

MAINE STATE LEGISLATURE

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REFERENCE

C.2

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND SPECIAL SESSION
JUNE 1986
AND
THIRD SPECIAL SESSION
OCTOBER 1986

JOINT STANDING COMMITTEE

BILL SUMMARIES



DECEMBER 1986

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[Law Library note: No explanatory memorandum was included with the bill summaries for the Second Special Session and the Third Special Session. The following is adapted from the explanatory memorandum for the Second Regular Session, 112th Legislature.]

ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND SPECIAL SESSION
AND
THIRD SPECIAL SESSION

JOINT STANDING
COMMITTEE BILL
SUMMARIES
DECEMBER 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Special Session and the Third Special Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

| | |
|-----------|---------------------------------------|
| OTP | Ought to Pass |
| OTP-ND | Ought to Pass in New Draft |
| OTP-ND-NT | Ought to Pass in New Draft, New Title |
| OTP-AM | Ought to Pass as Amended |
| ONTP | Ought Not to Pass |
| LVWD | Leave to Withdraw |
| INDEF PP | Indefinitely Postponed |

ENERGY AND NATURAL RESOURCES

LD
2443

AN ACT TO IMPOSE A MORATORIUM ON THE LICENSING
OF COMMERCIAL LANDFILLS FOR THE DISPOSAL OF
SOLID WASTE

PL 1985
c. 822
EMERGENCY

Sponsor: TUTTLE, Matthews Z, Cooper, Ridley
Committee Report: OTP-A

S-569 CA
S-570 CB
S-571 SA
S-572 SB H S

SUMMARY: The original bill is an emergency bill to enact a one year moratorium on DEP processing and action on commercial landfill facility applications. The bill covers both future and pending applications, but exempts landfills used to dispose of waste generated by the landfill owners (e.g. papermills or power plants); waste facilities owned, controlled or operated by a public waste disposal corporation (RWS); municipalities; and refuse disposal districts (BBARDD). The moratorium includes landfill expansions of greater than fifty percent.

The bill also reaffirms the ability of municipalities to enact moratoriums on the issuance or processing of any municipal permit for commercial landfill facilities or the substantial expansion of such a facility. License renewals are not included in this moratorium.

The Committee reported out both a majority (CA-) and minority (CB-) report. The minority report amends the original bill by adding a section to reaffirm State and municipal control of new commercial landfill facility development. It also recognizes that municipalities may exercise home rule authority to enact their own moratoria. The minority report refines the definition of "commercial landfill facilities" to include landfill facilities that are paid by waste generators to accept solid waste.

The original bill is further modified by the minority report to allow the exemption for 50% expansions to be based on the larger of two figures: the area affected or the presently licensed volume of waste. The original bill based the allowable expansion on the lesser of these figures. Section 3 is amended to give the Board of Environmental Protection discretion to allow expansions of existing commercial landfill facilities when necessary to accommodate municipal waste or solid waste generated from economic growth and development within the state. This change addresses the court-enforced DEP policy of requiring solid waste disposal capacity at a facility in compliance with solid waste regulations before site location of development approval is granted.

The majority report differed from the minority report in that it exempted from the moratorium waste disposal facilities used solely for the disposal of solid waste generated by energy recovery facilities. It also exempted the expansion of an existing landfill operation at another location not adjacent to the current site.

A compromise was reached by a majority of the committee and is embodied in Senate amendment S-572. It includes the amendments of the minority report and shortens the moratorium to 90 days after the Legislature adjourns. Once the moratorium is lifted, the amendment directs DEP to give priority to process applications for commercial landfill facilities used for the disposal of solid waste from energy recovery facilities. This compromise was enacted in both bodies with no further amendment.