

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1264

S.P. 472

In Senate, March 21, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DUTREMBLE of York

Cosponsored by Representative WENTWORTH of Arundel, Senator PEARSON of Penobscot and Representative MORRISON of Bangor.

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STATE OF MAINE

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

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**An Act Concerning Special Waste Landfills.**

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(AFTER DEADLINE)

(EMERGENCY)



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

Whereas, unless this legislation is enacted as an emergency measure the site selection process will be completed prior to the expiration of the 90-day period; 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:

Sec. 1. 38 MRSA §2154, sub-§3 is enacted to read:

3. Review by Legislature. The agency may not finally approve a site for disposal of special waste in a solid waste landfill until the joint standing committee of the Legislature having jurisdiction over natural resource matters has reviewed and approved such a site.

Sec. 2. Special waste disposal landfill; moratorium; review. Notwithstanding the Maine Revised Statutes, Title 38, sections 2154 and 2156, the Maine Waste Management Agency may not identify the site of or develop any new solid waste landfill for the disposal of special waste, as defined by Title 38, section 1303-C, subsection 34, for a 2-year period beginning on the effective date of this Act.

During this 2-year moratorium, the Maine Waste Management Agency shall:

1. Review the possible dangers and other effects that may be caused by disposal in solid waste landfills of special waste, including, but not limited to, incinerator ash, oil and asbestos or asbestos containing waste;

2. Review the disposal facility site selection process generally and specifically as it relates to special waste landfills;

3. Conduct a cost-benefit analysis on incinerator ash disposal facilities; and

4. Hold at least 2 public hearings for discussion of the issues relating to special waste disposal.

The Maine Waste Management Agency shall submit a report, including any necessary implementing legislation, to the Joint

2 Standing Committee on Energy and Natural Resources not later than  
November 1, 1992. The report must include findings based on the  
review and analysis required by this Act.

4 **Emergency clause.** In view of the emergency cited in the  
6 preamble, this Act takes effect when approved.

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10 **STATEMENT OF FACT**

12 This bill establishes a 2-year moratorium on the siting and  
development of special waste landfills by the Maine Waste  
14 Management Agency. During the moratorium, the Maine Waste  
Management Agency shall review and analyze issues relating to  
disposal of special waste in solid waste landfills. The bill  
16 also requires that, after the moratorium, any siting of a solid  
waste landfill for disposal of special waste, which includes  
18 incineration ash, asbestos and oil, must be approved by the Joint  
Standing Committee on Energy and Natural Resources.