

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1628

S. P. 553

In Senate, January 6, 1970

Committee on Natural Resources suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Berry of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

AN ACT Prohibiting Dumping of Out-of-State Waste Matter.

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

Whereas, there is an increasing national demand for land areas to be used for the public and private dumping of waste matter; and

Whereas, there are large areas in the State of Maine which, are of interest to other states, municipalities and private interests for use as dumping areas; and

Whereas, the use of Maine land as sites for the dumping of waste matter from out-of-state sources will greatly increase the levels of pollution in Maine soil and waters and threaten the health, safety and welfare of the people of the State; and

Whereas, the State of Maine is currently without express statutory authority to exclude such waste and other loathsome products as are being, and may be from time to time, brought into the State; and

Whereas, the passage of this Act will enhance the opportunity for the State of Maine to prevent said pollution, reduce said threat to the health, safety and welfare of the people of the State of Maine, and exclude said waste matter; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the follow-

ing 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:

R. S., T. 17, § 2253, additional. Title 17 of the Revised Statutes is amended by adding a new section 2253, to read as follows:

§ 2253. Dumping of out-of-state waste matter

1. **Definition.** As used in this section waste matter shall mean all garbage, refuse, solid wastes, ashes, rubbish, industrial and commercial wastes and all other refuse of every type, nature and description.

2. **Prohibition.** No person, firm or corporation shall deposit, or cause or permit to be deposited, any waste matter in any structure or on any land within the State of Maine which waste matter is collected or in any way gathered or assembled from sources outside the State of Maine.

3. **Limitation.** Nothing in this section shall be construed to prohibit the transportation of waste matter into the State of Maine for use as a raw material for the production of new commodities which do not fit within the definition of waste matter as set forth in subsection 1.

4. **Penalty.** Whoever shall violate any provision of 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. In addition, the Superior Court, upon complaint of the municipal officers of any municipality, or upon complaint of local or state health officers, shall have jurisdiction to restrain and enjoin such violators.

Violations of this section are declared to be public nuisances. Neither an allegation nor proof of unavoidable or substantial and irreparable injury shall be required to obtain a temporary restraining order or injunction. It shall be the duty of the Attorney General to enforce this section.

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