

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 12, L.D. 15, Bill, "An Act to Clarify the Waste Transfer Station Setback Requirements"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 38 MRSA §1310-N, sub-§2-C, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §242, is repealed.

Sec. 2. 38 MRSA §1310-N, sub-§2-D is enacted to read:

2-D. Setback requirements for transfer stations. The department may not issue a permit or a license for a municipal solid waste transfer station unless the location of the handling site conforms to the following setback requirements.

A. For a transfer station on an island that is not connected to the mainland by a road, there is no setback requirement. The department shall review the proposed location of the handling site and determine whether the property setbacks proposed by the developer are reasonable and compatible with the abutting land uses. To the fullest extent possible, the department shall ensure that the handling site of a transfer station on an island is located in a manner that minimizes any adverse impact on the island residents.

B. For all other transfer stations, the handling site may not be within 250 feet of any abutting property boundary, unless the department finds the abutting property to be a conforming use. If the department finds an abutting property to be a conforming use, the handling site may be

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2 within 250 feet of the boundary but not within 250 feet of  
3 any permanent structure on that abutting property.

4 This subsection does not apply to transfer station permit or  
5 license renewals.

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7 **Sec. 3. Rules.** By January 1, 1992, the Department of  
8 Environmental Protection shall adopt or amend rules as necessary  
9 to define a "conforming use" under section 2 of this Act.

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11 **Sec. 4. Effective date.** Sections 1 and 2 of this Act take  
12 effect on January 1, 1992.

13  
14 **Sec. 5. Applicability.** The setback requirements in section 2  
15 of this Act are applicable to new transfer station permit and  
16 license applications received by the Department of Environmental  
17 Protection on or after January 1, 1992. The setback requirements  
18 do not apply to applications to renew a license or permit granted  
19 prior to January 1, 1992.

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21 **FISCAL NOTE**

22  
23 The costs associated with the adoption of rules that define  
24 abutting property uses that qualify as "conforming uses" will be  
25 absorbed utilizing existing budgeted resources of the Department  
26 of Environmental Protection.'

27  
28 **STATEMENT OF FACT**

29  
30 This amendment replaces the original bill. The amendment  
31 establishes setback requirements for handling sites at new waste  
32 transfer stations. The setback requirements are effective on  
33 January 1, 1992 and are applicable to any transfer station permit  
34 or license application received after that date.

35  
36 Under this amendment, approval of handling site locations at  
37 new transfer stations on islands is determined by the Department  
38 of Environmental Protection on a case-by-case basis. For island  
39 sites, the department must ensure that the proposed handling site  
40 location is reasonable and minimizes any adverse impact on island  
41 residents. Handling sites not on islands may not be within 250  
42 feet of any abutting boundary, unless the Department of  
43 Environmental Protection determines the abutting property to be a  
44 conforming use. If the abutting property is a conforming use,  
45 the handling site may be closer to the boundary, but not within  
46 250 feet of any permanent structure on that property.

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48 The Department of Environmental Protection is required to  
49 adopt rules by January 1, 1992 that define abutting property uses  
50 that qualify as "conforming uses."

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