

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 THIRD SPECIAL SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2443

7
8 S.P. 988

In Senate, October 10, 1986

9 Received by the Secretary of the Senate on October 10, 1986. Referred to
10 the Committee on Energy and Natural Resources and 1600 ordered printed
pursuant to Joint Rule 14.

11 JOY J. O'BRIEN, Secretary of the Senate

12 Presented by Senator Tuttle of York.

Cosponsored by Senator Matthews of Kennebec, Representative Cooper
of Windham and Representative Ridley of Shapleigh.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Impose a Moratorium on the
19 Licensing of Commercial Landfills for
20 the Disposal of Solid Waste.
21

22 **Emergency preamble.** Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, the surface and ground waters of the
26 State are precious natural resources upon which the
27 people of this State vitally depend for their drink-
28 ing water, and which support recreational and other
29 valuable land uses on which the economy and welfare
30 of many communities of the State depend; and

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

34 Whereas, currently available regulatory programs
35 and law enforcement resources are inadequate to pro-

1 tect against the risk that commercial landfills will
2 become sites for unlicensed hazardous waste disposal,
3 or will allow pollutants to escape into the State's
4 air, land and waters; and

5 Whereas, current environmental and land use regu-
6 lations are also inadequate to insure that commercial
7 landfill projects internalize the full social and ec-
8 onomic costs of such projects to the host and nearby
9 communities, and do not adequately provide for the
10 costs of accident or landfill failure; and

11 Whereas, a one-year moratorium on new commercial
12 solid waste landfill projects is necessary in order
13 to allow the Legislature time to fully examine the
14 institutional, economic and environmental issues in-
15 volved and to develop a comprehensive solid waste
16 management policy, including a coherent scheme for
17 the licensing and regulatory supervision of commer-
18 cial solid waste landfills, and in order to allow mu-
19 nicipalities to plan for new commercial landfills in
20 a manner consistent with existing land uses; and

21 Whereas, in the judgment of the Legislature,
22 these facts create an emergency within the meaning of
23 the Constitution of Maine and require the following
24 legislation as immediately necessary for the preser-
25 vation of the public peace, health and safety; now,
26 therefore,

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

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

30 §4962-B. Moratorium relating to commercial landfill
31 facilities

32 Any municipality may enact a moratorium on the
33 issuance or processing of any municipal permit for a
34 new commercial landfill facility or the substantial
35 expansion of such a facility, as defined by Title 38,
36 section 1303, subsection 11-B, with the effective
37 date of that moratorium to extend until January 1,
38 1988.

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

1 1-C. Commercial landfill facility. "Commercial
2 landfill facility" means a privately-owned waste fa-
3 cility used for the burial of solid waste and which
4 is used for the disposal of waste other than waste
5 generated by its owners. "Commercial landfill facil-
6 ity" does not include a waste facility owned, con-
7 trolled or operated by a public waste disposal corpo-
8 ration under section 1304-B, subsection 5; municipal-
9 ity under section 1305; or refuse disposal district
10 under chapter 17.

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

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

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

22 A. The board shall issue a license for a waste
23 facility whenever it finds it will not pollute
24 any water of the State, contaminate the ambient
25 air, constitute a hazard to health or welfare, or
26 create a nuisance. Licenses shall be issued under
27 the terms and conditions as the board may pre-
28 scribe, and for a term not to exceed 5 years. The
29 board may establish reasonable time schedules for
30 compliance with this subchapter and regulations
31 promulgated by the board. Prior to January 1,
32 1988, the department shall not process or act
33 upon any application for, and the board shall not
34 issue, a license for a new commercial landfill
35 facility or the substantial expansion of a com-
36 mercial landfill facility.

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

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 bill is reflected in the
14 emergency preamble.

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