

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1059, L.D. 1548, Bill, "An Act to Regulate Incineration Plants"

Amend the bill by striking out the title and substituting the following:

'An Act Related to Incineration Plants'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 38 MRSA c. 24, sub-c. VIII is enacted to read:

SUBCHAPTER VIII

INCINERATION PLANT FINANCIAL STATEMENTS

§2231. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Incineration facility. "Incineration facility" means a facility that accepts municipal solid waste for consideration and disposes of the waste through combustion, including combustion for the generation of heat, steam or electricity. A facility that incinerates municipal solid waste in amounts that constitute less than 2% by weight of its fuel is not an incineration facility.

2. Solid waste. "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including, but not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse. "Solid waste" includes fuel, whether solid, liquid or gas, derived from materials such as those listed.

2           3. Tipping fee. "Tipping fee" means any fee, rate, toll or  
3           other charge that an incineration facility charges for disposal  
4           of solid waste from the facility's customers.

6           4. Waste source. "Waste source" means any entity that pays  
7           a tipping fee to an incineration facility.

8  
9           §2232. Reporting

10           An incineration facility shall submit an annual report to  
11           the agency no later than 60 days after the end of the  
12           incineration facility's fiscal year. For reasonable cause shown  
13           and upon written application by an incineration facility, the  
14           agency may grant an extension of the 60-day period. The report  
15           must be certified by an appropriate executive officer of the  
16           incineration facility as being complete and accurate. The agency  
17           may prescribe the form of the annual report and the number of  
18           copies that must be submitted. The report must include the  
19           following information:

20  
21           1. Waste. The total weight in tons of all solid waste  
22           received by the incineration facility in the last completed  
23           fiscal year and each month of that year and a breakdown of these  
24           totals according to the waste sources;

25  
26           2. Tipping fee. A schedule of various tipping fees imposed  
27           by the incineration facility on the incineration facility's  
28           customers over the last completed fiscal year including an  
29           identification of all changes in those fees and a similar  
30           schedule of fees to be imposed and projected to be imposed for  
31           the next fiscal year;

32  
33           3. Revenue. The total revenue of the incineration facility  
34           from all sources for the last completed fiscal year and each  
35           month of that year. Revenue figures must identify revenues from  
36           each revenue source, including, but not limited to, tipping fees  
37           and any revenue from sales of electricity to electric utilities;

38  
39           4. Expenditures. The total expenditures of the  
40           incineration facility during the last completed fiscal year  
41           including details of those expenditures as required by the  
42           agency; and

43  
44           5. Other information. Any other information required by  
45           the agency.

2 §2233. Civil violation

4 A person that violates any requirement of section 2232  
6 commits a civil violation for which a forfeiture not to exceed  
8 \$200 may be adjudged. Each day of a violation is considered a  
10 separate offense.

12 §2234. Civil penalty

14 A person that certifies a report under section 2232 as being  
16 complete and accurate and who knows that the report is either  
18 incomplete or inaccurate is subject to a civil penalty not to  
20 exceed \$500, payable to the State. This penalty is recoverable  
22 in a civil action.

24 §2235. Use of files

26 The agency shall keep on file for public inspection and use  
28 all reports submitted under this subchapter.

30 §2236. Limitation

32 Nothing in the subchapter may be construed to create or  
34 expand any agency authority over financial, organizational or  
36 rate regulation of incineration facilities.

38 **FISCAL NOTE**

40 The costs associated with the design, distribution and  
42 monitoring of annual reports of incineration facilities can be  
44 absorbed within existing resources of the Maine Waste Management  
46 Agency.

The additional workload and administrative costs associated  
with the minimal number of new cases filed in the court system  
will be absorbed within the budgeted resources of the Judicial  
Department. There may be a minor increase of General Fund  
revenue from the collection of fines.

**STATEMENT OF FACT**

This amendment accomplishes the following:

COMMITTEE AMENDMENT "A" to H.P. 1059, L.D. 1548

1. Strikes and replaces the bill;

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3  
4 2. Requires incineration facilities to file annual reports  
5 with the Maine Waste Management Agency within 60 days of the end  
6 of the utility's fiscal year. The Maine Waste Management Agency  
7 may grant deadline extensions. These reports must include the  
8 following:

9  
10 A. Total annual and monthly weight in tons of solid waste  
11 received by the facility and the waste sources;

12 B. The tipping fee schedule of the facility for the last  
13 completed fiscal year and the coming fiscal year;

14 C. Total annual and monthly revenues received, identified  
15 by revenue sources; and

16  
17 D. Total annual expenditures;

18  
19 3. Requires incineration facility executives to certify the  
20 accuracy and completeness of the report;

21  
22 4. Permits the agency to prescribe the format of the report  
23 and to require other information;

24  
25 5. Establishes a civil forfeiture of up to \$200 per day for  
26 any person who violates any of these provisions;

27  
28 6. Establishes a civil penalty of up to \$500, payable to  
29 the State, for any person who certifies an annual report knowing  
30 the report to be incomplete or inaccurate;

31  
32 7. Changes the title of the bill; and

33  
34 8. Adds a fiscal note to the bill.  
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Reported by the Committee on Utilities  
Reproduced and distributed under the direction of the Clerk of the  
House  
1/28/92 (Filing No. H-879)