

MAINE STATE LEGISLATURE

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L.D. 1873

(Filing No. H-667)

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

COMMITTEE AMENDMENT "A" to H.P. 1296, L.D. 1873, Bill, "An Act to Correct Errors and Clarify Provisions in the Solid Waste Laws"

Amend the bill by striking out all of section 1 and inserting in its place the following:

PART A

Sec. A-1. 38 MRSA §1303-C, sub-§§25-A and 39-A are enacted to read:

25-A. Responsible party. For the purposes of subchapter II-A only, "responsible party" means any or all of the following persons:

A. The owner or operator of an uncontrolled tire stockpile; and

B. Any person who owned or operated an uncontrolled tire stockpile from the time any tire arrived at that stockpile.

39-A. Uncontrolled tire stockpile. "Uncontrolled tire stockpile" means an area or location, whether or not licensed, where used motor vehicle tires are or were handled, stored or disposed of in such a manner as to present a significant fire hazard or a threat to public health or to the quality of a classified body of surface water or a significant sand and gravel aquifer or fractured bedrock aquifer as defined in section 1310-N, subsection 2-A.

Sec. A-2. 38 MRSA c. 13, sub-c. II-A is enacted to read:

SUBCHAPTER II-A

TIRE STOCKPILE ABATEMENT

§1316. Prohibition

A person may not handle used motor vehicle tires at an uncontrolled tire stockpile in violation of an order issued under this subchapter.

§1316-A. Investigation and enforcement

Upon investigation, if the commissioner finds that an uncontrolled tire stockpile exists, the commissioner may issue notice to the responsible party or parties and conduct an enforcement hearing in accordance with section 347-A, subsection 2 and issue an order directing the responsible party or parties to mitigate or eliminate the threatening or hazardous conditions posed by the uncontrolled tire stockpile.

Upon investigation, if the commissioner finds that an uncontrolled tire stockpile is creating or is likely to create a substantial and immediate danger to public health or safety or to the environment, the commissioner may issue an emergency order in accordance with section 347-A, subsection 3 directing the responsible party or parties to take immediate action necessary to reduce or alleviate the danger.

§1316-B. Abatement; cleanup; mitigation

If a responsible party does not comply immediately with all conditions of an order issued pursuant to sections 347-A, subsection 3 and section 1316-A, the commissioner may act to abate, clean up or mitigate the threat or hazard posed by an uncontrolled tire stockpile. The commissioner may:

1. Assistance. Employ private consultants and other persons to evaluate, design or conduct tire removal or site remediation activities;

2. Process and remove. In consultation with the agency, cause the processing or removal of all stockpiled tires;

3. Secure. Have barriers constructed and sufficient security measures implemented to prohibit the access of unauthorized persons to the site, including the responsible party;

4. Equipment. Have fire-fighting or pollution abatement equipment purchased and stored either at or away from the tire stockpile;

2 5. Alter. Have the physical characteristics of the
4 stockpile site altered, including the construction of fire lanes,
 fire or pollution barriers or other necessary site remediation
6 activity; or

8 6. Close. Permanently close the stockpile and prohibit the
 use of the site for the storage or disposal of used motor vehicle
10 tires.

12 §1316-C. Liability; recovery by State

14 Each responsible party is jointly and severally liable for
 all costs incurred by the State, including court costs and
16 attorney's fees, for the abatement, cleanup or mitigation of the
 threat or hazard posed by an uncontrolled tire stockpile and for
18 damages to destruction of or loss of natural resources of the
 State resulting from the uncontrolled tire stockpile. The
20 commissioner shall demand prompt reimbursement of all costs
 incurred under sections 1316-A and 1316-B. If payment is not
22 received by the State within 30 days of demand, the Attorney
 General may file suit in the Superior Court and may seek
24 reimbursement of other costs and any other relief provided by
 law. Notwithstanding the time limits stated in this section,
26 neither a demand nor other recovery efforts against one
 responsible party may relieve any other responsible party of
28 liability.

30 The commissioner may not demand from responsible parties
 that are municipalities reimbursement of more than 10% of all
32 costs incurred by the State under sections 1316-A and 1316-B.

34 In any suit filed under this section, the State need not
 prove negligence in any form or matter by a defendant. The State
36 need only prove that a defendant is a responsible party and the
 site poses or posed or potentially poses or posed a threat or
38 hazard to the health, safety or welfare of any citizen of the
 State or the environment of the State, to which the acts or
40 omissions of the defendant are or were causally related.
 Punitive damages may be awarded by the court upon a finding that
42 a responsible party acted in willful violation of law, rule or
 order in creating, increasing or maintaining an uncontrolled tire
44 stockpile.

46 Funds recovered under this section must be deposited into
 the Maine Solid Waste Management Fund.

48 §1316-D. Immunity

50 Notwithstanding Title 14, chapter 741, the State, its
52 agencies or its employees are not liable for the death or injury

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2 of any person or for any property damage that results from
3 abatement activities pursuant to this subchapter. This section
4 does not affect the right of any person to receive workers'
5 compensation or other applicable benefits.

6 **§1316-E. Lien established**

8 1. Establishment. All costs incurred by the State,
9 including court costs and attorney's fees, for the abatement,
10 cleanup or mitigation of an uncontrolled tire stockpile and all
11 related interest and penalties constitute a lien against the real
12 estate of the responsible party or parties.

14 2. Priority. The priority of a lien filed pursuant to this
15 section is governed by the following.

16
17 A. Any lien filed pursuant to this section on real estate
18 where an uncontrolled tire stockpile is located has
19 precedence over all encumbrances on the real estate recorded
20 after the effective date of this section. For the purposes
21 of this paragraph, the term "real estate" includes all real
22 estate of a responsible party that has been included in the
23 property description of the real estate on which the
24 stockpile is located within the 3-year period preceding the
25 date of the filing of the lien or the period between the
26 effective date of this section and the date on which the
27 lien is filed, whichever period is shorter.

28
29 B. Any lien filed pursuant to this section on any other
30 real estate of the responsible party has precedence over all
31 transfers and encumbrances filed after the date that the
32 lien is filed with the registry of deeds.

34 3. Notice. A certificate of lien signed by the
35 commissioner must be mailed by certified mail, return receipt
36 requested, to all persons of record holding an interest in the
37 real estate over which the commissioner's lien is entitled to
38 priority under subsection 2, paragraph A. A certificate may be
39 filed for record in the office of the clerk of any municipality
40 in which the real estate is situated.

42 4. Recording. Any lien filed pursuant to this section is
43 effective when filed with the registry of deeds for the county in
44 which the real estate is located. The lien must include a
45 description of the real estate, the amount of the lien and the
46 name of the owner as grantor.

48 5. Limitation. This section does not apply to a unit of
49 real estate that consists primarily of real estate used or under
50 construction as single or multifamily housing at the time the
51 lien is recorded or to property owned by a municipality.

52

2 6. Discharge of lien. When the amount of a lien recorded
4 under this section has been paid or reduced, the commissioner,
6 upon request by any person of record holding interest in the real
8 estate that is the subject of the lien, shall issue a certificate
10 discharging or partially discharging the lien. The certificate
12 must be recorded in the registry in which the lien was recorded.
14 Any foreclosure action on the lien must be brought by the
16 Attorney General in the name of the State in the Superior Court
18 for the judicial district in which the property subject to the
20 lien is situated.

22 **Sec. A-3. 38 MRSA §2135-A is enacted to read:**

24 §2135-A. Tire management program

26 Subject to available funding, the office shall develop a
28 waste tire management incentive program to reduce existing tire
30 stockpiles and to promote waste tire recycling through a
32 financial assistance program. The program must:

34 1. Abatement. Be consistent with the abatement program
36 administered by the department to remove waste tires through
38 proper processing, disposal or recycling; and

40 2. Incentives. Provide financial incentives to enhance
42 markets for waste tires and to partially reimburse businesses or
44 municipalities for utilizing waste tires for processing, energy
46 recovery and other end uses. The office shall adopt rules to
48 implement the incentive programs, including, but not limited to,
50 the types of management options eligible for reimbursement and
52 the amount of reimbursement.

54 **PART B**

56 **Sec. B-1. 36 MRSA §2526, sub-§1, ¶A-1 is enacted to read:**

58 A-1. "Investment credit base of equipment" means the total
60 original basis of the taxpayer in waste reduction, reuse or
62 recycling equipment for federal income tax purposes,
64 adjusted to exclude all architectural and engineering fees,
66 site survey fees, legal expenses, development fees and
68 insurance premiums that are included in the basis of the
70 waste reduction, reuse or recycling equipment placed in
72 service for the first time in this State by the taxpayer or
74 another person during the tax year for which the credit is
76 claimed.'

78 Further amend the bill in section 3 in subsection 2 in the
80 6th to 8th lines (page 2, lines 17 to 19 in L.D.) by striking out
82 the following: "used exclusively in the implementation of a solid
waste reduction, reuse or recycling program," and inserting in

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2 its place the following: ~~'used-exclusively-in-the-implementation~~
~~of-a-solid-waste-reduction,-reuse-or-recycling-program,'~~

4 Further amend the bill by striking out all of section 5 and
inserting in its place the following:

6 **'Sec. 5. 36 MRSA §2526, sub-§4-A is enacted to read:**

8 4-A. Recapture. The recapture of a credit allowed under
10 this section is governed by this subsection.

12 A. If a taxpayer disposes of equipment for which a credit
14 was claimed within 4 years from the date that the taxpayer
16 acquired the equipment and the disposition results in the
18 equipment no longer qualifying as waste reduction, reuse or
recycling equipment, then the tax imposed under this Part
for the taxable year in which the disposition occurs is
increased by an amount equal to:

20 (1) The amount used as a credit with respect to the
22 disposed equipment in the year of disposition and all
24 prior years less that same amount multiplied by a
26 fraction, the numerator of which is the number of years
and parts of years that have transpired since the year
that the equipment was acquired by the taxpayer and the
denominator of which is 4.

28 B. The amount of the unused credit attributable to the
30 disposed equipment less that same amount multiplied by a
32 fraction, the numerator of which is the number of years and
34 parts of years that have transpired since the year that the
equipment was acquired by the taxpayer and the denominator
of which is 4, is disallowed.'

36 Further amend the bill by striking out all of section 7 and
inserting in its place the following:

38 **'Sec. 7. 36 MRSA §5219-D, sub-§1, ¶A-1 is enacted to read:**

40 A-1. "Investment credit base of equipment" means the total
42 original basis of the taxpayer in the waste reduction, reuse
44 or recycling equipment for federal income tax purposes,
adjusted to exclude all architectural and engineering fees,
site survey fees, legal expenses, development fees and
46 insurance premiums that are included in the basis of the
waste reduction, reuse or recycling equipment placed in
service for the first time in this State by the taxpayer or
48 another person during the tax year for which the credit is
claimed.'

50 Further amend the bill in section 9 in subsection 2 in the
52 6th to 8th lines (page 4, lines 10 to 12 in L.D.) by striking out

2 the following: "used exclusively in the implementation of a solid
waste reduction, reuse or recycling program," and inserting in
4 its place the following: '~~used-exclusively-in-the-implementation
of-a-solid-waste-reduction,-reuse-or-recycling-program,~~'

6 Further amend the bill by striking out all of section 11 and
inserting in its place the following:

8 'Sec. 11. 36 MRSA §5219-D, sub-§4-A is enacted to read:

10 4-A. Recapture. The recapture of a credit allowed under
12 this section is governed by this subsection.

14 A. If a taxpayer disposes of equipment for which a credit
16 was claimed within 4 years from the date that the taxpayer
18 acquired the equipment and the disposition results in the
20 equipment no longer qualifying as waste reduction, reuse or
recycling equipment, then the tax imposed under this Part
for the taxable year in which the disposition occurs is
increased by an amount equal to:

22 (1) The amount used as a credit with respect to the
24 disposed equipment in the year of disposition and all
26 prior years less that same amount multiplied by a
28 fraction, the numerator of which is the number of years
and parts of years that have transpired since the year
that the equipment was acquired by the taxpayer and the
denominator of which is 4.

30 B. The amount of the unused credit attributable to the
32 disposed equipment less that same amount multiplied by a
34 fraction, the numerator of which is the number of years and
36 parts of years that have transpired since the year that the
equipment was acquired by the taxpayer and the denominator
of which is 4, is disallowed.'

Further amend the bill by inserting after section 12 the
following:

40 'Sec. 13. 38 MRSA §1705, sub-§9, as amended by PL 1989, c.
104, Pt. C, §§8 and 10, is further amended to read:

42 9. Municipal officer. "Municipal officer" means municipal
44 officer as defined in Title 30-A, section 2001, and includes the
46 assessors of a plantation and county commissioners acting on
48 behalf of the residents of any unorganized territory within their
50 county under Title 30-A, chapter 305.

Sec. 14. 38 MRSA §1705, sub-§9-A is enacted to read:

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2 9-A. Municipality. "Municipality" means municipality as
defined in Title 30-A, section 2001, and includes plantations and
4 unorganized territories.'

6 Further amend the bill in section 13 in paragraph G in the
2nd line (page 5, line 19 in L.D.) by striking out the following:
8 "sections 179 and" and inserting in its place the following:
'section'

10 Further amend the bill by inserting after section 13 the
following:

12 'Sec. 14. 38 MRSA §2103, sub§1, ¶H, as enacted by PL 1989, c.
14 585, Pt. A, §7, is amended to read:

16 H. Enter any property at reasonable hours, and enter any
18 building with the consent of the property owner, occupant,
or agent or, if consent is not given, under a warrant issued
20 pursuant to Title 4, section 179, to inspect the property or
22 structure, to take samples and to conduct tests, as
24 appropriate, to determine compliance with any provision of
the laws administered by the agency or the terms or
conditions of any order, regulation, license, permit,
approval or decision of the agency;'

26 Further amend the bill by inserting after section 17 the
following:

28 'Sec. 18. 38 MRSA §2133, sub-§5, as enacted by PL 1989, c.
30 585, Pt. A, §7, is repealed and the following enacted in its
place:

32 5. Access to state waste disposal services. A municipality
34 that fails to provide recycling opportunities to its residents
36 may not deliver, directly or indirectly, municipal solid waste,
including residual waste, to a state-owned solid waste disposal
38 facility.

40 'Sec. 19. 38 MRSA §2157, first ¶, as repealed and replaced by PL
1991, c. 66, Pt. A, §41, is amended to read:

42 Subsequent to the adoption of the state plan, the Department
44 of Environmental Protection may not approve an application of a
new or expanded solid waste disposal facility requiring review
46 under this section until the agency has approved the proposed
facility under this section. An expansion of a commercial solid
48 waste disposal facility or a solid waste disposal facility owned
by a municipality or a regional association or a sanitary
50 district created under chapter 11 or by special act of the
Legislature is not subject to subsection 1, paragraph C,
subparagraph (2), if the facility was licensed and in existence

as of October 1, 1989, and at the time of application for the expansion.

Sec. 20. 38 MRSa §2164, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

§2164. Household and small generator hazardous waste

The office shall develop and implement by July 1, 1991, 1992 a statewide system for the collection and disposal of hazardous waste generated by households, public and private nonprofit institutions and small quantity generators.'

Further amend the bill in section 18 by striking out all of the last indented paragraph (page 6, lines 21 to 28 in L.D.) and inserting in its place the following:

'Any person owning or operating a solid waste landfill that adversely affects a public or private water supply by pollution, degradation, diminution or other means that result in a violation of the state drinking water standards as determined by the commissioner shall restore the affected supply at no cost to the owner or replace the affected supply with an alternative source of water that is of like quantity and quality to the original supply at no cost to the owner.'

Further amend the bill by inserting after section 18 the following:

'Sec. 19. 38 MRSa §2201, as amended by PL 1989, c. 927, §7, is further amended to read:

§2201. Maine Solid Waste Management Fund established

The Maine Solid Waste Management Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support programs administered by the Maine Waste Management Agency and the Department of Environmental Protection. The fund shall ~~must~~ be segregated into 2 subsidiary accounts. The first subsidiary account, which ~~shall--be~~ is called operations, shall ~~receive~~ receives all fees established and received under article 1. The 2nd subsidiary account, which ~~shall--be~~ is called administration, shall ~~receive~~ receives all fees established under this article and under Title 36, chapter 719 and all funds recovered by the department as reimbursement for departmental expenses incurred to abate imminent threats to public health safety and welfare posed by the illegal disposal of solid waste.

Money in the fund not currently needed to meet the obligations of the agency shall ~~must~~ be deposited with the Treasurer of State to the credit of the fund and may be invested

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2 as provided by law. Interest on these investments shall must be credited to the fund.

4 Funds related to administration may only be expended in
6 accordance with allocations approved by the Legislature for
8 administrative expenses directly related to the agency's and the
10 department's programs, including actions by the department
12 necessary to abate imminent threats to public health safety and
14 welfare posed by the illegal disposal of solid waste. Funds
16 related to operations may only be expended in accordance with
18 allocations approved by the Legislature and solely for the
20 development and operation of publicly owned facilities owned or
22 approved by the agency and for the repayment of any obligations
24 of the agency incurred under article 3. These allocations must
26 be based on estimates of the actual costs necessary for the
28 agency and the department to administer their programs, to
provide financial assistance to regional associations and to
provide other financial assistance necessary to accomplish the
purposes of this chapter. Beginning in the fiscal year ending on
June 30, 1991 and thereafter, the fund shall must annually
transfer to the General Fund an amount necessary to reimburse the
costs of the Bureau of Taxation incurred in the administration of
Title 36, section 5219-D and Title 36, chapter 719 and an amount
equal to the General Fund revenues lost as the result of Title
36, sections 2526 and 5219-D. Allowable expenditures include
"Personal Services," "All Other" and "Capital Expenditures"
associated with all agency activities other than those included
in the operations account.

30 **Sec. 20. 38 MRSA §2203, sub-§3** is enacted to read:

32 3. Imported special waste. In addition to any other fee
34 assessed under this section and to support those regulatory and
36 administrative costs associated with imported special wastes, an
38 administrative fee of \$2 per ton is imposed on special waste
40 brought into the State for disposal, except that an
administrative fee of \$2 per cubic yard is imposed on asbestos
brought into the State for disposal. The fee must be assessed at
the first point of disposal, processing or treatment within the
State.

42 **Sec. 21. 38 MRSA §2204**, as amended by PL 1989, c. 869, Pt. A,
44 §14 and affected by §20, is repealed and the following enacted in
its place:

46 **§2204. Municipal disposal surcharge; recycling and import fees**

48 The agency shall impose the following fees.

50 1. Landfill surcharge. A disposal surcharge of \$4 per ton
52 is assessed on any municipal solid waste disposed of at a
commercial landfill facility.

2 2. Recycling progress. Any municipality that fails to make
 4 reasonable progress, as determined by the agency, toward the
 state recycling goals shall pay a \$1.50 per ton fee on:

6 A. Any solid waste generated within its jurisdiction that
 is exported from the State; and

8 B. Any solid waste generated within its jurisdiction that
 10 is delivered to a commercial solid waste facility or to a
 12 solid waste disposal facility owned by the agency or a
 regional association.

14 3. Imported municipal solid waste. To support those
 16 regulatory and administrative costs associated with imported
 18 municipal solid wastes, an administrative fee of \$4 per ton is
 20 assessed on any municipal solid waste originating outside the
 State and delivered to a commercial solid waste facility or solid
 waste disposal facility owned by the agency or a regional
 association for disposal.'

22 Further amend the bill by striking out all of section 19 and
 24 inserting in its place the following:

 'Sec. 19. Allocation. The following funds are allocated from
 26 the Maine Solid Waste Management Fund to carry out the purposes
 28 of this Act.

	1991-92	1992-93
FINANCE, DEPARTMENT OF		
Bureau of Taxation		
Positions	(0.5)	(0.5)
Personal Services	\$15,400	\$16,100
All Other	3,500	3,675
Capital Expenditures	6,130	
Provides funds for a part-time Audit Revenue Agent, computer equipment and general operating expenses.		
DEPARTMENT OF FINANCE		
TOTAL	<u>\$25,030</u>	<u>\$19,775</u>

48 **Sec. 20. Retroactivity.** Sections 1 to 4 and sections 6 to 10 of
 50 this Part apply retroactively to January 1, 1990. Sections 5 and
 52 11 of this Part apply only to equipment purchased by a taxpayer
 after the effective date of this Act.

COMMITTEE AMENDMENT

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PART C

Sec. C-1. 38 MRSA §2123, sub-§6, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

6. Facility needs. The plan shall ~~shall~~ must identify the number, size and type of solid waste facilities required to meet the capacity needs for all municipal solid wastes and for those special wastes for which the agency has assumed responsibility as described in the plan. The agency shall include a time schedule and program for planning, design, siting, construction, operation, and closure of each proposed facility.

Sec. C-2. 38 MRSA §2156, as amended by PL 1991, c. 243, §2, is further amended to read:

§2156. Facility development

1. Initial state facility required. On or before January 1, 1995, the office shall develop facilities sufficient to meet the projected needs for municipal solid waste identified in the analysis conducted under former section 1310-O and the state plan and to serve all geographic areas of the State. On or before January 1, 1995, the office may develop facilities sufficient to meet the projected needs for special waste identified in the analysis conducted under former section 1310-O and the state plan and to serve all geographic areas of the State.

2. Subsequent facility development. Subsequent to any facility development under subsection 1, the office shall ~~initiate--the--development--of~~ develop municipal solid waste disposal facilities as it determines is necessary to meet the capacity needs identified in the state plan. In addition, the office may develop special waste disposal facilities as it determines is necessary to meet the capacity needs identified in the state plan. The office shall provide for solid waste disposal facilities by contracting with private vendors for facility design, construction or operation or, if necessary, undertaking facility development itself.

3. Agency ownership. The agency shall maintain ownership of any solid waste disposal facility it develops and shall maintain full control over the use of the facility or facilities.

This section does not preclude a municipality or regional association from developing and operating such facilities on its own initiative.'

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by inserting before the statement of fact the following:

FISCAL NOTE

	1991-92	1992-93
APPROPRIATIONS/ALLOCATIONS		
Other Funds	\$25,030	\$19,775
REVENUES		
Other Funds	\$254,000	\$339,000

This bill provides financial eligibility to municipalities for composting, expands recycling capital investment grants to sanitary and sewer districts and adds a representative from the Maine Waste Management Agency to the Board of Trustees of the Maine Sludge and Residuals Utilization Research Foundation. The Maine Waste Management Agency will not require additional funds to implement the proposed expansions of eligibility for financial assistance since this assistance is provided on a competitive basis utilizing existing available funds. The additional member for the board of trustees of the foundation will serve without compensation.

There is no fiscal impact to the General Fund as a result of this bill due to the requirement of the Maine Revised Statutes, Title 38, section 2201. The Maine Waste Management Agency will have to allocate funds to meet the costs of a part-time auditor and associated administrative expenses of the Bureau of Taxation. These costs are \$25,030 in fiscal year 1991-92 and \$19,775 in fiscal year 1992-93. The loss of revenue due to the tax credits can not be determined at this time because no certificates of eligibility have been issued yet.

This bill authorizes the Department of Environmental Protection to regulate uncontrolled tire stockpiles. Use of this authority will invoke costs to the Department of Environmental Protection for which they have limited resources. Also, this legislation allows the department to recover costs incurred for abatement, cleanup or mitigation and will result in an increase in dedicated revenue to the fund in an amount that can not be determined at this time.

The bill will increase imported waste fees and will result in additional dedicated revenues to the Maine Solid Waste Management Fund of the Maine Waste Management Agency of \$254,000 in fiscal year 1991-92 and \$339,000 in fiscal year 1992-93. No allocations are required due to the current revenue shortfall.

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2 The bill requires the Maine Waste Management Agency to
develop a tire management program utilizing current available
funds to reduce existing tire stockpiles.

4
6 The bill clarifies current statutes regarding the Maine
Waste Management Agency's statutory requirement to develop and
operate landfills for municipal solid waste not burned in
8 waste-to-energy facilities. Due to a revenue shortfall, the
Maine Waste Management Agency has currently limited its siting
10 process to special waste landfills in an attempt to prioritize
responsibilities within available resources. The financial
12 impact of carrying out this clarification will require a
reordering of the agency's priorities or result in additional
14 costs that can not be determined at this time.

16 The additional work load and administrative costs associated
with a minimal number of additional cases filed in Superior Court
18 will be absorbed within the budgeted resources of the Judicial
Department.

20
22 The costs associated with the Department of the Attorney
General filing suit and seeking damages will be reimbursed from
the Maine Solid Waste Management Fund. These costs can not be
24 estimated at this time.'

26
28 **STATEMENT OF FACT**

30 This amendment provides additional authority to the
Department of Environmental Protection for the control of tire
stockpiles that pose environmental and public health problems.
32 The Maine Waste Management Agency is also authorized to undertake
a tire recycling program, subject to available funding.

34
36 The amendment makes a number of technical changes to the
solid waste recycling tax credit law including a change to the
recapture provisions to allow for partial credits for equipment
38 owned for less than 4 years.

40 The amendment includes county commissioners, as agents for
the unorganized territory within their jurisdiction, in the group
42 of local government officials that can form regional refuse
disposal districts.

44
46 The amendment incorporates new fees on wastes imported into
the State for disposal as a means to capture that fraction of the
administrative and regulatory costs incurred by the State in the
48 disposal of imported waste that is not covered by the general
revenues paid by in-state generators.

50
52 The amendment also eliminates a portion of the Maine Waste
Management Agency review process for commercial solid waste

COMMITTEE AMENDMENT "A" to H.P. 1296, L.D. 1873

2 disposal facilities. The agency currently reviews proposals
under its siting guidelines. The guidelines were developed
4 primarily for the siting of new facilities. Expansions of
various publically owned disposal facilities are already exempt
6 from this review. The amendment in no way lessens the level of
environmental review provided by the Department of Environmental
Protection under current law.

8
10 The amendment also extends a deadline for the establishment
of a household hazardous waste program by one year.

12 The amendment clarifies provisions of existing law to
reemphasize the responsibility of the Maine Waste Management
14 Agency to develop disposal facilities for municipal solid waste
that is not being burned in waste-to-energy facilities.

16
18 Finally, the amendment adds the necessary allocation and
fiscal note to the bill.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the
House
(6/12/91) (Filing No. H-667)

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