

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1144

H.P. 798

House of Representatives, March 18, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

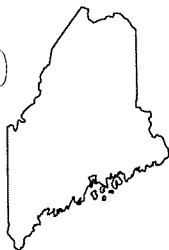
Presented by Representative COLES of Harpswell.

Cosponsored by Representative LORD of Waterboro, Senator LUDWIG of Aroostook and Representative GOULD of Greenville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act Concerning State Provision of Landfill Capacity for Municipal
Solid Waste.**



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

2
4 Sec. 1. 38 MRSA §2103, sub-§2, ¶F, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

6 F. Enter into contracts for services to plan, design, construct and operate waste facilities, including waste disposal facilities, to be owned by the agency, as necessary to meet the municipal solid waste disposal needs identified under section 2123, subsections 4 and 6;

12 Sec. 2. 38 MRSA §2123, sub-§6, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

14 6. Facility needs. The plan shall ~~shall~~ must identify the number, size and type of solid waste facilities required to meet the capacity needs for all municipal solid wastes that the agency is responsible for under section 2103, subsection 2, paragraph F and for all other solid wastes for which the agency has assumed responsibility as described in the plan. The agency shall include a time schedule and program for planning, design, siting, construction, operation, and closure of each proposed facility.

24 Sec. 3. 38 MRSA §2156, sub-§§1 and 2, as enacted by PL 1989, c. 585, Pt. A, §7, are amended to read:

26 1. Initial state facility required. On or before July 1, 1994, the office shall develop facilities sufficient to meet the projected needs for municipal solid waste disposal capacity identified in the analysis conducted under former section 1310-O and the state plan, section 2123, subsections 4 and 6, and to serve all geographic areas of the State. The agency may not fulfill its responsibilities under this section by persuading, encouraging, coercing or otherwise influencing a municipality, regional association or refuse disposal district to develop and operate municipal solid waste disposal facilities.

38 Sec. 4. 38 MRSA §2156, as enacted by PL 1989, c. 858, Pt.A, §7, is amended by adding at the end a new paragraph to read:

40 This section does not preclude a municipality, regional association or refuse disposal district from developing and operating such facilities on its own initiative.

44 2. Subsequent facility development. Subsequent to any facility development under subsection 1, the office shall initiate the development of solid waste disposal facilities as it determines is necessary to meet the capacity needs identified in the state plan including all facilities necessary to meet the need for municipal solid waste disposal capacity. The office shall provide for solid waste disposal facilities by contracting with private vendors for facility design, construction or operation or, if necessary, undertaking facility development itself.

STATEMENT OF FACT

2 The bill clarifies the original intent of the Legislature to
4 require the Maine Waste Management Agency to develop and operate
6 enough landfills for the disposal of the municipal solid waste
8 that is not burned in the various public and private
10 waste-to-energy facilities currently operating in the State. The
12 bill prohibits the agency from attempting to meet its
 responsibilities by pressuring municipalities or regional
 entities to develop disposal facilities. The bill does not
 preclude local or regional development of disposal facilities on
 the initiative of local or regional public groups.