

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 879

H.P. 646

House of Representatives, March 7, 2011

An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CURTIS of Madison.
Cosponsored by Senator WHITTEMORE of Somerset and
Representatives: BECK of Waterville, DUCHESNE of Hudson, McCABE of Skowhegan,
Senators: GOODALL of Sagadahoc, SAVIELLO of Franklin, SCHNEIDER of Penobscot,
THOMAS of Somerset.

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

2 **Sec. 1. 38 MRSA §1310-X, sub-§3**, as amended by PL 1995, c. 68, §1 and c.
3 465, Pt. A, §21 and affected by Pt. C, §2, is further amended to read:

4 **3. Expansion of facilities.** The department may license an expansion of a
5 commercial solid waste disposal or biomedical waste disposal or treatment facility after
6 September 30, 1989 if:

7 A. The department has previously licensed the facility prior to October 6, 1989;

8 B. The department determines that the proposed expansion is contiguous with the
9 existing facility and ~~is located on property owned on December 31, 1989 by the~~
10 ~~licensee or by a corporation or other business entity under common ownership or~~
11 ~~control with the licensee; and:~~

12 (1) Is located on property owned on December 31, 1989 by the licensee or by a
13 corporation or other business entity under common ownership or control with the
14 licensee; or

15 (2) For a commercial solid waste disposal facility that is a commercial landfill
16 facility that is not under order or agreement to close, is located on property
17 owned by the licensee; and

18 C. For a commercial solid waste disposal facility the commissioner or the
19 department determines as provided in section 1310-N, subsection 3-A that the facility
20 provides a substantial public benefit.

21 The department may not process or act upon any application or license an expansion of a
22 commercial landfill facility pursuant to this subsection: before March 1, 2011; until the
23 applicant demonstrates to the department that it is in full compliance with the host
24 community agreement pursuant to section 1310-N, subsection 9, if any, on the existing
25 facility; and until a host community agreement amendment is executed to account for the
26 proposed expansion.

27 An expanded facility may not receive a property tax exemption on real or personal
28 property.

29 **SUMMARY**

30 This bill amends the law regarding expansion of commercial solid waste disposal
31 facilities and biomedical waste disposal or treatment facilities by authorizing a
32 commercial landfill facility that is not under an order or agreement to close to expand if
33 the proposed expansion is contiguous with the existing facility and is located on property
34 owned by the person holding the commercial solid waste disposal facility license. It
35 clarifies that an expanded facility may not receive a property tax exemption on real or
36 personal property, and it provides that the department may not process or act upon any
37 application until certain conditions are met.