

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 224

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H.P. 176

House of Representatives, January 24, 1995

**An Act to Clarify the Laws Regarding the Location of Transfer Stations  
on Islands.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JACQUES of Waterville.  
Cosponsored by Representative ADAMS of Portland and  
Representatives: MITCHELL of Portland, TREAT of Gardiner, Senators: ABROMSON of  
Cumberland, MICHAUD of Penobscot, RAND of Cumberland.

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

**Sec. 1. 38 MRSA §1310-N, sub-§2-D, ¶¶A and B,** as repealed and replaced by PL 1993, c. 680, Pt. A, §37, are amended to read:

A. For a transfer station on an island that is not connected to the mainland by a road, ~~there--is~~ no predetermined setback requirement specified in statute or rule applies. The department shall review the proposed location of the handling site and determine whether the property setbacks proposed by the developer are reasonable and compatible with the abutting land uses. To the fullest extent possible, the department shall ensure that the handling site of a transfer station on an island is located in a manner that minimizes any adverse impact on the island residents.

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

(1) The department finds the use of the abutting property to be ~~a--conforming--use~~ compatible with the operation of a transfer station on the proposed location. If the department finds an use of the 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

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

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

**STATEMENT OF FACT**

This bill clarifies existing law regarding setbacks required in the location of municipal solid waste transfer stations. Legislation enacted in 1993 provided that transfer stations on islands are not subject to setback requirements. The law has been interpreted to mean that only statutory setbacks are nullified. This bill makes clear that all setbacks, statutory and regulatory, do not apply to the location of transfer stations on islands.

The bill also changes language providing that the law requiring transfer stations to be set back at least 250 feet from

2 abutting property boundaries does not apply if the use of the  
abutting property is compatible with the location of the transfer  
station. Current law refers to "conforming uses" rather than  
4 "compatible uses." Since the term "conforming use" has specific  
meaning in zoning law, and that meaning is not relevant in this  
6 context, the more appropriate term "compatible use" has been  
added.