

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 976

H.P. 715

House of Representatives, March 29, 1989

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HOLT of Bath.

Cosponsored by Representative LOOK of Jonesboro, Representative MAHANY of Easton and Representative CONSTANTINE of Bar Harbor.

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STATE OF MAINE

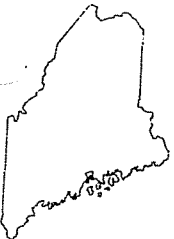
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

---

An Act to Require Recycling and Provide State Assistance to  
Municipalities.

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

3 **Sec. 1. 5 MRSA §934-A, sub-§1, ¶E,** as amended by PL 1987, c.  
816, Pt. P, §1, is further amended to read:

5 E. Associate Commissioner for Development Policy; and

7 **Sec. 2. 5 MRSA §934-A, sub-§1, ¶F,** as enacted by PL 1987, c.  
9 816, Pt. P, §2, is amended to read:

11 F. Deputy Commissioner for Comprehensive Land Use Planning;  
13 ; and

15 **Sec. 3. 5 MRSA §934-A, sub-§1, ¶G** is enacted to read:

17 G. Deputy Commissioner for Waste Reduction and Recycling.

19 **Sec. 4. 5 MRSA §12004-G, sub-§12-A** is enacted to read:

21 12-A. Environment/ Recycling Legislative 38 MRSA §2106  
Natural Resources Advisory Per Diem  
23 Council

25 **Sec. 5. 5 MRSA §13055, sub-§1, ¶D,** as amended by PL 1987, c.  
816, Pt. P, §7, is further amended to read:

27 D. The Division of Development Policy; and

29 **Sec. 6. 5 MRSA §13055, sub-§1, ¶E,** as enacted by PL 1987, c.  
31 816, Pt. P, §7, is amended to read:

33 E. The Office of Comprehensive Land Use Planning; and

35 **Sec. 7. 5 MRSA §13055, sub-§1, ¶F** is enacted to read:

37 F. The Office of Waste Reduction and Recycling.

39 **Sec. 8. 5 MRSA c. 383, sub-c. VII** is enacted to read:

41 SUBCHAPTER VII

43 WASTE REDUCTION AND RECYCLING

45 §13115. Office of Waste Reduction and Recycling

47 There is established within the Department of Economic and  
Community Development the Office of Waste Reduction and  
49 Recycling. The office shall assist municipalities and other  
waste generators in achieving the highest possible levels of  
51 waste reduction and recycling.

1           The Deputy Commissioner for Waste Reduction and Recycling  
2           shall be the director of the office and shall administer it in  
3           accordance with the policies of the commissioner, the provisions  
4           of this chapter and the provisions of Title 38, chapter 25.

5           **Sec. 9. 27 MRSA §40** is enacted to read:

6           §40. Used book recycling program

7           The State Librarian shall establish and operate a program to  
8           collect and reuse or recycle books unwanted by schools, public  
9           libraries and private firms or citizens. The Bureau of Public  
10           Improvement in the Department of Administration shall provide  
11           space in the Augusta area to operate this program. The State  
12           Librarian shall:

13           1. Collection. Establish a procedure for collecting books  
14           without charge to persons or organizations wishing to donate;

15           2. Reuse. Provide for the reuse of books, whenever  
16           possible, by donation to public and charitable organizations; and

17           3. Recycle. Provide for the recycling of unwanted books  
18           when a buyer is available.

19           **Sec. 10. 36 MRSA c. 719** is enacted to read:

20                           CHAPTER 719

21                           SOLID WASTE ADVANCE DISPOSAL TAX

22           §4830. Definitions

23           As used in this chapter, unless the context otherwise  
24           indicates, the following terms have the following meanings.

25           1. Brown good. "Brown good" means an electronic device  
26           containing printed circuit boards, capacitors, resistors or  
27           transistors which is not included in the definition of white  
28           goods and which weighs more than 10 pounds.

29           2. Business. "Business" means any trade, occupation,  
30           activity or enterprise engaged in for the purpose of selling or  
31           distributing tires, white goods, brown goods or lead-acid  
32           batteries in this State.

33           3. Distributor. "Distributor" means any of the following:

34           A. A person engaged in the business of producing or  
35           manufacturing tires, white goods, brown goods or lead-acid  
36           batteries in this State for sale in this State;

1           B. A person engaged in the business of selling tires, white  
3           goods, brown goods or lead-acid batteries in this State who  
5           brings, or causes to be brought, into this State any tires,  
            white goods, brown goods or lead-acid batteries for sale to  
            a retailer; or

7           C. A person engaged in the business of selling tires, white  
9           goods, brown goods or lead-acid batteries who ships or  
11           transports tires, white goods, brown goods or lead-acid  
            batteries to retailers for sale in this State.

13           4. Lead-acid battery. "Lead-acid battery" means a device  
15           designed and used for the storage of electrical energy through  
            chemical reactions involving lead and acids.

17           5. Manufacturer. "Manufacturer" means a person who  
19           manufactures and sells tires, white goods, brown goods or  
            lead-acid batteries.

21           6. Motorized vehicle. "Motorized vehicle" means any  
23           self-propelled vehicle, including motorcycles, construction and  
            farm vehicles and other off-road vehicles not operating  
            exclusively on tracks.

25           7. Place of business. "Place of business" means any place  
27           where tires, white goods, brown goods or lead-acid batteries are  
            sold or manufactured, stored or kept for the purpose of sale.

29           8. Retailer. "Retailer" means any person engaged in the  
31           business of selling tires, white goods, brown goods or lead-acid  
            batteries to ultimate consumers.

33           9. Retail outlet. "Retail outlet" means a place of  
35           business from which tires, white goods, brown goods or lead-acid  
            batteries are sold to consumers.

37           10. Sale. "Sale" means any transfer, exchange, barter or  
39           gift in any manner or by any means for a consideration. It shall  
41           include a gift for advertising by a person engaged in the  
            business of selling tires, white goods, brown goods or lead-acid  
            batteries.

43           11. Tax assessor. "Tax assessor" means the State Tax  
45           Assessor.

47           12. Tire. "Tire" means a device made of rubber or any  
49           similar substance which is intended to be attached to a motorized  
            vehicle or trailer and is designed to support the load of the  
            motor vehicle or trailer.

51           13. Trailer. "Trailer" means any vehicle without motive  
            power drawn by a motorized vehicle.

1  
3 14. Unclassified importer. "Unclassified importer" means  
5 any person, firm, corporation or association within this State,  
7 other than a distributor, as defined, who imports, receives or  
9 acquires from outside the State, tires, white goods, brown goods  
11 or lead-acid batteries for use or sale within the State.

13 15. White good. "White good" means any appliance employing  
15 electricity, natural gas or any liquified petroleum gas to supply  
17 heat or motive power to:

19 A. Preserve or cook food;

21 B. Wash clothing, dishes, kitchen utensils, glasses or  
23 other related items; or

25 C. Cool or heat air or water.

27 §4831. Licenses

29 Every person engaging in the business of selling tires,  
31 white goods, brown goods or lead-acid batteries as a distributor  
33 shall secure a license from the tax assessor before engaging in  
35 that business. Every license application shall be made on a form  
37 prescribed by the tax assessor and shall state the name and  
39 address of the applicant, address of principal place of business,  
41 and such other information as the tax assessor may require for  
43 the proper administration of this chapter. The application shall  
45 be accompanied by a fee of \$25. A person outside the State who  
47 ships or transports tires, white goods, brown goods or lead-acid  
49 batteries to retailers in this State shall make application as a  
51 distributor and be granted by the tax assessor a license subject  
to all the provisions of this chapter and agree, upon applying  
for a license, to submit any books, accounts and records to  
examination by the Bureau of Taxation during reasonable business  
hours, and to accept service of process by mail when service is  
made in any proceeding involving enforcement of this chapter.

Each unclassified importer before importing, receiving or  
acquiring tires, white goods, brown goods or lead-acid batteries  
from outside the State shall secure a license from the tax  
assessor. There is no fee for that license.

Each license issued expires on July 31st of each year unless  
sooner revoked by the tax assessor. The license shall be  
prominently displayed on the premises covered by the license and  
no license may be transferred to any other person.

The tax assessor may revoke or suspend the license or  
licenses of any person for violation of this chapter applicable  
to the sale of tires, white goods, brown goods or lead-acid

1 batteries. No license may be revoked, cancelled or suspended  
2 until after notice and hearing by the tax assessor.

3 §4832. Advance disposal fee on tires, white goods, brown goods  
4 or lead-acid batteries

5  
6  
7 1. Tires. A fee is imposed on the sale of tires at the  
8 rate of \$1 per tire.

9  
10  
11 2. White goods. A tax is imposed on the sale of white  
12 goods at the rate of \$15 per item.

13  
14  
15 3. Brown goods. A tax is imposed on the sale of brown  
16 goods at the rate of \$15 per item.

17  
18  
19 4. Lead-acid batteries. A tax is imposed on the sale of  
20 lead-acid batteries at the rate of \$1 per battery.

21  
22  
23 5. Imposition. The fee shall be imposed at the time the  
24 distributor or unclassified importer brings or causes to be  
25 brought into this State tires, white goods, brown goods or  
26 lead-acid batteries, that are for sale to consumers or to  
27 retailers or for use, or at the time tires, white goods, brown  
28 goods or lead-acid batteries are manufactured or fabricated in  
29 this State for sale in this State.

30  
31  
32 6. Exclusion. The tax imposed on tires, white goods, brown  
33 goods or lead-acid batteries does not apply to those products  
34 exported from this State or to any tires, white goods, brown  
35 goods or lead-acid batteries which under laws of the United  
36 States may not be subject to taxation by this State. The tax  
37 imposed on tires does not apply to those tires which are  
38 remanufactured from used tires, also known as "retreads" or  
39 "recaps."

40 §4833. Returns; payment of tax and penalty

41  
42  
43 Every distributor, or unclassified importer, shall by the  
44 last day of each month render, on forms to be furnished by the  
45 tax assessor, a report together with payment of the tax due under  
46 this chapter to the tax assessor stating the quantity of all  
47 tires, white goods, brown goods or lead-acid batteries held,  
48 purchased, manufactured, brought in or caused to be brought in  
49 from outside the State or shipped or transported to retailers  
50 within the State during the preceding calendar month. Every  
51 distributor or unclassified importer shall keep a complete and  
accurate record at the principal place of business to  
substantiate all receipts of tires, white goods, brown goods or  
lead-acid batteries. This record shall be preserved for a period  
of 2 years in such manner as to ensure permanency and  
accessibility for inspection.

1           The monthly reports shall contain any further information  
3 that the tax assessor prescribes and shall show a credit for any  
5 tires, white goods, brown goods or lead-acid batteries exempted  
7 as provided in section 4832, subsection 6. Records shall be  
9 maintained to substantiate the exemption. Tires, white goods,  
11 brown goods or lead-acid batteries previously taxed which are  
13 returned to a manufacturer because the product has become unfit  
15 for use or unsaleable may be taken as a credit on a subsequent  
17 return upon receipt of the credit notice from the original  
19 supplier.

11           If the monthly report required by this chapter is not filed,  
13 or payment is not rendered by the last day of the month, the  
15 distributor or unclassified importer is liable to a penalty of \$1  
17 a day for each day in arrears or 10% of the tax liability,  
19 whichever is greater, together with interest at the rate of 1%  
21 per month or fraction of a month due on demand by the tax  
23 assessor, and recoverable in a civil action. The tax assessor  
25 may waive the penalty for cause.

21   §4834. The tax assessor may estimate liability

23           Whenever any distributor or unclassified importer neglects  
25 or refuses to make and file any report required by this chapter  
27 or files an incorrect or fraudulent report, the tax assessor  
29 shall from information the tax assessor obtains fix the amount of  
31 taxes, penalties and interest payable and proceed to collect the  
33 amount so fixed.

31           In any action or proceeding for collection of the solid  
33 waste advance disposal fee, any penalties and interest imposed in  
35 connection with an assessment by the tax assessor of the tax,  
37 penalty or interest due the State constitutes prima facie  
39 evidence of the claim of the State. The burden of proof is on  
41 the distributor or unclassified importer to show that the  
43 assessment was incorrect and contrary to law.

37   §4835. Disposition of taxes

39           The revenue derived from the tax imposed by this chapter  
41 shall be deposited in the General Fund less the costs incurred by  
43 the tax assessor in collecting the tax.

43           Sec. 11. 38 MRSA c. 13, art. 2, as amended, is repealed.

45           Sec. 12. 38 MRSA c. 25 is enacted to read:

47                           CHAPTER 25

49                           WASTE REDUCTION AND RECYCLING

51           §2101. Definitions



1  
3 As used in this chapter, unless the context otherwise  
indicates, the following terms have the following meanings.

5 1. Department. "Department" means the Department of  
Economic and Community Development.

7  
9 2. Office. "Office" means the Office of Waste Reduction  
and Recycling.

11 3. Recycling. "Recycling" means the separating, collecting  
and reprocessing of waste materials for reuse.

13 4. Recycling district. "Recycling district" means:

15 A. Five or more contiguous municipalities that provide  
residents the opportunity and the incentive to recycle, and  
have formed a compact of interlocal cooperation in  
accordance with Title 30-A, chapter 115; a public waste  
disposal corporation in accordance with section 1304-B,  
subsection 5; or a refuse disposal district in accordance  
with chapter 17; or

23 B. A municipality with a population during the most recent  
Federal Decennial Census of 10,000 or more that provides  
residents both the opportunity and incentive to recycle.

27 5. Waste materials. "Waste materials" means discarded  
post-consumer materials and byproducts of commercial and  
industrial activity which are solid waste and are not identified  
by the board as a hazardous substance as defined in section 1362,  
a hazaradous material as defined in section 1401 or radioactive  
material as defined in section 1451.

35 6. Waste reduction. "Waste reduction" means any action  
taken specifically and primarily to decrease the quantity of  
waste materials being generated. Waste reduction does not  
include the recycling of waste materials, except in the case of a  
manufacturing process where waste materials are reused on-site.

41 §2102. Duties and responsibilities

43 The office is the lead agency for recycling and waste  
reduction activities. The office shall:

45 1. Recycling plan. Develop the state recycling plan;

47  
49 2. Goals. Establish and promote regional and state  
recycling goals for specific waste materials;

51 3. Recycling districts. Coordinate the development of  
recycling districts throughout the State;

1  
3 4. Technical assistance. Develop and provide model plans  
and ordinances and other technical information for use by  
5 municipalities;

7 5. Financial assistance. Administer a financial assistance  
program for municipalities;

9 6. Waste surcharge program. Administer and enforce the  
11 municipal surcharge for recycling program;

13 7. Market development. Identify and encourage markets for  
recycled waste materials;

15 8. Waste reduction. Develop and promote waste reduction  
17 programs for municipalities and other waste generators; and

19 9. Maximize recycling. Assist municipalities and other  
waste generators to achieve maximum levels of waste material  
21 recycling.

23 §2103. Municipal recycling programs

25 Each municipality shall, by January 1, 1991, establish an  
active recycling program and enact an ordinance which requires  
27 the separation and recycling of cardboard, newspaper, glass,  
aluminum and at least one other waste material.

29 1. Violation. A municipality is in violation of this  
31 section for the preceding year if it does not have a recycling  
ordinance and active recycling program by January 1, 1992, or on  
33 each succeeding January 1st. Municipalities in violation of this  
section are subject to the provisions of section 2110.

35 2. Active recycling program. The office shall consider a  
37 recycling program active if:

39 A. Waste materials are being separated and collected; and

41 B. Separated waste materials have been removed for reuse or  
reprocessing and a contract for future removals exists,  
43 except that the office shall make provision for  
interruptions in service for which a municipality or  
45 recycling district is not at fault.

47 §2104. State recycling goal

49 The office shall develop and implement programs to recycle,  
on a statewide basis, 25% of the municipal solid waste stream by  
51 1994.

§2105. State recycling plan

1  
3       The office shall develop and implement a plan to encourage  
5       recycling of waste materials and the reduction of waste volumes  
7       generated within the State to the maximum extent possible in  
9       order to conserve the natural resources of the State, reduce the  
11       detrimental environmental effects of waste disposal, to safeguard  
13       the public health and welfare and to reduce the amount of waste  
15       requiring incineration and landfilling.

17       The office shall complete by January 31, 1991, a plan, in  
19       consultation with the Recycling Advisory Council, recycling  
21       districts, municipalities, regional councils and the private  
23       sector, to identify and encourage recycling opportunities  
25       throughout the State.

27       1. Assessment elements. The plan shall include  
29       investigation and assessment of the following elements:

31       A. The current level of public recycling efforts, including  
33       the quantities and categories of waste currently recycled;

35       B. The current market structure of the recycling industry  
37       in the State and in those areas receiving recycled materials  
39       from the State. This element shall include identification  
41       of the existing private and public recycling operations,  
43       recycling capacity and the quantities and categories of  
45       materials currently recycled;

47       C. The potential for recycling in various regions of the  
49       State, including estimates of the types and quantities of  
51       waste available for recycling and an analysis of the  
      economic and institutional obstacles to increased recycling;

D. The categories of industrial waste which present  
      opportunities for reuse; and

E. Opportunities to reduce waste quantities by reducing  
      generation at the source.

2. Program elements. The plan shall also include the  
      development of the following program elements which shall be in  
      the form of rules or, when necessary, specific recommendations  
      for additional legislative authority to implement the plan,  
      including staff and technical and financial assistance programs.

A. Goals for regions and specific waste streams expressed  
      in terms of the proportion of specific waste streams that  
      could be recycled based upon an assessment of current and  
      reasonably attainable market conditions and the net economic  
      benefits to the State.

1 B. The office shall design a program of public education to  
2 promote waste reduction, source separation and feasible  
3 recycling efforts at the individual, local, regional and  
4 state level.

5  
6 C. The office shall design a market development strategy  
7 which includes, without limitation, the following elements:

8 (1) Methods of collecting and marketing recyclable  
9 materials, including direct state participation, in  
10 order to achieve necessary economies of scale and  
11 product quality specifications. The strategy shall  
12 include a plan for source separation of recyclable  
13 materials at the household, municipal, regional or  
14 state level, as appropriate;

15  
16 (2) Specific market development strategies for  
17 recycling the following materials:

18 (a) Waste paper, including newsprint, corrugated  
19 cardboard, office papers and mixed papers;

20 (b) Glass, including deposit beverage containers  
21 and other glass containers; and

22 (c) Metal, including deposit beverage containers,  
23 white goods, automobile frames and motors and  
24 other scrap metals;

25  
26 (3) An incentive program to encourage end-users of  
27 recyclable materials to locate or expand their  
28 operations within the State. The office shall consult  
29 with the Finance Authority of Maine in developing this  
30 element;

31 (4) A program for facilitating the marketing of  
32 recyclable materials consistent with this paragraph.  
33 The program may include a clearinghouse of information  
34 for municipalities and recycling businesses to improve  
35 the flow of recyclable materials in the market, as well  
36 as direct state involvement in marketing recyclable  
37 materials where private sector capacity is inadequate;  
38 and

39 (5) The establishment of an industrial materials  
40 exchange to promote the reuse of industrial waste which  
41 may be suitable raw material for other processes. The  
42 office shall coordinate those efforts with other waste  
43 exchanges in the northeastern United States.

44  
45 D. The office shall develop a model system of Maine  
46 recycling districts that identifies municipalities whose  
47 recycling efforts are exemplary.

1 size, location, waste management system and transportation  
2 networks create a set of characteristics favorable for  
3 regional recycling.

5 E. The office, after consulting with the Commissioner of  
6 Administration, shall assess the status of recycling efforts  
7 undertaken directly by the State for its own solid waste and  
8 shall develop a proposal for a program of recycling to  
9 reduce the generation of solid waste by the State. The  
10 program shall include, without limitation, recycling of  
11 office papers, cardboard, used motor oil, yard waste and  
12 other materials used by the State for which recycling  
13 markets exist or may be developed.

15 F. The office shall develop, after reviewing waste and  
16 source reduction programs in other countries and states, a  
17 recommended waste reduction strategy for this State.

19 3. Plan development. The office may contract with regional  
20 councils, municipalities and others to develop assessments of  
21 recycling options and waste disposal problems in the various  
22 regions of the State. The office shall coordinate recycling  
23 planning with the disposal capacity needs analysis developed  
24 pursuant to section 1310-O and consult with the Department of  
25 Environmental Protection to ensure compatibility with state and  
26 local environmental requirements. The Department of  
27 Environmental Protection shall provide the office with any  
28 information it possesses on the quantities of waste materials  
29 recycled and any other relevant information developed pursuant to  
30 section 1310-O. The office shall develop the recycling plan and  
31 any revisions to the plan with the advice of the Recycling  
32 Advisory Council. The final plan shall include regional  
33 components and seek to maximize reliance on private sector  
34 recycling capacity.

37 4. Plan adoption. The office shall submit the state  
38 recycling plan and report on the plan and any proposed programs  
39 to the joint standing committee of the Legislature having  
40 jurisdiction over natural resource matters by January 31st in the  
41 first year of each biennium. The committee may recommend to the  
42 Legislature approval of the plan by resolve or may introduce  
43 legislation as it deems necessary to clarify legislative intent  
44 regarding this chapter.

45 §2106. Recycling Advisory Council

47 There is established the Recycling Advisory Council to  
48 provide the office with information and advice concerning the  
49 recycling needs and opportunities of the State.

51 1. Membership; terms. The Governor shall appoint 13  
members, with 2 members each representing municipal governments,

1 statewide and local environmental organizations, the recycling  
2 industry and the waste disposal industry, one member representing  
3 industrial waste generators and 3 members from the general  
4 public. The Commissioner of Environmental Protection shall serve  
5 as an ex officio member. All members, except the commissioner,  
6 shall be appointed for a term of 3 years. For the initial  
7 appointments, 4 members shall be appointed for terms of one year;  
8 4 members shall be appointed for terms of 2 years; and 4 members  
9 shall be appointed for terms of 3 years. A vacancy shall be  
10 filled for the unexpired portion of the term.

11  
12 2. Compensation. Members shall be compensated according to  
13 Title 5, section 12004-G, subsection 12-A.

14 3. Quorum; actions. A quorum shall be a majority of the  
15 members of the council. An affirmative vote of the majority of  
16 the members present at a meeting shall be required for any  
17 action. No action may be considered unless a quorum is present.

18  
19 4. Meetings. The council shall meet at least 4 times per  
20 year.

21  
22 5. Annual report. The council shall report annually to the  
23 Governor and to the Legislature on the status of the State's  
24 recycling planning effort.

25  
26 6. Staff support. The office shall provide the council  
27 with all necessary staff support.

28 §2107. Research and technical assistance

29  
30 1. Research. The office shall conduct a program of research  
31 in support of the state recycling plan which may include, without  
32 limitation, the areas of innovative recycling technologies and  
33 markets, industrial waste exchanges and waste reduction  
34 strategies.

35  
36 2. Recycling feasibility studies. The office shall provide  
37 professional technical assistance to recycling districts in the  
38 planning and design of recycling programs. The purpose of this  
39 assistance program is to further the goals established in the  
40 state recycling plan. The office may contract with regional  
41 councils and individual municipalities to provide services under  
42 this paragraph in order to encourage regional strategies for  
43 recycling. This assistance shall include:

44 A. The assessment of economically feasible recycling  
45 potential, including the supply of recyclable materials,  
46 probable markets for these materials and the avoided costs  
47 of solid waste disposal;

- 1           B. The planning for the logistical, administrative and  
2           financial management requirements of a recycling program;  
3  
4           C. The design of any flow-control or other ordinances  
5           necessary for the implementation of a recycling program;  
6  
7           D. The coordination of the proposed recycling program with  
8           overall solid waste management; and  
9  
10          E. The assessment of the relative advantages of  
11          participation in a regional recycling effort versus a local  
12          recycling program.

13           3. Marketing assistance. The office shall establish and  
14          administer a clearinghouse on recycling markets information. The  
15          office shall:

- 16           A. Maintain a current list of recycling districts and  
17           municipalities which have established or are seeking to  
18           establish recycling programs together with a description of  
19           the recycled materials available through the programs;  
20  
21           B. Maintain a list of brokers, handlers, processors,  
22           transporters and other persons providing services and  
23           potential markets for recycled materials;  
24  
25           C. Actively market the services of the clearinghouse and  
26           seek to match recycling programs with appropriate recycling  
27           businesses; and  
28  
29           D. Make its information on recycling services available to  
30           private solid waste generators seeking markets or services  
31           for recyclable materials.

32          §2108. Financial assistance

33           The office may provide matching grants as follows.

34           1. Feasibility study grants. The office may make grants  
35           upon application by any municipality or group of municipalities  
36           for recycling feasibility studies. The office may provide up to  
37           75% of the cost for a feasibility study, but the state share  
38           shall not exceed \$15,000.

39           2. Recycling capital investment grants. The office may make  
40           grants to recycling districts for the construction of public  
41           recycling facilities and the purchase of recycling equipment.  
42           The office may establish local cost-share requirements of up to  
43           50% of the total grant amount. The local cost-share may include  
44           in-kind services provided by the grant recipient.

45

1           A. The office shall establish grant priorities based on the  
2           following objectives:

3                   (1) The development of regional recycling programs to  
4                   capture the economies of scale in both material  
5                   handling and marketing;

6                   (2) The expansion of existing, successful recycling  
7                   programs at the level of individual municipalities and  
8                   regions;

9                   (3) The support of programs which require separation of  
10                   recyclable components of the waste stream at the point  
11                   of generation; and

12                   (4) The promotion of the recycling goals and any other  
13                   factors identified in the state recycling plan as  
14                   necessary for successful implementation.

15           B. The office shall structure the grants program to ensure  
16           the development of successful recycling programs which  
17           represent:

18                   (1) Rural, suburban and urban areas of the State; and

19                   (2) Curbside pickup and drop-off systems of solid waste  
20                   collection.

21           3. Operational subsidy program. Subject to the  
22           availability of funds, the office may provide subsidies to  
23           recycling districts or municipal members of a recycling district  
24           for labor and transportation costs associated with recycling  
25           programs according to the following provisions.

26                   A. The district or municipality shall provide work reports  
27                   and other cost documentation as required by the office.

28                   B. Labor subsidies shall apply only to wage and benefit  
29                   costs of full-time recycling employees.

30                   C. The district or municipality shall provide data on the  
31                   types and quantities of waste materials reused, recycled and  
32                   placed in a landfill or incinerator.

33                   D. Prior to January 1, 1994, the State may pay up to 50% of  
34                   any costs covered by this subsection.

35                   E. On or after January 1, 1994, the State may pay up to 25%  
36                   of any costs covered by this subsection to districts or  
37                   municipalities which document compliance with the state  
38                   recycling goal established in section 2104.





1 **ECONOMIC AND COMMUNITY DEVELOPMENT,**  
 2 **DEPARTMENT OF**

3  
 4 **Office of Waste Reduction**  
 5 **and Recycling**

7	Positions	(2.0)	(2.0)
	Personal Services	\$55,381	\$80,689
9	All Other	2,250	3,000
	Capital Expenditures	7,180	
11			
	TOTAL	<u>\$64,811</u>	<u>\$83,689</u>

13  
 14 Provides funding for Deputy  
 15 Commissioner of Waste  
 16 Reduction and Recycling and  
 17 an assistant to the Deputy  
 18 Commissioner. All Other  
 19 includes funds for general  
 20 office expenses and travel.  
 21 Capital Expenditures provides  
 22 for office supplies and  
 23 computer equipment.

25 **Office of Waste Reduction**  
 26 **and Recycling**

27	Positions	(6.0)	(6.0)
29	Personal Services	\$130,933	\$189,709
	All Other	1,306,750	4,809,000
31	Capital Expenditures	21,540	
33			
	TOTAL	<u>\$1,459,223</u>	<u>\$4,998,709</u>

35 Provides funding for 6  
 36 positions in the Office of  
 37 Waste Reduction and Recycling  
 38 to administer financial  
 39 assistance programs. All  
 40 Other includes funds for:  
 41 Research and Development  
 42 Grants, \$100,000 in each  
 43 year; Recycling Feasibility  
 44 Studies, \$200,000 in each  
 45 year; Capital Assistance  
 46 Grants, fiscal year 1990,  
 47 \$750,000, fiscal year 1991,  
 48 \$2,500,000; Operational  
 49 Subsidies, fiscal year 1990,  
 50 \$250,000, fiscal year 1991,  
 51 \$2,000,000; and office  
 expenses and travel. Capital

1 Expenditures provides funds  
3 for office supplies and  
computer equipment.

5 **Office of Waste Reduction  
and Recycling**

7	Positions	(7.0)	(7.0)
9	Personal Services	\$146,575	\$209,127
	All Other	47,500	60,000
11	Capital Expenditures	19,130	
13	TOTAL	<u>\$213,205</u>	<u>\$269,127</u>

15 Provides funding for 7 new  
17 positions within the Office  
of Waste Reduction and  
19 Recycling to develop and  
implement the state recycling  
21 plan and to provide marketing  
and other technical  
assistance to municipalities.  
23 All Other includes funds for  
office expenses, travel and  
25 \$50,000 for promotion of  
recycling programs. Capital  
27 Expenditures provides for  
office supplies and computer  
29 equipment.

31 **DEPARTMENT OF ECONOMIC AND  
COMMUNITY DEVELOPMENT**

33	TOTAL	<u>\$1,737,239</u>	<u>\$5,351,525</u>
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35 **EDUCATIONAL AND CULTURAL SERVICES,  
DEPARTMENT OF**

37 **Library Development Services**

39	Position	(1.0)	(1.0)
41	Personal Services	\$13,271	\$19,218
	All Other	2,000	2,000
43	TOTAL	<u>\$15,271</u>	<u>\$21,218</u>

45 Provides funding for a  
47 warehouse worker to staff the  
used book recycling program.  
49 All Other funding provides  
office expenses.

51

1 **DEPARTMENT OF EDUCATIONAL AND**  
2 **CULTURAL SERVICES**

3 <b>TOTAL</b>	<u>\$15,271</u>	<u>\$21,218</u>
5 <b>TOTAL APPROPRIATIONS</b>	<u>\$1,752,510</u>	<u>\$5,372,743</u>

7 **STATEMENT OF FACT**

9 This bill requires municipalities to establish recycling  
10 programs and encourages the formation of recycling districts  
11 comprised of 5 or more towns or of large towns. The bill  
12 provides assistance for municipal recycling programs by expanding  
13 the programs and staff of the current Office of Waste Recycling  
14 and Reduction which is renamed the Office of Waste Reduction and  
15 Recycling.

17 Sections 1 to 8 establish the Office of Waste Reduction and  
18 Recycling as a line office equal in stature to other offices in  
19 the Department of Economic and Community Development and makes  
20 the office director a deputy commissioner of the department.

21 Section 10 enacts a solid waste advance disposal tax. A tax  
22 of \$1 per tire and lead-acid battery and \$15 for each white good  
23 and brown good item is imposed at the time of import to Maine or  
24 the time of in-state manufacture. The tax will be administered  
25 by the Bureau of Taxation and is expected to raise General Fund  
26 revenues of approximately \$5,400,000 annually.

29 Section 11 repeals the existing sections of the Maine  
30 Revised Statutes, Title 38 which require the Office of Waste  
31 Recycling and Reduction to develop the state recycling plan and  
32 which create the Recycling Advisory Council. These functions are  
33 reorganized and reenacted in section 12.

35 Section 12 enacts Title 38, chapter 25, a new and expanded  
36 state recycling program. A statewide goal of recycling 25% of  
37 the municipal solid waste stream by 1994 is set. Municipalities  
38 must establish a recycling program for cardboard, newspaper,  
39 glass, aluminum and one other material by January 1, 1991.  
40 Municipalities without a recycling program after January 1, 1991,  
41 forfeit an annual penalty of \$500 for each 100 residents.  
42 Programs of basic research, feasibility studies, marketing  
43 assistance and financial assistance are authorized. Financial  
44 assistance programs provide for state cost share of up to: 75%  
45 for feasibility studies to any municipality; 50% for capital  
46 investment grants to recycling districts; and, prior to 1994, 50%  
47 of labor and transportation costs to recycling districts. The  
48 office is required to develop and implement a state recycling  
49 plan with assistance of the Recycling Advisory Council. The plan  
50 will be submitted to the Legislature for approval at the  
51 beginning of each biennium.

1           Section 9 requires the State Librarian to establish a used  
book reuse and recycling program.

3  
5           Section 13 contains authorization for 15 positions in the  
Office of Waste Reduction and Recycling and one position with the  
7           Maine State Library. Funding totals \$1,800,000 in fiscal year  
1989-90 and \$5,400,000 in fiscal year 1990-91. Program funding  
9           includes: \$100,000 in each year for research and development  
grants; \$200,000 in each year for recycling feasibility studies;  
11          \$750,000 in fiscal year 1989-90 and \$2,500,000 in fiscal year  
1990-91 for capital assistance grants; \$250,000 in fiscal year  
13          1989-90 and \$2,000,000 in fiscal year 1990-91 for operational  
subsidies to municipal programs.