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Date: (Filing No. S- )

**ENVIRONMENT AND NATURAL RESOURCES**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 243, L.D. 694, Bill, “An Act To Clarify Solid Waste Policy”

Amend the bill by striking out the title and substituting the following:

**'An Act To Clarify Solid Waste Policy Relating to State-owned Disposal Facilities'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

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

B. In the case of a disposal facility, the facility provides a substantial public benefit, determined in accordance with subsection 3-A, ~~except that this paragraph does not apply to a facility owned by the State and in operation prior to June 1, 2007 or to an expansion of that facility;~~ and

**Sec. 2. 38 MRSA §1310-AA, sub-§1-B** is enacted to read:

**1-B. State-owned solid waste disposal facilities.** This subsection applies to public benefit determinations for solid waste disposal facilities owned by the State.

A. The department may not process or act upon any application for a new, modified or amended solid waste license for a solid waste disposal facility acquired by the State after January 1, 2007, including an application to expand, until the facility has applied for and received a public benefit determination.

B. A solid waste disposal facility owned by the State before January 1, 2007 is deemed to hold a public benefit determination for the licensed disposal capacity at the facility on the effective date of this subsection. The department may require the holder of a public benefit determination under this paragraph to submit an application for a modified public benefit determination if the department finds that a material change in the underlying facts or circumstances has occurred or is proposed.

**COMMITTEE AMENDMENT**

1 including, but not limited to, a change in the disposal capacity or a change of the  
2 owner or operator of the facility. The department may not process or act upon any  
3 application to expand a solid waste disposal facility owned by the State before  
4 January 1, 2007 until the facility has applied for and received a public benefit  
5 determination.

6 **Sec. 3. 38 MRSA §1310-AA, sub-§6,** as enacted by PL 2009, c. 348, §2 and  
7 affected by §3, is repealed.

8 **Sec. 4. Application.** The provisions of this Act do not apply to an application for  
9 a license pending on the effective date of this Act.'

10 **SUMMARY**

11 This amendment replaces the bill. It provides that the Department of Environmental  
12 Protection may not process or act on an application for a new, modified or amended solid  
13 waste license for a solid waste disposal facility acquired by the State after January 1,  
14 2007 until the facility has applied for and received a public benefit determination from  
15 the department. It provides that a solid waste disposal facility owned by the State before  
16 January 1, 2007 is deemed to hold a public benefit determination for the licensed disposal  
17 capacity at the facility on the effective date of the Act. In addition, for such facilities  
18 owned by the State before January 1, 2007, it authorizes the department to require an  
19 application for a modified public benefit determination if the department finds that a  
20 material change in the underlying facts or circumstances has occurred or is proposed.  
21 The amendment also clarifies that, regardless of the date of state ownership, the  
22 department may not process or act upon any application to expand a facility until the  
23 facility has applied for and received a public benefit determination.