

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 694

S.P. 243

In Senate, February 26, 2013

An Act To Clarify Solid Waste Policy

(EMERGENCY)

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CAIN of Penobscot.

Cosponsored by Representative DILL of Old Town and

Senators: BOYLE of Cumberland, GRATWICK of Penobscot, YOUNGBLOOD of Penobscot,

Representatives: PEAVEY HASKELL of Milford, TIPPING-SPITZ of Orono.

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

3 **Whereas,** there may be applications for modifications to the type or volume of solid
4 waste accepted at existing solid waste facilities prior to the expiration of the 90-day
5 period; and

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

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

11 **Sec. 1. 38 MRSA §1302, 3rd ¶,** as repealed and replaced by PL 1989, c. 585, Pt.
12 E, §2, is amended to read:

13 The Legislature finds that it is in the best interests of the State to prefer waste
14 management options with lower health and environmental risk and to ensure that such
15 options are neither foreclosed nor limited by the State's commitment to disposal methods.
16 The Legislature declares that it is in the public interest to aggressively promote waste
17 reduction, reuse and recycling as the preferred methods of waste management. The
18 Legislature further finds that the highest and best use of a state-owned solid waste facility
19 is for those permitted special wastes that cannot be handled by these preferred methods of
20 waste management.

21 **Sec. 2. 38 MRSA §1310-N, first ¶,** as repealed and replaced by PL 1993, c. 680,
22 Pt. A, §37 and amended by PL 2011, c. 682, §38, is further amended to read:

23 ~~No~~ A person may not locate, establish, construct, expand the disposal capacity of,
24 change the type or volume of waste accepted by or operate any solid waste facility unless
25 approved by the department under the provisions of this chapter. When the proposed
26 facility is located within the jurisdiction of the Maine Land Use Planning Commission, in
27 addition to any other requirement, the department shall require compliance with existing
28 standards of the commission.

29 **Sec. 3. 38 MRSA §1310-AA, sub-§1,** as enacted by PL 1995, c. 465, Pt. A, §22
30 and affected by Pt. C, §2, is amended to read:

31 **1. Application for public benefit determination.** Prior to submitting an application
32 under section 1310-N for a license for a ~~new or expanded~~ solid waste disposal facility, a
33 person must apply to the commissioner for a determination of whether the proposed
34 facility or the proposed modification to the type or volume of waste accepted provides a
35 substantial public benefit.

36 **Sec. 4. 38 MRSA §1310-AA, sub-§5,** as amended by PL 2011, c. 566, §6, is
37 further amended to read:

