

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1363

H.P. 971

House of Representatives, April 9, 2013

An Act To Ensure Landfill Capacity and Promote Recycling

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CHIPMAN of Portland.
Cosponsored by Senator PATRICK of Oxford and
Representatives: CAMPBELL of Orrington, DORNEY of Norridgewock, GUERIN of
Glenburn, LIBBY of Lewiston, MITCHELL of the Penobscot Nation, PEAVEY HASKELL of
Milford, Senators: GRATWICK of Penobscot, WHITTEMORE of Somerset.

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

2 **Sec. 1. 38 MRSA §1310-N, sub-§11**, as enacted by PL 2007, c. 414, §3, is
3 amended to read:

4 **11. Waste generated within the State.** Consistent with the Legislature's findings in
5 section 1302, a solid waste disposal facility owned by the State may not be licensed to
6 accept waste that is not waste generated within the State. For purposes of this subsection,
7 "waste generated within the State" includes residue and bypass generated by incineration,
8 processing and recycling facilities within the State ~~or only if the residue or bypass is~~
9 generated from waste that originated in the State, waste, ~~whether~~ generated within the
10 State ~~or outside of the State~~, if it is used for daily cover, frost protection or stability ~~or is~~
11 and waste generated within 30 miles of the solid waste disposal facility.

12 **Sec. 2. 38 MRSA §1310-U**, as amended by PL 2011, c. 655, Pt. GG, §15 and
13 affected by §70, is further amended to read:

14 **§1310-U. Municipal ordinances**

15 Municipalities are not prohibited from enacting stricter standards than those
16 contained in this chapter and in the solid waste management rules adopted pursuant to
17 this chapter governing the hydrogeological criteria for siting or designing solid waste
18 disposal facilities or governing the engineering criteria related to waste handling and
19 disposal areas of a solid waste disposal facility. Except as provided in section 2173,
20 municipalities are ~~further~~ prohibited from enacting or applying ordinances that regulate
21 solid waste disposal facilities owned by the State or a state agency ~~or a regional~~
22 ~~association~~.

23 Under the municipal home rule authority granted by the Constitution of Maine,
24 Article VIII, Part Second and Title 30-A, section 3001, municipalities, ~~except as provided~~
25 ~~in this section~~, may enact ordinances with respect to solid waste facilities that contain
26 standards the municipality finds reasonable, including, without limitation, conformance
27 with federal and state solid waste rules; fire safety; traffic safety; levels of noise heard
28 outside the facility; distance from existing residential, commercial or institutional uses;
29 ground water protection; surface water protection; erosion and sedimentation control; and
30 compatibility of the solid waste facility with local zoning and land use controls, ~~provided~~
31 ~~that the standards are not more strict than those contained in this chapter and in chapter 3,~~
32 ~~subchapter I, articles 5-A and 6 and the rules adopted under these articles.~~ Municipal
33 ordinances must use definitions consistent with those adopted by the board.

34 A municipality adopting an ordinance under this section shall forward a copy of the
35 ordinance to the commissioner within 30 days of its adoption.

36 **Sec. 3. 38 MRSA §1310-AA, sub-§1-A, ¶D**, as amended by PL 2011, c. 566,
37 §2, is further amended to read:

38 D. For purposes of this subsection, "waste that is generated within the State" includes
39 residue and bypass generated by incineration, processing and recycling facilities
40 within the State only if the residue or bypass is generated from waste that originated

