

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 188

H.P. 147

House of Representatives, January 21, 2003

### **An Act To Amend the Waste Management Laws Regarding the Spreading of Sludge on Land**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative RINES of Wiscasset.  
Cosponsored by Senator HALL of Lincoln and  
Representatives: BLANCHETTE of Bangor, FISCHER of Presque Isle, MARLEY of Portland.

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

4 **Sec. 1. 38 MRSA §1310-U, 2nd ¶**, as amended by PL 1995, c. 126,  
§2, is further amended to read:

6 Under the municipal home rule authority granted by the  
8 Constitution of Maine, Article VIII, Part Second and Title 30-A,  
10 section 3001, municipalities, except as provided in this section,  
12 may enact ordinances with respect to solid waste facilities that  
14 contain standards the municipality finds reasonable, including,  
16 without limitation, conformance with federal and state solid  
18 waste rules; fire safety; traffic safety; levels of noise heard  
20 outside the facility; distance from existing residential,  
22 commercial or institutional uses; ground water protection;  
24 surface water protection; erosion and sedimentation control; and  
26 compatibility of the solid waste facility with local zoning and  
land use controls, provided that the standards are not more  
strict than those contained in this chapter and in chapter 3,  
subchapter ¶ 1, articles 5-A and 6 and the rules adopted under  
these articles. Municipal ordinances must use definitions  
consistent with those adopted by the board. This section may not  
be construed to limit a municipality's adoption of environmental  
standards under its home rule authority governing the spreading  
of sludge on land that are at least as stringent as the  
environmental standards governing the spreading of sludge on land  
that may be imposed in the State or in the political subdivision  
of the State where the sludge originates.

28  
30 **SUMMARY**

32 This bill clarifies that under current state law a  
34 municipality may adopt environmental standards that apply to the  
land application of sludge that are at least as stringent as the  
36 environmental standards that apply in the State or political  
subdivision of the State where the sludge originates.