

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 264, L.D. 324)

2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 1726

7
8 H.P. 1302

House of Representatives, June 3, 1983

9 Reported by Representative Dexter from the Committee on Energy and
10 Natural Resources and printed under Joint Rule 2.

11 Original bill presented by Representative Andrews of Portland.
Cosponsored by Senator Kany of Kennebec, Representative Allen of
Washington and Representative Hall of Sangerville.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-THREE
17

18 AN ACT to Amend the Authority of the
19 Department of Environmental Protection
20 to Identify Hazardous Waste.
21

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

24 Sec. 1. 38 MRSA §1303-A, sub-§1, as repealed and
25 replaced by PL 1981, c. 430, §6, is repealed and the
26 following enacted in its place:

27 1. Identification of hazardous waste. The board
28 may adopt and amend rules identifying hazardous
29 waste. It is the intent of the Legislature that the
30 board shall identify as hazardous waste those sub-
31 stances which are so identified by the United States
32 Environmental Protection Agency in proposed or final
33 regulations. The Legislature also intends that the
34 board may identify as hazardous waste, in accordance
35 with paragraph B, other substances in addition to

1 those identified by the United States Environmental
2 Protection Agency. Further, the Legislature intends
3 that a substance which has been identified as a
4 hazardous waste by the board shall be removed from
5 identification only by further rulemaking by the
6 board.

7 Hazardous waste may be identified as follows.

8 A. The board may identify any substance as a
9 hazardous waste if that substance is identified
10 as hazardous by particular substance, by charac-
11 teristic, by chemical class or as a waste
12 product of a specific industrial activity in pro-
13 posed or final rules of the United States Envi-
14 ronmental Protection Agency.

15 B. The board may identify any substance as a
16 hazardous waste if the board, after evaluation
17 based on existing data or data reasonably
18 extrapolated from previously conducted studies
19 using similar classes of substances or compounds
20 under similar circumstances, has determined that
21 the substance is an acute or chronic toxin caus-
22 ing significant potential adverse public health
23 or environmental effects. An acute or chronic
24 toxin may include the characteristics of:

25 (1) Carcinogenicity;

26 (2) Mutagenicity;

27 (3) Teratogenicity; or

28 (4) Infectiousness.

29 Rules adopted under this paragraph shall be sub-
30 mitted to the joint standing committee of the
31 Legislature having jurisdiction over natural
32 resources for review. These rules shall remain
33 in effect until 90 days after adjournment of the
34 next regular session of the Legislature unless
35 adopted by legislative enactment.

36 C. Whenever the board proposes to adopt or amend
37 rules identifying hazardous waste or removing
38 hazardous waste from identification, it shall
39 hold a public hearing.

