

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2354

H.P. 1705

House of Representatives, February 23, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

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

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

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Senator KANY of Kennebec, Representative DEXTER of Kingfield and Representative HOGLUND of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Correct Errors in the Solid Waste Laws.



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

PART A

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6 Sec. A-1. 32 MRSA §1868, sub-§1, as amended by PL 1989, c. 585, Pt. D, §§8 and 11, is further amended to read:

8 1. **Flip tops.** In a metal container designed or constructed so that part of the container is detachable for the purpose of opening the container without the aid of a separate can opener, except that nothing in this subsection prohibits the sale of a container, the only detachable part of which is a piece of adhesive-backed tape;

14
16 Sec. A-2. 36 MRSA §4831, sub-§6, as enacted by PL 1989, c. 585, Pt. B, is amended to read:

18 6. **White good.** "White good" means any appliance weighing more than 10 pounds employing electricity, natural gas or any liquified petroleum gas to supply heat or motive power to preserve or cook food, to wash clothing, dishes, kitchen utensils, glasses or other related items or to cool or heat air or water.

24
26 Sec. A-3. 36 MRSA §5219-C, as enacted by PL 1989, c. 585, Pt. C, §17, is repealed.

28 Sec. A-4. 36 MRSA §5219-D is enacted to read:

30 §5219-D. Solid waste reduction investment tax credit

32 1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

36 A. "Employing unit" has the same meaning as in Title 26, section 1043.

38 B. "Solid waste" has the same meaning as in Title 38, section 1303-C.

42 C. "Waste reduction, reuse or recycling equipment" means structures, machinery or devices, singly or in combination, designed and required to separate, process, modify, convert, treat or repair solid waste generated within the State so that component materials or substances or recoverable resources may be used as a raw material or for productive use and includes:

48
50 (1) Add-ons or trailers designed to modify collection vehicles and dedicated to sorting and separating

2 collected wastes generated within the State that are
3 held for the purpose of recycling; or

4 (2) Containers for the source separation and temporary
5 storage of recyclable wastes generated within the State.

6 "Waste reduction, reuse or recycling equipment" does not
7 include structures, machinery or devices used to burn solid
8 waste.

10 2. Credit allowed. A taxpayer constituting an employing
11 unit that purchases waste reduction, reuse or recycling
12 equipment, or other equipment used exclusively in the
13 implementation of a solid waste reduction, reuse or recycling
14 program, is entitled to a credit against the tax imposed by this
15 Part equal to 30% of the cost of the machinery or equipment.

16 3. Eligible machinery and equipment. Purchases eligible
17 for the credit allowed under this section include machinery and
18 equipment used exclusively for the purpose of reducing, reusing
19 or recycling solid waste generated within the State. A
20 certificate of eligibility from the Maine Waste Management Agency
21 is required before the tax credit may be taken. Machinery and
22 equipment associated with the separation of wastes prior to
23 incineration are eligible when the Maine Waste Management Agency
24 certifies that the separated wastes are being recycled.

25 4. Carry-over; carry-back. The amount of the credit that
26 may be used by a taxpayer for a taxable year may not exceed the
27 amount of tax otherwise due under this section. Any unused
28 credit may be carried over to the following year or years for a
29 period not to exceed 15 years or may be carried back for a period
30 not to exceed 3 years.

31 5. Application. The provisions of this section apply to
32 purchases of eligible machinery and equipment made after January
33 1, 1990.

34 **Sec. A-5. 38 MRS**A §342, sub-§6, as amended by PL 1983, c. 536,
35 is repealed.

36 **Sec. A-6. 38 MRS**A §1303-C, first ¶, as enacted by PL 1989, c.
37 585, Pt. E, §4, is amended to read:

38 As used in this chapter and in chapter 24, unless the
39 context otherwise indicates, the following terms have the
40 following meanings.

41 **Sec. A-7. 38 MRS**A §1310-F, first ¶, as enacted by PL 1987, c.
42 517, §25, is amended to read:

2 The department shall administer a closure and remediation
3 grants program to assist municipalities and other public entities
4 as provided in subsection 3 in the implementation of the closure
5 and remediation plans. The program is subject to the following
6 provisions.

7 **Sec. A-8. 38 MRSA §1310-F, sub-§3** is enacted to read:

8 **3. Sanitary and refuse disposal districts.** Any of the
9 following public entities owning a solid waste landfill for which
10 a remediation or closure plan has been adopted is eligible for
11 grants under this section:

12 **A. A sanitary district created under chapter 11; or**

13 **B. A regional association as defined in section 1303-C,**
14 **subsection 24.**

15 **Sec. A-9. 38 MRSA §1310-U, 2nd ¶,** as repealed and replaced by
16 PL 1989, c. 585, Pt. E, §33, is amended to read:

17 Under the municipal home rule authority granted by the
18 Constitution of Maine, Article VIII, Part Second and Title 30-A,
19 section 3001, municipalities, except as provided in this section,
20 may enact ordinances with respect to solid waste facilities which
21 contain such standards as the municipality finds reasonable,
22 including, without limitation, conformance with federal and state
23 solid waste rules; fire safety; traffic safety; levels of noise
24 that can be heard outside the facility; distance from existing
25 residential, commercial or institutional uses; ground water
26 protection; and compatibility of the solid waste facility with
27 local zoning and land use controls, provided, however, that the
28 standards are not more strict than those contained in this
29 chapter and in chapter 3, subchapter I, articles 5-A and 6 and
30 the rules adopted thereunder. Municipal ordinances shall must
31 use definitions consistent with those adopted by the department.

32 **Sec. A-10. 38 MRSA §1310-X,** as enacted by PL 1989, c. 585,
33 Pt. E, §34, is repealed and the following enacted in its place:

34 **§1310-X. Future commercial landfills**

35 Notwithstanding Title 1, section 302, the board may not
36 approve an application for a new commercial solid waste disposal
37 facility after September 30, 1989, including any applications
38 pending before the board on or after September 30, 1989. The
39 board may relicense or approve a transfer of license for
40 commercial solid waste disposal facilities after September 30,
41 1989, if those facilities had been previously licensed by the
42 board prior to the September 30, 1989, and all other provisions
43 of law have been satisfied.

2 The board may license expansions of commercial solid waste
3 disposal facilities after September 30, 1989, if:

4 1. Previously licensed. The board has previously licensed
5 the facility prior to September 30, 1989;

6 2. Contiguous with existing facility. The board determines
7 that the proposed expansion is contiguous with the existing
8 facility and is located on property owned by the licensee on
9 September 30, 1989; and

10 3. Meets related provisions. Prior to the adoption of the
11 state plan and siting criteria under chapter 24, the board
12 determines that the proposed expansion is consistent with the
13 provisions of section 1310-R, subsection 3, paragraph A-1 or,
14 after the adoption of the state plan and siting criteria under
15 chapter 24, the agency determines that the provisions of section
16 2157 are met.

17 Sec. A-11. 38 MRSA §2154, sub-§1, as enacted by PL 1989, c.
18 585, Pt. A, §7, is amended to read:

19 1. Initial site screening. The Facility Siting Board shall
20 complete a site screening and selection process on or before July
21 1, 1991, to identify solid waste disposal capacity sufficient to
22 meet the projected needs through the year 1995 identified in the
23 analysis conducted under former section 1310-O and the needs that
24 have been identified in the state planning process under
25 subchapter II. The Facility Siting Board shall consider the need
26 for geographic distribution of facilities to adequately serve all
27 regions of the State. The Facility Siting Board also shall
28 consider in its site selection process the need for landfill
29 capacity to dispose of incinerator ash ~~resulting--from--the~~
30 ~~combustion--of--domestic--and--commercial--solid--waste--generated~~
31 within its jurisdiction. Prior to recommending a site, the
32 Facility Siting Board shall hold a public hearing in every
33 municipality or plantation identified in the screening process as
34 a potential site. For potential sites within an unincorporated
35 township, the Facility Siting Board shall hold a public hearing
36 within the vicinity of the proposed site.

37 Sec. A-12. 38 MRSA §2171, sub-§1, as enacted by PL 1989, c.
38 585, Pt. A, §7, is amended to read:

39 1. Membership. The committee shall must be comprised of
40 citizens from each affected municipality, appointed by the
41 municipal officers, including, but not limited to: a municipal
42 health officer; a municipal officer; and at least 3 additional
43 residents of the municipality, including abutting property owners
44 and residents potentially affected by pollution from the proposed
45 facility. In addition, each committee may include members
46 representing any of the following interests: environmental and
47
48
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52

2 community groups; labor groups; professionals with expertise
relating to landfills or incinerators; experts in the areas of
4 chemistry, epidemiology, hydrogeology and biology; and legal
experts.

6 Sec. A-13. 38 MRSA §§2203 and 2204, as enacted by PL 1989, c.
585, Pt. A, §7, are amended to read:

8
10 **§2203. Fee on special waste**

12 There are imposed fees in the following amounts to be levied
for special waste that is disposed of at commercial, and
14 municipal, ~~regional-association-or-agency~~ landfills.

16 Asbestos	\$6 per cubic yard
18 Oil spill debris	\$6 per ton
20 Waste water facility sludge	\$2 per ton
22 Ash, coal and oil	\$6 per ton
24 Paper mill sludge	\$6 per ton
26 Industrial waste	\$6 per ton
28 Sandblast grit	\$6 per ton
30 Miscellaneous special waste	\$6 per ton
32 Municipal solid waste ash	\$2 per ton

34 **§2204. Municipal disposal surcharge**

36 The agency shall impose a disposal surcharge of \$4 per ton
on any municipal solid waste delivered to a commercial landfill
38 facility ~~or solid waste landfill owned by the agency or a~~
~~regional association.~~ The agency shall impose an additional
40 \$1.50 per ton on any solid waste delivered to a commercial solid
waste disposal facility or solid waste disposal facility owned by
42 the agency or a regional association from a municipality that
does not meet the requirements of section 2133, subsection 5,
44 paragraph B.

46 Sec. A-14. 38 MRSA §2212, sub-§7, as enacted by PL 1989, c.
585, Pt. A, §7, is amended to read:

48
50 **7. Acquisition and disposal of property.** Acquire or enable
a-user an applicant to acquire, upon reasonable terms from funds
provided under this article, the lands, structures, property,
52 rights, rights-of-way, franchises, easements and other interests

2 in lands, including lands under water and riparian rights, which
4 that are located within the State and considered necessary or
convenient for the construction or operation of any eligible
waste project, and dispose of them;

6 **Sec. A-15. 38 MRSA §2213, sub-§1, ¶B,** as enacted by PL 1989,
c. 585, Pt. A, §7, is amended to read:

8
10 B. A notice of the intent of the agency to issue the
12 securities is published at least once in a newspaper of
general circulation in the region in which the project is to
be located:

14 (1) No later than 14 days after the date on which the
16 certification-is-issued agency decides to issue revenue
obligation securities under this subchapter;

18 (2) Describing the general purpose or purposes for
20 which the securities are to be issued;

22 (3) Stating the maximum principal amount of the
proposed securities; and

24 (4) Including a statement as to the time within which
26 any petition to contest the issuance of the securities
must be commenced.

28 **Sec. A-16. 38 MRSA §2221, sub-§7,** as enacted by PL 1989, c.
585, Pt. A, §7, is amended to read:

30
32 **7. Obligations and securities outstanding.** The agency
34 shall ~~may~~ not have at any one time outstanding obligations or
36 revenue obligation securities to which subsection 6 is stated in
any agreement or the trust agreement or other document to apply
in principal amount exceeding an amount equal to \$50,000,000.
38 This subsection constitutes specific legislative approval to
issue up to \$50,000,000 in tax-exempt revenue obligation
40 securities obligations. The amount of revenue obligation
42 securities issued to refund securities previously issued shall
44 may not be taken into account in determining the principal amount
of securities outstanding, provided that proceeds of the
46 refunding securities are applied as promptly as possible to the
refunding of the previously issued securities. In computing the
48 total amount of revenue obligation securities of the agency which
that may at any time be outstanding for any purpose, the amount
of the outstanding revenue obligation securities that have been
issued as capital appreciation bonds or as similar instruments
shall be valued as of any date of calculation at their then
current accreted value rather than their face value.

50

2 Sec. A-17. PL 1989, c. 585, Pt. F, §1, under the caption "FINANCE,
DEPARTMENT OF," 3rd line is amended to read:

4 Positions (3.0) ~~(3.0)~~ (8.0)

6 PART B

8 Sec. B-1. 38 MRSA §1705, sub-§1-A is enacted to read:

10 1-A. Agency. "Agency" means the Maine Waste Management
12 Agency.

14 Sec. B-2. 38 MRSA §1721, sub-§§1 to 6, as enacted by PL 1983,
c. 820, §2, are amended to read:

16 1. **Application by municipal officers.** The municipal
18 officers of the municipality or municipalities that desire to
form a disposal district shall file an application with the ~~Board~~
~~of Environmental Protection~~ agency, after notice and hearing in
20 each municipality, on a form or forms ~~to be~~ prepared by that
board the agency, setting forth the name or names of the
22 municipality or municipalities, and ~~the municipal officers shall~~
~~furnish~~ furnishing such other data as the ~~board may determine~~
agency determines necessary and proper. The application shall
24 must contain, but shall is not be limited to, a description of
the territory of the proposed district, the name proposed for the
26 district, which shall must include the words "disposal district,"
28 a statement showing the existence in that territory of the
conditions requisite for the creation of a disposal district, as
30 prescribed in section 1702, and other documents and materials as
~~may be required by the Board of Environmental Protection agency.~~
32 The ~~Board of Environmental Protection~~ agency may make adopt rules
under this chapter.

34 2. **Public hearing.** Upon receipt of the application, the
36 board agency shall cause a public hearing to be held on the
application within 60 days of the date of receipt of the
38 application, at some convenient place within the boundaries of
the proposed district. At least 14 days prior to the date of the
40 hearing, the board agency shall cause notice of the hearing to be
published at least once in a newspaper of general circulation in
42 the area encompassed by the proposed district.

44 3. **Approval of application.** After the public hearing, on
consideration of the evidence received, the board agency shall,
46 in accordance with section 1702, make findings of fact and
conclusions and a determination of record whether or not the
48 conditions requisite for the creation of a disposal district
exist in the territory described in the application. If the
50 board agency finds that the conditions do exist, it shall issue
an order approving the proposed district as conforming to the
52 requirements of this chapter and designating the name of the
proposed district. The board agency shall give notice to the
54 municipal officers within the municipality or municipalities

involved, of a date, time and place of a meeting of the representative of the municipality or municipalities involved. The municipal officers shall elect a representative to attend the meeting who may represent the municipality in all matters relating to the formation of the district. A return receipt properly endorsed shall ~~be~~ is evidence of the receipt of notice. The notice shall ~~must~~ be mailed at least 10 days prior to the date set for the meeting.

4. Denial of application. If the board agency determines that the creation of a disposal district in the territory described in the application is not warranted for any reason, it shall make findings of fact and conclusions and enter an order denying its approval. The board agency shall give notice of the denial by mailing certified copies of the decision and order to the municipal officers of the municipality or municipalities involved. No application for the creation of a disposal district, consisting of exactly the same territory, may be entertained within one year after the date of the issuance of an order denying approval of the formation of that disposal district, but this provision shall ~~does~~ not preclude action on an application for the creation of a disposal district embracing all or part of the territory described in the original application, provided that another municipality or fewer municipalities are involved.

5. Joint meeting. The persons selected by the municipal officers, to whom the notice described in subsection 3 is directed, shall meet at the time and place appointed. Where ~~When~~ more than one municipality is involved, they shall organize by electing a chairman chair and a secretary. No action may be taken at any such meeting unless, at the time of convening, there are present at least a majority of the total number of municipal representatives eligible to attend and participate at the meeting, other than to report to the ~~Board of Environmental Protection~~ agency that a quorum was not present and to request the board agency to issue a new notice for another meeting. A quorum shall ~~be~~ is a simple majority of representatives eligible to attend the meeting. The purpose of the meeting shall ~~be~~ is to determine the number of directors, subject to section 1724, to be appointed by and to represent each participating municipality and to determine the duration of terms to be served by the initial directors so that, in ensuing years, 1/3 of the directors and their alternates shall ~~be~~ are appointed or reappointed each year, to serve until their respective successors are duly appointed and qualified. Subject to section 1724, the number of directors to represent each municipality shall ~~be~~ is a subject for negotiation among the municipal representatives. When a decision has been reached on the number of directors and the number to represent each municipality and the initial terms of the directors, subject to the limitations provided, this decision shall ~~must~~ be reduced to writing by the secretary and must be approved by a 2/3 vote of

2 those present. The vote so reduced to writing and the record of
the meeting shall must be signed by the chairman chair, attested
4 by the secretary and filed with the board agency. Any agreements
among the municipal representatives which that are considered
6 essential prerequisites to the formation of the district, whether
concerning payments in lieu of taxes to a municipality in which a
waste facility is to be located, or any other matter, shall must
8 be in writing and included in the record filed with the Board-of
Environmental---Protection agency. Subsequent to district
10 formation, the board of directors of the district shall execute
any and all documents necessary to give full effect to the
12 agreements reached by the municipal representatives and filed
with the Board-of-Environmental-Protection agency. Where When a
14 single municipality is involved, a copy of the vote of the
municipal officers, duly attested by the clerk of the
16 municipality, shall must be filed with the board agency.

18 **6. Submission.** When the record of the municipality, or the
record of the joint meeting, where municipalities are involved,
20 has been received by the board agency and found by it to be in
order, the board agency shall order the question of the formation
22 of the proposed disposal district and other questions relating to
the formation to be submitted to the legal voters residing within
24 the municipalities, except as provided in subsection 7, in which
case the municipal officers may determine the questions. The
26 order shall must be directed to the municipal officers of the
municipality or municipalities which that propose to form the
28 disposal district, directing them to call, within 60 days of the
date of the order, town meetings or city elections, as the case
30 may be, for the purpose of voting in favor of or in opposition to
each of the following articles or questions, as they may apply,
32 in substantially the following form:

34 A. To see if the town (or city) of (name of town or city)
will vote to incorporate as a disposal district to be called
36 (name) Disposal District;

38 B. To see if the residents of (name of town or city) will
vote to join with the residents of the (name of town or
40 city) to incorporate as a disposal district to be called
(name) Disposal District: (legal description of the bounds
42 of the proposed disposal district). At a minimum, the
district shall must consist of (names of essential
44 municipalities); and

46 C. To see if the residents of (name of town or city) will
vote to approve the total number of directors and the
48 allocation of representation among the municipalities on the
board of directors, as determined by the municipal officers
and listed as follows: Total number of directors shall-be
50 is and the residents of (town or city) shall-be are

entitled to directors. (The number of directors to which each municipality is entitled shall must be listed.)

Directors shall must be chosen to represent municipalities in the manner provided in section 1725.

Sec. B-3. 38 MRSA §1722, as enacted by PL 1983, c. 820, §2, is amended to read:

§1722. Approval and organization

When the residents of the municipality, or each municipality where more than one is involved, or the municipal officers, as the case may be, have voted upon the formation of a proposed disposal district and all of the other questions submitted, the clerk of each of the municipalities shall make a return to the ~~Board of Environmental Protection~~ agency in such form as the ~~board~~ agency may determine. If the ~~board~~ agency finds from the returns that each of the municipalities involved, and, voting on each of the articles and questions submitted to them, have has voted in the affirmative, and that they have appointed the necessary directors, and listed the names thereof, of the directors to represent each municipality, and that all other steps in the formation of the proposed disposal district are in order and in conformity with law, the ~~board~~ agency shall make a finding to that effect and record the finding upon its records. Where 3 or more municipalities are concerned in the voting, and at least 2 have voted to approve each of the articles and questions submitted to them and have appointed the necessary directors, and listed the names thereof, of the directors to represent each municipality, rejection of the proposed disposal district by one or more shall does not defeat the creation of a district composed of the municipalities voting affirmatively on the question, if the ~~board~~ agency determines that it is feasible or practical to constitute the district as a geographic unit composed of the municipalities voting affirmatively, unless the vote submitted to the municipalities provided that specific participants or a minimum number of participants shall must approve the formation of the district.

The ~~board~~ agency shall, immediately after making its findings, issue a certificate of organization in the name of the disposal district in such form as the ~~board may determine~~ agency determines. The original certificate shall must be delivered to the directors on the day that they are directed to organize and a copy of the certificate duly attested by the ~~Commissioner~~ executive director of ~~Environmental Protection~~ shall the agency must be filed and recorded in the office of the Secretary of State. The issuance of the certificate by the ~~board~~ shall be agency is conclusive evidence of the lawful organization of the disposal district. The disposal district shall is not be operative until the date set by the directors under section 1726.

2 Sec. B-4. 38 MRSA §1725, first ¶, as enacted by PL 1983, c.
820, §2, is amended to read:

4
6 Directors shall ~~be~~ are appointed by the municipal officers
of the municipality which they are to represent. Alternate
8 directors may be appointed by the municipal officers to act in
the absence of a director. To the extent possible, the board of
10 directors shall include a mix of individuals with sufficient
managerial, technical, financial or business experience to
12 execute their duties efficiently and effectively. Appointments
shall ~~must~~ be by vote of the municipal officers, attested to by
14 the municipal clerk and presented to the clerk of the district.
The municipal officers, by majority vote, may remove their
16 appointed representatives during their term for stated reasons,
but no directors shall ~~may~~ be removed except for neglect of duty,
18 misconduct or other acts which that indicate an unfitness to
serve. Upon receipt of the names of all the directors, the Board
20 of ~~Environmental Protection~~ agency shall set a time, place and
date for the first meeting of the directors, notice thereof to be
22 given to the directors by certified or registered mail, return
receipt requested, mailed at least 10 days prior to the date set
24 for the meeting.

26 Sec. B-5. 38 MRSA §1727, as enacted by PL 1983, c. 820, §2,
is amended to read:

28 **§1727. Admission of new member municipalities**

30 The board of directors may authorize the inclusion of
32 additional member municipalities in the district upon the terms
and conditions as the board, in its sole discretion, shall ~~deem~~
34 determines to be fair, reasonable and in the best interest of the
district, except that on proper application any municipality
36 which that is host to a waste facility of the district shall be
admitted on equal terms with existing members, provided that the
38 new member municipality assumes or becomes responsible for a
proportionate share of liabilities of the district in a manner
40 similar to that of existing municipalities. The legislative body
of any nonmember municipality which that desires to be admitted
42 to the district shall make application for admission to the board
of directors of the district. The directors shall determine the
44 effects and impacts which that are likely to occur if the
municipality is admitted and shall either grant or deny authority
46 for admission of the petitioning municipality. If the directors
grant the authority, they shall also specify any terms and
48 conditions, including, but not limited to, financial obligations
upon which the admission is predicated. The petitioning
50 municipality shall comply with the voting procedures specified in
section 1721. The vote, if in the affirmative, shall ~~must~~ be
52 certified by the clerk of that municipality to the board of
directors and to the Board ~~of Environmental Protection~~ agency.

2 Upon satisfactory performance of the terms and conditions of
admission, the municipality shall by resolution of the board of
4 directors become and thereafter be a member municipality of the
district. The clerk of the district shall promptly certify to
6 the board agency and the Secretary of State that the municipality
has become a member of the district. The certification shall
8 become becomes conclusive evidence that the municipality is a
lawful member of the district. Upon admission of a municipality
10 to a district, the provisions of section 1724 shall determine the
number of votes which--shall to be cast by the director or
directors representing that municipality.

14 STATEMENT OF FACT

16 In Part A, this bill:

18 1. Clarifies the long-standing prohibition on the use of
20 "flip-top" beverage containers to make it clear that tape closure
devices are not covered by the prohibition;

22 2. Includes a weight threshold for the definition of "white
24 good" consistent with that employed in the definition of "brown
good";

26 3. Partially resolves a technical conflict among 3
28 different tax credit provisions enacted in 1989 and makes
substantive changes in the solid waste investment tax credit.
30 The substantive change eliminates the requirement that the
taxpayer claiming credit for an investment must actually generate
32 the solid waste being recycled as a result of the investment. A
requirement is added to ensure that the credit is taken only for
34 investments that result in the recycling of waste generated
within the State;

36 4. Repeals language establishing a solid waste technical
38 assistance program within the Department of Environmental
Protection. This assistance function was transferred to the
40 Maine Waste Management Agency in 1989;

42 5. Inserts language inadvertently omitted during enactment
of Public Law 1989, chapter 585. The inserted language applies
44 the definitions contained in the solid waste laws, the Maine
Revised Statutes, Title 38, chapter 13, to the operations of the
46 Maine Waste Management Agency;

48 6. Includes solid waste landfills owned by public entities
other than municipalities in the closure and remediation grant
50 program administered by the Department of Environmental
Protection;

52

- 2 7. Corrects a cross-reference;
- 4 8. Corrects grammatical ambiguities;
- 6 9. Deals with the site selection process conducted by the
8 Facility Siting Board of the Maine Waste Management Agency.
10 Under current law, the board is directed to consider the need to
12 dispose of incinerator ash from the burning of solid waste
14 generated within the State. It repeals the language that limits
16 the scope of the board's consideration to the ash from the
18 burning of in-state solid waste only;
- 20 10. Identifies the appointing authority for the citizen
22 advisory committees formed in communities that host solid waste
24 disposal facilities;
- 26 11. Eliminates the fee levied on municipal solid waste
28 disposed at a state or regional public landfill;
- 30 12. Corrects technical errors in the bonding authority of
the Maine Waste Management Agency; and
- 13. Corrects a technical error in the appropriation section
of Public Law 1989, chapter 585.
- In Part B, this bill shifts the State's oversight
responsibilities for refuse disposal districts from the
Department of Environmental Protection to the Maine Waste
Management Agency.