

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 216

H.P. 164

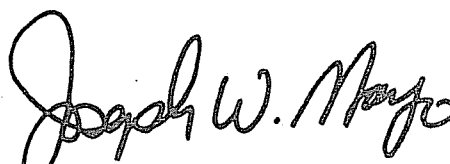
House of Representatives, January 28, 1993

**An Act to Extend the Municipal Landfill Closure Mandate.**

(EMERGENCY)

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative FOSS of Yarmouth.

Cosponsored by Representatives: DiPIETRO of South Portland, MITCHELL of Freeport,

Senator: BUTLAND of Cumberland.

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

Whereas, current law allows licensed and unlicensed municipal solid waste landfills operating on December 31, 1991 to continue to operate until December 31, 1992; and

Whereas, there are some municipalities that have made diligent efforts to comply with the current landfill closure requirements but still need to be able to use their landfills to dispose of construction and demolition debris, land-clearing debris and wood wastes until December 31, 1993; and

Whereas, it is necessary to authorize the Commissioner of Environmental Protection to approve limited extensions for the disposal of construction and demolition debris and wood wastes until December 31, 1993 for those municipalities that have made a good faith effort to comply with all legal requirements regarding solid waste landfills; 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 §1310-N, sub-§6, as amended by PL 1991, c. 644, §1, is further amended to read:

6. Terms and compliance schedules. Licenses are issued under the terms and conditions as the department may prescribe, and for a term not to exceed 5 years. The department may establish reasonable time schedules for compliance with this article and rules adopted by the board. Notwithstanding any rules adopted pursuant to this section, licensed or unlicensed municipal solid waste landfills operating on December 31, 1991 may continue to operate until December 31, 1992, unless the commissioner finds that continued operation of a landfill poses an immediate hazard to the public health or the environment, including without limitation, a threat to a public or private water supply.

Any licensed or unlicensed municipal solid waste landfill that was operating on December 31, 1992 and currently includes use for the disposal of construction and demolition debris, land-clearing debris and wood wastes may be granted an extension to operate for these purposes until December 31, 1993 if the commissioner determines that the municipality has made a good faith effort to comply with all applicable legal requirements. An extension may not be granted under the provisions of this

2 subsection if the commissioner finds that continued operation of  
3 a landfill poses an immediate hazard to the public health or the  
4 environment, including without limitation a threat to a public or  
5 private water supply.

6 **Emergency clause.** In view of the emergency cited in the  
7 preamble, this Act takes effect when approved.  
8

10 **STATEMENT OF FACT**

12 This bill allows the Commissioner of Environmental  
13 Protection to grant extensions to operate solid waste landfills  
14 currently used for the disposal of construction and demolition  
15 debris, land-clearing debris and wood wastes until December 31,  
16 1993 to those municipalities that have made a good faith effort  
to comply with all existing legal requirements.