

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1633

H.P. 1087

House of Representatives, April 15, 2025

An Act to Promote the Recycling and Reuse of Construction Materials

Received by the Clerk of the House on April 11, 2025. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WHITE of Ellsworth.

Cosponsored by Representatives: BISHOP of Bucksport, FREDERICKS of Sanford, MCINTYRE of Lowell, MINGO of Calais, RUDNICKI of Fairfield, SIMMONS of Waldoboro.

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

2 **Sec. 1. 38 MRSA §1303-C, sub-§8-A** is enacted to read:

3 **8-A. Construction materials reclamation facility.** "Construction materials
4 reclamation facility" means a facility that exclusively accepts construction and demolition
5 debris and sorts, refurbishes and sells construction materials reclaimed from the debris for
6 reuse in construction.

7 **Sec. 2. 38 MRSA §1310-B-2** is enacted to read:

8 **§1310-B-2. Construction materials reclamation facilities**

9 **1. Certification.** The department shall establish by rule a streamlined process for the
10 certification of construction materials reclamation facilities. The rules must, at a minimum,
11 be designed to:

12 A. Encourage the development and certification of such facilities;

13 B. Ensure that such facilities meet appropriate safety, environmental and quality
14 standards;

15 C. Establish material quality standards for use in construction of reclaimed
16 construction materials;

17 D. Establish a program for the certification and training of individuals operating such
18 facilities; and

19 E. Provide for transparency in the sourcing of construction and demolition debris and
20 the resale of reclaimed materials from such facilities.

21 Notwithstanding any provision of this chapter to the contrary, a construction materials
22 reclamation facility that receives a certification from the department in accordance with
23 rules adopted pursuant to this section is not required to obtain a solid waste facility license
24 under section 1310-N. Rules adopted by the department pursuant to this subsection are
25 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

26 **2. Construction Materials Reclamation Fund.** The Construction Materials
27 Reclamation Fund, referred to in this section as "the fund," is a nonlapsing fund established
28 within the department to provide grants, loans or other funding to any public or private
29 entity to support the development and certification of construction materials reclamation
30 facilities, training programs for individuals operating and employed at those facilities and
31 public outreach and education initiatives regarding those facilities. The fund may accept
32 revenue from grants, bequests, gifts or contributions from any source, public or private.

33 **3. Education and outreach; community partnerships.** In implementing and
34 administering this section, the department shall implement an education and outreach
35 program to businesses, contractors and the public regarding the environmental and
36 economic benefits of construction materials reclamation facilities and shall partner with
37 community organizations and other entities in the development of training on and best
38 practices for the reclamation and reuse of construction materials by those facilities. The
39 department may support its activities under this subsection using funds from the fund.

40 **4. Contractor list.** The department shall develop and maintain on its publicly
41 accessible website a list of and contact information for environmentally responsible general

1 contractors in the State that the department has determined, based on information submitted
2 by a general contractor or otherwise available to the department, have diverted to certified
3 construction materials reclamation facilities in the prior calendar year at least 50% of the
4 construction and demolition debris generated by the contractor.

5 **5. Report.** By January 1, 2026, and annually thereafter, the department shall submit
6 to the joint standing committee of the Legislature having jurisdiction over environment and
7 natural resources matters a report outlining its implementation and administration of this
8 section. The report must include, but is not limited to, information regarding the
9 development and certification of construction materials reclamation facilities, funding
10 received by and issued from the fund and the economic and workforce-related effects in
11 the State of construction materials reclamation facilities and associated activities. After
12 reviewing the report, the committee may report out related legislation.

13 **Sec. 3. 38 MRSA §1310-N, first ¶**, as repealed and replaced by PL 1993, c. 680,
14 Pt. A, §37 and amended by PL 2011, c. 682, §38, is amended to read:

15 ~~No~~ Except for a construction materials reclamation facility certified by the department
16 pursuant to section 1310-B-2, subsection 1, a person may not locate, establish, construct,
17 expand the disposal capacity of or operate any solid waste facility unless approved by the
18 department under the provisions of this chapter. When the proposed facility is located
19 within the jurisdiction of the Maine Land Use Planning Commission, in addition to any
20 other requirement, the department shall require compliance with existing standards of the
21 commission.

22 **Sec. 4. 38 MRSA §2132, sub-§1-C** is enacted to read:

23 **1-C. State construction and demolition debris diversion goal.** It is the goal of the
24 State, by January 1, 2036, to reduce by 25% the total tonnage of construction and
25 demolition debris annually disposed of at solid waste landfills in the State. The baseline
26 for calculating this reduction is the 2024 solid waste generation and disposal capacity data
27 gathered by the department.

28 **Sec. 5. 38 MRSA §2132, sub-§2**, as amended by PL 2015, c. 461, §5, is further
29 amended to read:

30 **2. Goal revision.** The department shall recommend revisions, if appropriate, to the
31 state recycling goal ~~and~~, waste disposal reduction goal and construction and demolition
32 debris diversion goal established in this section. The department shall submit its
33 recommendations and any implementing legislation to the joint standing committee of the
34 Legislature having jurisdiction over natural resource matters, which may report out
35 legislation to implement or otherwise relating to those recommendations.

36 **Sec. 6. 38 MRSA §2203-A, sub-§2-B** is enacted to read:

37 **2-B. Construction Materials Reclamation Fund fee.** Beginning January 1, 2026, in
38 addition to the per ton fees required in subsection 1 and subsection 2-A, commercial,
39 municipal, state-owned and regional association landfills shall collect and pay to the
40 department a \$10 per ton fee for the disposal of construction and demolition debris and
41 residue from the processing of construction and demolition debris and, notwithstanding
42 section 2202, this fee must be deposited in the Construction Materials Reclamation Fund
43 established by section 1310-B-2, subsection 2.

Sec. 7. Bureau of Revenue Services; reclaimed construction materials tax credit and deduction. The Department of Administrative and Financial Services, Bureau of Revenue Services shall develop proposals for implementation of:

1. A refundable tax credit to be made available to a housing developer that purchases for use in the construction of affordable housing in the State reclaimed construction materials from a construction materials reclamation facility certified pursuant to the Maine Revised Statutes, Title 38, section 1310-B-2, subsection 1. The credit must be equal to 100% of the documented cost of the reclaimed construction materials purchased by the developer from a certified construction materials reclamation facility and a person applying for the credit must, at a minimum, be required to document the purchase of those materials through submitted receipts or invoices and to establish that the materials were purchased for use in the construction of affordable housing in the State; and

2. A charitable deduction from individual income tax for individuals or businesses who donate construction materials to a construction materials reclamation facility that the facility certifies can be resold by the facility for use in construction.

By January 1, 2026, the bureau shall submit a report setting forth the tax credit and deduction proposals required under this section, including necessary implementing legislation along with any related recommendations, to the Joint Standing Committee on Taxation. After reviewing the report, the committee may report out related legislation to the Second Regular Session of the 132nd Legislature.

As used in this section, "affordable housing" has the same meaning as in Title 30-A, section 5002, subsection 2.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Construction Materials Reclamation Fund N508

Initiative: Provides one-time funding to support activities relating to construction materials reclamation facilities under the Construction Materials Reclamation Fund established in the Maine Revised Statutes, Title 38, section 1310-B-2, subsection 2.

GENERAL FUND	2025-26	2026-27
All Other	\$1,000,000	\$1,000,000
GENERAL FUND TOTAL	\$1,000,000	\$1,000,000

SUMMARY

This bill directs the Department of Environmental Protection to establish by rule a streamlined process for the certification of construction materials reclamation facilities. Under the bill, a construction materials reclamation facility is defined as a facility that exclusively accepts construction and demolition debris and sorts, refurbishes and sells construction materials reclaimed from the debris for reuse in construction. A construction materials reclamation facility that receives a certification from the department is not required to obtain a solid waste facility license.

1 The bill also establishes the nonlapsing Construction Materials Reclamation Fund
2 within the department to provide grants, loans or other funding to any public or private
3 entity to support the development and certification of construction materials reclamation
4 facilities, training programs for individuals operating and employed at those facilities and
5 public outreach and education initiatives regarding those facilities. Beginning January 1,
6 2026, this fund will receive a new \$10 per ton fee imposed on the landfill disposal of
7 construction and demolition debris and residue from the processing of the debris. The bill
8 also capitalizes this fund with General Fund appropriations of \$1 million in fiscal years
9 2025-26 and 2026-27.

10 The bill establishes a new state goal that, by January 1, 2036, the total tonnage of
11 construction and demolition debris annually disposed of at solid waste landfills in the State
12 will be reduced by 25%. The baseline for calculating this reduction is the 2024 solid waste
13 generation and disposal capacity data gathered by the Department of Environmental
14 Protection.

15 The bill also directs the Department of Administrative and Financial Services, Bureau
16 of Revenue Services to develop a proposal for implementation of a refundable tax credit
17 for housing developers that purchase for use in the construction of affordable housing in
18 the State reclaimed construction materials from a certified construction materials
19 reclamation facility. The credit must be equal to 100% of the documented cost of the
20 reclaimed construction materials purchased by the developer from a construction materials
21 reclamation facility. The bureau is also required to develop a proposal for implementation
22 of a charitable deduction from individual income tax for individuals or businesses who
23 donate construction materials to a certified construction materials reclamation facility. The
24 bureau must submit by January 1, 2026 a report setting forth the tax credit and deduction
25 proposals, including necessary implementing legislation along with any related
26 recommendations, to the Joint Standing Committee on Taxation. After reviewing the
27 report, the committee may report out related legislation to the Second Regular Session of
28 the 132nd Legislature.