

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste**  
**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §1310-X, sub-§3**, as amended by PL 1995, c. 68, §1 and c. 465, Pt. A, §21 and affected by Pt. C, §2, is further amended to read:

**3. Expansion of facilities.** The department may license an expansion of a commercial solid waste disposal or biomedical waste disposal or treatment facility after September 30, 1989 if:

A. The department has previously licensed the facility prior to October 6, 1989;

B. The department determines that the proposed expansion is contiguous with the existing facility and is located on property owned on December 31, 1989 by the licensee or by a corporation or other business entity under common ownership or control with the licensee; and:

(1) Is located on property owned on December 31, 1989 by the licensee or by a corporation or other business entity under common ownership or control with the licensee; or

(2) For a commercial solid waste disposal facility that is a commercial landfill facility that is not under order or agreement to close, is located on property owned by the licensee; and

C. For a commercial solid waste disposal facility the commissioner or the department determines as provided in section 1310-N, subsection 3-A that the facility provides a substantial public benefit.

The department may not process or act upon any application or license an expansion of a commercial landfill facility pursuant to this subsection: before March 1, 2011; until the applicant demonstrates to the department that it is in full compliance with the host community agreement pursuant to section 1310-N, subsection 9, if any, on the existing facility; and until a host community agreement amendment is executed to account for the proposed expansion.

An expanded facility may not receive a property tax exemption on real or personal property.

## SUMMARY

This bill amends the law regarding expansion of commercial solid waste disposal facilities and biomedical waste disposal or treatment facilities by authorizing a commercial landfill facility that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste disposal facility license. It clarifies that an expanded facility may not receive a property tax exemption on real or

personal property, and it provides that the department may not process or act upon any application until certain conditions are met.