

MAINE STATE LEGISLATURE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 512, L.D. 692, Bill, "An Act to Regulate Medical Wastes"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature, on June 29, 1987, directed the Department of Environmental Protection to develop rules to regulate the handling and disposal of infectious and pathogenic waste as hazardous waste in order to protect the public health, safety, welfare and the environment; and

Whereas, the Legislature recognizes that the department is preparing draft rules to deal with the threat to public health and safety; and

Whereas, the Legislature remains deeply concerned over the continued delay in the development of an adequate management program for the handling, treatment and disposal of infectious and pathogenic waste and related biomedical wastes; and

Whereas, this legislation is necessary immediately to provide an appropriate impetus to the rule-making effort; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution 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:

Sec. 1. 38 MRSA §1303, sub-§10-B, ¶H, as repealed and replaced by PL 1987, c. 787, §16, is repealed.

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3 Sec. 2. 38 MRSA §1319-O, sub-§1, ¶A, as enacted by PL 1987, c.
517, §28, is amended to read:

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

19 Hazardous waste may be identified as follows.

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

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

37 (a) Carcinogenicity;

39 (b) Mutagenicity;

41 (c) Teratogenicity; or

43 (d) Infectiousness.

45 Rules adopted under this subparagraph shall be
47 submitted to the joint standing committee of the
49 Legislature having jurisdiction over natural resources
51 for review. These rules shall remain in effect until 90
days after adjournment of the next regular session of
the Legislature unless adopted by legislative
enactment.

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

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

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

15 ~~(b) Pathogenic and infectious waste, as defined
by the department, by rule.~~

17 (c) Pathogenic and infectious waste. For the
19 purposes of this section, "pathogenic and
21 infectious waste" means any material containing
microorganisms or viruses capable of causing human
23 disease.

25 **Sec. 3. 38 MRSA §1319-O, sub-§3 is enacted to read:**

27 3. Handling and disposal of biomedical waste. On or before
January 1, 1990, the board shall adopt rules relating to the
29 packaging, labeling, handling, storage, collection,
transportation, treatment and disposal of biomedical waste,
including infectious and pathogenic waste, to protect public
31 health, safety and welfare and the environment.

33 A. The rules shall include, without limitation:

35 (1) Registration of biomedical waste generators;

37 (2) Handling of biomedical waste by generators;

39 (3) Licensing of biomedical waste transporters and the
41 conveyances used for the transportation of biomedical
waste;

43 (4) Implementation of a biomedical waste tracking or
45 manifest system; and

47 (5) Establishment of treatment and disposal standards.

49 B. The board shall adopt rules governing the siting,
licensing, operational and record keeping requirements for
biomedical waste treatment, storage and disposal facilities.

51 C. The board shall require evidence of financial capacity.

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D. The board may assess licensing fees sufficient to pay for the department's administrative costs in regulating biomedical waste.

The board shall submit the rules to the joint standing committee of Legislature with jurisdiction over natural resources for review on or before January 1, 1990.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1989-90	1990-91
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Hazardous Waste Fund		
Positions	(3)	(3)
Personal Services	\$74,614	\$78,345
All Other	13,538	14,102
Capital Expenditures	9,000	
Provides funds for an Environmental Specialist III, an Environmental Specialist II, a Clerk Typist III and general operating expenses to assist in the proposed control of biomedical wastes.		
DEPARTMENT OF ENVIRONMENTAL PROTECTION		
TOTAL	\$97,152	\$92,447

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved except that sections 1 and 2 shall take effect on February 1, 1990.

FISCAL NOTE

Enactment of this legislation would:

1. Require an allocation of Other Special Revenue to the Department of Environmental Protection, Maine Hazardous Waste Fund, Acct. #04530.3, in the amount of \$97,152 for fiscal year 1989-90 and \$92,447 for fiscal year 1990-91. This allocation would provide funds for an Environmental Specialist III, an Environmental Specialist II, a Clerk Typist III and general operating expenses to administer the proposed program; and

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2. Result in an increase in Other Special Revenue to the Maine Hazardous Waste Fund, Acct. #04530.3, in the amount of \$97,152 for fiscal year 1989-90 and \$92,447 for fiscal year 1990-91. This increase in revenue would be derived from the anticipated establishment of license fees for biomedical waste generators and transporters.'

STATEMENT OF FACT

The purpose of this amendment is to authorize the Department of Environmental Protection to proceed with its current rule-making effort on the control of biomedical wastes while establishing a clear legislative intent that, in the absence of these rules, infectious and pathogenic wastes shall be considered hazardous wastes after February 1, 1990.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the House
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