs
26 and law enforcement resources are inadequate to pro-
27 tect against the risk that commercial landfills will
28 become sites for unlicensed hazardous waste disposal,
29 or will allow pollutants to escape into the State's
30 air, land and waters; and

31 Whereas, current environmental and land use regu-
32 lations are also inadequate to insure that commercial
33 landfill projects internalize the full social and ec-
34 onomic costs of such projects to the host and nearby
35 communities, and do not adequately provide for the
36 costs of accident or landfill failure; and

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

1 Whereas, a one-year moratorium on new commercial
2 solid waste landfill projects is necessary in order
3 to allow the Legislature time to fully examine the
4 institutional, economic and environmental issues in-
5 volved and to develop a comprehensive solid waste
6 management policy, including a coherent scheme for
7 the licensing and regulatory supervision of commer-
8 cial solid waste landfills, and in order to allow mu-
9 nicipalities to plan for new commercial landfills in
10 a manner consistent with existing land uses; and

11 Whereas, in the judgment of the Legislature,
12 these facts create an emergency within the meaning of
13 the Constitution of Maine and require the following
14 legislation as immediately necessary for the preser-
15 vation of the public peace, health and safety; now,
16 therefore,

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

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

20 §4962-B. Moratorium relating to commercial landfill
21 facilities

22 Any municipality may enact a moratorium on the
23 issuance or processing of any municipal permit for a
24 new commercial landfill facility or the substantial
25 expansion of such a facility, as defined by Title 38,
26 section 1303, subsection 11-B, with the effective
27 date of that moratorium to extend until January 1,
28 1988.

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

31 1-C. Commercial landfill facility. "Commercial
32 landfill facility" means a privately-owned waste fa-
33 cility used for the burial of solid waste and which
34 is used for the disposal of waste other than waste
35 generated by its owners. "Commercial landfill facil-

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

1 ity" does not include a waste facility owned, con-
2 trolled or operated by a public waste disposal corpo-
3 ration under section 1304-B, subsection 5; municipal-
4 ity under section 1305; or refuse disposal district
5 under chapter 17.

6 Sec. 3. 38 MRSA §1303, sub-§11-B is enacted to
7 read:

8 11-B. Substantial expansion of a commercial
9 landfill facility. "Substantial expansion of a com-
10 mercial landfill facility" means an expansion of an
11 existing licensed commercial waste facility by more
12 than 50%, as measured by either volume of waste or
13 land area affected, whichever is less, of its
14 currently-licensed operation.

15 Sec. 4. 38 MRSA §1304, sub-§8, ¶A, as enacted by
16 PL 1979, c. 699, §12, is amended to read:

17 A. The board shall issue a license for a waste
18 facility whenever it finds it will not pollute
19 any water of the State, contaminate the ambient
20 air, constitute a hazard to health or welfare, or
21 create a nuisance. Licenses shall be issued under
22 the terms and conditions as the board may pre-
23 scribe, and for a term not to exceed 5 years. The
24 board may establish reasonable time schedules for
25 compliance with this subchapter and regulations
26 promulgated by the board. Prior to January 1,
27 1988, the department shall not process or act
28 upon any application for, and the board shall not
29 issue, a license for a new commercial landfill
30 facility or the substantial expansion of a com-
31 mercial landfill facility.

32 Sec. 5. Application. Notwithstanding the Maine
33 Revised Statutes, Title 1, section 302, this Act ap-
34 plies to any pending application for a license for a
35 commercial landfill facility under the Maine Revised
36 Statutes, Title 38, section 1304, subsection 8, or to
37 any pending application for the substantial expansion

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

1 of a licensed commercial landfill facility. This Act
2 does not apply to any pending or future application
3 to renew a license previously issued under the Maine
4 Revised Statutes, Title 38, section 1304, subsection
5 8, or for permission to proceed with the construction
6 or operation of a previously licensed waste facility
7 or previously licensed substantial expansion of an
8 existing waste facility.

9 Emergency clause. In view of the emergency cited
10 in the preamble, this Act shall take effect when ap-
11 proved.'

12 STATEMENT OF FACT

13 The purpose of this amendment is reflected in the
14 emergency preamble.

15 7780101786

16 (Sen. Usher)

17 SPONSORED BY:

18 COUNTY: Cumberland

Reproduced and Distributed Pursuant to Senate Rule 12.

10-17-86

S.P. 571