

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

\$50,000 in fiscal year 1999-00 and \$10,000 in each fiscal year thereafter.

Sec. 2. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1999-00	2000-01
TRANSPORTATION, DEPARTMENT OF		
Highway Maintenance		
All Other	\$50,000	\$10,000
Allocates funds to pay for the costs of transporting highway construction and maintenance materials to Isle au Haut.		

See title page for effective date.

CHAPTER 525

S.P. 839 - L.D. 2238

An Act to Clarify the Solid Waste Laws as They Relate to the Exception to the Ban on New Commercial Landfills

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, waste management has long been a priority of the State; and

Whereas, it is essential that the laws regarding waste management be clear to owners, operators and users of commercial waste facilities for effective waste management in the State; and

Whereas, the definition of "commercial waste facility" in the laws regarding waste management may be misinterpreted as the definition is presently written; and

Whereas, a misinterpretation of the waste management laws may result in the improper disposal of waste that, once done, can not be easily undone; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §1303-C, sub-§6, as enacted by PL 1989, c. 585, Pt. E, §4, is repealed and the following enacted in its place:

6. Commercial solid waste disposal facility. "Commercial solid waste disposal facility" means a solid waste disposal facility except as follows:

A. A solid waste facility owned by a public waste disposal corporation under section 1304-B, subsection 5 as long as the public waste disposal corporation controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;

B. A solid waste facility owned by a municipality under section 1305 as long as the municipality controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;

C. A solid waste facility owned by a refuse disposal district under chapter 17 as long as the refuse disposal district controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;

D. A solid waste facility owned and controlled by the office under chapter 24;

E. A solid waste facility owned and controlled by a single entity that generates at least 85% of the solid waste disposed of at the facility, except that the facility may accept from other sources, on a nonprofit basis, an amount of solid waste that is no more than 15% of all solid waste accepted on an annual basis. For purposes of this paragraph, "single entity" means an individual, partnership, corporation or limited liability company that is not engaged primarily in the business of treating or disposing of solid waste or special waste. This paragraph does not apply if an individual partner, shareholder, member or other ownership interest in the single entity disposes of waste in the solid waste facility. A waste facility receiving ash resulting from the combustion of municipal solid waste or refuse-derived fuel is not exempt from this subsection solely by operation of this paragraph; or

F. A private corporation that accepts material-separated, refuse-derived fuel as a supplemental fuel and does not burn waste other than its own.

Sec. 2. 38 MRSA §1303-C, sub-§7, as amended by PL 1995, c. 656, Pt. A, §20, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 17, 1999.

CHAPTER 526

S.P. 308 - L.D. 910

**An Act to Amend the Tax Law
Regarding Tax Liability of Innocent
or Injured Spouses**

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

Sec. 1. 36 MRSA §5287 is enacted to read:

§5287. Liability of certain spouses

The assessor may relieve the liability under this Part of a spouse who meets the qualifications for relief under the following provisions whether or not a claim for federal relief was made. The assessor may grant relief for:

1. Innocent spouses. A spouse who meets the qualifications for relief under section 6015 of the Code; or

2. Injured spouses. A spouse who meets the qualifications for relief of an injured spouse under Internal Revenue Service procedures.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**ADMINISTRATIVE AND
FINANCIAL SERVICES,
DEPARTMENT OF**

Bureau of Revenue Services

Positions - Legislative Count	(1,000)
Personal Services	\$15,391
All Other	28,675

Provides funds for a Tax Examiner position, effective January 1, 2001, and related expenses and for computer programming costs to modify

the Maine Automated Tax System.

**DEPARTMENT OF
ADMINISTRATIVE
AND FINANCIAL
SERVICES**

TOTAL \$44,066

Sec. 3. Effective date. This Act takes effect October 1, 2000.

Effective October 1, 2000.

CHAPTER 527

S.P. 391 - L.D. 1170

**An Act Concerning the Review of
State Solid Waste Management
Policies**

Emergency preamble. **Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the task force established by the State Planning Office needs to deal with the solid waste management issues as soon as possible; and

Whereas, it is necessary for the task force to be able to report by December 31, 1999; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §2123-B, as enacted by PL 1995, c. 588, §3, is amended to read:

§2123-B. Review of policy

In conjunction with revisions of the plan as determined appropriate by the office, but no less often than once every 5 years, the office shall establish a broad-based task force, including Legislators from the joint standing committee of the Legislature having jurisdiction over natural resource matters and representatives of groups interested in commercial landfill solid waste management policy. During the course of its study, the task force shall consult with members of the joint standing committee of the Legislature having jurisdiction over natural resources