

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1431

H.P. 1005

House of Representatives, March 15, 2007

**An Act To Provide for the Protection of Communities That Host a
Solid Waste Disposal Facility or Incineration Facility**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative VALENTINO of Saco.
Cosponsored by Senator HOBBS of York and
Representative: PILON of Saco.

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

2 **Sec. 1. 38 MRSA §1303-C, sub-§15-B** is enacted to read:

3 **15-B. Host community.** "Host community" means any town, township or city that
4 is the geographic site of a solid waste disposal facility or incineration facility or any
5 immediately contiguous town, township or city if such town, township or city can
6 demonstrate to the department that it incurs a demonstrable impact from that solid waste
7 disposal facility or incineration facility.

8 **Sec. 2. 38 MRSA §2178** is enacted to read:

9 **§2178. Host community agreements**

10 **1. Host community agreements.** A solid waste disposal facility or incineration
11 facility shall have in place a host community agreement with all applicable host
12 communities during the development and operation and through closure of that facility. A
13 host community agreement for the purposes of this section must, when applicable,
14 include the provisions set forth in section 1310-N, subsection 9, paragraph B.

15 **2. Dispute resolution.** In the event that the parties to a host community agreement
16 cannot agree on the terms of agreement, the parties shall submit the dispute for resolution
17 in accordance with this subsection.

18 **A.** The commissioner shall establish a mediation process within the department to
19 hear and review disputes between the parties, but if an existing host community
20 agreement provides for arbitration or other dispute resolution proceedings, the
21 provisions of that agreement are binding for as long as that agreement is in effect.

22 **B.** If mediation fails to resolve the dispute, the commissioner shall act as the final
23 arbiter and shall decide the matter.

24 **C.** The final decision of the commissioner may be appealed as otherwise permitted
25 under law.

26 **Sec. 3. 38 MRSA §2184, sub-§4** is enacted to read:

27 **4. Host community not required to enter into waste disposal agreement.** A host
28 community is not required by law and may not otherwise be required to enter into a waste
29 disposal agreement with any specific person or party in order to participate in a host
30 community agreement.

31 **SUMMARY**

32 This bill requires solid waste disposal facilities and incineration facilities to have in
33 place host community agreements and directs the Commissioner of Environmental
34 Protection to establish a mediation process to hear and review disputes concerning host
35 community agreements.