

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 487

S.P. 156

In Senate, February 16, 1993

An Act Concerning Closure of Municipal Landfills.

(EMERGENCY)

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 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, insufficient state resources exist to reimburse
6 municipalities for the costs of landfill closure and remediation;
and

8 Whereas, municipal budgets are stressed from low tax revenue
10 growth, reductions in state revenue sharing, reductions in state
education aid and mandates from the Federal Government; and

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

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

20 **Sec. 1. 38 MRSA §1310-N, sub-§6**, as amended by PL 1991, c.
22 644, §1, is further amended to read:

24 **6. Terms and compliance schedules.** Licenses are issued
under the terms and conditions as the department may prescribe,
26 and for a term not to exceed 5 years. The department may
establish reasonable time schedules for compliance with this
28 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
32 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
34 water supply.~~

36 **Sec. 2. 38 MRSA §1310-N, sub-§6-B** is enacted to read:

38 **6-B. Continuation of operations; municipal landfills.**
40 Notwithstanding this subchapter, a licensed or unlicensed
municipal solid waste landfill may continue to operate and is
42 exempt from any state enforcement actions under this Title unless
the commissioner finds that a landfill is adversely affecting the
44 public health or polluting the environment, including, without
limitation, a public or private water supply.

46 **Sec. 3. Retroactivity.** This Act takes effect retroactively
48 to December 31, 1992.

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

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STATEMENT OF FACT

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6 This bill eliminates the December 31, 1992 operating
8 deadline for licensed and unlicensed municipal solid waste
10 landfills. The bill allows municipal landfills to continue
 operating and be exempt from the Maine Revised Statutes, Title 38
 enforcement actions unless the commissioner finds that a landfill
 is adversely affecting the public health or polluting the
 environment.