

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

---

Legislative Document

No. 2184

S.P. 860

In Senate, January 21, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
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 VOSE of Washington  
Cosponsored by Representative TOWNSEND of Eastport.

---

STATE OF MAINE

---

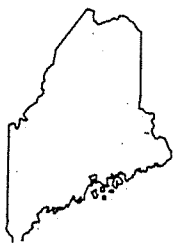
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

---

**An Act to Facilitate Municipal Landfill Closure.**

---

(EMERGENCY)



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

4           Whereas, existing landfills that are not in compliance with  
6 solid waste management standards adopted by the Department of  
Environmental Protection may not accept more waste; and

8           Whereas, licenses issued by the Maine Land Use Regulation  
10 Commission for landfills within its jurisdiction restrict access  
to those landfills; and

12           Whereas, this restriction creates unnecessary barriers to  
14 efficient solid waste disposal in Maine; and

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

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

24           **Sec. 1.** 12 MRSA §685-B, sub-§1, ¶C, as repealed and replaced  
by PL 1989, c. 878, Pt. A, §31, is amended by adding at the end a  
26 new paragraph to read:

28           The commission may not, as part of any permit issued for a  
30 solid waste disposal facility under this section, restrict  
delivery of solid waste to that specific facility by any  
32 municipality or subdivision of the State.

34           **Sec. 2. Term of license extended.** For the purposes of any  
transfer of license under the Maine Revised Statutes, Title 38,  
section 1310-Q and subsequent relicensing under Title 38, section  
36 1310-N by an applicant other than the current license holder, the  
solid waste and site location license, #07-9027-29810, issued by  
38 the Department of Environmental Protection and held by Down East  
Environmental Associates, Inc. for the Down East Landfill in  
40 Marion Township, Washington County is deemed a valid license  
until March 1, 1993.

42           **Sec. 3. Retroactive clause.** Section 2 of this Act is  
44 retroactive to December 31, 1991.

46           **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.  
48

## STATEMENT OF FACT

2

4

This bill prohibits the Maine Land Use Regulation Commission from restricting access to licensed landfills within its jurisdiction.

6

8

10

12

The bill explicitly provides for a license extension for the Down East Landfill until March 12, 1993, the date of submission of a site closure plan under the administrative order of consent regarding the same facility adopted by the Board of Environmental Protection on January 8, 1992.

14

The bill also gives retroactive effect to the extension of the license of the Down East Landfill.