

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

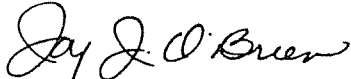
Legislative Document

No. 1143

S.P. 432

In Senate, April 12, 1989

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


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BOST of Penobscot.

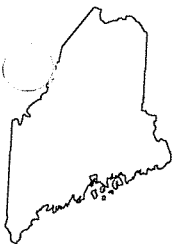
Cosponsored by President PRAY of Penobscot, Speaker MARTIN of Eagle Lake and Senator CLARK of Cumberland.

STATE OF MAINE

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

An Act to Establish the Maine Solid Waste Authority.

(EMERGENCY)



1 **Sec. 4. 38 MRSA §1304, sub-§1**, as amended by PL 1981, c. 470,
Pt. A, §171, is further amended to read:

3
5 **1. Rules.** Subject to the provisions of chapter 25 and the
Maine Administrative Procedure Act, Title 5, chapter 375, the
7 board may adopt, amend and enforce rules as it deems necessary to
govern waste management, including the location, establishment,
9 construction and alteration of waste facilities. The rules shall
be designed to encourage logical utilization of recoverable
11 resources, minimize pollution of the state's State's air, land
and surface and ground water resources, prevent the spread of
13 disease or other health hazards, prevent contamination of
drinking water supplies and protect public health and safety. In
15 adopting these rules, the board shall also consider economic
impact, technical feasibility and such differences as are created
17 by population, hazardous or solid waste, sludge or septage volume
and geographic location.

19 **Sec. 5. 38 MRSA §1304-B, sub-§7** is enacted to read:

21 **7. Subjugation.** Notwithstanding any provision of this
section to the contrary, the exercise of any power or authority
23 granted under this section is subject to the provisions of
chapter 25.

25 **Sec. 6. 38 MRSA §1305, sub-§1**, as enacted by PL 1973, c. 387,
27 is amended to read:

29 **1. Disposal facilities.** ~~Each~~ Subject to the provisions of
chapter 25, ~~each~~ municipality shall provide a solid waste
31 ~~disposal-facility management services~~ for domestic and commercial
solid waste generated within the municipality and may provide
33 ~~such-a-facility~~ these services for industrial wastes and sewage
treatment plant sludge.

35 **Sec. 7. 38 MRSA c. 13, sub-c. 1-A, art. 2**, as amended, is repealed.

37 **Sec. 8. 38 MRSA §1310-N, sub-§§3 and 4**, as enacted by PL 1987,
39 c. 517, §25, are amended to read:

41 **3. Public benefit determination.** The board shall find that
a facility provides a substantial public benefit when the
43 applicant demonstrates that the proposed facility is consistent
with and will serve to satisfy the capacity needs identified
45 pursuant to section 1310-0 2142. The board shall make this
finding when it determines that the proposed facility is designed
47 and located and will be operated so that it meets the needs
identified in the capacity needs analysis.

49 **4. Presumption of public benefit.** A publicly owned waste
51 disposal facility is presumed to have met the requirements of

1 subsection 3 when it receives only waste generated within the
2 municipality in which the facility is located ~~or~~, when it
3 receives only waste generated within municipalities which are
4 members of the facility or when the facility is submitted for
5 approval pursuant to chapter 25.

7 **Sec. 9. 38 MRSA §1310-N, sub-§5, ¶B,** as enacted by PL 1987, c.
8 517, §25, is amended to read:

9
10 B. The applicant has shown consistency with the most recent
11 recycling goals of the state recycling solid waste
12 management plan approved by the Legislature pursuant to
13 section 1310-M 2124, subsection-3.

15 **Sec. 10. 38 MRSA §1310-O,** as enacted by PL 1987, c. 517,
16 §25, is repealed.

17 **Sec. 11. 38 MRSA §1706,** as enacted by PL 1983, c. 820, §2, is
18 amended to read:

21 **§1706. Relationship to other law**

23 This chapter provides an additional and alternative method
24 for carrying out the purposes of this chapter and is supplemental
25 and additional to powers conferred by other laws, including the
26 provisions of chapter 13, pertaining to solid waste, and is not
27 in derogation of any powers now existing. The exercise of
28 authority under this chapter is subject to the provisions of
29 chapter 25.

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

33 **CHAPTER 25**

35 **MAINE SOLID WASTE AUTHORITY**

37 **SUBCHAPTER 1**

39 **GENERAL PROVISIONS**

41 **§2101. Findings and intent**

43 The Legislature finds and declares that, in order to protect
44 the health, safety and welfare of the people of the State, to
45 ensure waste handling capacity and to promote the most
46 economical, efficient and environmentally sound methods of
47 managing municipal solid waste, a comprehensive management scheme
48 coordinated at the regional and state levels is required.

49
50 The Legislature declares its intent to establish an
51 authority to oversee the management of municipal solid waste
generated by the people of Maine and to grant the authority

1 power, to be liberally construed, to locate and acquire sites for
3 solid waste management facilities, to design and obtain permits
5 for solid waste management facilities and to contract for the
construction, operation, maintenance, closure and postclosure
monitoring and maintenance of solid waste management facilities.

7 The Legislature further declares its intent that solid waste
9 management facilities owned or managed by the authority
established in this chapter shall be used solely for the benefit
of the people of the State.

11 **§2102. Definitions**

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

17 1. Authority. "Authority" means the Maine Solid Waste
19 Authority.

21 2. Commercial solid waste disposal facility. "Commercial
23 solid waste disposal facility" means a privately owned solid
25 waste disposal facility which accepts solid waste for a fee or
27 other consideration, which is used for the incineration or burial
of solid waste and which is used for the disposal of waste other
than waste generated by its owners. Commercial solid waste
disposal facility does not include a solid waste disposal
facility owned, controlled, operated or used exclusively by:

29 A. A public waste disposal corporation under section
31 1304-B, subsection 5;

33 B. A municipality under section 1305; or

35 C. A refuse disposal district under chapter 17.

37 3. Commercial waste. "Commercial waste" means solid waste
39 generated by retail and wholesale businesses, offices,
restaurants and other nonmanufacturing businesses, other than
hazardous and special waste.

41 4. Disposal. "Disposal" means the discharge, incineration,
43 deposit, injection, dumping, spilling, leaking or placing of any
45 solid waste into or on any land or water so that the solid waste,
or any constituent of the solid waste, may enter the environment
or be emitted into the air or be discharged into any water,
including ground waters.

47 5. Facility. "Facility" means any land area, structure,
49 location, equipment or combination of them which is used for
handling or disposing of municipal solid waste. Facilities may
51 include, but are not limited to, landfills; pre-compacted, baled

1 waste fills; incinerators; transfer stations and staging; storage
2 or processing areas used for recycling or composting.

3
4 6. Hazardous waste. "Hazardous waste" means hazardous
5 waste as defined in section 1303.

7 7. Incineration. "Incineration" means the burning of solid
8 waste for the purpose of volume reduction or the recovery of
9 energy.

11 8. Municipal solid waste. "Municipal solid waste" means
12 solid waste generated by domestic households, public institutions
13 and also includes commercial waste.

15 9. Recyclable. "Recyclable" means possessing physical and
16 economic qualities that allow a material to be recycled.

17
18 10. Recycling. "Recycling" means a diversion from the
19 municipal waste stream by separation and collection of used or
20 discarded materials for reuse in the same form or reprocessing
21 for reuse. Recycling includes, but is not limited to, composting.

23 11. Region. "Region" means a solid waste management region.

25 12. Solid waste. "Solid waste" means unwanted or discarded
26 solid material with insufficient liquid content to be free
27 flowing, including by way of example, and not by limitation,
28 rubbish, garbage, scrap materials, junk, refuse, inert fill
29 material and landscape refuse, but shall not include septic tank
30 sludge or agricultural wastes.

31
32 13. Solid waste management. "Solid waste management" means
33 the collection, reduction, recovery, transportation, storage,
34 separation, processing, incineration, landfilling, composting or
35 other handling and disposal of municipal solid waste.

37 14. Solid waste management region. "Solid waste management
38 region" means a regional planning and development district
39 designated pursuant to Title 30-A, section 2341.

41 15. Special waste. "Special waste" means special waste as
42 defined in section 1303.

43
44 16. Waste reduction. "Waste reduction" means any activity
45 which decreases the amount of waste generated.

47 §2103. Creation and procedures

49 1. Authority created. The Maine Solid Waste Authority is
50 established as a body corporate and politic and a public
51 instrumentality of the State, having a distinct legal existence
52 from the State. Exercise by the authority of the powers
53 conferred by this chapter is an essential governmental function.

1
2 2. Membership. The authority consists of 12 members; one
3 member from each solid waste management region and the chief
4 executive officer. Members shall be appointed by the Governor to
5 4-year terms and shall be subject to review by the joint standing
6 committee of the Legislature having jurisdiction over natural
7 resource matters and confirmation by the Senate. Members of the
8 authority, not including the chief executive officer, shall serve
9 no more than 2 full consecutive terms. The chief executive
10 officer shall chair the authority.

11
12 3. Procedures. The authority shall elect one member as
13 vice-chair, who shall also serve as secretary, and one member as
14 treasurer. Meetings shall be held at the call of the chair or
15 when requested by any 3 members. For the purposes of conducting
16 business of the authority, 7 members shall constitute a quorum.
17 An affirmative vote of the majority of the members present shall
18 be required for any action. No action may be considered unless a
19 quorum is present. The chair may only vote to break a tie. All
20 votes on matters before the authority shall be conducted at
21 meetings advertised widely in advance and open to the public.

22 4. Limitation of liability. No member of the authority,
23 member of a regional advisory board or employee of the authority
24 may be subject to any personal liability for having acted within
25 the course and scope of membership or employment to carry out any
26 power or duty under this chapter. The authority shall indemnify
27 any member of the authority, any member of a regional advisory
28 board or employee of the authority against expenses actually and
29 necessarily incurred in connection with the defense of any action
30 or proceeding in which the member is made a party by reason of
31 past or present association with the authority.

32
33 5. Transition. The terms of the original appointees shall
34 be the chief executive officer for 4 years, 2 members for one
35 year, 3 members for 2 years, 3 members for 3 years and 3 members
36 for 4 years.

37
38 6. Offices. The authority shall consist of the Office of
39 Planning and the Office of Operations Management.

40
41 7. Compensation. Members, except the chief executive
42 officer, shall receive the legislative per diem as provided in
43 Title 5, chapter 379.

44
45 **§2104. Chief executive officer**

46
47 The chief executive officer is the chief administrative
48 officer and chair of the authority and shall be appointed by the
49 Governor, subject to review by the joint standing committee of
50 the Legislature having jurisdiction over natural resource matters
51 and to confirmation by the Senate. The Governor shall consult

1 with the authority prior to making a nomination. The chief
2 executive officer shall, in the name and on behalf of the
3 authority:

5 1. Employ directors. With the approval of the authority,
6 employ the directors of the Office of Planning and the Office of
7 Operations Management;

9 2. Employ professional and nonprofessional personnel.
10 Appoint and remove for cause the staff of the office and
11 prescribe their duties as may be necessary to implement the
12 purposes of this chapter. Professional employees shall be hired
13 as unclassified employees. All other employees shall be subject
14 to those civil service and personnel policies established for
15 state employees generally and shall be paid salaries at rates of
16 pay comparable to those of state employees with equivalent
17 responsibilities;

19 3. Provide for coordination of personnel and programs.
20 Provide for the sharing of personnel among the offices and
21 coordinate the administration of authority projects and programs;

23 4. Approve expenses. Approve all accounts for salaries,
24 per diems, allowable expenses of the authority, or of any
25 employee or consultant, and expenses incidental to the operation
26 of the authority;

27
28 5. Annual report. Prepare an annual report pursuant to
29 section 2124, for approval by the authority, documenting
30 authority actions, and provide other reports at the request of
31 the members of the authority;

33 6. State agencies. Maintain a close liaison with the
34 Department of Environmental Protection; Department of Economic
35 and Community Development; Department of Agriculture, Food and
36 Rural Resources; Department of Conservation; Department of Marine
37 Resources; and Department of Inland Fisheries and Wildlife and
38 provide assistance to facilitate the planning and development of
39 waste management projects; and

41 7. Perform other duties. Perform other duties directed by
42 action of the members of the authority in carrying out the
43 purposes of this chapter.

45 §2105. Conflicts of interest

47 Members of the authority, the chief executive officer and
48 office directors shall be considered executive employees as
49 defined in Title 5, section 18, and shall be subject to the
50 provisions of Title 5, sections 18 and 19.

1 §2106. Tax status

3 The powers and functions exercised by the authority under
5 this chapter will be in all respects for the benefit of the
7 people of the State and for the protection of their health and
9 welfare. To this end, the authority is regarded as performing
11 essential governmental functions in carrying out the intent of
 this chapter and is not required to pay any taxes or assessments
 of any character levied by the State or its political
 subdivisions upon any of the purchases, property or revenues
 accumulated by the authority.

13 §2107. Audits

15 The authority shall annually cause an independent audit of
17 its fiscal affairs to be made and shall provide copies within 120
19 days of the close of its fiscal year to the Governor and the
 Legislature. The authority shall also be subject to the
 provisions of Title 5, chapter 11.

21 §2108. Regional advisory boards

23 Each solid waste management region shall have a regional
25 advisory board. A regional advisory board shall advise the
27 authority in developing the solid waste management plan for its
29 respective region, selecting regional solid waste management
 facility sites and overseeing the construction, operation,
 maintenance and closure of solid waste management facilities in
 that region. The regional advisory board for each solid waste
 management region shall be selected as follows.

31 1. Municipal selection. The municipal officers of the
33 municipalities within a solid waste management region shall
35 decide whether to authorize the board of directors of a regional
37 council established pursuant to Title 30-A, chapter 119, as the
 regional advisory board for their region. Prior to November 1,
 1989, the authority shall solicit in writing a yes or no response
 from each municipality in the State to the question:

39 "Does the municipality of (name) choose the board of
41 directors of the (name of regional council) to be the
43 regional advisory board for (name of municipality)'s solid
 waste management region?"

45 The majority of municipalities within a solid waste management
47 region must respond in the affirmative by January 1, 1990, to the
 authority for a board of directors to be selected as the regional
 advisory board.

49 2. Appointment by Governor. If the municipalities in a
51 solid waste management region do not choose an existing board
 pursuant to subsection 1, the Governor shall appoint a regional

1 advisory board for that region within 90 days of notification by
2 the authority of the result from the municipal selection
3 process. Each regional advisory board appointed by the Governor
4 shall consist of 7 members. The Governor shall appoint members
5 to represent different geographic areas in a region who have
6 knowledge and expertise in local government and solid waste
7 management.

8 The initial meeting of each regional advisory board shall be
9 called by the chair of the authority. Subsequent meetings shall
10 be called by the chair of the regional advisory board.

11
12 **§2109. Recycling Advisory Council**

13
14 There is established a Recycling Advisory Council to provide
15 the authority with information and advice concerning the
16 recycling needs and opportunities of the State.

17
18 1. Membership; terms. The Governor shall appoint 13
19 members, with 2 members each representing municipal governments,
20 statewide and local environmental organizations, the recycling
21 industry and the waste disposal industry; one member representing
22 industrial waste generators; and 3 members from the general
23 public. The Commissioner of Environmental Protection shall serve
24 as an ex officio member. All members, except the commissioner,
25 shall be appointed for a term of 3 years. For the initial
26 appointments, 4 members shall be appointed for terms of one year;
27 4 members shall be appointed for terms of 2 years; and 4 members
28 shall be appointed for terms of 3 years. A vacancy shall be
29 filled for the unexpired portion of the term.

30
31 2. Compensation. Members shall be compensated according to
32 Title 5, section 12004-I, subsection 22.

33
34 3. Quorum; actions. A quorum shall be a majority of the
35 members of the council. An affirmative vote of the majority of
36 the members present at a meeting shall be required for any
37 action. No action may be considered unless a quorum is present.

38
39 4. Meetings. The council shall meet at least 4 times per
40 year.

41
42 5. Annual report. The council shall report annually to the
43 Governor and to the Legislature on the status of the State's
44 recycling planning effort.

45
46 6. Staff support. The authority shall provide the council
47 with all necessary staff support.

1
3 12. Property. Purchase, own, lease or otherwise acquire, sell, mortgage or otherwise dispose of real and personal property necessary to fulfill the intent of this chapter;

5
7 13. Review. Review all plans and proposals submitted to the department for the development of private solid waste management facilities;

9
11 14. Entry at reasonable hours. Enter during normal working hours upon any lands, water and premises in the State for the purpose of making surveys, soundings, drillings, examinations and inspections as necessary for the purpose of this chapter. The entry shall not be a trespass;

13
15 15. Seal. Have a seal and alter the seal at its pleasure;
17 and

19 16. Other actions. Take all other lawful actions necessary to the performance of its duties and incidental to these powers in carrying out the requirements of this chapter.

21
23 §2121. Use of authority facilities

25 1. Provision and use. The authority shall own or designate solid waste management facilities and ensure the environmentally sound collection, transportation, storage, transfer, processing, recycling, reduction, sale, incineration or disposal of all municipal solid waste generated within the State. Municipalities shall only use facilities owned or designated by the authority for the management of their solid waste.

27
29
31
33 2. Prohibition. No person may dispose of or cause to be disposed of solid waste generated or collected outside the territorial limits of the State at any solid waste management facility owned, leased, managed or otherwise controlled by the authority. Each violation of this subsection is a Class C crime.

35
37
39 §2122. Development schedule

41 The authority shall develop solid waste management facilities in accordance with the state solid waste waste management plan developed pursuant to section 2141 and the provisions of subsection 1.

43
45
47 1. Priority development. The authority shall develop an initial priority list of projects to meet the most critical demands for solid waste management facilities. The priority list shall include a description of the facilities which are needed, an estimate of the costs for facility development and a time frame for their development. In developing the priority list, the authority shall consider the recommendations of the capacity

1 needs analysis developed by the Board of Environmental Protection
2 pursuant to former section 1310-O. The authority shall begin
3 development of priority solid waste management facilities
4 according to the following schedule:

5 A. Identify facility sites no later than July 1, 1990;

7 B. Acquire sites, design and license facilities by January
9 1, 1991; and

11 C. Begin facility construction by May 1, 1991, with the goal
12 of initiating the operation of each facility as
13 expeditiously as possible.

15 2. Facility development. With the exception of priority
16 development identified pursuant to subsection 1, the authority
17 shall adhere to the following development goals:

19 A. Acquire sites or site options a minimum of 5 years before
20 a capacity need is expected to occur;

21 B. Complete design of facilities 4 years before a capacity
22 need is expected to occur;

24 C. Submit applications for facility licenses 4 years before
25 a capacity need is expected to occur; and

27 D. Begin construction to ensure the timely completion and
28 transition to the use of new solid waste management
29 facilities before a capacity need is expected to occur.

31 **§2123. Operations management**

33 The Office of Operations Management, referred to in this
34 section as "the office," shall provide and operate solid waste
35 management facilities in accordance with the provisions of this
36 section and sections 2121, 2122 and 2141. The office may
37 contract to the maximum extent feasible with architects, private
38 contractors, municipalities, counties, regional councils, refuse
39 disposal districts or others for the performance of
40 responsibilities pursuant to this section. The office shall
41 acquire sites and develop, operate and close facilities according
42 to the following procedures.

44 1. Site selection and acquisition. The office shall
45 conduct a comprehensive investigation within each of the solid
46 waste management regions to identify and acquire facility sites.
47 The office shall select sites which are environmentally,
48 economically and geographically appropriate for the type and
49 amount of activity anticipated. Sites selected pursuant to
50 section 2122, subsection 1, shall receive first acquisition
51 priority.

1
3 2. Facility design, licensing and construction. The office
5 shall design, license and construct solid waste management
7 facilities. These facilities shall be designed to meet all
9 applicable federal and state regulations including plans for
11 facility closure and for postclosure monitoring and utilization.
13 These facilities shall be subject to the provisions of section
15 1310-N.

17
19 3. Facility operation and maintenance. The office shall
21 operate, maintain and repair authority-owned solid waste
23 management facilities. The authority shall develop reporting
25 procedures to ensure close supervision of facility operations by
27 the office and the authority. The office shall modify and
29 upgrade solid waste management facilities in accordance with the
31 state solid waste management plan and to comply with changes in
33 federal and state rules and regulations.

35
37 4. Facility closure and monitoring. The office shall
39 design, implement and fund closure and postclosure monitoring
41 plans for authority-owned solid waste management facilities
43 subject to the provisions of section 1310-P.

45 §2124. Report

47
49 The authority shall report by March 1st of each year to the
51 Governor and the Legislature detailing the transactions,
progress, status and requirements of the municipal solid waste
management program established in this chapter. The annual
report shall be supplied to any citizen requesting a copy. The
authority shall provide additional reports on its activities at
the request of the Governor or Legislature.

53
55 In the first year of each biennium the authority's report
57 shall include an updated state solid waste management plan,
59 developed in accordance with section 2141, and submitted to the
61 joint standing committee of the Legislature having jurisdiction
over natural resource matters. After review, the committee may
recommend to the Legislature approval of the plan by resolve or
introduce legislation as necessary to clarify legislative intent
regarding this chapter.

63 SUBCHAPTER III

65 PLANNING

67 §2140. Office duties

69
71 The Office of Planning, referred to in this subchapter as
"the office," shall coordinate and develop state and regional
solid waste management plans, prepare the capacity needs
analysis, develop the state recycling plan, perform solid waste

1 management research and develop and deliver educational and
2 promotional programs.

3
4 To fulfill this responsibility, the authority shall develop,
5 implement and update, in accordance with section 2141, a
6 statewide management plan for municipal solid waste.

7
8 **§2141. Management plans**

9
10 The authority shall develop a solid waste management plan
11 for the State and for each region and shall maintain a map of the
12 designated solid waste management regions. In developing solid
13 waste management plans the authority shall consult with the
14 regional advisory boards established in section 2108 and the
15 Recycling Advisory Council established in section 2109. The
16 authority shall complete an initial state solid waste management
17 plan by March 1, 1991. The plan shall emphasize, in the
18 following order of preference, source reduction, recycling,
19 incineration and disposal in landfills. The plan shall include
20 regional programs of solid waste management. The initial plan
21 shall anticipate and describe management capacity needs in all
22 regions, seek to maximize reliance on private sector recycling
23 capacity and include a schedule for the acquisition of sites and
24 for the design and licensing of facilities needed by the year
25 2000.

26
27 The state solid waste management plan shall include, without
28 limitation, the following:

29
30 1. Capacity needs analysis. An analysis of available
31 disposal capacity and the anticipated demand for disposal
32 capacity in accordance with section 2142;

33
34 2. State recycling program. An assessment of current
35 recycling efforts, markets, recycling goals and programs with
36 implementation programs to develop markets, promote recycling and
37 source reduction and assist municipalities in accordance with
38 section 2143;

39
40 3. Facility development schedule. A schedule for the
41 development of authority-owned solid waste management facilities
42 in accordance with section 2122, subsection 2; and

43
44 4. Regional solid waste management. Programs for the
45 management of solid waste within each solid waste management
46 region in accordance with section 2144.

47
48 **§2142. Capacity needs analysis**

49
50 The authority shall complete and adopt an analysis of the
51 solid waste disposal capacity needs of the State by January 1,
1991. The analysis shall serve as a guide in developing regional

1 solid waste management facilities. The office shall prepare the
2 capacity needs analysis according to the following provisions.

3
4 1. Data collection. The office shall develop and maintain
5 a comprehensive data base on solid waste generated or disposed of
6 in the State. The types of data collected shall include:

7
8 A. The amount of solid waste generated, handled or
9 transported within the State;

10 B. The source of the waste;

11 C. The type of waste;

12 D. The costs and types of treatment or disposal
13 technologies currently employed, including, without
14 limitation, recycling, composting, landspreading,
15 incineration or landfilling;

16 E. The capacity of existing licensed solid waste treatment
17 and disposal facilities receiving waste generated within the
18 State;

19 F. The costs of transporting solid waste to disposal
20 facilities; and

21 G. The extent to which the State relies on solid waste
22 disposal capacity outside its jurisdiction.

23
24 2. Needs analysis. The office shall identify the need in
25 the State for current and future expansions of solid waste
26 treatment and disposal capacity by type of solid waste. The
27 analysis shall include, but not be limited to:

28 A. Identification of solid wastes by type which are capable
29 of being reused or recycled in an economically and
30 environmentally sound manner and the preferred technologies
31 to be utilized;

32 B. A survey of the solid waste generators and the recycling
33 and disposal facilities they utilize;

34 C. Estimation of waste generation by region and waste type
35 over the next 5-year, 10-year and 20-year periods based on
36 the best available forecasts of population growth and
37 economic activity within the State, estimates provided by
38 the solid waste generators and other available information;

39 D. Comparison of the projected waste generation levels with
40 existing capacity, including consideration of expected
41 facility closures;

1 E. Identification of the regional availability of solid
3 waste disposal capacity, including consideration of
 transportation costs; and

5 F. Assessment of the level of competition in the solid
7 waste disposal industry.

9 3. Regional and local considerations. In developing the
11 capacity needs analysis, the office shall consult with regional
13 advisory boards, industrial waste generators, regional councils
15 and municipal officials concerning the specific needs of their
17 locale. The office shall identify areas of the State which are
19 under-served with regard to waste treatment or disposal capacity
 or which have capacity in excess of regional needs. In
 determining regional needs, the office shall consider economic
 criteria, including disposal and transportation costs, population
 densities, regional differences in current industrial mix and the
 potential for economic growth, the level of competition in the
 solid waste disposal industry and any other factors as the office
 deems relevant.

21 4. Revisions. The office shall revise the analysis at
23 least every 2 years to incorporate changes in waste generation
25 trends, changes in waste disposal technologies, the development
27 of new waste generating activities and other factors affecting
29 solid waste management as the office finds appropriate. If the
31 office finds that rapidly changing conditions necessitate more
 timely revisions of the analysis, it may make those revisions
 pursuant to the rule-making provisions of the Maine
 Administrative Procedure Act, Title 5, chapter 375, subchapter
 II, including emergency rulemaking if necessary.

33 5. Coordination. The office shall coordinate development
35 of the solid waste capacity needs analysis with the hazardous
37 waste facility needs plan developed annually pursuant to section
 1319-O and with the state recycling program developed pursuant to
 section 2143.

39 §2143. State recycling program

41 The office shall develop a program to encourage recycling of
43 waste materials and the reduction of waste volumes generated
45 within the State to the maximum extent possible in order to
47 conserve the natural resources of the State, reduce the
 detrimental environmental effects of waste disposal, safeguard
 the public health and welfare, reduce the disposal costs incurred
 by municipalities and waste generators and reduce the amount of
 waste requiring incineration and landfilling.

49 The office shall complete by March 1, 1991, a plan, in
51 consultation with the Recycling Advisory Council, regional
 advisory boards, municipalities, regional councils and the

1 private sector, to identify and encourage recycling opportunities
2 throughout the State.

3
4 1. Assessment elements. The plan shall include
5 investigation and assessment of the following elements:

6
7 A. The current level of public recycling efforts, including
8 the quantities and categories of waste currently recycled;

9
10 B. The current market structure of the recycling industry
11 in the State and in those areas receiving recycled materials
12 from the State. This element shall include identification
13 of the existing private and public recycling operations,
14 recycling capacity and the quantities and categories of
15 materials currently recycled;

16
17 C. The potential for recycling in various regions of the
18 State, including estimates of the types and quantities of
19 waste available for recycling and an analysis of the
20 economic and institutional obstacles to increased recycling;

21
22 D. The categories of industrial waste which present
23 opportunities for reuse;

24
25 E. Opportunities to reduce waste quantities by reducing
26 generation at the source; and

27
28 F. The impact of nonbiodegradable polystyrene foam products
29 on landfill space.

30
31 2. Program elements. The office shall develop the
32 following program elements in the form of specific activities of
33 the authority, regions or municipalities or recommendations,
34 including, when necessary, requests for additional legislative
35 authority or operating and capital costs to implement programs.

36
37 A. The office shall develop goals for the state recycling
38 program. Goals shall be expressed in terms of the
39 proportion of specific waste streams that could be recycled
40 based upon an assessment of current and reasonably
41 attainable market conditions and the net economic benefits
42 to the State.

43
44 B. The office shall design a program of public education in
45 support of the state recycling plan to promote waste
46 reduction, source separation and feasible recycling efforts
47 at the individual, local, regional and state level.

48
49 C. The office shall design a market development strategy,
50 consistent with the state recycling plan, which shall
51 include, without limitation, the following elements:

1 (1) Methods of collecting and marketing of recyclable
3 materials, including those with a direct state role, in
5 order to achieve necessary economies of scale and
7 product quality specifications. The strategy shall
9 include model municipal ordinances to accomplish
 recycling objectives and a plan for source separation
 of recyclable materials at the household, municipal,
 regional or state level, as appropriate;

11 (2) Specific market development strategies for
 recycling of the following materials:

13 (a) Waste paper, including newsprint, corrugated
15 cardboard, office papers and mixed papers;

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

19 (c) Metal, including deposit beverage containers,
21 white goods, automobile frames and motors and
 other scrap metals; and

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

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

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

45 D. The office shall develop in coordination with the Office
47 of Operations Management a program of assistance for
49 municipalities, groups of municipalities and regional
51 councils. The office shall establish a preference for
 proposals which involve groups of municipalities or which
 are coordinated by regional councils. This program shall
 include without limitation:

1 (1) Technical assistance and grants to study the
2 feasibility of local or regional recycling programs
3 consistent with the state recycling plan; and

4 (2) Technical assistance and grants to implement the
5 feasibility studies developed under this section when
6 the proposed activities are consistent with the state
7 recycling plan.

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

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

22
23 3. Research. The office shall conduct a program of
24 research in support of the state recycling plan which may
25 include, without limitation, the areas of innovative recycling
26 technologies and markets, industrial waste exchanges and waste
27 reduction strategies.

28
29
30 §2144. Regional solid waste management

31
32 The office shall develop programs to manage the solid waste
33 generated in each solid waste management region. Regional solid
34 waste management programs shall include the following.

35 1. Regional solid waste management facilities. The
36 authority shall provide or designate solid waste management
37 services utilizing facilities developed to take advantage of
38 economies of scale, transportation infrastructure and, where
39 possible, existing regional solid waste disposal activities. The
40 authority shall provide within each solid waste management region
41 authority-owned solid waste management facilities for the solid
42 waste generated within that region unless the authority
43 determines that:

44 A. A management need can be met by having an
45 authority-owned facility serve more than one region;

46 B. Use of an authority-owned facility by a municipality
47 would violate a contract with a solid waste management
48 facility licensed by the Board of Environmental Protection
49 prior to January 1, 1990; or
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C. Use of a publicly owned solid waste management facility licensed by the Board of Environmental Protection prior to January 1, 1990, is environmentally sound.

2. Municipalities. The authority shall designate solid waste management facilities for the use of each municipality, specifying the destination of each waste stream component. The authority shall develop and implement programs of technical and financial assistance for municipalities.

3. Information. The authority shall collect regional and municipal solid waste data and perform surveys, studies and investigations as necessary and shall conduct educational and promotional campaigns at the state, regional and municipal levels to support sound solid waste management practices.

4. Projections. The authority shall, by municipality, project growth in solid waste generation and determine facilities needed to manage anticipated increases.

SUBCHAPTER IV

FINANCING

§2150. Bonds and notes

1. Authorization of bonds. The authority may provide by resolution of its members for the borrowing of money and the issuance from time to time of bonds and notes for any of its corporate purposes, including, but not limited to:

- A. Paying and refunding its indebtedness;
- B. Paying any necessary expenses and liabilities incurred under this chapter, including organizational and other necessary expenses and liabilities;
- C. Paying costs directly or indirectly associated with acquiring properties; paying damages; constructing, maintaining and operating waste facilities; making renewals, additions, extensions and improvements to the property or facilities; and covering interest payments during the period of construction and any period the authority determines;
- D. Providing reserves for debt service, repairs and replacements or other capital or current expenses that may be required by a trust agreement or resolution securing bonds or notes; and
- E. Any combination of these purposes.

1 Bonds may be issued under this chapter as general obligations of
2 the authority or as special obligations payable solely from
3 particular funds. The principal, premium and interest on all
4 bonds shall be payable solely from the funds provided for that
5 purpose from revenues. All bonds issued under this chapter shall
6 be legal obligations of the authority. Bonds may be issued under
7 this chapter without obtaining the consent of any commission,
8 board, bureau or agency of the State and without any other
9 proceedings or other conditions or things other than those which
10 are specifically required by this chapter. Except as provided in
11 this subchapter, bonds issued by the authority under this chapter
12 do not constitute a debt or liability of the State or a pledge of
13 the faith and credit of the State, and a statement to that effect
14 shall be recited on the face of the bonds.

15 2. Notes. The authority may provide by resolution of its
16 members for the issuance from time to time of:

17 A. Notes in anticipation of bonds authorized under this
18 chapter;

19 B. Notes in anticipation of the revenues to be collected or
20 received in any year; or

21 C. Notes in anticipation of the receipt of federal or state
22 grants or other aid. The issuance of these notes shall be
23 governed by the applicable provisions of this chapter
24 relating to the issuance of bonds, provided that notes in
25 anticipation of revenue mature no later than one year from
26 their respective dates and notes issued in anticipation of
27 federal or state grants or other aid and renewals mature no
28 later than the expected date, as determined by the board of
29 directors, of receipt of those grants or aid. The authority
30 may adjust the maturity date of notes issued in anticipation
31 of federal or state grants or other aid to reflect changes
32 in the expected date of receipt. Notes in anticipation of
33 revenue issued to mature less than one year from their dates
34 may be renewed from time to time by the issuance of other
35 notes, provided that the period from the date of an original
36 note to the maturity of any note issued to renew or pay the
37 note or the interest does not exceed one year.

38 The authority may enter into agreements with the State or the
39 United States, or any agency of either, or any municipality,
40 corporation, commission or board authorized to grant or loan
41 money or to otherwise assist in the financing of projects of the
42 type which the authority is authorized to carry out, and to
43 accept grants and borrow money from any such government, agency,
44 municipality, corporation, commission or board as may be
45 necessary or desirable to accomplish the purposes of the
46 authority.

1 3. Maturity; interest; form; temporary bonds. The bonds
2 issued under this chapter shall be dated, mature at a time or
3 times not exceeding 40 years from their date or dates of issue
4 and bear interest at a rate or rates determined by the authority
5 or determined pursuant to a formula approved by the authority or
6 by a 3rd-party rate-setting agent selected by the authority, and
7 may be made redeemable before maturity, at the option of the
8 authority, at a price or prices and under terms and conditions
9 fixed by the authority prior to the issuance of the bonds. The
10 authority shall determine the form of the bonds, including any
11 interest coupons to be attached, and the manner of execution of
12 the bonds, and fix the denomination or denominations of the bonds
13 and the place or places of payment of principal and interest,
14 which may be at any financial institution having trust powers
15 within or outside the State. Bonds shall be executed in the name
16 of the authority by the manual or facsimile signature of an
17 officer or officers authorized in the resolution to execute the
18 bonds, but at least one signature on each bond shall be a manual
19 signature. Coupons, if any, attached to the bonds shall be
20 executed with the facsimile signature of the officer or officers
21 of the authority designated in the resolution. In case any
22 officer, whose signature or facsimile signature appears on any
23 bonds or coupons, ceases to hold that office before the delivery
24 of the bonds, the signature or its facsimile shall nevertheless
25 be valid and sufficient for all purposes, as if the officer had
26 remained in office until the delivery. Notwithstanding any of
27 the other provisions of this chapter or any recitals in any bonds
28 issued under this chapter, all such bonds shall be deemed to be
29 negotiable instruments under the laws of this State. The bonds
30 may be issued in coupon or registered form, or both, as the
31 authority determines, and provision may be made for the
32 registration of any coupon bonds as to principal alone and as to
33 both principal and interest, and for the reconversion into coupon
34 bonds of any bonds registered as to both principal and interest.
35 The authority may sell the bonds in the manner, either at public
36 or private sale, and for the price it may determine to be for the
37 best interests of the authority. The proceeds of the bonds of
38 each issue shall be used solely for the purpose for which those
39 bonds have been authorized and be disbursed in the manner and
40 under restrictions the authority provides in the resolution
41 authorizing the issuance of the bonds or in the trust agreement
42 securing the bonds. The resolution providing for the issuance of
43 bonds, and any trust agreement securing the bonds, may contain
44 any limitations upon the issuance of additional bonds that the
45 authority deems proper, and these additional bonds shall be
46 issued under any restrictions and limitations prescribed by that
47 resolution or trust agreement. Prior to the preparation of
48 definitive bonds, the authority may, under like restrictions,
49 issue interim receipts or temporary bonds, with or without
50 coupons, exchangeable for definitive bonds when those bonds are
51 executed and are available for delivery. The authority may

1 provide for the replacement of any bond which is mutilated,
2 destroyed or lost.

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4 4. Pledges and covenants; trust agreement. At the
5 discretion of the authority, each or any issue of bonds may be
6 secured by a trust agreement by and between the authority and a
7 corporate trustee, which may be any financial institution having
8 trust powers within or outside the State.

9
10 The resolution of the authority authorizing the issuance of the
11 bonds or the trust agreement may pledge or assign, in whole or in
12 part, the revenues and other funds held or to be received by the
13 authority and any accounts and contract or other rights to
14 receive the revenues or funds, whether then existing or coming
15 into existence and whether then held or thereafter acquired by
16 the authority and the proceeds thereof, and may convey or
17 mortgage the waste facilities or any other properties of the
18 authority. The resolution may also contain provisions for
19 protecting and enforcing the rights and remedies of the
20 bondholders, including, but not limited to, covenants setting
21 forth the duties of the authority in relation to the acquisition,
22 construction, reconstruction, improvement, repair, maintenance,
23 operation and insurance of its waste facilities or any of its
24 other properties; the fixing and revising of rates, tolls,
25 assessments, rents, tipping fees and transportation charges and
26 other charges; the application of the proceeds of bonds; the
27 custody, safeguarding and application of revenues; and the
28 defining of defaults and providing for remedies in the event of
29 default, which may include the acceleration of maturities, the
30 establishment of reserves and the making and amending of
31 contracts. The resolution or trust agreement may set forth the
32 rights and remedies of the bondholders and of the trustee, if
33 any, and may restrict the individual right of action by
34 bondholders as is customary in trust agreements or trust
35 indentures securing bonds or debentures of corporations. In
36 addition, the resolution or trust agreement may contain other
37 provisions that the authority deems reasonable and proper for the
38 security of the bondholders, including means by which the
39 resolution or trust agreement may be amended. All expenses
40 incurred in carrying out the resolution or trust agreement may be
41 treated as a part of the cost of operation. The pledge by any
42 resolution or trust agreement shall be valid and binding and
43 deemed continuously perfected for the purposes of the Uniform
44 Commercial Code from the time when the pledge is made. All
45 revenues, funds, rights and proceeds so pledged and thereafter
46 received by the authority shall immediately be subject to the
47 lien of the pledge without any physical delivery or segregation
48 or further action under the Uniform Commercial Code or otherwise,
49 and the lien of the pledge shall be valid and binding as against
50 all parties having claims of any kind in tort, contract or
51 otherwise against the authority irrespective of whether those
parties have notice thereof.

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3 The resolution authorizing the issuance of bonds under this
5 chapter, or any trust agreement securing those bonds, may provide
7 that all or a sufficient amount of revenues and assessments,
9 after providing for the payment of the cost of repair,
11 maintenance and operation and reserves therefor provided in the
13 resolution or trust agreement, shall be set aside at regular
15 intervals provided in the resolution or trust agreement and
17 deposited in the credit of a fund for the payment of the interest
19 on and the principal of bonds issued under this chapter as the
21 bonds become due, and the redemption price or purchase price of
23 bonds retired by call or purchase. The use and disposition of
25 funds in or to the credit of the fund shall be subject to
27 regulations provided in the resolution authorizing the issuance
29 of the bonds or in the trust agreement securing the bonds and,
31 except as otherwise provided in the resolution or trust
33 agreement, the fund shall be a fund for the benefit of all bonds
without distinction or priority of one over another.

5. Trust funds. Notwithstanding any other provision of
21 law, all money set aside for payment of the bonds, or other
23 purposes pursuant to the provisions of any trust agreement
25 securing the bonds, shall be deemed to be trust funds, to be held
27 and applied as provided by the trust agreement, provided that
29 investment or deposit of those funds is subject to the provisions
31 applicable to municipal funds under Title 30-A, chapter 223,
33 subchapter III-A. The resolution authorizing the issuance of
bonds or the trust agreement securing the bonds shall provide
that any officer to whom, or bank, trust company or other
financial institution or fiscal agent to which, money is paid
shall act as trustee of money and hold and apply the same for the
purposes hereof, subject to any regulations provided in the
resolution or trust agreement or as required by this chapter.

6. Remedies. Any holder of bonds issued under this chapter
37 or of any of the coupons appertaining to those bonds, and the
39 trustee under any trust agreement, except to the extent the
41 rights given may be restricted by the resolution authorizing the
43 issuance of those bonds or trust agreement, may, either at law or
45 in equity, by suit, action, mandamus or other proceeding,
47 including proceedings for the appointment of a receiver to take
49 possession and control of the properties of the authority,
protect and enforce all rights under the laws of the State or
granted under this chapter or under the resolution or trust
agreement, and may enforce and compel the performance of all
duties required by this chapter or by the resolution or trust
agreement to be performed by the authority or by any officer of
the authority, including the fixing, charging and collecting of
rates, fees and charges for the use of or for the services and
facilities furnished by the authority.

1 7. Refunding bonds. The authority, by resolution, may
2 issue refunding bonds for the purpose of paying any of its bonds
3 at maturity or upon acceleration or redemption. The refunding
4 bonds may be issued at any time prior to the maturity or
5 redemption of the refunded bonds that the authority deems to be
6 in the public interest. The refunding bonds may be issued in
7 sufficient amounts to pay or provide the principal of the bonds
8 being refunded, together with any redemption premium, any
9 interest accrued or to accrue to the date of payment of those
10 bonds, the expenses of issuance of the refunding bonds, the
11 expenses of redeeming the bonds being refunded and any reserves
12 for debt service or other capital or current expenses from the
13 proceeds of the refunding bonds required by a trust agreement or
14 resolution securing bonds. The issuance of refunding bonds, with
15 maturities and other details, security, rights of the holders,
16 and rights, duties and obligations of the authority in respect of
17 the same shall be governed by the applicable provisions of this
18 chapter relating to the issuance of bonds other than refunding
19 bonds.

21 8. Tax exemption. All bonds, notes or other evidences of
22 indebtedness issued under this chapter, and their transfer and
23 income, including any profit made on their sale, shall at all
24 times be free from taxation within the State.

25 9. Bonds declared legal investments. Bonds and notes
26 issued by the authority under this chapter are made securities in
27 which all public officers and public bodies of the State and its
28 political subdivisions; all insurance companies and associations
29 and other persons carrying on an insurance business; trust
30 companies; banks; bankers; banking associations; savings banks
31 and savings associations, including savings and loan
32 associations; credit unions; building and loan associations;
33 investment companies; executors, administrators, trustees and
34 other fiduciaries; pension, profit-sharing, retirement funds and
35 other persons carrying on a banking business; and all other
36 persons who are now, or may be, authorized to invest in bonds or
37 other obligations of the State, may properly and legally invest
38 funds, including capital in their control or belonging to them.
39 The bonds and notes are made securities which may properly and
40 legally be deposited with and received by any state, municipal or
41 public officer, or any agency or political subdivision of the
42 State, for any purpose for which the deposit of bonds or other
43 obligations of the State is now or may be authorized by law.

44 10. Negotiated or competitive bidding process. Any notes,
45 bonds or other instruments of indebtedness may be the subject of
46 a negotiated or competitive bidding process, or any other process
47 which may be advantageous to the authority, and determination of
48 the process to be used shall be made by and at the discretion of
49 the directors of the authority.
50 the directors of the authority.
51

1 §2151. Charges

3 All persons utilizing authority-owned or operated solid
4 waste management facilities shall pay to the treasurer of the
5 authority the rates, tolls, assessments, rents, tipping fees,
6 transportation charges and other charges established by the
7 authority for services provided by the authority. In this
8 subchapter, the words "other charges" include, but are not
9 limited to, interest on delinquent accounts at a rate not to
10 exceed the highest lawful rate set by the Treasurer of State for
11 municipal taxes. The authority may submit periodic bills directly
12 to municipalities or individual users.

13 Rates, tolls, assessments, rents, tipping fees,
14 transportation charges and other charges shall be established to
15 provide revenue at least sufficient, together with any other
16 funds available, to:

17 1. Current operating expenses. Pay the current expenses of
18 operating and maintaining the waste facilities of the authority;

19 2. Payment of interest and principal. Pay the principal,
20 premium and interest on all bonds and notes issued by the
21 authority under this chapter when due and payable;

22 3. Payments into reserve funds. Create and maintain any
23 reserves required by any trust agreement or resolution securing
24 bonds and notes;

25 4. Repairs, replacements and renewals. Provide funds for
26 paying the cost of all necessary repairs, replacements and
27 renewals of the waste facilities of the authority;

28 5. Payment of obligations. Pay or provide for any amounts
29 which the authority may be obligated to pay or provide for by law
30 or contract, including any resolution or contract with or for the
31 benefit of the holders of its bonds and notes; and

32 6. Closure and monitoring. Create and maintain such
33 reserves, to be held in escrow, as may be required for closure
34 activities and postclosure monitoring of solid waste disposal
35 facilities in accordance with section 1310-P.

36 §2152. Collection of unpaid charges

37 The treasurer of the authority may collect the rates, tolls,
38 assessments, rents, tipping fees, transportation charges and
39 other charges established by the authority and those charges
40 shall be committed to the treasurer. The treasurer may, after
41 demand for payment, sue in the name of the authority in a civil
42 action for any rate, toll, rent, assessment, tipping fee,
43 transportation charge or other charges remaining unpaid in any

1 court of competent jurisdiction. In addition, the treasurer may
2 order the termination of service for nonpayment of any amount
3 owed to the authority by a private user.

5 **§2153. Cost reimbursement program**

7 The authority shall establish a program of cost
8 reimbursement with the intention of decreasing the burden on
9 municipalities faced with large municipal solid waste management
10 costs. Reimbursements under this program shall be subject to the
11 availability of funds allocated by the State for the purposes of
12 this section. Reimbursements shall be made on the basis of
13 program eligibility and application date, and shall equal the
14 difference between eligible municipal solid waste management
15 costs and the base-line cost established by the authority. The
16 authority may adopt rules, in accordance with the provisions of
17 the Maine Administrative Procedure Act, Title 5, chapter 375,
18 necessary for implementing this program, including standards for
19 determining if a municipal recycling program is active. These
20 standards may include, but are not limited to, percentage
21 recycling goals for municipalities and the number and types of
22 materials being recycled. The following procedures shall guide
23 the administration of this program.

25 1. Program eligibility. Any municipality may apply for
26 reimbursement. To be considered eligible for reimbursement a
27 municipality shall have an active recycling program and provide
28 the authority with data sufficient to determine eligible costs
29 for reimbursement. Data requested by the authority may include,
30 but is not limited to, the amount of solid waste generated and
31 disposed of, the various costs and fees incurred, the types and
32 amounts of materials being recycled and the revenues and costs of
33 recycling efforts.

35 2. Costs eligible for reimbursement. Costs eligible for
36 reimbursement are:

37 A. All fees charged by an in-state commercial solid waste
38 disposal facility and the transportation costs from a
39 municipality to an in-state commercial solid waste disposal
40 facility;

41 B. All fees charged by an in-state publicly owned disposal
42 facility and the transportation costs from a municipality to
43 a publicly owned disposal facility; and

44 C. Any cost to a municipality resulting from use of a
45 disposal facility owned by the applicant municipality except
46 costs passed on to other users of the disposal facility or
47 costs of developing transfer, recycling or other nondisposal
48 solid waste management facilities.
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1 Section 2 provides authority members other than the chief
executive officer with the legislative per diem.

3
5 Section 3 amends a cross reference to the Recycling Advisory
Council which under this proposal would advise the authority.

7 Sections 4 to 6 amend sections of the Maine Revised
Statutes, Title 38, chapter 13, Waste Management, to reflect the
9 relationship of the authority to the roles in solid waste
management given the Board of Environmental Protection and
11 municipalities.

13 Section 7 repeals the sections of Title 38, chapter 13,
establishing the Office of Waste Recycling and Reduction and the
15 Recycling Advisory Council and repeals the current state
recycling plan process. The intent of these sections is
17 preserved within the context of the authority.

19 Section 8 amends the existing public benefit laws in Title
38, chapter 13, to reflect the move of the capacity needs
21 analysis to the new authority.

23 Section 9 reflects the incorporation of the state recycling
plan within the state solid waste management plan developed by
25 the authority.

27 Section 10 repeals the section of law establishing the
current process of capacity needs analysis. Capacity needs
29 analysis becomes part of the authority's planning activities.

31 Section 11 establishes the relationship of refuse disposal
districts to the authority.

33
35 Section 12 enacts Title 38, chapter 25, creating the Maine
Solid Waste Authority. The authority is a 12-member board
37 consisting of 11 representatives of solid waste management
regions that correspond in area to existing planning and
development districts and a chief executive officer who serves as
39 chair. The authority's purpose is to manage all municipal solid
waste generated in Maine by creating and implementing a state
41 solid waste management plan and by locating and acquiring
facility sites, and by overseeing the design, licensing,
43 development, operation and eventual closure of solid waste
management facilities.

45
47 The authority is directed to develop and implement state and
regional solid waste management plans. The state solid waste
management plan would be approved by the Legislature and would
49 include a capacity needs analysis, a state program to encourage
recycling, a schedule for the development of solid waste
51 management facilities and programs for the management of
municipal solid waste within the solid waste management regions.

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The authority is granted broad powers to own, lease and sell property; finance projects by issuing bonds and notes; provide technical and financial assistance to municipalities; and obtain waste-related data.

Regional advisory boards are established for each designated solid waste management region. Regional advisory boards may be selected by municipalities within a solid waste management region choosing the board of directors for the local regional council as their regional advisory board. The Governor will appoint a 7-member board if the regional council board is not chosen by the majority of the municipalities within a region.

The authority is directed to develop a priority list of regions and associated facilities needed to present capacity shortfalls in the short term. Guidelines for timing the acquisition of sites and the development of solid waste management facilities are also included. Disposal of imported waste at authority-owned or operated facilities is prohibited.

When feasible, the authority will provide for the handling of solid waste within the region in which it is generated. The authority is instructed to charge fees adequate to cover all costs associated with the acquisition, development, operation and closure of solid waste management facilities.

Under this bill, eligible municipalities may participate in a cost reimbursement program. Municipalities would receive the difference between the average statewide tipping fee and transportation costs of municipalities using commercial facilities and their own tipping fee and transportation costs. Municipalities that use a commercial solid waste disposal facility and have an active recycling program would be eligible.

Because of the importance of solid waste management and the need for quick resolution of the current situation, this bill would take effect when approved.