

MAINE STATE LEGISLATURE

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L.D. 224

DATE: 4/13/95

(Filing No. H- 108)

NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 176, L.D. 224, Bill, "An Act to Clarify the Laws Regarding the Location of Transfer Stations on Islands"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 38 MRSA §1310-N, sub-§2-D, ¶A, as repealed and replaced by PL 1993, c. 680, Pt. A, §37, is repealed and the following enacted in its place:

A. For a transfer station on an island that is not connected to the mainland by a road, the department shall establish setback distances on a case-specific basis in accordance with this paragraph:

(1) No predetermined minimum setback from a property boundary, residence or public road established in statute or rule applies. A proposed setback from such a location must be reasonable and compatible with the abutting land use. If all abutting landowners give written approval to the location of the handling site, the department shall find that the proposed setback to a property boundary, residence or public road is reasonable and compatible with abutting land use. If all abutting landowners do not give written approval, the department shall make an independent determination of the reasonableness and the compatibility of the setback to a property boundary, residence or public road.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 176, L.D. 224

2 (2) No predetermined minimum setback from an active or
4 closed landfill established in statute or rule
6 applies. The proposed setback from an active or closed
8 landfill must be reasonable and compatible with the
abutting land use. The department shall make an
independent determination of the reasonableness and
compatibility of the proposed setback to an active or
closed landfill.

10 (3) To the fullest extent possible, the department
12 shall ensure that the handling site of a transfer
14 station on an island is located in a manner that
minimizes any adverse impact on the island residents.

16 **Sec. 2. 38 MRSA §1310-N, sub-§2-D, ¶B,** as repealed and
replaced by PL 1993, c. 680, Pt. A, §37, is amended to read:

18 B. For all other transfer stations, the handling site may
20 not be within 250 feet of any abutting property boundary,
unless:

22 (1) The department finds the use of the abutting
24 property to be a--conforming--use compatible with the
operation of a transfer station on the proposed
26 location. If the department finds an use of the
28 abutting property to be a--conforming--use compatible,
the handling site may be within 250 feet of the
boundary but not within 250 feet of any permanent
structure on that abutting property; or

32 (2) The municipality obtains the written permission of
all property owners within 250 feet of the proposed
handling site.

34 **Sec. 3. Rules.** By January 1, 1996, the Department of
36 Environmental Protection shall adopt or amend rules as necessary
to define a compatible use under section 2 of this Act.'

40 **STATEMENT OF FACT**

42 The amendment further clarifies the setback requirement for
44 the handling site of a transfer station on an island and provides
that the Department of Environmental Protection must find
46 setbacks from property boundaries, residences and public roads to
be reasonable and compatible if all abutting property owners
48 provide written approval of the location of the handling site.
The department would continue to make an independent evaluation
of the reasonableness of setbacks from active or closed landfills.