

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)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 940

H.P. 699 House of Representatives, March 25, 1987
Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative LORD of Waterboro.

Cosponsored by Representatives MURPHY of Berwick and
RIDLEY of Shapleigh.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Require Municipal Permits for
Commercial Landfills.

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

Sec. 1. 30 MRSa §4962-C is enacted to read:

§4962-C. Special municipal permits for commercial
landfill facilities

1. Special permit required. Notwithstanding any
other provision of law, no new commercial landfill
facility nor any substantial expansion of the facility,
as defined in Title 38, section 1303, may be constructed
or operated without a special permit from the municipality
or municipalities within which the facility or expansion is
to be located.

1 2. Procedure. The zoning board of appeals may
2 issue the special permit required by this section.
3 Prior to making a decision on a permit application,
4 the board shall hold a public hearing. The notice
5 requirements and other procedures for zoning appeals
6 shall be followed in holding the hearing.

7 3. Criteria. Following the public hearing, the
8 zoning board of appeals shall approve an application
9 for the special permit required by this section only
10 upon finding that the proposal will fit harmoniously
11 into the existing natural and man-made environment,
12 will not result in undue adverse impact upon scenic,
13 natural or community values and will meet such other
14 standards as the municipality may adopt by ordinance.
15 The zoning board of appeals may impose conditions
16 upon the permit issued under this section, which con-
17 ditions are designed to assure that these criteria
18 are met. The facility developer and operator shall
19 comply with any conditions so imposed.

20 4. Coordination. Issuance of the special permit
21 required by this section shall be coordinated with
22 any other permit required from the municipality for
23 the facility, to the extent practicable.

24 5. Appeal. Any decision of the board of appeals
25 under this section may be appealed in accordance with
26 section 2411, subsection 3, paragraph F.

27 Sec. 2. 30 MRSA §4966, first ¶, as amended by PL
28 1985, c. 612, §17, is further amended to read:

29 The following provisions shall apply to enforce-
30 ment of land use laws and ordinances or regulations
31 which are administered and enforced primarily at the
32 local level, including shoreland zoning ordinances
33 adopted pursuant to Title 12, sections 4811 to 4817,
34 including those which were state-imposed; the plumb-
35 ing and subsurface waste water disposal rules adopted
36 by the Department of Human Services pursuant to Title
37 22, section 42, including the land area of the State
38 which is subject to the jurisdiction of the Maine
39 Land Use Regulation Commission, laws pertaining to
40 public water supplies, Title 22, sections 2624, 2647
41 and 2648; local ordinances adopted pursuant to Title
42 22, section 2642; local land use ordinances enacted

1 pursuant to section 1917; local building codes
2 adopted pursuant to sections 1917 and 2151; chapter
3 215, subchapter I, Automobile Junkyards and subchap-
4 ter X, Regulation and Inspection of Plumbing; section
5 4359, malfunctioning subsurface waste water disposal
6 systems; the subdivision law and local subdivision
7 ordinances adopted pursuant to section 1917 and sub-
8 division regulations adopted pursuant to section
9 4956; the special permit requirements of section
10 4962-C; and local zoning ordinances adopted pursuant
11 to section 1917 and in accordance with section 4962.

12

STATEMENT OF FACT

13 This bill requires a permit from a municipality
14 in which a new commercial landfill, or a substantial
15 expansion of an existing commercial landfill, is pro-
16 posed. The purpose is to assure local decision mak-
17 ing and oversight regarding the location and design
18 of such facilities.

19

1099031287