

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1031

H.P. 787

House of Representatives, February 20, 2001

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### **An Act to Fund the Cleanup of Illegal Dumping Sites.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUNLAP of Old Town.  
Cosponsored by Senator LEMONT of York and  
Representatives: CHICK of Lebanon, ETNIER of Harpswell, QUINT of Portland, Senator:  
GAGNON of Kennebec.

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

4 **Sec. 1. 38 MRSA c. 13, sub-c. I-A, art. 2-A** is enacted to read:

6 **ARTICLE 2-A**

8 **CLEANUP OF ORPHANED SOLID WASTE**  
10 **DISPOSAL SITES**

12 **§1310-M-1. Orphaned Solid Waste Disposal Site Clean-up Fund**

14 The Orphaned Solid Waste Disposal Site Clean-up Fund,  
16 referred to in this article as the "fund," is established as a  
18 nonlapsing fund in the department for the purpose of abating,  
20 mitigating and cleaning up solid waste disposal sites designated  
22 by the commissioner under section 1310-M-2. Money in the fund is  
24 derived from a percentage of the municipal solid waste disposal  
26 surcharge fee assessed in section 2204.

28 **§1310-M-2. Use of funds**

30 If the commissioner finds upon investigation that the party  
32 or parties responsible for an unlicensed solid waste disposal  
34 site do not have sufficient financial resources to properly  
36 abate, mitigate or clean up the site or that the responsible  
38 party or parties can not be determined, the commissioner may  
40 designate that site as an "orphaned solid waste disposal site"  
42 and may use money in the fund to abate, clean up or mitigate the  
44 threat posed by that site.

46 **§1310-M-3. Report**

48 The commissioner shall report annually to the joint standing  
50 committee of the Legislature having jurisdiction over natural  
resources matters on fund transactions and balances and on all  
abatement, mitigation or other actions paid for by the fund.

**Sec. 2. 38 MRSA §2204**, as amended by PL 1999, c. 385, §8, is further amended to read:

**§2204. Municipal solid waste disposal surcharge**

The department shall impose a fee of ~~\$2~~ \$5 per ton on any municipal solid waste disposed of at a commercial, municipal or regional association landfill, except that there is no fee on municipal solid waste generated by a municipality that owns the landfill accepting it or that has entered into a contract with a term longer than 9 months for disposal of municipal solid waste in that landfill facility. Notwithstanding section 2201, \$3 of

2 each \$5 collected under this section is deposited in the Orphaned  
3 Solid Waste Disposal Site Clean-up Fund established in chapter  
4 13, subchapter I-A, article 2-A.

6 **SUMMARY**

8 This bill creates a fund in the Department of Environmental  
9 Protection to clean up unlicensed solid waste disposal sites that  
10 are considered "orphaned" by the Commissioner of Environmental  
11 Protection either because the party or parties responsible for  
12 the site do not have sufficient financial resources to properly  
13 abate, mitigate or clean up the site or because the responsible  
14 party or parties can not be determined. The Orphaned Solid Waste  
15 Disposal Site Clean-up Fund is funded by an increase of \$3 per  
16 ton in the municipal solid waste disposal surcharge fee.

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