

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1122

H.P. 805

House of Representatives, March 30, 1995

An Act to Enhance Recycling by Ensuring Raw Materials for Businesses that Recycle and to Fund Household Hazardous Waste Collection Programs.

Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TREAT of Gardiner.

Cosponsored by Representatives: ADAMS of Portland, BRENNAN of Portland, CHASE of China, DAGGETT of Augusta, GOULD of Greenville, HEESCHEN of Wilton, KILKELLY of Wiscasset, LUTHER of Mexico, MERES of Norridgewock, MITCHELL of Vassalboro, SAMSON of Jay, SAXL of Bangor, SHIAH of Bowdoinham, WATSON of Farmingdale, Senator: RAND of Cumberland.

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

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PART A

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Sec. A-1. 38 MRSA §2132, sub-§1, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

6

8 **1. State recycling goal.** It is the policy of the State to
recycle, by January 1, 1994 1997, 50% of the municipal solid
10 waste generated each year. ~~The--Legislature--establishes--an
interim--goal--of--recycling--by--January--1--1992--25%--of--the
12 municipal--solid--waste--generated--each--year.~~

14 **Sec. A-2. 38 MRSA §2134, sub-§5,** as enacted by PL 1989, c.
585, Pt. A, §7, is amended to read:

16

18 **5. Marketing development plan.** Based on the state plan, a
market development and marketing plan ~~by January 1, 1990, to be~~
developed and updated every 2 years beginning with the first
20 update on July 1, 1996, which that includes:

22 A. Potential opportunities to increase demand for and use of
materials generated by recycling programs;

24

26 B. Market opportunities in Canada and other export markets;

26

28 C. Recommendations for specific actions to increase and
stabilize the demand for materials generated by recycling
programs, including, but not limited to, proposed
30 legislation, if necessary; and

30

32 D. Specific recommendations on markets for recycled
materials from the various areas of the State; and

34

36 E. A process for identifying businesses in the State that
need or could use recycled materials and development or
enhancement of recycling programs to meet the demands of
38 those businesses; and

38

40 **Sec. A-3. 38 MRSA §2134, sub-§7** is enacted to read:

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42 7. Availability of raw materials for recycling. An
inventory of businesses in the State that need or could use
44 recycled materials generated within the State, including the
volume, specifications and timetables for delivery of the
46 materials.

46

48 By January 1, 1996, the office shall identify in cooperation with
the Department of Economic and Community Development strategies
50 to be implemented at the municipal, regional or statewide level
to match the needs of these businesses with the untapped capacity

2 of municipalities, State Government and other waste producers to
3 provide recycled materials.

4 Strategies to be considered by the office must include, without
5 limitation:

6 A. Coordination with the Finance Authority of Maine to
7 target waste reduction and recycling loans under Title 10,
8 section 1023-G to businesses and recycling capital grants
9 under section 2133 to municipalities and regional
10 associations that coordinate with each other to achieve the
11 goals of this section;

12 B. Convening of task forces to coordinate policy on a
13 case-by-case basis when businesses or recycling programs
14 identify shortages or lack capacity to produce sufficient
15 raw materials;

16 C. Review of existing marketing and brokering services to
17 determine adequacy in meeting the needs of businesses
18 dependent upon recycled materials for raw materials; and

19 D. Recommendations as to whether to include newspapers or
20 any other materials as mandatory items under section 2138 to
21 ensure adequate flow of raw materials to businesses
22 dependent upon recycled materials.

23 **Sec. A-4. 38 MRSA §2137**, as enacted by PL 1989, c. 585, Pt.
24 A, §7, is amended to read:

25 **§2137. State Government recycling and waste reduction**

26 The office, in cooperation with the Department of
27 Administration, shall assess the status of recycling efforts
28 undertaken directly by the State for its own solid waste and
29 shall evaluate existing programs and develop necessary new
30 programs for recycling to reduce the generation of solid waste by
31 the State. The programs shall must include, without limitation,
32 recycling of office papers, cardboard, used motor oil, yard
33 waste, metal, glass, plastics and other materials produced by the
34 State for which recycling markets exist or may be developed.

35 **1. Waste reduction and recycling plan.** Each state agency
36 shall prepare a waste reduction and recycling plan addressing the
37 requirements of subsections 3 and 4. The plan shall must be
38 submitted to the Office of Waste Reduction and Recycling on or
39 before July 1, 1990, for approval as consistent with the goals
40 and guidelines of this section and with the state waste
41 management and recycling plan. The plan shall must be updated on
42 a biennial basis to increase the amount of material recycled by
43 taking advantage of any changed circumstances. Each department
44 shall complete an analysis of additional materials to determine

2 recycling potential, and shall incorporate these materials into
plan updates. Updated plans shall must be submitted to the
office for approval prior to adoption.

4
6 **2. Capitol complex recycling program.** The State House and
the State Office Building shall constitute the Capitol complex
8 recycling demonstration area. The House of Representatives, the
Senate, the office of the Governor, and each department that
10 occupies space in the State House or the State Office Building
shall, by July 1, 1990, institute a recycling program for its
12 respective offices in these buildings. The program shall must
include, at a minimum, office paper, corrugated cardboard and
14 containers subject to the returnable container law, Title 32,
chapter 28, which that are sold in the Capitol complex. By July
1, 1996, the program must also include, at a minimum, all
wastepaper, metals, glass and plastics for which recycling
markets exist or may be developed. The program shall must
18 include procedures for collecting and storing recyclable
materials, bins or containers for storing materials, and for
20 making contractual and other arrangements with buyers.

22 **3. Recycling.** By January 1, 1991, each state agency
outside the Capitol complex shall establish and implement a
24 source separation and collection program for recyclable materials
produced as a result of agency operations, including, at a
26 minimum, ~~high-grade~~ high-grade paper and corrugated paper. The
source separation and collection program shall must include, at a
28 minimum, procedures for collecting and storing recyclable
materials, bins or containers for storing materials, and for
30 making contractual and other arrangements with buyers. By July
1, 1996, the program must also include, at a minimum, all
wastepaper, metals, glass and plastics for which recycling
markets exist or may be developed. Each agency shall appoint a
34 recycling coordinator for every 50 employees at a minimum and
shall conduct educational programs for its employees on the
36 recycling program.

38 **4. Waste reduction.** By January 1, 1991, each state agency
shall establish and implement a waste reduction program for
40 materials used in the course of agency operations. The program
shall must be designed and implemented to achieve the maximum
42 feasible reduction of waste generated as a result of agency
operations.

44 **5. University of Maine System.** The following provisions
46 shall apply to the University of Maine System.

48 A. Each campus of the University of Maine System shall
prepare a waste reduction, recycling and composting plan
50 addressing the requirements of paragraphs B to D. The plan
shall must be submitted to the Office of Waste Reduction and
52 Recycling on or before July 1, 1990, for approval as

2 consistent with the goals and guidelines of this chapter and
with the state waste management and recycling plan. Each
4 campus shall complete an analysis of additional materials to
determine recycling potential, and shall incorporate these
6 materials into annual plan updates.

8 Updated plans shall must be submitted to the office for
approval prior to adoption.

10 B. By January 1, 1991, each campus of the University of
Maine System shall establish and implement a source
12 separation and collection program for recyclable materials,
including, at a minimum, ~~high--grade~~ high-grade paper,
14 corrugated paper and glass. By July 1, 1996, the program
must also include, at a minimum, all wastepaper, metals,
16 glass and plastics for which recycling markets exist or may
be developed. The source separation and collection program
18 shall must include procedures for collecting and storing
recyclable materials, bins or containers for storing
20 materials and for making contractual and other arrangements
with buyers. Each campus shall appoint a recycling
22 coordinator and shall conduct educational programs for
students and employees on the recycling program.

24 C. By January 1, 1991, each campus of the University of
Maine System shall establish and implement a waste reduction
26 program for materials used in the course of its operations.
The program shall must be designed and implemented to
28 achieve the maximum feasible reduction of waste.

30 D. By January 1, 1991, each campus of the University of
Maine System shall establish a leaf composting program.

32 **Sec. A-5. 38 MRSA §2204, sub-§2,** as amended by PL 1993, c. 85,
34 §2, is further amended to read:

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

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

44 B. Any solid waste generated within its jurisdiction that
is delivered to a commercial solid waste facility or to a
46 solid waste disposal facility owned by the agency or a
regional association, except tires disposed of in a manner
48 other than landfilling.

50 In determining whether a municipality has made reasonable
progress, the agency shall take into consideration the volume and
52 type of material collected for recycling.

PART B

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Sec. B-1. 32 MRSA §1866-A, sub-§2, as amended by PL 1991, c. 819, §11, is further amended to read:

2. Unclaimed deposits. Except for initiators of deposit under section 1863-A, subsection 1, each deposit initiator shall pay to the Treasurer of State on or before the 20th day of March, June, September and December an amount equal to 50% 75% of the unclaimed minimum deposits held by the deposit initiator. The remaining unclaimed minimum deposits, any other unclaimed deposits and any income earned on deposits become the property of the distributor on the day payment is made to the Treasurer of State. Deposit initiators under section 1863-A, subsection 1 shall retain all unclaimed deposits. Funds received by the Treasurer of State under this subsection become the property of the State and must be deposited in the Maine Solid Waste Management Fund established in Title 38, section 2201.

Sec. B-2. 32 MRSA §1866-A, sub-§3, as enacted by PL 1991, c. 591, Pt. R, §4 and affected by §18, is amended to read:

3. Over-redemption of beverage container deposits. ~~When a~~
A deposit initiator is not entitled to reimbursement by the State
when the deposit initiator pays out more in refund values than it
collects in deposits during the course of a calendar year, the
deposit initiator may apply to the Treasurer of State for a
reimbursement from the Maine Solid Waste Management Fund equal to
the amount of over-redeemed minimum deposits. The Treasurer of
State shall reimburse documented claims of over-redeemed minimum
deposits.

Sec. B-3. 38 MRSA §2164, as amended by PL 1991, c. 808, §1, is further amended to read:

§2164. Household and small generated hazardous waste

The office shall develop and implement, by ~~July 1, 1995~~
October 1, 1996, a statewide system for the collection and disposal of hazardous waste generated by households, public and private nonprofit institutions and small quantity generators.

1. Grants for household hazardous waste programs. For the purpose of implementing a statewide household hazardous waste collection and disposal system, the office may award grants to eligible municipalities, regional associations, sanitary districts and sewer districts. The office shall adopt by rule the criteria for the award of the grants by March 1, 1996. The criteria must address, without limitation, the following:

A. Coordination of the household hazardous waste collection program with overall recycling and waste management;

2 B. Encouragement of regional economies of scale;

4 C. Encouragement of coordination between private and public institutions;

6 D. Maximization of opportunities for federal grants and pilot programs;

8 E. Ensurance of services in all regions of the State.

10 **Sec. B-4. Allocation.** The following funds are allocated from
12 the Maine Solid Waste Management Fund to carry out the purposes
14 of this Act.

	1995-96	1996-97
MAINE WASTE MANAGEMENT AGENCY		
Office of Waste Reduction and Recycling	\$375,000	\$375,000

20
22 To fund programs to collect
24 and dispose of household
hazardous waste.

28 STATEMENT OF FACT

30 Part A of this bill makes several changes in the laws
32 governing recycling. It changes the date by which 50% of
municipal solid waste must be recycled from January 1, 1995 to
34 January 1, 1997. The bill requires the Maine Waste Management
Agency, Office of Waste Reduction and Recycling to update its
36 market development and marketing plan every 2 years and requires
the plan to include a process for identifying businesses that
38 need or could use recycled materials. The bill also specifically
requires the office to search out businesses that need or could
40 use recycled materials and to identify strategies to match the
needs of those businesses with the untapped capacity of
42 municipalities and other waste producers.

44 The bill also adds metal, glass and plastics to the list of
materials that must be recycled in the Capitol complex, in all
46 state agencies and in the University of Maine System. The bill
requires the Maine Waste Management Agency to take into
48 consideration the volume and type of materials recycled by
municipalities when considering whether a municipality has made
reasonable progress in recycling.

50 Part B of the bill removes the law requiring the State to
52 reimburse bottle bill deposit initiators for overredemption of

2 bottle deposits. The bill also clarifies the Maine Waste
Management Agency's duty to develop and implement a statewide
4 system for collecting and disposing of household hazardous waste,
as currently required by law. Funds for the program would come
6 from an increase in the percentage of unredeemed bottle deposits
coming to the State for deposit in the Maine Solid Waste
Management Fund.