

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2238

S.P. 839

In Senate, May 24, 1999

**An Act to Clarify the Solid Waste Laws as They Relate to the Exception
to the Ban on New Commercial Landfills.**

(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 that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.
Cosponsored by Representative COWGER of Hallowell.

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

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6 **Whereas,** waste management has long been a priority of the
State; and

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10 **Whereas,** it is essential that the laws regarding waste
management be clear to owners, operators and users of commercial
waste facilities for effective waste management in the State; and

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14 **Whereas,** the definition of "commercial waste facility" in
the laws regarding waste management may be misinterpreted as the
definition is presently written; and

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18 **Whereas,** a misinterpretation of the waste management laws
may result in the improper disposal of waste that, once done, can
not be easily undone; and

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22 **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
24 safety; now, therefore,

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

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Sec. 1. 38 MRSA §1303-C, sub-§7, ¶E, as amended by PL 1991, c.
220, §7, is repealed and the following enacted in its place:

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32 E. A single entity that generates 85% of the solid waste
disposed of at the facility, except that the facility may
accept from other sources, on a nonprofit basis, an amount
of solid waste that is no more than 15% of all solid waste
accepted on an annual basis by volume or weight, whichever
is smaller. For purposes of this paragraph, "single entity"
means an individual, partnership, corporation or limited
liability company but does not include an individual
partner, shareholder, member or other ownership interest in
the entity. A waste facility receiving ash that has
resulted from the combustion of municipal solid waste or
refuse-derived fuel is not exempt from this subsection
solely by operation of this paragraph; or

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46 **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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This bill clarifies the definition of "commercial waste
4 facility" under the waste management laws.