

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1795

S.P. 712

In Senate, December 30, 2005

### **An Act To Ensure the Long-term Capacity of Municipal Landfills**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator COWGER of Kennebec.  
Cosponsored by Representative KOFFMAN of Bar Harbor and  
Senator: SNOWE-MELLO of Androscoggin, Representative: DUCHESNE of Hudson.

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

4           **Whereas,** municipal landfills in the State are currently  
6           considering accepting out-of-state waste; and

8           **Whereas,** it is imperative that the prohibitions contained in  
this Act take effect as soon as possible; and

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

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

18           **Sec. 1. 38 MRSA §1305, sub-§10** is enacted to read:

20           10. Contract with private entity. A municipality may enter  
22           into a contract with a private entity to operate a municipal  
solid waste facility as long as:

24           A. The municipality controls the decisions regarding the  
26           type and source of waste that is accepted, handled, treated  
and disposed of at the facility; and

28           B. The municipality accepts only waste that is generated  
30           within the State.

32           **Sec. 2. 38 MRSA §1305-C** is enacted to read:

34           §1305-C. Sale or transfer of municipal solid waste facility

36           Notwithstanding any provision of this chapter to the  
38           contrary, upon the sale or transfer of a municipal solid waste  
facility to a private entity, the license issued by the  
40           department for that solid waste facility is terminated.

42           **Sec. 3. 38 MRSA §1306, sub-§6** is enacted to read:

44           6. Out-of-state waste. A person may not dispose of waste  
in a solid waste facility owned by a municipality in this State  
46           if the waste originated outside the territorial limits of the  
State.

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

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## SUMMARY

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6           This bill authorizes a municipality to enter into a contract  
8 with a private entity to operate a municipal solid waste facility  
10 as long as the municipality controls the decisions regarding the  
12 type and source of waste that is accepted and the municipality  
14 accepts only waste that is generated within the State. The bill  
specifies that, upon the sale or transfer of a municipal solid  
waste facility to a private entity, the license issued by the  
department for that solid waste facility is terminated. This  
bill also bans the disposal in a solid waste facility owned by a  
municipality of waste that originated outside the State.