

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1394

H.P. 967

House of Representatives, April 1, 1991

Submitted by the Maine Waste Management Authority pursuant to Joint Rule 24.  
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 LORD of Waterboro.

Cosponsored by Representative ANDERSON of Woodland, Senator BALDACCI of Penobscot and Senator TITCOMB of Cumberland.

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STATE OF MAINE

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

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**An Act to Improve Markets for Recycled Materials.**

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

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4       Sec. 1. 5 MRSA §1812, first ¶, as amended by PL 1989, c. 585,  
Pt. C, §1, is further amended to read:

6       The terms "services," "supplies," "materials" and  
8 "equipment" as used in this chapter mean any and all services,  
articles or things ~~which shall be that are~~ used by or furnished  
10 to the State or any department or agency thereof, and any and all  
printing, binding, publication of laws, journals and reports.  
12 Except as provided in chapters 141 to 155, any and all services,  
supplies, materials and equipment needed by one or more  
14 departments or agencies of the State Government shall must be  
directly purchased or contracted for by the State Purchasing  
16 Agent, as may be determined from time to time by rules adopted  
pursuant to chapters 141 to 155, which rules the Department of  
18 Administration is authorized and empowered to make. It is the  
intent and purpose of this chapter that the State Purchasing  
20 Agent shall purchase collectively all services, supplies,  
materials and equipment for the State or any department or agency  
22 thereof in a manner that will best secure the greatest possible  
economy consistent with the grade or quality of the services,  
24 supplies, materials and equipment best adapted for the purposes  
for which they are needed. Whenever supplies and materials are  
26 available for purchase which are composed in whole or in part of  
recycled materials and are shown by the seller, supplier or  
28 manufacturer to be equal in quality and are competitively priced,  
except for paper and paper products, the State Purchasing Agent  
30 shall purchase such recycled supplies and materials. The State  
Purchasing Agent shall also review procurement procedures and bid  
32 specifications for the purchase of products and materials to  
ensure, to the maximum extent feasible, the purchase of products  
or materials that are made with recycled materials or may be  
34 recycled or reused once discarded. For the purposes of this  
section and section 1812-B, "recycled materials" means materials  
36 that are composed in whole or in part of elements that are reused  
or reclaimed.

38

40       Sec. 2. 5 MRSA §1812-B, sub-§3, as enacted by PL 1989, c. 585,  
Pt. C, §3, is amended to read:

42       3. **Bids; price preference.** A person who submits a bid for  
a contract to supply paper or paper products shall certify the  
44 percentage and nature of any recycled materials content in the  
product subject to bid. Bids offering paper or paper products  
46 with recycled material content that are within 10% of the lowest  
bid that meets all other specifications may receive up to a 10%  
48 price preference. Bids offering paper or paper products with  
recycled material content that have not been bleached with  
50 chlorine and meet all other specifications receive up to a 10%  
preference. In the event of a tie bid, the material containing  
52 the highest post-consumer content and then the product that has

2 not been bleached must be selected. Any bids to supply paper or  
4 paper products with recycled material content that exceed by more  
6 than 10% the low bid which meets all other specifications shall  
8 may not be considered. If no bids are received on a request for  
bids which offer paper or paper products with recycled material  
content, the State Purchasing Agent may award the contract to a  
bidder whose paper or paper product has substandard percentages  
of or no recycled materials content.

10 **Sec. 3. 5 MRSA §1812-C**, as enacted by PL 1989, c. 585, Pt. C,  
12 §3, is amended to read:

14 **1812-C. Use of composted materials**

16 All state agencies responsible for the maintenance of public  
18 lands in this State shall, to the maximum extent practical and  
20 consistent with sound environmental practices, ~~give preference to~~  
22 the use of compost materials in all land maintenance activities  
24 which are to be paid for by public funds. The Department of  
Agriculture, Food and Rural Resources shall develop standards for  
fertilizers and soil conditioners made from different mixes of  
compostible wastes, that could be used by state agencies involved  
in land preparation and improvement work. These standards shall  
must be adopted by rule by January 1, 1990.

26 **Sec. 4. 38 MRSA §1310-C, sub-§1**, as enacted by PL 1987, c.  
28 517, §25, is amended to read:

30 **1. Objectives.** The program shall ~~have~~ has the following  
objectives:

32 A. To accomplish the prompt closure of solid waste  
34 landfills which, through inappropriate siting, inadequate  
36 design and construction or improper operation, pose an  
actual or potential hazard to the environment and public  
health; and

38 B. To accomplish remedial activities to eliminate the  
40 existing hazards posed by those landfills; and

42 C. To provide markets for compost and reclaimed materials.

44 **Sec. 5. 38 MRSA §1310-D, sub-§3, ¶A**, as enacted by PL 1987, c.  
517, §25, is amended to read:

46 A. Within 90 days of the receipt of a landfill evaluation,  
48 together with the recommendations for closure and, if any,  
50 remediation actions, the commissioner shall issue a proposed  
52 plan for closure and remediation. This plan must specify  
the use of compost or reclaimed soil materials for landfill  
cover to the maximum extent practical and consistent with  
sound environmental practices. Subject to the provisions of

2 sections 1310-F and 1310-G, a timetable for implementation  
and all pertinent cost-sharing shall must be included as  
4 part of the proposed plan. The board shall subsequently  
adopt the plan subject to the provisions of Title 5, chapter  
6 375, subchapter IV.

8 **STATEMENT OF FACT**

10 The bill expands markets for recycled materials by expanding  
government procurement of recycled and composted materials.