

# 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)

(EMERGENCY)  
NEW DRAFT OF: S. P. 553, L. D. 1628  
FIRST SPECIAL SESSION

---

---

ONE HUNDRED AND FOURTH LEGISLATURE

---

---

**Legislative Document**

**No. 1820**

---

---

S. P. 645

In Senate January 27, 1970

Reported by Committee on Natural Resources and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

---

---

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 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 of Maine; 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 the State 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:

**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. Out-of-state waste matter**

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.

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 Superior Court, upon complaint of the Attorney General, the municipal officers of any municipality, or any local or state health officer, shall have jurisdiction to restrain or enjoin violations of this section, and to enter decrees requiring the removal from the State of waste matter deposited in violation of this section. In any such civil proceeding neither an allegation nor proof of unavoidable or substantial and irreparable injury shall be required to obtain a temporary restraining order or injunction, nor shall bond be required of the plaintiff; and the burden of proof shall be on the defendant to show that the waste matter involved originated within the State. This section shall not apply to waste matter, originating on property adjacent to the Maine border, and deposited in Maine on property owned on January 1, 1970 by the same person, firm or corporation owning such adjacent property.

The Legislature finding that waste matter of the nature hereinafter described poses no threat to the environment of this State, the provisions of this section shall not be construed to prohibit persons, firms, corporations and other legal entities now or previously depositing waste matter on property within the State owned on January 1, 1970 by them, which waste matter originates from property owned by them adjacent to the border of the State, from continuing to so deposit waste matter of the same nature as has been so deposited.

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