

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1940

H. P. 1497

House of Representatives, January 24, 1972

Committee on Natural Resources suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Smith of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-TWO

**AN ACT Relating to the Management of Solid Wastes.**

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

Sec. 1. R. S., T. 5, § 2301, sub-§ 1, ¶ H, additional. Subsection 1 of section 2301 of Title 5 of the Revised Statutes, as amended, is further amended by adding a new paragraph H, to read as follows:

H. Control of solid waste management.

Sec. 2. R. S., T. 22, Part 7, additional. Title 22 of the Revised Statutes is amended by adding a new Part 7, to read as follows:

PART 7

WASTE MANAGEMENT

CHAPTER 1401

SOLID WASTE MANAGEMENT

§ 4861. Title

This chapter shall be known and may be cited as the "Maine Solid Waste Management Act."

§ 4862. Definitions

The following words shall have the following meanings unless the context, in which they are used, clearly shows a different meaning:

1. Area-wide plan. "Area-wide plan" means regional plans prepared by a planning district, regional planning commission, council of government or

county to present alternatives for providing efficient and economic approved solid waste management practices.

2. Commissioner. "Commissioner" means the Commissioner of Health and Welfare.

3. Department. "Department" means the Department of Health and Welfare.

4. Facility. "Facility" means any land area or structure used for the storage, salvage, processing or reduction of solid waste, except normal farm wastes.

5. Open burning. "Open burning" means uncontrolled burning of wastes in the open or in an open dump.

6. Open dump. "Open dump" means a disposal site at which solid waste is placed in uncovered piles.

7. Person. "Person" means all individuals, partnerships, associations, corporations, both public and private, and all other entities recognized by law within the State of Maine.

8. Region. "Region" means an area within which solid waste management services are performed by an administrative agency, such as a utility district, a council of government, a county or a person.

9. Solid waste. "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing.

10. Solid waste management. "Solid waste management" means the purposeful, systematic control of the storage, collection, transportation, processing, salvaging and disposal of solid waste.

11. Stump dump. "Stump dump" means a solid waste disposal site at which only inert fill material and landscape refuse is deposited.

#### § 4863. Solid Waste Advisory Committee

The Keep Maine Scenic Committee shall be the Solid Waste Advisory Committee. Additional powers and duties of the committee under this chapter shall be:

1. Rules and regulations. Recommend to the department new rules and regulations governing solid waste management within the State;

2. Review. Review proposed and existing rules and regulations and make recommendations for their revision or adoption, or both;

3. Research. Recommend research in solid waste management, emphasizing methods of collection, volume reduction and resource recovery;

4. Uses. Recommend uses for completed sanitary landfill sites;

5. Utilization. Recommend utilization for completed sanitary landfill sites;

6. **Legislation.** Recommend legislation directed to the efficient management of solid wastes within the State;

7. **Standards.** Recommend standards for sanitary landfill sites and their location;

8. **Activities.** Recommend activities and actively participate in a public relations program to support state solid waste management goals.

§ 4864. Further powers and duties

The department shall have the following powers and duties:

1. **Administration.** Administer the solid waste management program pursuant to this chapter;

2. **Rules and regulations.** Promulgate, revise, revoke and enforce reasonable rules and regulations governing solid waste management in the State;

3. **Cooperation.** Cooperate with appropriate federal, state, regional, county and local units of government and with appropriate private organizations in carrying out the duties of this chapter;

4. **Gifts.** Accept gifts or grants from private or public sources, including the Federal Government, if such should be desirable in program implementation;

5. **Management plan.** Develop a state-wide solid wastes management plan in cooperation with local government and the State Planning Office with emphasis given to area-wide planning.

6. **Guidelines.** Establish guidelines for effective solid waste management systems;

7. **Technical assistance.** Provide technical assistance, on request, to political subdivisions or other appropriate groups within the State.

§ 4865. Prohibited acts

It shall be unlawful for any person to:

1. **Open dumps.** Establish a new open dump contrary to regulations promulgated by the department;

2. **Burning.** Burn solid wastes in this State contrary to the regulations promulgated by the department after June 30, 1972.

A. **Exception.** Municipalities currently burning solid wastes in an open dump on land owned or leased by the municipality may continue such burning until December 31, 1973. Further, any such municipality, which, on or before December 31, 1972, is participating in a region or has filed with the department a statement of intent to participate in such a region, may apply to the commissioner for a permit to continue such burning. Within 30 days of receipt of an application, the commissioner shall schedule a public hearing thereon and shall cause notice of the date, time and place thereof to be given to the applicant municipality by certi-

fied mail, with return receipt requested, directed to the municipal officers. He shall cause public notice of such date, time and place to be given by publication in some newspaper of general circulation in the applicant municipality once a week for 2 successive weeks, the date of the last publication to be at least 3 days before the date of the hearing.

If after hearing, the commissioner is satisfied that the continued burning will not conflict with applicable regional waste disposal plans and will not otherwise violate applicable regulations of the department, he may grant the permit for such period as he finds necessary for the applicant to comply with such plans, but not beyond December 31, 1975. The commissioner may impose such reasonable terms and conditions upon the exercise of such permits as he deems necessary to secure compliance with applicable regulations of the department;

3. Open dump. Operate an open dump or to place any solid waste upon any lands or in any waters of this State contrary to the regulations promulgated by the department;

4. Disposal facility. Construct, alter or operate a solid waste processing or disposal facility contrary to regulations promulgated by the department;

5. Other. Store, collect, transport, process or disposal of solid waste contrary to regulations promulgated by the department.

#### § 4866. Powers and duties of the municipality

A municipality has the following powers and duties:

1. Disposal. Each municipality shall provide for disposal of community solid wastes, including but not limited to rubbish, garbage, junk automobiles, brush and other municipal wastes and, at its option, any industrial waste and septic tank sludge and sewage treatment plant sludge.

2. Ordinances. Each municipality may adopt ordinances, regulations and standards for solid waste management practices which are more stringent than the rules, regulations, standards and procedures adopted by the department for storage, collection, transportation, processing and disposal of solid wastes.

3. Contracts. Municipalities may contract with any person to carry out all or any of their responsibilities for the collection, transportation, processing and disposal of solid wastes.

4. Collection. Municipalities may contract with a region to provide collection, disposal service, or both.

5. Survey. Each municipality or its authorized regional representative, county, region, regional planning district, council of governments or other regional group shall survey before December 31, 1973 the solid waste management within its boundaries and prepare a solid waste management plan. The department shall review the plans at appropriate intervals.

#### § 4867. Regional waste management

The county commissioners of each county may recommend to the Legislature the formation of solid waste management regions, based upon population, area, waste generation and other pertinent factors. These regions may be multi-county areas. The Legislature may approve such solid waste management regions whose powers shall include but not be limited to:

1. Plans. Providing area-wide solid waste management plans for each region;
2. Services. Establishing solid waste management services within each region and submitting appropriations for this service in the biennial budget;
3. Contracts. Entering into exclusive contracts with private persons for collection or disposal service in each region. Each such contract term shall be up to 6 years;
4. Charges. Establishing and modifying service charges based on the type and amount of waste generated;
5. Bond. Requiring a performance bond of private persons, such bond to be not less than the average annual sum paid over the contract term;
6. Pro rata charge. Establishing an equitable pro rata charge to persons not directly within the tax structure of the county based on waste volume, population or any other acceptable formula.

#### § 4868. Local ordinances

No local ordinance shall prevent or hinder regional solid waste management or implementation of area-wide plans by preventing transportation or facility location within a municipality. All facility locations must be approved under Title 38, chapter 3, subchapter I, Article 6, regardless of the area requirements provided by Title 38, section 482.

#### § 4869. Violations

Any person failing to comply with any section of this chapter or the rules and regulations promulgated under this chapter shall be punished by a fine of not more than \$500. Each day of continued violation shall be deemed a separate offense. The court, with or without such a fine, may order compliance with this chapter and the rules, regulations and standards set by the department.

#### § 4870. Exemptions

Stump dumps as defined and automobile graveyards and junkyards as defined in Title 30, section 2451-B are exempt.

### STATEMENT OF FACT

The purpose of this Act is to recognize the problems created by existing poor solid waste management practices; to protect human health, minimize environmental pollution, control scenic blight, and prevent related economic

loss; and to assign primary responsibility for solid waste management to a single state agency.

The open dump can no longer be tolerated as an alternative to solid waste disposal. There are over 350 municipal open dumps in Maine and untold private ones. The public disposal sites create acknowledged health hazards by supporting large vector populations; 98% contribute to air pollution, and 50% contribute to pollution of ground and surface waters by direct dumping, leaching, or improper drainage conditions. Poor solid waste management practices endanger human health, lower land values, stifle orderly community growth, and are a detriment to the scenic beauty of the state.

The methods by which we manage our solid wastes are not efficient, nor are they economic. Through area-wide management of our solid wastes and use of modern technology and techniques of engineering, planning, and modeling, the health hazards, environmental abuse, and scenic blight can be minimized. Other benefits to the citizens of Maine will be improved service at no additional cost, since the cost of solid waste management to Maine citizens is already high.