

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

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Legislative Document

No. 1824

S.P. 720

In Senate, March 5, 1996

### An Act Relating to Solid Waste Management.

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Reported by Senator LORD for the Committee on Natural Resources pursuant to Joint Order S.P. 710 and printed under Joint Rule 2.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

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

2  
3       **Sec. 1. 38 MRSA §1310-X, sub-§4**, as amended by PL 1993, c.  
4 355, §52, is repealed and the following enacted in its place:

6       **4. Exemption.** The following are exempt from the provisions  
7 of this section:

8       A. A commercial biomedical waste disposal or treatment  
9 facility, if at least 51% of the facility is owned by a  
10 hospital or hospitals as defined in Title 22, section 382,  
11 subsection 7, or an affiliated interest or interests as  
12 defined in Title 22, section 396-L, subsection 1, paragraph  
13 A; and

14       B. Expansion of a commercial solid waste disposal facility,  
15 if the expansion will not result in an increase in the  
16 facility's disposal capacity.

17  
18  
19       **Sec. 2. 38 MRSA §2122, sub-§2**, as repealed and replaced by PL  
20 1995, c. 465, Pt. A, §34 and affected by Pt. C, §2, is amended to  
21 read:

22  
23       **2. Revisions.** The office shall revise the analysis at  
24 least every 2 5 years to incorporate changes in waste generation  
25 trends, changes in waste recycling and disposal technologies,  
26 development of new waste generating activities and other factors  
27 affecting solid waste management as the office finds appropriate.

28  
29       **Sec. 3. 38 MRSA §2123-B** is enacted to read:

30  
31       **§2123-B. Review of policy**

32  
33       In conjunction with revisions of the plan every 5 years, the  
34 office shall establish a broad-based task force, including  
35 Legislators from the joint standing committee of the Legislature  
36 having jurisdiction over natural resource matters and  
37 representatives of groups interested in commercial landfill  
38 policy. The task force shall review state policy regarding the  
39 development of commercial solid waste disposal facilities and  
40 shall report its findings and recommendations to the Governor,  
41 the department and the joint standing committee of the  
42 Legislature having jurisdiction over natural resource matters.

43  
44       **Sec. 4. 38 MRSA §2124-A** is enacted to read:

45  
46       **§2124-A. Solid waste generation and disposal capacity report**

47  
48       By January 1, 1997 and every 2 years thereafter, the office  
49 shall submit a report to the joint standing committee of the

2 Legislature having jurisdiction over natural resource matters  
3 setting forth information on statewide generation of solid waste,  
4 statewide recycling rates and available disposal capacity for  
5 solid waste.

6 **Sec. 5. 38 MRSA §2156**, as amended by PL 1995, c. 465, Pt. A,  
7 §§64 and 65 and affected by Pt. C, §2, is repealed.

8 **Sec. 6. 38 MRSA §2156-A** is enacted to read:

10 **§2156-A. Facility development**

12 **1. Planning for development.** The agency shall plan for the  
13 development of facilities sufficient to meet needs for municipal  
14 solid waste identified in the state plan and any revisions to the  
15 plan and to serve all geographic areas of the State. The agency  
16 may plan for the development of facilities sufficient to meet  
17 needs for special waste identified in the state plan and any  
18 revisions to the plan and to serve all geographic areas of the  
19 State.

22 **2. Recommendation for development.** If the office finds  
23 that construction and operation of a state-owned solid waste  
24 disposal facility is needed to meet needs identified in the state  
25 plan, it shall submit a report recommending the construction and  
26 operation to the joint standing committee of the Legislature  
27 having jurisdiction over natural resource matters. The report  
28 must recommend which state agency or department will own the  
29 facility and how it will be operated. It is the intent of the  
30 Legislature that the facility be operated by a private  
31 contractor. A state-owned solid waste disposal facility may not  
32 be constructed or operated unless authorized by legislation  
33 pursuant to subsection 3.

34 **3. Authorization for development.** The joint standing  
35 committee of the Legislature having jurisdiction over natural  
36 resource matters may report out legislation authorizing  
37 construction and operation of a state-owned solid waste disposal  
38 facility in response to a report submitted pursuant to subsection  
39 2.

42 **4. Ownership, construction and operation.** The office shall  
43 maintain ownership of a site selected for construction of a  
44 state-owned solid waste disposal facility until the Legislature  
45 has authorized transfer of the site and provided for maintenance  
46 or development of the site by another entity.

48 **5. Development by others.** This section does not preclude a  
49 municipality or regional association from developing and  
50 operating solid waste disposal facilities on its own initiative.

## FISCAL NOTE

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4       Allowing the expansion of certain commercial solid waste  
6 disposal facilities may result in insignificant increases of  
dedicated revenue to the Department of Environmental Protection  
from additional permit fees.

8       The additional costs associated with establishing a  
10 broad-based task force can be absorbed by the State Planning  
Office utilizing existing budgeted resources.

12       The additional costs associated with participating on a task  
14 force and with reporting out legislation can be absorbed by the  
Legislature utilizing existing budgeted resources assuming that  
16 these activities occur primarily during legislative sessions.

18

## STATEMENT OF FACT

20       This bill makes several changes relating to solid waste  
22 management reporting and planning and to development of a  
state-owned solid waste disposal facility.

24       Current law requires the State Planning Office to revise the  
26 state waste management and recycling plan every 2 years. This  
bill requires revision of the plan every 5 years, but requires  
28 reporting of data on solid waste generation and management every  
2 years. In conjunction with the 5-year revision of the plan,  
30 the bill requires the State Planning Office to convene a task  
force to evaluate the state laws prohibiting licensing of new  
32 commercial solid waste disposal facilities and to make  
recommendations to the Legislature regarding that policy.

34       The bill also requires the State Planning Office to report  
36 to the Legislature when it believes that construction and  
operation of a state-owned solid waste disposal facility is  
38 needed to meet capacity needs identified in the state plan.  
Construction of the facility would be prohibited until the  
Legislature gives specific approval to the construction.

40

42       Finally, the bill clarifies that expansion of an existing  
commercial solid waste disposal facility is not subject to  
44 certain restrictions in the law if the expansion does not affect  
disposal capacity.