

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 759

H.P. 518

House of Representatives, February 26, 2009

An Act To Require State-owned Solid Waste Disposal Facilities To Demonstrate a Public Benefit

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUCHESNE of Hudson.
Cosponsored by Senator SCHNEIDER of Penobscot and
Representatives: BLANCHARD of Old Town, CAIN of Orono, MITCHELL of the Penobscot
Nation, PRATT of Eddington, Senator: GOODALL of Sagadahoc.

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

2 Sec. 1. 38 MRSA §1310-AA, sub-§4, as amended by PL 2007, c. 414, §4, is
3 further amended to read:

4 4. **Application.** This section does not apply to facilities described in section 1310-N,
5 subsection 3-A, paragraph A ~~or to a facility owned by the State and in operation prior to~~
6 ~~June 1, 2007 or to an expansion of that facility.~~

7 Sec. 2. 38 MRSA §1310-AA, sub-§6 is enacted to read:

8 6. Substantial public benefit. The department may not process or act upon any
9 application for a new or expanded solid waste disposal facility owned by the State
10 pending before the department on or after January 15, 2009 unless the commissioner
11 determines, in accordance with this section, that the proposed facility provides a
12 substantial public benefit.

13 Sec. 3. **Retroactivity.** This Act is retroactive to January 15, 2009.

14 SUMMARY

15 Current law provides that certain landfills are exempt from demonstrating a
16 significant public benefit, including landfills that are state-owned. This bill removes the
17 exemption for state-owned landfills.