

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 957

H. P. 739

House of Representatives, February 20, 1969

Referred to Committee on Natural Resources. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Eustis of Dixfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Approval of Refuse Disposal Areas.

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

R. S., T. 12, Part 2-A, additional. Title 12 of the Revised Statutes is amended by adding a new Part 2-A, to read as follows:

PART 2-A

WASTE DISPOSAL

CHAPTER 217

SOLID WASTE DISPOSAL

§ 1661. Purposes

Solid waste disposal, improperly managed, constitutes a source or reservoir for water pollution, air pollution, fire, litter, nuisance and disease. It is necessary that reasonable control be established so that all future solid waste disposal areas are so located and the operation so planned that all detrimental effects are minimized.

Each of the following state departments and agencies has legislative authority or program interest in solid waste disposal.

1. Department of Health and Welfare
2. Water and Air Environmental Improvement Commission
3. State Highway Commission
4. State Planning Office

5. **Park and Recreation Commission**
6. **Soil and Water Conservation Committee**
7. **Maine Forest Service**
8. **Maine State Police**

The intent of this chapter is to retain respective powers under Title 17, subchapter V and Title 30, subchapter I, and interests within departments, and to designate the Department of Health and Welfare as coordinator for the provisions within this chapter.

§ 1662. Definitions

The following words and phrases when used in this chapter shall be construed as follows:

1. **Accepted disposal area.** "Accepted disposal area" shall mean a disposal area that is so located and the operation so planned that it is free from nuisance; no solid waste is deposited within 150 feet of tide waters, ponds, rivers, streams and other natural water courses; no solid waste directly contacts groundwater, except inert fill; and the solid waste is covered with clean fill at reasonable intervals. Only controlled burning may be permitted, when so advised by the Maine Forest Service that it is in the best interest of fire prevention.

2. **Approved disposal area.** "Approved disposal area" shall mean a disposal area that is so located and the operation so planned that it will conform to the definition of a sanitary landfill as defined by the American Society of Civil Engineers, as follows:

Sanitary landfill is a method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

3. **Disposal area.** "Disposal area" shall mean land used for depositing of solid waste, except that it shall not include land used for depositing of solid waste from a single family, a member of which is the owner, occupant or lessee of said land, highway and utility right-of-ways, and land on which brush and slash from a lumbering operation is deposited.

4. **New disposal area.** "New disposal area" shall mean areas that are new, relocated or expanded by acquisition of new lands by purchase, lease, gift or any other means, after the effective date of this chapter.

5. **Person.** "Person" shall mean an individual, partnership, firm, corporation, association, county, city, town, village or improvement district.

6. **Solid waste.** "Solid waste" shall mean garbage, refuse and other discarded solid materials resulting from industrial, commercial and agricultural operations, and from community activities.

7. **Solid waste disposal.** "Solid waste disposal" shall mean the storage, collection, transfer, utilization, processing or final disposal of solid waste.

8. **Unaccepted disposal area.** "Unaccepted disposal area" shall mean a disposal area which has no written plan or does not reasonably comply with the written plan or pollutes the surface water or pollutes the groundwater or pollutes the air or has no controlled access or has inadequate cover or has no fire protection or is unattended.

9. **Written plan.** "Written plan" shall mean a plot plan showing soil conditions, land boundaries and approximate topography at a scale not less than 1" = 200'. Details and specifications of the proposed operation of the disposal area are part of the written plan and are included on the plan or on additional standard sheets, or both.

§ 1663. Disposal area approval

No new disposal area shall be established until the written plan thereof shall first have been submitted to and approved by the Department of Health and Welfare. It shall be the duty of the department to acquire necessary and appropriate approval from the Water and Air Environmental Improvement Commission, Soil and Water Conservation Committee, State Highway Commission, State Planning Office, Park and Recreation Commission, Maine State Police and the Maine Forest Service, prior to issuance of approval. No unaccepted disposal area shall be approved. Any person operating a new disposal area which becomes an unaccepted disposal area shall make reasonable and necessary operating changes recommended by the Department of Health and Welfare. Incineration, composting and other methods of disposal or reduction may be approved by the department.

§ 1664. Municipal assistance

The Department of Health and Welfare shall advise and provide persons with information relating to solid waste disposal.

§ 1665. Regional refuse disposal areas

Two or more persons may enter into an agreement whereby said persons may dispose of their solid waste in one regional refuse disposal area.

§ 1666. Violations

Any person failing to comply with this chapter shall be punished by a fine of not more than \$100. The court with or without such a fine may order compliance with section 1663, and issue a warrant therefor as provided.

STATEMENT OF FACTS

This Act represents a minimal effort to gain some control over the current practices of solid waste disposal. Current practices lead to nuisance conditions, water pollution and complaints on the part of the public. In many

instances the location of solid waste disposal and the methods of its disposal do not take into consideration all of the factors that should be involved in such decisions.

Sufficient funds for the administration of this Act have been provided in the Executive Budget.