

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 254

H.P. 191

House of Representatives, February 2, 1993

An Act to Extend the Operating Deadline for Municipal Solid Waste Landfills.

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DEXTER of Kingfield.
Cosponsored by Senator FOSTER of Hancock and
Representatives: ADAMS of Portland, AIKMAN of Poland, ALIBERTI of Lewiston,
ANDERSON of Woodland, AULT of Wayne, BAILEY of Township 27, BAILEY of
Farmington, BARTH of Bethel, BENNETT of Norway, BRUNO of Raymond, CAMERON of
Rumford, CAMPBELL of Holden, CARLETON of Wells, CARON of Biddeford, CARR of
Sanford, CARROLL of Gray, CHONKO of Topsham, CLARK of Millinocket, CLOUTIER of
South Portland, CLUKEY of Houlton, COFFMAN of Old Town, CROSS of Dover-Foxcroft,
DiPIETRO of South Portland, DONNELLY of Presque Isle, DRISCOLL of Calais, ERWIN of
Rumford, FARNUM of South Berwick, FARREN of Cherryfield, GEAN of Alfred, GOULD of
Greenville, HALE of Sanford, HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of
Howland, HILLOCK of Gorham, HUSSEY of Milo, JALBERT of Lisbon,

Additional cosponsors on next page

JONES of Pittsfield, JOY of Island Falls, KERR of Old Orchard Beach, KETTERER of Madison, KILKELLY of Wiscasset, KNEELAND of Easton, KUTASI of Bridgton, LARRIVEE of Gorham, LEMKE of Westbrook, LEMONT of Kittery, LIBBY of Kennebunk, LIBBY of Buxton, LINDAHL of Northport, LOOK of Jonesboro, LORD of Waterboro, MARSHALL of Eliot, MORRISON of Bangor, MURPHY of Berwick, NASH of Camden, NICKERSON of Turner, NORTON of Winthrop, O'GARA of Westbrook, OTT of York, PENDLETON of Scarborough, PLOWMAN of Hampden, POULIN of Oakland, POULIOT of Lewiston, QUINT of Paris, REED of Falmouth, REED of Dexter, ROTONDI of Athens, SAXL of Bangor, SIMONEAU of Thomaston, SKOGLUND of St. George, SPEAR of Nobleboro, STEVENS of Sabattus, STROUT of Corinth, SULLIVAN of Bangor, TARDY of Palmyra, TAYLOR of Cumberland, THOMPSON of Lincoln, TOWNSEND of Eastport, TRACY of Rome, TRUE of Fryeburg, TUFTS of Stockton Springs, VIGUE of Winslow, WINN of Glenburn, YOUNG of Limestone, Senators: BEGLEY of Lincoln, BERUBE of Androscoggin, BUTLAND of Cumberland, CAHILL of Sagadahoc, CAREY of Kennebec, CIANCHETTE of Somerset, GOULD of Waldo, HALL of Piscataquis, HANLEY of Oxford, HARRIMAN of Cumberland, KIEFFER of Aroostook, MARDEN of Kennebec, PARADIS of Aroostook, SUMMERS of Cumberland, WEBSTER of Franklin.

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

4 Whereas, municipalities are experiencing financial stress
6 associated with landfill closure programs, the remediation of
existing landfills and the development of alternative solid waste
8 disposal arrangements; and

10 Whereas, municipalities need additional time to plan and
implement landfill closure programs and establish substitute
12 solid waste disposal arrangements; and

14 Whereas, sufficient state resources do not exist to
reimburse municipalities for the costs of landfill closure and
16 remediation; and

18 Whereas, municipal budgets are stressed from low tax
revenue growth, reductions in state revenue sharing, reductions
20 in state educational aid and federal mandates; and

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

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

30 **Sec. 1. 38 MRSA §1310-N, sub-§6,** as amended by PL 1991, c.
644, §1, is further amended to read:

32 **6. Terms and compliance schedules.** Licenses are issued
34 under the terms and conditions as the department may prescribe,
and for a term not to exceed 5 years. The department may
36 establish reasonable time schedules for compliance with this
article and rules adopted by the board. Notwithstanding any
38 rules adopted pursuant to this section, licensed or unlicensed
municipal solid waste landfills operating on December 31, 1991
40 may continue to operate until December 31, 1992 1995, unless the
commissioner finds that continued operation of a landfill poses
42 an immediate hazard to the public health or the environment,
including, without limitation, a threat to a public or private
44 water supply.

46 **Sec. 2. Retroactivity.** This Act applies retroactively to
December 31, 1992.

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

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STATEMENT OF FACT

This bill amends the operating deadline for licensed and unlicensed municipal solid waste landfills from December 31, 1992 to December 31, 1995.