

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION
October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION
October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

port or alimony contained in the order and consistent with this section. The clerk, upon application, shall issue the order of income withholding.

See title page for effective date.

CHAPTER 191

H.P. 191 - L.D. 254

An Act to Clarify Criteria for Allowing Unlicensed Municipal Solid Waste Landfills to Accept Waste After December 31, 1992

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, municipalities are experiencing financial stress associated with landfill closure programs, the remediation of existing landfills and the development of alternative solid waste disposal arrangements; and

Whereas, municipalities need additional time to plan and implement landfill closure programs and establish substitute solid waste disposal arrangements; and

Whereas, sufficient state resources do not exist to reimburse municipalities for the costs of landfill closure and remediation; and

Whereas, municipal budgets are stressed from low tax revenue growth, reductions in state revenue sharing, reductions in state educational aid and federal mandates; and

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

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

Sec. 1. 38 MRSA §1310-N, sub-§§6-B and 6-C are enacted to read:

6-B. Unlicensed landfills operating after December 31, 1992. Notwithstanding subsection 6, the commissioner shall enter into an agreement with a municipality allowing that municipality to operate an unlicensed municipal solid waste landfill after December 31, 1992 if the commissioner determines that the municipality has:

A. Selected an alternative solid waste handling or disposal option that is licensed or capable of being licensed;

B. Proposed to the department a reasonable and mutually acceptable schedule for implementing that option; and

C. Agreed to cease accepting waste at the unlicensed landfill on a date certain.

An agreement under this subsection between a municipality and the department may not include any provision that prevents the municipality from using its unlicensed landfill for the disposal of municipal solid waste during the term of the agreement. Notwithstanding any provision of an agreement entered into under this subsection, the commissioner shall order an unlicensed landfill to cease operating if the commissioner finds that continued operation of the landfill poses an immediate hazard to the public health or the environment, including without limitation a threat to a public or private water supply.

6-C. Summary of federal regulations. The commissioner shall provide a summary of the criteria for municipal solid waste landfills set forth in 40 Code of Federal Regulations, Part 258 (1992) to each municipality operating a licensed or unlicensed municipal solid waste landfill on the effective date of this subsection. The summary must describe the operational and, where possible, the economic implications under federal and state rules of accepting waste at a municipal solid waste landfill after October 8, 1993.

Sec. 2. PL 1991, c. 759, §3 is repealed.

Sec. 3. Consolidation plans voided. Any provision in an agreement between a municipality and the Department of Environmental Protection that is in effect on the effective date of this Act and that requires a municipality to enter into a solid waste consolidation management plan as a condition for continued operation of an unlicensed landfill after December 31, 1992 is void.

Sec. 4. Retroactivity. This Act applies retroactively to January 1, 1993.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 2, 1993.

CHAPTER 192

H.P. 476 - L.D. 613

An Act to Shorten the Appeal Procedure for the State Bidding Process and to Provide Consistent Administration of Appeal Hearings