

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 278

H.P. 198

House of Representatives, February 21, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RICHARD of Madison.
Cosponsored by Senator WEBSTER of Franklin.

STATE OF MAINE

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

An Act to Declare Materials Considered Hazardous in Other States to
be Hazardous Waste in Maine.



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

3 **38 MRSA §1319-O, sub-§1, ¶A, as enacted by PL 1987, c. 517,**
5 **§28, is amended to read:**

7 A. The board may adopt and amend rules identifying
9 hazardous waste. It is the intent of the Legislature that
11 the board shall identify as hazardous waste those substances
13 which are identified by the United States Environmental
15 Protection Agency in proposed or final regulations. The
17 Legislature also intends that the board may identify as
19 hazardous waste, in accordance with paragraph B, other
21 substances in addition to those identified by the United
23 States Environmental Protection Agency. Further, the
25 Legislature intends that a substance which has been
27 identified as a hazardous waste by the board shall be
29 removed from identification only by further rulemaking by
31 the board.

33 Hazardous waste may be identified as follows.

35 (1) The board may identify any substance as a
37 hazardous waste if that substance is identified as
39 hazardous by particular substance, by characteristic,
41 by chemical class or as a waste product of a specific
43 industrial activity in proposed or final rules of the
45 United States Environmental Protection Agency.

47 (2) The board may identify any substance as a
49 hazardous waste if the board, after evaluation based on
51 existing data or data reasonably extrapolated from
53 previously conducted studies using similar classes of
55 substances or compounds under similar circumstances,
57 has determined that the substance is an acute or
59 chronic toxin causing significant potential adverse
61 public health or environmental effects. An acute or
63 chronic toxin may include the characteristics of:

65 (a) Carcinogenicity;

67 (b) Mutagenicity;

69 (c) Teratogenicity; or

71 (d) Infectiousness.

73 Rules adopted under this subparagraph shall be
75 submitted to the joint standing committee of the
77 Legislature having jurisdiction over natural resources
79 for review. These rules shall remain in effect until 90
81 days after adjournment of the next regular session of

1 the Legislature unless adopted by legislative
3 enactment.

5 (3) Whenever the board proposes to adopt or amend
7 rules identifying hazardous waste or removing hazardous
waste from identification, it shall hold a public
hearing.

9 (4) In addition to hazardous waste identified under
11 subparagraphs (1) and (2), the Legislature identifies
the following chemicals, materials, substances or waste
as being hazardous waste:

13 (a) Polychlorinated biphenyls and any substance
15 containing polychlorinated biphenyls; ;

17 (b) Pathogenic and infectious waste, as defined
by the department, by rule; and

19 (c) Material which has been defined as hazardous
21 waste by any other state. The board shall be the
23 final agency authority to determine if a material
is considered hazardous by another state for
25 purposes of this division.

27 STATEMENT OF FACT

29 This bill declares that material which is considered
31 hazardous in any other state is also considered hazardous in
Maine for purposes of the hazardous waste and waste oil laws.