MAINE STATE LEGISLATURE

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115th WAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1265

S.P. 473

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.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator DUTREMBLE of York

Cosponsored by Representative DUTREMBLE of Biddeford, Senator BOST of Penobscot and Representative SHELTRA of Biddeford.

STATE OF MAINE

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

An Act to Prohibit the Siting of Landfills within 10 Miles of Municipalities That Host or Have a Waste-to-energy Facility.

(AFTER DEADLINE)

(EMERGENCY)

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	Emergency preamble. Whereas, Acts of the Legislature do not
2	become effective until 90 days after adjournment unless enacted
4	as emergencies; and
Ý	Whereas, the Maine Waste Management Agency has identified
6	candidate sites for a southern Maine special waste landfill and
	is conducting a review process to identify a final site; and
8	Whereas, some of the candidate sites are located in
10	communities within a 10-mile radius of existing incineration
	facilities and the location of such a landfill in one of these
12	communities would impose an unfair additional burden on it; and
14	Whereas, the selection process is scheduled to be completed prior to the expiration of the 90-day period; and
16	
	Whereas, in the judgment of the Legislature, these facts
18	create an emergency within the meaning of the Constitution of
	Maine and require the following legislation as immediately
20	necessary for the preservation of the public peace, health and
	safety; now, therefore,
22	TD *2 4 B T 4B TD B 6 48 C14 4 6 B 6
5.4	Be it enacted by the People of the State of Maine as follows:
24	38 MRSA §1310-N, sub-§2-D is enacted to read:
26	Jo William gibiu-14, Suu-ga-10 is enacted to read:
20	2-D. Proximity to incineration facility. The department
28	may not issue a license for a solid waste landfill that receives
-•	ash or residue from an incineration facility if the landfill will
30	be located within a 10-mile radius of a municipality that hosts
	or has an incineration facility.
32	
	Emergency clause. In view of the emergency cited in the
34	preamble, this Act takes effect when approved.
36	en e
	STATEMENT OF FACT
38	
	This bill prohibits the licensing of a landfill that accepts
40	special wastes generated by a waste-to-energy facility within a
40	
40	special wastes generated by a waste-to-energy facility within a