

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1705, L.D. 2354, Bill, "An Act to Correct Errors in the Solid Waste Laws"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Correct Errors and Facilitate Implementation of the Solid Waste Laws'

Further amend the bill in Part A by striking out all of sections A-2 to A-4.

Further amend the bill in Part A by striking out all of section A-6.

Further amend the bill in Part A by inserting after section A-6 the following:

'Sec. A-7. 38 MRSA §1303-C, sub-§1-A is enacted to read:

1-A. Biomedical waste. "Biomedical waste" means waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that contain cytotoxic chemicals used in medical treatment.

Sec. A-8. 38 MRSA §1303-C, sub-§7, ¶E, as enacted by PL 1989, c. 585, Pt. E, §4, is amended to read:

E. The person generating the solid waste disposed of at the facility, except that the facility may accept, on a nonprofit basis, no more than 15% of all solid waste

2 accepted on an annual average that is not generated by the
owner. A waste facility receiving ash resulting from the
4 combustion of municipal solid waste or refuse-derived fuel
~~derived from municipal solid waste~~ is not exempt from this
6 subsection solely by operation of this paragraph.

8 **Sec. A-9. 38 MRSA §1303-C. sub-§§24, 25, 30, 31, 34 and 40,** as
enacted by PL 1989, c. 585, Pt. E, §4, are amended to read:

10 **24. Regional association.** "Regional association" means 2 or
12 more municipalities that have formed a relationship to manage the
solid waste generated within the participating municipalities and
14 for which those municipalities are responsible. The relationship
must be formed by one or more of the following methods: ~~a refuse~~
16 ~~disposal district under chapter 17 or a public waste disposal~~
~~corporation under section 1304-B or that have entered into a~~
18 ~~joint exercise of powers agreement under Title 30-A, chapter 115,~~
~~in order to manage the solid waste generated within the~~
20 ~~participating municipalities and for which those municipalities~~
~~are responsible.~~

22 A. Creation of a refuse disposal district under chapter 17;

24 B. Creation of a nonprofit corporation that consists
exclusively of municipalities and is organized under Title
26 13, chapter 81 or Title 13-B, for the purpose, among other
permissible purposes, of owning, constructing or operating a
28 solid waste disposal facility, including a public waste
disposal corporation under section 1304-B;

30 C. Creation of a joint exercise of powers agreement under
32 Title 30-A, chapter 115; or

34 D. Contractual commitment.

36 **25. Residue.** "~~Residual--waste~~" "Residue" means waste
38 ~~resulting from remaining~~ after the handling, processing, disposal
incineration or recycling of solid waste including, without
40 limitation, front end waste and ash from incineration facilities.

42 **30. Solid waste disposal facility.** "Solid waste disposal
44 facility" means a solid waste facility for the disposal
incineration or landfilling of solid waste ~~except--that--the~~
~~following facilities are not included;~~ or refuse-derived fuel.

46 ~~A--A waste facility that employs controlled combustion to~~
~~dispose of waste generated exclusively by an institutional,~~
48 ~~commercial--or--industrial--establishment--that--owns--the~~
~~facility;--and~~

50

2 ~~B.---Lime-kilns,--wood-chip,--bark--and--hogged-fuel-boilers,~~
3 ~~kraft-recovery-boilers--and--sulfite-process-recovery-boilers,~~
4 ~~which--combust--solid--waste--generated--exclusively--at--the~~
5 ~~facility.~~

6 31. Solid waste facility. "Solid waste facility" means a
7 waste facility used for the handling of solid waste, except
8 that the following facilities are not included:

10 A. A waste facility that employs controlled combustion to
11 dispose of waste generated exclusively by an institutional,
12 commercial or industrial establishment that owns the
13 facility; and

14 B. Lime kilns; wood chip, bark and hogged fuel boilers;
15 kraft recovery boilers and sulfite process recovery boilers;
16 which combust solid waste generated exclusively at the
17 facility.

20 34. Special waste. "Special waste" means any nonhazardous
21 solid waste generated by sources other than domestic and typical
22 commercial establishments that exists in such an unusual quantity
23 or in such a chemical or physical state, or any combination
24 thereof, which that may disrupt or impair effective waste
25 management or threaten the public health, human safety or the
26 environment and requires special handling, transportation and
27 disposal procedures. Special waste includes, but is not limited
28 to:

30 A. Oil, coal, wood and multifuel boiler and incinerator ash;

32 B. Industrial and industrial process waste;

34 C. Waste water treatment plant sludge, paper mill sludge
35 and other sludge waste;

36 D. Debris and residuals from nonhazardous chemical spills
37 and cleanup of those spills;

40 E. Contaminated soils and dredge spoils;

42 F. Asbestos and asbestos-containing waste;

44 G. Sand blast grit and nonliquid paint waste;

46 ~~H.---Medical--and--other--biological--waste--not--identified--under~~
47 ~~section-1319-G,--subsection-1,--paragraph-A,--subparagraph-(4);~~

48 I. High and low pH waste;

50

COMMITTEE AMENDMENT "B" to H.P. 1705, L.D. 2354

2 J. Spent filter media and residue; and

4 K. Other waste designated by the board, by rule.

6 **40. Waste facility.** "Waste facility" means any land area,
structure, location, equipment or combination of them, including
8 dumps, used for handling hazardous, biomedical or solid waste,
waste oil, sludge or septage. A land area or structure does not
10 become a waste facility solely because:

12 A. It is used by its owner for disposing of septage from
the owner's residence;

14 B. It is used to store for 90 days or less hazardous wastes
generated on the same premises;

16 C. It is used by individual homeowners or lessees to open
18 burn leaves, brush, deadwood and tree cuttings accrued from
normal maintenance of their residential property, when such
20 burning is permitted under section 599, subsection 3; or

22 D. It is used by its residential owner to burn highly
combustible domestic, household trash such as paper,
24 cardboard cartons or wood boxes, when such burning is
permitted under section 599, subsection 3.'

26 Further amend the bill in Part A in section A-8 in
28 subsection 3 in paragraph A in the first line (page 3, line 14 in
L.D.) by inserting after the following: "11" the following: 'or
30 by special act of the Legislature'

32 Further amend the bill in Part A by striking out all of
section A-10 and inserting in its place the following:

34 'Sec. A-10. 38 MRSA §1319-O. sub-§1. ¶A. as amended by PL
36 1989, c. 124, §2, is further amended to read:

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

2 Hazardous waste may be identified as follows.

4 (1) The board may identify any substance as a
6 hazardous waste if that substance is identified as
8 hazardous by particular substance, by characteristic,
by chemical class or as a waste product of a specific
United States Environmental Protection Agency.

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

- 20 (a) Carcinogenicity;
- 22 (b) Mutagenicity;
- 24 (c) Teratogenicity; or
- 26 (d) Infectiousness.

28 Rules adopted under this subparagraph shall must be
30 submitted to the joint standing committee of the
Legislature having jurisdiction over natural resources
32 for review. These rules shall remain in effect until
34 90 days after adjournment of the next regular session
of the Legislature unless adopted by legislative
enactment.

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

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

- 46 (a) Polychlorinated biphenyls and any substance
48 containing polychlorinated biphenyls--and

2 ~~(e)---Pathogenic---and---infectious---waste,---For---the~~
3 ~~purposes---of---this---section,---"pathogenic---and~~
4 ~~infectious---waste"--means---any---material---containing~~
5 ~~microorganisms---or---viruses---capable---of---causing---human~~
6 ~~disease.~~

7 **Sec. A-11. 38 MRSA §1319-O, sub-§3, as enacted by PL 1989, c.**
8 **124, §3, is amended to read:**

9 **3. Handling and disposal of biomedical waste.** ~~On-or-before~~
10 ~~January-1,-1990,-the~~ The board shall adopt rules relating to the
11 packaging, labeling, handling, storage, collection,
12 transportation, treatment and disposal of biomedical waste,
13 including infectious and pathogenic waste, to protect public
14 health, safety and welfare and the environment.

15 A. The rules shall must include, without limitation:

16 (1) Registration of biomedical waste generators;

17 (2) Handling of biomedical waste by generators;

18 (3) Licensing of biomedical waste transporters and the
19 conveyances used for the transportation of biomedical
20 waste;

21 (4) Implementation of a biomedical waste tracking or
22 manifest system; and

23 (5) Establishment of treatment and disposal standards,
24 ; and

25 (6) Categories of biomedical waste subject to
26 regulation under this subsection, consistent with the
27 provisions of section 1303-C, subsection 1-A.

28 B. The board shall adopt rules governing the siting,
29 licensing, operational and ~~record-keeping~~ record-keeping
30 requirements for biomedical waste treatment, storage and
31 disposal facilities.

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

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

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

2 Further amend the bill in Part A by striking out all of
section A-11.

4
6 Further amend the bill in Part A by striking out all of
section A-13 and inserting in its place the following:

8 'Sec. A-13. 38 MRSa §2203, as enacted by PL 1989, c. 585, Pt.
10 A, §7, is repealed and the following enacted in its place:

12 §2203. Fee on special waste

14 1. Commercial landfills. Fees are imposed in the following
amounts to be levied for special waste that is disposed of at
commercial landfills.

16	<u>Asbestos</u>	<u>\$6 per cubic</u>
18		<u>yard</u>
20	<u>Oil spill debris</u>	<u>\$25 per ton</u>
22	<u>Residuals from soil</u>	<u>\$6 per ton</u>
24	<u>decontamination</u>	
26	<u>Waste water facility sludge</u>	<u>\$2 per ton</u>
28	<u>Ash, coal and oil</u>	<u>\$6 per ton</u>
30	<u>Paper mill sludge</u>	<u>\$6 per ton</u>
32	<u>Industrial waste</u>	<u>\$6 per ton</u>
34	<u>Sandblast grit</u>	<u>\$6 per ton</u>
36	<u>Miscellaneous special waste</u>	<u>\$6 per ton</u>
38	<u>Municipal solid waste ash</u>	<u>\$2 per ton</u>

40 2. Municipal and regional association landfills. Fees are
imposed in the following amounts to be levied for special waste
that is disposed of at a municipal landfill or a regional
association landfill.

44	<u>Asbestos</u>	<u>\$2 per cubic</u>
46		<u>yard</u>
48	<u>Oil spill debris</u>	<u>\$25 per ton</u>
50	<u>All other special waste</u>	<u>\$2 per ton</u>

2 **Sec. A-14. 38 MRSA §2204**, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

4 **§2204. Municipal disposal surcharge**

6 The agency shall impose a disposal surcharge of \$4 per ton
8 on any municipal solid waste ~~delivered to~~ disposed of at a
 commercial landfill facility ~~or solid waste landfill owned by the~~
 ~~agency or a regional association.~~ The agency shall impose an
10 additional \$1.50 per ton on any solid waste delivered to a
 commercial solid waste disposal facility or solid waste disposal
12 facility owned by the agency or a regional association from a
 municipality that does not meet the requirements of section 2133,
14 subsection 5, paragraph B.'

16 Further amend the bill by inserting before Part B the
 following:

18 'Sec. A-18. PL 1989, c. 585, Pt. F, §2, under the caption "TOTAL
20 ALLOCATIONS," in the first line, is amended to read:

22 TOTAL ALLOCATIONS	\$1,808,590	\$5,919,452
		<u>\$5,594,452</u>

24 **Sec. A-19. Transition.** To the extent that the Maine Waste
26 Management Agency or a municipality has collected from a
 generator any special waste disposal fees under the Maine Revised
28 Statutes, Title 38, section 2203, prior to the effective date of
 this Act, in excess of the amount that would have been due had
30 that section, as amended by this Act, been in force, the agency
 shall credit all excess amounts toward future payments paid by
32 that generator.

34 To the extent that the Maine Waste Management Agency has
36 collected from a regional association any fees under Title 38,
 section 2204, prior to the effective date of this Act, in excess
38 of the amount that would have been due had that section, as
 amended by this Act, been in force, the agency shall refund to
40 the regional association all excess amounts.

42 **Sec. A-20. Retroactivity.** Those portions of this Act that
 amend the Maine Revised Statutes, Title 38, section 1303-C,
44 subsections 34 and 40 and section 1319-O, subsections 1 and 3 and
 that enact Title 38, section 1303-C, subsection 1-A apply
46 retroactively to February 1, 1990.

48 **Sec. A-21. Report.** The Maine Waste Management Agency shall
 report, on or before March 1, 1991, to the Joint Standing
 Committee on Energy and Natural Resources and the Office of the

2 Executive Director of the Legislative Council on the expenditure
of all funds from the Maine Solid Waste Management Fund since the
4 inception of the fund. The report must include identification
and purpose of all personal services and agency consultants
6 costs, grants made to municipalities and any other parties,
transfers of funds to other agencies, transfers to the General
8 Fund for whatever purpose and any other areas of expenditure
relevant to the duties of the agency.'

10 Further amend the bill in Part A by renumbering the sections
to read consecutively.

12 Further amend the bill by inserting before the statement of
14 fact the following:

16 **PART C**

18 **Sec. C-1. 7 MRSA §18 is enacted to read:**

20 **§18. Connectors**

22 After July 1, 1991, no person may sell or offer to sell
24 products in containers connected to each other by plastic rings
or other plastic holding devices.

26 **Sec. C-2. 32 MRSA §1863, as repealed and replaced by PL 1989,**
28 **c. 585, Pt. D, §§5 and 11, is amended to read:**

30 **§1863. Refund value**

32 Every beverage container sold or offered for sale to a
consumer in this State shall have a deposit and refund value.
34 The deposit and refund value shall be determined according to
the provisions of this section.

36 **1. Refillable containers.** For refillable beverage
containers, except wine and spirits containers, the manufacturer
38 shall determine the deposit and refund value ~~shall be determined~~
~~by the manufacturer~~ according to the type, kind and size of the
40 beverage container, ~~but shall not be.~~ The deposit and refund
value must not be less than 5¢.

42 ~~2. Nonrefillable containers. For nonrefillable beverage~~
44 ~~containers, except wine and spirits containers, the deposit and~~
~~refund value shall be determined and initiated by the distributor~~
46 ~~according to the type, kind and size of the beverage container,~~
~~but shall not be less than 5¢, and~~

2 2-A. Nonrefillable containers; exclusive distributorships.
3 For nonrefillable beverage containers, except wine and spirits
4 containers, sold through geographically exclusive
5 distributorships, the distributor shall determine and initiate
6 the deposit and refund value according to the type, kind and size
7 of the beverage container. The deposit and refund value must not
8 be less than 5¢.

10 2-B. Nonrefillable containers; nonexclusive
11 distributorships. For nonrefillable beverage containers, except
12 wine and spirits containers, not sold through geographically
13 exclusive distributorships, the deposit and refund value must not
14 be less than 5¢.

16 3. Wine and spirits containers. For wine and spirits
17 containers of greater than 50 milliliters, the refund value shall
18 must not be less than 15¢. On January 1, 1992, the department
19 shall issue a finding on the percentages of wine containers and
20 spirits containers returned for deposit. If the department finds
21 the return rate of wine containers was less than 60% during 1991,
22 then, on July 1, 1992, the refund value on wine containers shall
23 must not be less than 25¢. If the department finds the return
24 rate of spirits containers was less than 60% during 1991, then on
25 July 1, 1992, the refund value of spirits containers shall must
26 not be less than 25¢.

28 Sec. C-3. 32 MRSA §1865, sub-§2, as amended by PL 1989, c.
29 427, §2, is further amended to read:

30 2. Brand name. Glass Refillable glass beverage containers
31 of carbonated beverages, for which the deposit is initiated under
32 section 1863, subsection 1, having a refund value of not less
33 than 5¢ and having a brand name permanently marked thereon, shall
34 are not be required to comply with the provisions of subsection 1.

36 Sec. C-4. 32 MRSA §1866, sub-§4, as amended by PL 1989, c.
37 585, Pt. D, §§6 and 11, is repealed and the following enacted in
38 its place:

40 4. Reimbursement of handling costs. Reimbursement of
41 handling costs is governed by this subsection.

44 A. In addition to the payment of the refund value, the
45 initiator of the deposit under section 1863, subsections 1,
46 2-A and 3 shall reimburse the dealer or local redemption
47 center for the cost of handling beverage containers subject
48 to section 1863, in an amount that equals at least 3¢ per
49 returned container.

2 B. In addition to the payment of the refund value, the
4 initiator of the deposit under section 1863, subsection 2-B
6 shall reimburse the dealer or local redemption center for
8 the cost of handling beverage containers subject to section
1863 in an amount that equals at least 3¢ per returned
container. The initiator of the deposit may reimburse the
dealer or local redemption center directly or indirectly
through a contracted agent.

10 **Sec. C-5. 32 MRSA §1866. sub-§5, as enacted by PL 1987, c.**
12 **722, is repealed and the following enacted in its place:**

14 5. Obligation to pick up containers. The obligation to
16 pick up beverage containers subject to this chapter is determined
as follows.

18 A. A distributor that initiates the deposit under section
20 1863, subsection 2-A or 3 has the obligation to pick up any
22 empty, unbroken and reasonably clean beverage containers of
24 the particular kind, size and brand sold by the distributor
26 from dealers to whom that distributor has sold those
28 beverages and from licensed redemption centers designated to
30 serve those dealers pursuant to an order entered under
32 section 1867. A distributor that, within this State, sells
34 beverages under a particular label exclusively to one
36 dealer, which dealer offers those labeled beverages for sale
38 at retail exclusively at the dealer's establishment, shall
40 pick up any empty, unbroken and reasonably clean beverage
42 containers of the kind, size and brand sold by the
44 distributor to the dealer only from those licensed
46 redemption centers that serve the various establishments of
the dealer, under an order entered under section 1867. A
dealer that manufactures its own beverages for exclusive
sale by that dealer at retail has the obligation of a
distributor under this section. The commissioner may
establish by rule, in accordance with the Maine
Administrative Procedure Act, criteria prescribing the
manner in which distributors shall fulfill the obligations
imposed by this paragraph. The rules may establish a
minimum number or value of containers below which a
distributor is not required to respond to a request to pick
up empty containers. Any rules promulgated under this
paragraph must allocate the burdens associated with the
handling, storage and transportation of empty containers to
prevent unreasonable financial or other hardship.

48 B. The initiator of the deposit under section 1863,
50 subsection 2-B has the obligation to pick up any empty,
unbroken and reasonably clean beverage containers of the
particular kind, size and brand sold by the initiator from

2 dealers to whom a distributor has sold those beverages and
3 from licensed redemption centers designated to serve those
4 dealers pursuant to an order entered under section 1867.
5 The obligation may be fulfilled by the initiator directly or
6 indirectly through a contracted agent.

7 **Sec. C-6. 32 MRSA §1868, sub-§4.** as enacted by PL 1989, c.
8 585, Pt. D, §§8 and 11, is repealed and the following enacted in
9 its place:

10 **4. Aseptic and composite material beverage containers.** In a
11 container composed, in whole or in part, of aluminum and plastic
12 or of aluminum and paper in combination where those materials are
13 for practical reasons inseparable.

14 **Sec. C-7. 32 MRSA §1872, sub-§4** is enacted to read:

15 **4. Exempt facilities.** The department may, by rule, adopt
16 procedures for designating certain transportation activities and
17 storage or production facilities or portions of facilities as
18 exempt from this section. Any exemption granted under this
19 subsection must be based on a showing by the person owning or
20 operating the facility or undertaking the activity that:

21 A. The beverage containers stored or transported are
22 intended solely for retail sale outside of the State;

23 B. The beverage containers are being transported to and
24 stored in a facility licensed under Title 28-A, section
25 1371, subsection 1 prior to labeling and subsequent retail
26 sale within the State; or

27 C. The person is licensed under Title 28-A, section 1401 to
28 import malt liquor and wine into the State, the beverage
29 containers contain malt liquor or wine and these containers
30 are being transported or stored prior to labeling and
31 subsequent retail sale within the State.

32 The department may require reporting of the numbers of beverage
33 containers imported into and exported from the State under the
34 terms of this subsection.

35 **Sec. C-8. 38 MRSA §606-A** is enacted to read:

36 **§606-A Tire-derived fuel**

37 Any physical or operational change of an industrial power
38 boiler that does not result in an increase in permitted emissions
39 and that is undertaken for the purpose of allowing the source to

2 burn tire-derived fuel is not a modification of the source or
3 emissions unit pursuant to regulations implementing section 590.

4 Sec. C-9. 38 MRSA §608-A, as enacted by PL 1989, c. 546,
5 §13, is amended to read:

6 **§608-A. Soil decontamination**

7
8 Any rotary drum mix asphalt plant may process up to 5,000
9 500 cubic yards of soil contaminated by gasoline or #2 fuel oil
10 per year. The 5,000 500 cubic yards per year limit may be
11 exceeded with written authorization from the Department of
12 Environmental Protection based on air emissions testing results
13 for volatile organic compounds and particulates. The plant owner
14 or operator shall notify the department at least 24 hours prior
15 to processing the contaminated soil and specify the contaminating
16 fuel and quantity, origin of the soil and fuel and the
17 disposition of the contaminated soil. The owner or operator
18 shall maintain records of these activities for 6 years.

19
20 Sec. C-10. 38 MRSA §1304-B, sub-§5, as amended by PL 1987, c.
21 737, Pt. C, §§95 and 106; PL 1989, c. 6; c. 9, §2; and c. 104,
22 Pt. C, §§8 and 10, is further amended to read:

23
24 5. Public waste disposal corporations. Notwithstanding any
25 law, charter, ordinance provision or limitation to the contrary,
26 pursuant to any interlocal agreement entered into in accordance
27 with Title 30-A, chapter 115, any 2 or more municipalities may
28 organize or cause to be organized or may participate in one or
29 more corporations organized as nonprofit corporations under Title
30 13, chapter 81, or Title 13-B for the purpose, among other
31 permissible purposes, of owning or operating any one or more
32 waste facilities described in subsection 4, paragraph A, and a
33 subscribing municipality may agree in any such interlocal
34 agreement to pay fees, assessments or other payments as described
35 in subsection 4, paragraph B, for such term of years and on such
36 other terms as the interlocal agreement may provide and may
37 pledge the full faith and credit of the municipality to the same
38 extent provided in subsection 4, paragraph C. The applicable
39 interlocal agreement or the articles of incorporation or bylaws
40 of the corporation shall must provide that:

41
42 A. The corporation shall be organized and continuously
43 thereafter operated as a nonprofit corporation, no part of
44 the net earnings of which may inure to the benefit of any
45 member, director, officer or other private person;

46
47 B. The directors of the corporation shall be elected by the
48 municipal officers of the municipalities participating in
49 the corporation; and
50

2 C. Upon dissolution or liquidation of the corporation,
title to all of its property shall vest in one or more of
4 the municipalities participating in the corporation.

6 Any interlocal agreement complying with the requirements of this
subsection and subsection 6 shall must be a properly authorized,
8 legal, valid, binding and enforceable obligation of the
municipality, regardless of whether the agreement was authorized,
10 executed or delivered prior to or after the effective date of
this subsection. Any corporation organized in a manner which that
12 satisfies the requirements set forth in this subsection and
subsection 6, whether organized prior to or after the effective
14 date of this subsection, shall be deemed for all purposes as
organized pursuant to this subsection. If so provided in the
16 applicable interlocal agreement, any such corporation shall have
the power, in addition to any other powers which that may be
18 delegated under Title 30-A, chapter 115, to issue, on behalf of
one or more of the municipalities participating in the
20 corporation, in order to finance the facilities, revenue
obligation securities issued in accordance with Title 10, chapter
22 110, subchapter IV, and any other bonds, notes or debt
obligations which municipalities are authorized to issue by
24 applicable law. For these purposes, the term "municipal officers"
as used in Title 10, chapter 110, subchapter IV, means the board
26 of directors of any corporation described in this subsection.
Title 10, section 1064, subsection 6, shall may not be construed
28 to prohibit the assignment or pledge as collateral security of
any contract of a municipality authorized by this section or of
30 any or all of the payments under this section, regardless of
whether the provisions of subsection 4, paragraph C, are
32 applicable to the contract or payments. The provisions of Title
10, sections 1063 and 1064, subsection 1, paragraph A and
34 paragraph C, subparagraph (4) do not apply to revenue obligation
securities issued by any public waste disposal corporation
36 described in this subsection.

38 Sec. C-11. 38 MRSA §2157, first ¶, as enacted by PL 1989, c.
585, Pt. A, §7, is amended to read:

40
42 Subsequent to the adoption of the state plan, the Board of
Environmental Protection shall not approve an application of a
44 new or expanded solid waste disposal facility requiring review
under this section until the agency has approved the proposed
46 facility under this section. An expansion of a solid waste
disposal facility owned by a municipality or a regional
48 association or a sanitary district created under chapter 11 or by
special act of the Legislature is not subject to paragraph C,
50 subparagraph (2), if the facility was licensed and in existence
as of October 1, 1989, and at the time of application for the
expansion.

2 amount of \$90,385 for fiscal year 1990-91. This reduction in the
Solid Waste Management Fund would occur from exempting publicly
4 owned facilities from paying disposal fees on municipal solid
waste and reducing special waste disposal fees at publicly owned
6 facilities.

8 Also, there is companion legislation being considered by the
Joint Standing Committee on Taxation that affects the Solid Waste
Management Fund.'

10
12 **STATEMENT OF FACT**

14 This amendment is the minority report on LD 2354. This
amendment is identical to the majority report except that this
16 amendment does not exclude hazardous and biomedical waste from
the current definition of solid waste. By leaving the existing
18 definition of solid waste intact, this amendment preserves the
current prohibition on the development of new commercial disposal
20 facilities for solid, hazardous and biomedical waste.

22 Existing law allows generators of hazardous and biomedical
waste to develop disposal facilities for their own waste. These
24 generator-owned facilities may also provide disposal services to
others on a nonprofit basis as long as the additional quantity of
26 waste does not exceed 15% of the facility's capacity.

28 In addition, the Maine Waste Management Agency is
responsible for the planning and managing of the State's solid
30 waste. Under current law, the agency has the authority to
develop publicly owned facilities for these types of waste if a
32 pressing need emerges.