

MAINE STATE LEGISLATURE

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Nuclear wastes
Solid waste Nuclear
17 M.R.S.A. § 2253

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AUGUSTA, MAINE 04333

May 4, 1977

Honorable James F. Wilfong
House of Representatives
State House
Augusta, Maine

Dear Representative Wilfong:

This responds to your request for an opinion as to whether the provisions of 17 M.R.S.A. § 2253 apply to nuclear wastes whether in solid or liquid form. We believe that the provisions of § 2253 do apply to nuclear wastes whether in solid or liquid form and prohibit the importation of such wastes into the State for disposal.

The pertinent provisions of 17 M.R.S.A. § 2253 are as follows:

"As used in this section, 'waste matter' means garbage, refuse, solid or liquid waste, ashes, rubbish, industrial and commercial waste, and all other refuse of every description, whether loose, in containers, compacted, baled, bundled or otherwise.

"No person, firm, corporation or other legal entity shall deposit, or cause or permit to be deposited, any waste matter in any structure or on any land within the State, which waste matter originated outside the State.

"Nothing in this section shall be construed to prohibit the transportation of waste matter into the State for use as a raw material for the production of new commodities which are not waste matter as defined, or for use to produce energy for use or sale.

Hon. James F. Wilfong

Page 2

May 4, 1977

"Whoever shall violate this section shall be punished by a fine of not less than \$200 nor more than \$2,000 for each violation. Each day that such violation continues or exists shall constitute a separate offense."

The answer to your question requires determination as to whether the definition of "waste matter" in the first paragraph of this section extends to nuclear wastes. The definition is clearly intended to be all encompassing. Under that definition nuclear wastes would be covered under the term "solid or liquid waste." Further, nuclear wastes in most circumstances would be covered under the term "industrial and commercial waste." In addition, nuclear wastes would certainly be covered under the term "other refuse of every description. . . ." Thus, the terms of this section are certainly all encompassing. No intent to exclude nuclear wastes is expressed or can be implied. The only wastes which are excluded are those being deposited on property within the State as of January 1, 1970, by firms bordering the State as provided in the last paragraph of the section.

I hope this information is helpful.

Sincerely,

JOSEPH E. BRENNAN
Attorney General

JEB/ec