

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

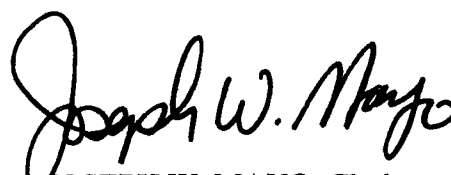
No. 2442

H.P. 1736

House of Representatives, January 10, 2000

**An Act Regarding the Requirement of Notice in the Acquisition of Solid
Waste Hauling, Incineration Residue Disposal and Related Assets.**

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Natural Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.

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

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Sec. 1. 38 MRSA §2111 is enacted to read:

**§2111. Acquisition of solid waste hauling, incineration
residue disposal and related assets**

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Beneficial use" means the use or reuse of a solid waste or waste-derived product:

(1) As a raw material substitute in manufacturing;

(2) As construction material or construction fill;

(3) As fuel; or

(4) In agronomic utilization.

B. "Composting" means the biological decomposition of organic residuals under predominantly aerobic conditions and controlled temperatures between 110° and 150°F.

C. "Incineration" means the volume reduction of solid waste by means of controlled combustion, including pyrolysis. "Incineration" does not include combustion of solid waste in cone burners or the practice of open burning.

D. "Processing" means the action of reducing the volume or changing the chemical or physical characteristics of solid waste. "Processing" includes, but is not limited to, shredding, baling, mechanical and magnetic separation and composting or other stabilization techniques to reduce or otherwise change the nature of solid waste.

E. "Recycling" means the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation of waste, other than through combustion, and the creation and recovery of reusable materials other than as fuel for the generation of electricity.

F. "Residue" means materials remaining after the processing or combustion of waste, including, but not limited to, bottom ash, fly ash and solids from emission control equipment, and means materials that consist of glass and grit, certain ferrous and nonferrous metals not separated

2 and removed for recycling and all other noncombustible
3 materials remaining after solid waste has been processed
4 into fuel by an incinerator's front-end processing system,
5 including nonprocessed oversized bulky waste. "Residue"
6 includes unacceptable or noncomposted materials screened or
7 otherwise removed from composting operations and
8 contaminants and nonrecyclables removed during the
9 processing of recyclables.

10 G. "Solid waste hauling" means the collection,
11 transportation and delivery of solid waste to a transfer
12 facility or station, incinerator or disposal site from
13 residential, commercial or industrial generators and
14 customers. "Solid waste hauling" includes hand pickup,
15 containerized pickup and roll-off services.

16 2. Prohibition. A person may not acquire, directly or
17 indirectly, controlling stock or substantial assets that include
18 those used in recycling, composting, beneficial use,
19 incineration, processing, solid waste hauling or disposal of
20 solid waste or residue from a business engaged in recycling,
21 composting, beneficial use, incineration, processing, solid waste
22 hauling or disposal of solid waste or residue in the State
23 without prior notice as required under subsection 3.

24 3. Notice. The person acquiring controlling stock or
25 substantial assets under subsection 2 shall provide notice of
26 this acquisition to the Department of the Attorney General at
27 least 30 days prior to the date of acquisition. That period may
28 be shortened with the consent of the Attorney General.

29 4. Confidentiality. Information received by the Department
30 of the Attorney General as a result of the reporting requirement
31 under subsection 3 is confidential.

32 5. Penalty. A person that violates this section is subject
33 to a civil penalty not to exceed \$10,000, payable to the State.
34 The penalty is recoverable in a civil action. The violation
35 constitutes a prima facie violation of Title 5, section 207.

42 SUMMARY

43 This bill requires advance notification to the Department of
44 the Attorney General when controlling stock or substantial assets
45 of a business engaged in solid waste hauling, incineration or
46 residue disposal are acquired.