

MAINE STATE LEGISLATURE

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L.D. 694

Date: 6/6/2013

(Filing No. S-220)

ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 243, L.D. 694, Bill, "An Act To Clarify Solid Waste Policy"

Amend the bill by striking out the title and substituting the following:

'An Act To Clarify Solid Waste Policy Relating to State-owned Disposal Facilities'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

Sec. 1. 38 MRSA §1310-N, sub-§1, ¶B, as amended by PL 2007, c. 414, §2, is further amended to read:

B. In the case of a disposal facility, the facility provides a substantial public benefit, determined in accordance with subsection 3-A, ~~except that this paragraph does not apply to a facility owned by the State and in operation prior to June 1, 2007 or to an expansion of that facility; and~~

Sec. 2. 38 MRSA §1310-AA, sub-§1-B is enacted to read:

1-B. State-owned solid waste disposal facilities. This subsection applies to public benefit determinations for solid waste disposal facilities owned by the State.

A. The department may not process or act upon any application for a new, modified or amended solid waste license for a solid waste disposal facility acquired by the State after January 1, 2007, including an application to expand, until the facility has applied for and received a public benefit determination.

B. A solid waste disposal facility owned by the State before January 1, 2007 is deemed to hold a public benefit determination for the licensed disposal capacity at the facility on the effective date of this subsection. The department may require the holder of a public benefit determination under this paragraph to submit an application for a modified public benefit determination if the department finds that a material change in the underlying facts or circumstances has occurred or is proposed.

COMMITTEE AMENDMENT

1 including, but not limited to, a change in the disposal capacity or a change of the
2 owner or operator of the facility. The department may not process or act upon any
3 application to expand a solid waste disposal facility owned by the State before
4 January 1, 2007 until the facility has applied for and received a public benefit
5 determination.

6 **Sec. 3. 38 MRSA §1310-AA, sub-§6**, as enacted by PL 2009, c. 348, §2 and
7 affected by §3, is repealed.

8 **Sec. 4. Application.** The provisions of this Act do not apply to an application for
9 a license pending on the effective date of this Act.'

10 **SUMMARY**

11 This amendment replaces the bill. It provides that the Department of Environmental
12 Protection may not process or act on an application for a new, modified or amended solid
13 waste license for a solid waste disposal facility acquired by the State after January 1,
14 2007 until the facility has applied for and received a public benefit determination from
15 the department. It provides that a solid waste disposal facility owned by the State before
16 January 1, 2007 is deemed to hold a public benefit determination for the licensed disposal
17 capacity at the facility on the effective date of the Act. In addition, for such facilities
18 owned by the State before January 1, 2007, it authorizes the department to require an
19 application for a modified public benefit determination if the department finds that a
20 material change in the underlying facts or circumstances has occurred or is proposed.
21 The amendment also clarifies that, regardless of the date of state ownership, the
22 department may not process or act upon any application to expand a facility until the
23 facility has applied for and received a public benefit determination.

FISCAL NOTE REQUIRED
(See attached)



126th MAINE LEGISLATURE

LD 694

LR 1010(02)

An Act To Clarify Solid Waste Policy

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-220)

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs incurred by the Department of Environmental Protection to review and make a public benefit determination before acting on an application for a new, modified or amended solid waste license for a solid waste facility acquired by the State after January 1, 2007 can be absorbed within existing budgeted resources.