

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)

(AFTER DEADLINE)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2260

H.P. 1652 House of Representatives, February 12, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Representatives LORD of Waterboro, MCGOWAN
of Canaan, and RIDLEY of Shapleigh.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT to Promote Solid Waste
Research.

1
2
3

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

6 Sec. 1. 5 MRSA §12004, sub-§7, ¶A, sub-¶14 is
7 enacted to read:

1 (14) Board of Trustees, Expenses 38 MRSA §1382
2 Sludge and Residuals Only
3 Utilization Research
4 Foundation

5 Sec. 2. 38 MRSA c. 13-C is enacted to read:

6 CHAPTER 13-C

7 SLUDGE AND RESIDUALS UTILIZATION RESEARCH

8 §1380. Foundation established; purpose

9 The Maine Sludge and Residuals Utilization
10 Research Foundation is established to promote,
11 conduct, facilitate and fund research into sludge and
12 residuals utilization. The foundation shall determine
13 research needs and priorities and develop valid,
14 objective scientific information to be used by the
15 private sector, state agencies, communities and public
16 interest groups to solve utilization problems and
17 address environmental concerns. In addition, the
18 foundation shall operate a clearinghouse for
19 information on the beneficial uses of sludge and
20 residuals and any health or environmental
21 consequences. The clearinghouse shall be a repository
22 of information, available to sludge generators, state
23 agencies and the public, that is continually updated
24 to reflect current knowledge in all aspects of sludge
25 and residuals recycling.

26 The foundation shall exist as a nonprofit
27 corporation with a public purpose and the foundation's
28 exercise of the powers which this chapter confers
29 shall be deemed an essential governmental function.

30 §1381. Definitions

31 Unless the context otherwise indicates, the
32 following terms have the following meanings.

33 1. Foundation. "Foundation" means the Maine
34 Sludge and Residuals Utilization Research Foundation.

1 2. Generator. "Generator" means any producer of
2 sludge or residuals.

3 3. Sludge or residuals. "Sludge" or "residuals"
4 means industrial waste water treatment plant sludge,
5 vegetable and fish processing wastes, municipal waste
6 water and sludge, ash from wood-fired boilers and
7 other similar waste materials.

8 4. Trustee. "Trustee" means a board member of
9 the Maine Sludge and Residuals Utilization Research
10 Foundation.

11 §1382. Board of trustees

12 Members of the board of trustees shall be
13 appointed by the Governor, subject to review by the
14 joint standing committee of the Legislature having
15 jurisdiction over natural resources and to
16 confirmation by the Legislature. The board of
17 trustees shall consist of 7 members as follows: one
18 member from the Department of Environmental
19 Protection; one member from the Department of
20 Agriculture, Food and Rural Resources; one member from
21 an environmental interest group; one member from the
22 Maine Waste Water Control Association; one member from
23 the Maine Municipal Association; one member
24 representing users of sludge or residuals; and one
25 member representing generators of sludge and residuals.

26 Each member shall serve a term of 3 years and may
27 be reappointed to additional terms; except that, of
28 those members appointed and confirmed in the
29 organizational year, 2 shall serve for terms of one
30 year, 2 shall serve for terms of 2 years and 3 shall
31 serve for terms of 3 years.

32 The Governor shall appoint a successor to fill a
33 vacancy for an unexpired term from the same
34 representational group as was represented by the
35 predecessor trustee.

36 The members shall elect a chairman, vice-chairman
37 and treasurer at the first meeting of every fiscal
38 year. A quorum shall consist of 4 members. The

1 members shall serve without compensation, but shall be
2 reimbursed for expenses incurred in the performance of
3 their duties. The board shall meet at least 4 times
4 per year.

5 §1383. Powers and duties

6 The foundation has the powers and duties to:

7 1. Contracts for research. Enter into contracts
8 with any federal, state, local or private entity for
9 the purpose of conducting sludge and residuals
10 utilization research or the administration of the
11 foundation;

12 2. Administrative services. Select and employ
13 administrative and management services to administer
14 funds, call for research proposals and apply for
15 grants as directed by the trustees;

16 3. Suit. Sue or be sued in its own name;

17 4. Real and personal property. Purchase,
18 receive, hold, lease or acquire by foreclosure and
19 operate, manage, license and sell, convey, transfer,
20 grant or lease real and personal property, together
21 with such rights and privileges as may be incidental
22 and appurtenant to the use of those rights, including,
23 but not limited to, any real or personal property
24 acquired by the foundation from time to time in the
25 satisfaction of debts or enforcement of obligations;

26 5. Expenditures and obligations regarding real
27 and personal property. Make all expenditures and
28 incur any obligations reasonably required in the
29 exercise of sound business principles to secure
30 possession of, preserve, maintain, insure and improve
31 real and personal property or interests in those
32 properties acquired by the foundation;

33 6. Encumbrance of property. Mortgage, pledge or
34 otherwise encumber any property right or thing of
35 value acquired as security for the payment of any part
36 of the purchase price, pursuant to subsection 4 or 5;

1 7. Contracts and liabilities. Make other
2 contracts, including contracts for services and incur
3 liabilities for any of the purposes authorized in the
4 contract;

5 8. Cooperation with agencies and organizations.
6 Cooperate with and avail itself of the services of
7 governmental agencies and the University of Maine
8 System; and cooperate with, assist and encourage
9 organizations, local or regional, private or public,
10 in the investigation of sludge and residuals
11 utilization issues; and

12 9. Bylaws. Adopt bylaws consistent with this
13 chapter for the governance of its affairs, to have the
14 general powers accorded corporations under Title 13-A,
15 section 202, and to do all other things necessary or
16 convenient to carry out the lawful purposes of the
17 foundation.

18 §1384. Limitation of powers

19 The foundation, notwithstanding section 1383, has
20 no power or authority to enter into contracts,
21 obligations or commitments of any kind on behalf of
22 the State or any of its agencies, nor shall it have
23 the power of eminent domain or any other power not
24 provided to business corporations generally.
25 Evidences of indebtedness of the foundation shall not
26 in any way be a debt or liability of the State or
27 constitute a pledge of the faith and credit of the
28 State.

29 §1385. Prohibited interests of officers, directors and
30 employees

31 No officer, trustee or employee of the foundation
32 or their spouses or dependent children may receive any
33 direct personal benefit from the activities of the
34 foundation in assisting any private entity. This
35 provision does not prohibit corporations or other
36 entities with which an officer or trustee is
37 associated by reason of ownership or employment from
38 participating in the research or other activities with
39 the foundation, provided that that ownership or
40 employment is made known to the board and the officer

1 or trustee abstains from voting on matters relating to
2 participation.

3 §1386. Donations to the State

4 The State, through the Governor, may accept
5 donations, bequests, devises, grants or other
6 interests of any nature on behalf of the foundation
7 and transfer funds, property or other interests to the
8 foundation.

9 §1387. Annual report; audit

10 The foundation shall provide an annual report and
11 an independent audit of its activities to the
12 Governor, the Legislature, its corporators and
13 members. The report shall include, without
14 limitation, a description of all planned research,
15 current research, research completed in the previous
16 year and all clearinghouse activities. The foundation
17 shall be subject to such further audit and review as
18 deemed necessary by the Governor or the Legislative
19 Council at the expense of the State.

20 §1388. Dissolution of foundation

21 Upon dissolution of the foundation, the
22 corporators shall cause, after paying or making
23 provision for the payment of all liabilities of the
24 foundation, all of the remaining assets of the
25 foundation to be transferred to the State.

26 §1389. Funding

27 1. Funds not to lapse. Any appropriated state
28 funds shall continue from year to year and shall not
29 lapse. Funds shall be expended for the purposes
30 defined in this chapter.

31 2. Independent funding share. Beginning January
32 1, 1990, at least 50% of the foundation's annual
33 budget shall be supported by revenues derived from
34 private, federal or local sources. Revenues derived
35 from other state agencies shall not be counted toward
36 the requirements of this subsection.

37 3. Certification; annual report. The foundation
38 shall include in its annual report, certification

1 that the requirements of this section have been met.

2 4. Funds not to lapse. Funds shall continue from
3 year to year and shall not lapse. Funds shall be
4 expended for the purposes defined in this chapter.

5 **Sec. 3. Appropriation.** The following funds are
6 appropriated from the General Fund to carry out the
7 purposes of this Act.

8 1988-89

9 MAINE SLUDGE AND RESIDUALS
10 UTILIZATION RESEARCH FOUNDATION

11 All Other \$50,000

12 STATEMENT OF FACT

13 Sludge from municipal waste water treatment
14 plants, pulp and paper mill sludge, wood ash, fish
15 wastes and food processing wastes represent close to
16 1,500,000 million cubic yards of waste per year.
17 Currently, the majority of this material is being
18 placed in landfills, consuming limited landfill
19 space. These residual materials have a substantial
20 potential benefit as soil conditioners and
21 fertilizers. The dollar value of these materials may
22 be significant for farmers, landscapers and
23 municipalities. Based on current commercial
24 fertilizer prices, the nutrient content of sludge is
25 typically worth anywhere from \$7 to \$25 per ton and
26 for ash up to \$25 per ton. Furthermore, for every ton
27 of residual that can be utilized, as much as \$30 of
28 disposal costs may be avoided. Despite such benefits,
29 only approximately 10% of such material was recycled
30 in 1986.

31 A major barrier to the beneficial use of these
32 materials has been the lack of research data on a
33 number of key areas, including public health and
34 environmental issues, utilization techniques and
35 impacts on crops and forest land. This bill
36 establishes an independent organization to identify
37 research needs, solicit funding, sponsor appropriate

1 research projects and see that the resulting
2 information is disseminated to generators, potential
3 users and the general public. This independent
4 organization will also act as a clearinghouse to
5 provide information on sludge and residual utilization
6 to interested parties in both the public and private
7 sectors.

8

4455020488