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An Act To Require State-owned Solid Waste Disposal Facilities To Demonstrate a Public Benefit

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

Sec. 1. 38 MRSA §1310-AA, sub-§4, as amended by PL 2007, c. 414, §4, is further amended to read:

4. Application. This section does not apply to facilities described in section 1310-N, subsection 3-A, paragraph A or to a facility owned by the State and in operation prior to June 1, 2007 or to an expansion of that facility.

Sec. 2. 38 MRSA §1310-AA, sub-§6 is enacted to read:

6. Substantial public benefit. The department may not process or act upon any application for a new or expanded solid waste disposal facility owned by the State pending before the department on or after January 15, 2009 unless the commissioner determines, in accordance with this section, that the proposed facility provides a substantial public benefit.

Sec. 3. Retroactivity. This Act is retroactive to January 15, 2009.

SUMMARY

Current law provides that certain landfills are exempt from demonstrating a significant public benefit, including landfills that are state-owned. This bill removes the exemption for state-owned landfills.