

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 448

H.P. 318

House of Representatives, February 7, 1991

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 Representative COLES of Harpswell and Senator TITCOMB of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Concerning Waste Management.

(EMERGENCY)

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

4
Whereas, the space in landfills is severely limited and at a
6 critical state; and

8
Whereas, effective disposal alternatives exist for certain
10 materials that are currently deposited in landfills; and

12
Whereas, in the judgment of the Legislature, these facts
14 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

18
Be it enacted by the People of the State of Maine as follows:

20
Sec. 1. 38 MRSA §1303-C, sub-§47 is enacted to read:

22
47. Yard wastes. "Yard wastes" means grass clippings,
leaves and other vegetal matter other than wood wastes and land
clearing debris.

24
**Sec. 2. 38 MRSA §1304, sub-§13, as affected by PL 1989, c.
26 890, Pt. A, §40 and as amended by Pt. B, §229, is further amended
to read:**

28
13. Innovative disposal and utilization. Recognizing that
30 environmentally suitable sites for waste disposal are in limited
supply and represent a critical natural resource, the
32 commissioner may investigate and implement with the approval of
the board innovative programs for managing, utilizing and
34 disposing of solid waste. Innovative programs may include
agricultural and forest land spreading of wood-derived ash,
36 utilization of ash resulting from combustion of municipal solid
waste, paper mill sludges and, municipal waste water treatment
38 plant sludges and the composting of yard wastes. The agency
shall first determine that the proposed innovative disposal and
40 waste management programs are consistent with the state plan.
The commissioner shall review proposed innovative programs for
42 each waste category and shall apply all controls necessary to
ensure the protection of the environment and public health
44 consistent with this chapter. The board may adopt application
review procedures designed to review individual applications and
46 their individual waste sources with prior approval of classes of
disposal or utilization sites. The board shall adopt provisions
48 for municipal notification prior to use of individual utilization
sites.

50
**Sec. 3. 38 MRSA §1304-B, sub-§2, ¶B, as amended by PL 1987, c.
52 517, §4, is further amended to read:**

2 B. Requiring delivery of wastes generated within the
4 municipality, or any portion of those wastes, to a
designated disposal or reclamation facility; and

6 **Sec. 4. 38 MRSA §1304-B, sub-§2, ¶C**, as enacted by PL 1987, c.
8 517, §15, is amended to read:

10 C. Designating certain materials as recyclable and exempt
from the provisions of paragraph B. ; and

12 **Sec. 5. 38 MRSA §1304-B, sub-§2, ¶D** is enacted to read:

14 D. Designating yard wastes as compost material and requiring
16 delivery of these wastes to a designated composting facility.

18 **Sec. 6. 38 MRSA §1306, sub-§4** is enacted to read:

20 4. Landfilling of yard wastes. The disposal of yard wastes
in any solid waste landfill is prohibited.

22 **Sec. 7. 38 MRSA § 1310-N, sub-§8** is enacted to read:

24 8. Exemption. The disposal of construction and demolition
26 debris, land clearing debris and wood wastes is exempt from the
requirements of this chapter when:

28 A. The disposal facility is less than one acre in size; and

30 B. Only one exempt disposal facility is located on a single
32 parcel of property.

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

36

STATEMENT OF FACT

38

40 This bill prohibits the landfilling of yard waste and
42 encourages the development and implementation of composting
44 programs. The bill also amends the solid waste facility
licensing law to exempt the disposal of construction and
46 demolition debris, land clearing debris and wood wastes from
licensing requirements if the disposal facility is less than one
acre in size and only one exempt disposal facility is located on
a single parcel of property.