

**§1310-X. Future commercial waste disposal facilities**

**1. New facilities.** Notwithstanding Title 1, section 302, the department may not approve an application for a new commercial solid waste disposal or biomedical waste disposal or treatment facility after September 30, 1989, including any applications pending before the department on or after September 30, 1989.

[PL 1993, c. 355, §52 (AMD).]

**2. Relicense or transfer of license.** The department may relicense or approve a transfer of license for a commercial solid waste disposal or biomedical waste disposal or treatment facility after September 30, 1989, if the facility had been previously licensed by the department as a commercial solid waste disposal or biomedical waste disposal or treatment facility prior to October 6, 1989, and all other provisions of law have been satisfied.

[PL 1995, c. 465, Pt. A, §20 (AMD); PL 1995, c. 465, Pt. C, §2 (AFF).]

**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; [PL 1991, c. 297, §1 (RPR).]

B. The department determines that the proposed expansion is contiguous with the existing facility 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 [PL 2011, c. 566, §1 (AMD).]

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. [PL 1995, c. 465, Pt. A, §21 (AMD); PL 1995, c. 465, Pt. C, §2 (AFF).]

The department may not process or act upon any application or license an expansion of a commercial landfill facility pursuant to this subsection 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.

[PL 2011, c. 566, §1 (AMD).]

**4. Exemption.** The following are exempt from the provisions of this section:

A. A commercial biomedical waste disposal or treatment facility, if at least 51% of the facility is owned by a licensed hospital or hospitals as defined in Title 22, section 328, subsection 14 or a group of hospitals that are licensed under Title 22 acting through a statewide association of Maine hospitals or a wholly owned affiliate of the association; and [PL 2003, c. 551, §17 (AMD).]

B. Expansion of a commercial solid waste disposal facility, if the expansion will not result in an increase in the facility's disposal capacity and the expansion will not be used for solid waste disposal. [PL 1995, c. 588, §1 (NEW).]

[PL 2003, c. 551, §17 (AMD).]

**SECTION HISTORY**

PL 1989, c. 585, §E34 (NEW). PL 1989, c. 869, §A9 (RPR). PL 1989, c. 878, §H8 (RPR). PL 1991, c. 297, §1 (RPR). PL 1991, c. 382 (AMD). PL 1993, c. 355, §52 (AMD). PL 1995, c. 68, §1 (AMD). PL 1995, c. 465, §§A20,21 (AMD). PL 1995, c. 465, §C2 (AFF). PL 1995, c. 588, §1 (AMD). PL 2003, c. 551, §17 (AMD). PL 2011, c. 566, §1 (AMD).

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