

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 766

S.P. 247

In Senate, March 4, 1993

An Act to Clarify the Definition of Solid Waste in Local Flow-control Ordinances.

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 CLEVELAND of Androscoggin.

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

2
4 Sec. 1. 38 MRSA §1304-B, sub-§2, as amended by PL 1991, c. 72,
§§4 to 6, is further amended to read:

6 2. Flow control. Subject to the provisions of chapter 24,
8 municipalities are expressly authorized to enact ordinances that
10 control solid waste collection, its transportation or its
12 delivery to a specific facility, when the purpose and effect of
such an ordinance is to gain management control over solid waste
and enable the reclamation of resources, including energy, from
these wastes. This authorization includes, but is not limited to,
ordinances:

14 A. Requiring segregation of wastes; and

16 B. Requiring delivery of wastes generated within the
18 municipality, or any portion of those wastes, to a
designated disposal or reclamation facility, provided the
20 ordinances comply with subsection 2-A.

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

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

28 Sec. 2. 38 MRSA §1304-B, sub-§2-A is enacted to read:

30 2-A. Limitation on municipal ordinances. A municipality
32 may require the delivery of materials that a person has discarded
34 or intends to discard to a designated disposal or reclamation
36 facility. A municipality may not direct the disposition of
38 materials that a person has not discarded or does not intend to
discard.

STATEMENT OF FACT

40 State solid waste laws allow a municipality to enact
42 ordinances directing that all solid waste generated in the
municipality be delivered to a designated disposal site. Because
44 the definition of solid waste is fairly broad, an ordinance may
require a person to discard materials that the person would
46 otherwise recycle or reuse for some other purpose. This bill
limits the content of municipal flow-control ordinances by
48 prohibiting a municipality from directing the disposition of
material that a person has not discarded and does not intend to
discard.