

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 3

S.P. 15

In Senate, December 5, 1990

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LUDWIG of Aroostook.

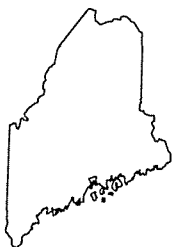
Cosponsored by President PRAY of Penobscot, Senator CARPENTER of York and Representative JACQUES of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Allow Relicensing of an Existing Biomedical Waste Facility.

(EMERGENCY)



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

4
6 **Whereas,** the sole constructed and operating commercial
biomedical waste disposal facility in the State was licensed on
October 5, 1989, under the laws in force at that time by the
8 Bureau of Oil and Hazardous Materials Control of the Department
of Environmental Protection; and

10
12 **Whereas,** a subsequent controversy arose, unrelated to this
existing facility, over the definition of the term "solid waste,"
14 specifically, whether this term included biomedical waste or not;
and

16 **Whereas,** the Legislature, in resolving this subsequent
controversy, created a cloud on the relicensing of the only
18 licensed, constructed and operating commercial facility for the
disposal of biomedical waste in the State; and

20
22 **Whereas,** it was not the intent of the Legislature to impair
the operation and relicensing of the facility; and

24 **Whereas,** this facility is critical to the operation of the
Southern Maine Medical Center, the University of New England
26 Medical School, and numerous medical doctors, dentists and
funeral homes; and

28
30 **Whereas,** this inadvertent error can be corrected without
affecting the overall intent of the Legislature's previous
action; and

32
34 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
36 necessary for the preservation of the public peace, health and
safety; now, therefore,

38
40 **Be it enacted by the People of the State of Maine as follows:**

42 **Sec. 1. 38 MRSA §1310-X,** as repealed and replaced by PL 1989,
c. 869, Pt. A, §9 and c. 878, Pt. H, §8, is repealed and the
following enacted in its place:

44 **§1310-X. Future commercial waste disposal facilities**

46
48 **1. New facilities.** Notwithstanding Title 1, section 302,
the department may not approve an application for a new
commercial solid waste or biomedical waste disposal facility
after September 30, 1989, including any applications pending
before the department on or after September 30, 1989.

2 2. Relicense or transfer of license. The department may
relicense or approve a transfer of license for a commercial solid
4 waste or biomedical waste disposal facility after September 30,
1989, if the facility had been previously licensed by the
6 department prior to October 6, 1989, and all other provisions of
law have been satisfied.

8 3. Expansion of facilities. The department may license an
expansion of a commercial solid waste or biomedical waste
10 disposal facility after September 30, 1989 if:

12 A. The department has previously licensed the facility
prior to October 6, 1989;

14 B. The department determines that the proposed expansion is
contiguous with the existing facility and is located on
16 property owned by the licensee on September 30, 1989; and

18 C. For a commercial solid waste disposal facility and prior
to the adoption of the state plan and siting criteria under
20 chapter 24, the department determines that the proposed
expansion is consistent with the provisions of section
22 1310-R, subsection 3, paragraph A-1 or, after the adoption
of the state plan and siting criteria under chapter 24, the
24 agency determines that the provisions of section 2157 are
met.

28 **Sec. 2. Application.** A commercial biomedical waste disposal
facility with a valid air emissions license issued prior to
30 October 6, 1989, by the Department of Environmental Protection
for the incineration of wastes categorized by the department as
32 pathogenic or infectious is eligible for relicensing or expansion
under this Act.

34 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

STATEMENT OF FACT

40 This bill changes the operative date of existing law by 5
42 days to allow an existing licensed and operating biomedical waste
disposal facility to be relicensed. A cloud on the relicensing
44 of Maine's sole existing biomedical waste disposal facility was
inadvertently created by the enactment of Public Law 1989,
46 chapter 869. No other substantive provision of law is changed
nor is it the intent of the Legislature to affect the existing
48 prohibition on the development of new commercial biomedical waste
disposal facilities.