

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1191

H.P. 890 House of Representatives, April 9, 1987  
Reported by Representative JACQUES from the Committee on  
Energy and Natural Resources pursuant to Private and Special  
Laws 1985, chapter 137.

EDWIN H. PERT, Clerk  
Reference to the Joint Standing Committee on Energy and  
Natural Resources suggested and printing ordered under Joint  
Rule 18.

STATE OF MAINE

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

AN ACT to Ensure Timely Adoption of Revised  
Solid Waste Rules.

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

Whereas, pursuant to Private and Special Law  
1985, c. 137, the Legislature has conducted a study  
of the solid waste management and disposal policies  
of the State; and

Whereas, pursuant to Public Law 1985, c. 822, the  
Legislature imposed a moratorium on the licensing of  
new or expanded commercial landfill facilities; and

Whereas, the landfill moratorium will end 91 days after the adjournment of the First Regular Session of the 113th Legislature; and

Whereas, the study committee has found that certain desirable changes in the solid waste rules of the Department of Environmental Protection regarding the categorization of special wastes, including asbestos and incinerator ash; the siting, design, construction and operation of solid waste landfills; the establishment of financial guarantees for closure and post-closure care; and the storage and disposal of inert fill can be accomplished under the department's existing statutory authority if the department is given sufficient financial resources for the task; and

Whereas, the department does not currently possess the financial resources to complete the desired revisions prior to the expiration of the moratorium; and

Whereas, the result will be contrary to the intent of the Legislature when it enacted the moratorium; and

Whereas, the appropriation provided by this Act for facilitating the rule-making process will not become available until the moratorium expires unless enacted as an emergency measure; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1987-88

1 ENVIRONMENTAL PRO-  
2 TECTION, DEPARTMENT  
3 OF

4 Bureau of Land Qual-  
5 ity Control

6 All Other \$25,000

7 Provides funds to  
8 retain a consultant  
9 for the purpose of  
10 revising the solid  
11 waste management  
12 rules in the areas  
13 of facility siting,  
14 design, construction  
15 and operation; the  
16 categorization of  
17 special wastes, in-  
18 cluding asbestos and  
19 incinerator ash; the  
20 establishment of fi-  
21 nancial guarantees  
22 for closure and  
23 post-closure care;  
24 the storage and dis-  
25 posal of inert fill  
26 and other areas as  
27 appropriate.

28 Emergency clause. In view of the emergency cited  
29 in the preamble, this Act shall take effect when ap-  
30 proved.

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## STATEMENT OF FACT

2        This bill is introduced pursuant to Private and  
3 Special Law 1985, chapter 137, which mandated a study  
4 of Maine's solid waste management and disposal poli-  
5 cy. During the study, the Department of Environmen-  
6 tal Protection expressed its intention to undertake  
7 certain revisions to the solid waste rules under its  
8 existing authority as a partial measure addressing  
9 the concerns raised by the study. Full resolution of  
10 the study concerns will be accomplished through sepa-  
11 rate legislation. The Joint Standing Committee on  
12 Energy and Natural Resources, which conducted the  
13 study, supports the intended revisions outlined in  
14 this bill subject to the normal rule-making require-  
15 ments of the Maine Administrative Procedure Act, Ti-  
16 tle 5, chapter 375.

17        At least 3 applications for commercial landfill  
18 facilities are expected after the moratorium imposed  
19 by Public Law 1985, chapter 822 expires. Because it  
20 is essential that the proposed revisions be accom-  
21 plished prior to the lifting of the landfill morato-  
22 rium, this bill provides additional financial re-  
23 sources for the department to hire a consultant to  
24 draft the proposed rules under departmental supervi-  
25 sion. This is a process the department has used ef-  
26 fectively in the past to speed the rule-making pro-  
27 cess without compromising the quality of the product  
28 or the integrity of the process.

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