

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2228

S.P. 825

In Senate, May 12, 1999

An Act to Provide for Alternative Treatment of Biomedical Waste.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PARADIS of Aroostook.
Cosponsored by Representative MARTIN of Eagle Lake and
Senators: CASSIDY of Washington, GOLDTHWAIT of Hancock, Representatives:
BAGLEY of Machias, PERKINS of Penobscot, SHOREY of Calais, STANWOOD of
Southwest Harbor.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** Maine hospitals presently dispose of biomedical
waste either by incineration at their own facilities or by
shipping the waste out of state; and

8
10 **Whereas,** the 5 hospitals that presently dispose of their
biomedical waste by incineration face imminent shutdown of their
incinerators due to requirements of the federal Clean Air Act; and

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14 **Whereas,** these hospitals must seek other methods to dispose
of their biomedical waste since they are unable to bring their
incinerators into compliance with the federal Clean Air Act
without the expenditure of substantial sums of money, and
compliance still is not guaranteed; and

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20 **Whereas,** the other Maine hospitals face increasing costs to
dispose of their biomedical waste at out-of-state facilities; and

22 **Whereas,** increasing disposal costs for biomedical waste will
further increase hospital costs, thereby contributing to the cost
of health care in the State; and

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26 **Whereas,** present law needs to be amended to allow commercial
biomedical waste treatment facilities that do not meet present
limited exemptions to operate; and

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30 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

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

38 **Sec. 1. 38 MRSA §1310-X, sub-§4, ¶¶A and B,** as enacted by PL
1995, c. 588, §1, are amended to read:

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

48 B. Expansion of a commercial solid waste disposal facility,
if the expansion will not result in an increase in the

2 facility's disposal capacity and the expansion will not be
used for solid waste disposal; and

4 **Sec. 2. 38 MRSA §1310-X, sub-§4, ¶C** is enacted to read:

6 C. A commercial biomedical waste disposal or treatment
8 facility, if the facility uses microwave disinfection
10 technology and, after treatment, the waste no longer meets
the definition of biomedical waste as set forth in section
1303-C, subsection 1-A.

12 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

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SUMMARY

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18 Current law prohibits the Department of Environmental
Protection from permitting a new biomedical waste disposal or
20 treatment facility unless the facility meets the requirements of
2 specific exemptions. This bill allows the Department of
22 Environmental Protection to permit a type of biomedical waste
treatment facility that is in use in 20 other states, but not in
24 Maine, that uses microwave disinfection technology.