

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

---

Legislative Document

No. 1543

S.P. 479

In Senate, March 8, 2001

**An Act to Reduce the Release of Dioxin from Consumer Products into  
the Environment.**

---

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 TREAT of Kennebec.  
Cosponsored by Representative COWGER of Hallowell and  
Senators: DOUGLASS of Androscoggin, LaFOUNTAIN of York, SAWYER of Penobscot,  
Representatives: BAKER of Bangor, DUPLESSIE of Westbrook, KOFFMAN of Bar Harbor,  
TOBIN of Windham.

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

4 **Sec. 1. 5 MRSA §1812-G** is enacted to read:

6 **§1812-G. Alternatives to the purchase of dioxin-forming products; evaluation**

8 It is the policy of the State to avoid the purchase of  
10 dioxin-forming products whenever technically effective and  
12 reasonably affordable alternatives are available. The State  
14 Purchasing Agent, in consultation with the Department of  
16 Environmental Protection and the Executive Department, State  
18 Planning Office, shall inventory the State's purchase of supplies  
20 and materials composed in whole or in part of dioxin-forming  
22 products as defined in Title 38, section 1681. Based on this  
24 assessment, the State Purchasing Agent shall evaluate  
26 alternatives to, and establish goals for, the reduction of the  
28 purchase of supplies and materials composed in whole or in part  
of dioxin-forming products. The State Purchasing Agent shall  
report by January 15, 2003 to the joint standing committee of the  
Legislature having jurisdiction over natural resources matters on  
the results of this inventory and evaluation and on the State's  
efforts to purchase alternatives to supplies and materials  
composed in whole or in part of dioxin-forming products. The  
State Purchasing Agent shall include in the report any  
recommendations to increase or facilitate the purchase of the  
alternative supplies and materials.

30 **Sec. 2. 12 MRSA §9324, sub-§7**, as enacted by PL 1997, c. 512,  
§5, is amended to read:

32 **7. Trash.** Out-of-door burning of highly combustible trash  
34 is prohibited where municipal trash collection service is  
36 available and will accept those materials. Out-of-door burning  
of plastics, including dioxin-forming products as defined in  
Title 38, section 1681, subsection 2, rubber, styrofoam, metals,  
38 food wastes or chemicals is prohibited in all areas of the State.

40 For purposes of this subsection, the following terms have the  
following meanings.

42 A. "Highly combustible trash" means wooden boxes or other  
wood material, paper and cardboard.

44 B. "Municipal trash collection service" means any curbside  
46 trash collection service that is operated or contracted for  
48 by the municipality or that is required by municipal  
ordinance.

50 **Sec. 3. 12 MRSA §9324, sub-§8** is enacted to read:

2           **8. Construction and demolition debris.** The burning of  
3 construction and demolition debris containing plastics, including  
4 dioxin-forming products as defined in Title 38, section 1681, is  
5 prohibited whether burned on-site or at municipal solid waste  
6 disposal facilities.

8           **Sec. 4. 12 MRSA §9325, sub-§1,** as amended by PL 1997, c. 512,  
9 §6, is further amended to read:

10           **1. Permissible open burning with permit.** When not  
11 prohibited by statute, rule of any state agency or local  
12 ordinance, the types of burning described in this subsection are  
13 allowed provided that a permit has been obtained from the town  
14 forest fire warden or from the forest ranger having jurisdiction  
15 over the location where the fire is to be set. The burning must  
16 be conducted according to the terms and conditions of the permit  
17 and may not create a nuisance. A permit is required for:

18           A. Recreational campfires kindled when the ground is not  
19 covered by snow;

20           B. Fires in conjunction with holiday and festive  
21 celebrations;

22           C. Burning of solid or liquid fuels and structures for  
23 research or bona fide instruction and training of municipal,  
24 volunteer and industrial firefighters when conducted under  
25 the direct control and supervision of qualified instructors;

26           D. Burning for agricultural purposes including, but not  
27 limited to, open burning of blueberry fields, potato tops  
28 and hayfields and prescribed burning for timberland  
29 management;

30           E. Residential out-of-door burning of highly combustible  
31 trash as defined in section 9324, subsection 7 in open or  
32 enclosed incinerators where municipal trash collection  
33 service as defined in section 9324, subsection 7 is not  
34 available or will not accept those materials. The  
35 incinerator must have been inspected and approved by a  
36 municipal fire chief, town forest fire warden or forest  
37 ranger using minimum criteria established by the director  
38 for safe operation;

39           F. Residential open burning of leaves, brush, deadwood and  
40 tree cuttings accrued from normal property maintenance by  
41 the individual landowner or lessee of the land unless  
42 expressly prohibited by municipal ordinance;

- 2 G. Burning on site for the disposal of materials generated  
3 from the clearing of any land or by the erection,  
4 modification, maintenance, demolition or construction of any  
5 highway, railroad, power line, communication line, pipeline,  
6 building or development;
- 8 H. Burning for hazard reduction purposes such as, but not  
9 limited to, the burning of grass fields;
- 10 I. Burning for the containment or control of spills of  
11 gasoline, kerosene, heating oil or similar petroleum  
12 products; and
- 14 J. The burning of brush and demolition debris at municipal  
15 solid waste disposal facilities.

16 A permit issued for burning activities pursuant to paragraph E, G  
17 or J must be accompanied by educational information provided by  
18 the Executive Department, State Planning Office and the  
19 Department of Environmental Protection on the prohibition on  
20 burning dioxin-forming products as required by Title 38, section  
21 1684.

24 **Sec. 5. 38 MRSA c. 16-C** is enacted to read:

26 **CHAPTER 16-C**

28 **DIOXIN-FORMING PRODUCTS**

30 **§1681. Definitions**

32 As used in this chapter, unless the context otherwise  
33 indicates, the following terms have the following meanings.

34 **1. Dioxin.** "Dioxin" has the same meanings as defined in  
35 section 420-A, subsection 1.

38 **2. Dioxin-forming product.** "Dioxin-forming product" means  
39 any item that has the potential to be disposed of as solid waste  
40 or to be burned if the item contains or is manufactured with  
41 plastic known as polyvinyl chloride or vinyl or plastic known as  
42 polyvinylidene chloride.

44 **§1682. Disposal policy**

46 It is the policy of the State to discourage the burning or  
47 incineration of dioxin-forming products and to encourage the land  
48 disposal of waste dioxin-forming products.

50 **§1683. Labeling**

2           1. Application. This chapter applies to both labeled and  
3           unlabelled dioxin-forming products.

4           2. Labeling. A dioxin-forming product is labeled if the  
5           product or its original packaging contains any of the following  
6           symbols, letters or words:

7           A. The number 3 inside a triangle next to the letter V;

8           B. PVC; or

9           C. Vinyl.

10           **§1684. Education program.**

11           The department and the Executive Department, State Planning  
12           Office shall implement an education program relating to  
13           dioxin-forming products no later than July 15, 2002.

14           1. Educational information. The program under this section  
15           must provide information to the public about the environmental  
16           health hazards of dioxin-forming products, how to identify  
17           labeled dioxin-forming products, the requirements of the law  
18           regarding burning of waste dioxin-forming products and collection  
19           programs or disposal options that are available to the public to  
20           facilitate land disposal of waste dioxin-forming products.

21           2. Priorities. Priority for dissemination of educational  
22           information described under subsection 1 must be given to persons  
23           who live or work in:

24           A. Municipalities that do not provide municipal trash  
25           collection service as defined in Title 12, section 9324,  
26           subsection 7 and do not prohibit out-of-door burning of  
27           highly combustible trash;

28           B. Municipalities that supply solid waste to a municipal  
29           solid waste incinerator; and

30           C. Municipalities that burn demolition debris at municipal  
31           solid waste disposal facilities.

32           3. Grants. The department and the Executive Department,  
33           State Planning Office may, within available resources, award  
34           grants to eligible municipalities, regional associations,  
35           sanitary districts, sewer districts and nonprofit organizations  
36           to achieve the educational purposes of this section.

2           **Sec. 6. 38 MRSA §2133, sub-§2-B, ¶E**, as enacted by PL 1999, c.  
779, §3, is amended to read:

4           E. By January 1, 2002 and as necessary thereafter, fund  
capital improvements and operating expenses to facilitate  
6           the development of collection programs throughout the State  
for hazardous waste that is universal waste, as identified  
8           in board rules, and for waste dioxin-forming products as  
defined in section 1681 generated by households,  
10           small-quantity generators, public schools and  
municipalities. Collection programs for waste  
12           dioxin-forming products must divert that waste to land  
disposals.

14           **Sec. 7. Report on dioxin releases into the environment from**  
16           **consumer products and building materials; legislation.** The Department  
of Environmental Protection and the Executive Department, State  
18           Planning Office shall submit a report by January 15, 2003 to the  
joint standing committee of the Legislature having jurisdiction  
20           over natural resources matters on the status of dioxin releases  
into the environment from consumer products and building  
22           materials. The department and the State Planning Office may  
consult with the State Fire Marshall, other state agencies and  
24           interested parties during the preparation of the report. The  
report must include the following:

26           1. An estimate of dioxin releases into the environment  
28           attributable to the use and disposal of dioxin-forming products  
in Maine, including management of construction and demolition  
30           debris, structural and vehicle fires, out-of-door burning of  
highly combustible trash, municipal solid waste incineration and  
32           incineration of biomedical waste generated in Maine;

34           2. An evaluation of policy options for preventing and  
reducing the release of dioxin from dioxin-forming products,  
36           including environmentally preferable purchasing, labeling,  
product bans, use restrictions, take-back requirements and  
38           further restrictions on incineration or out-of-door burning; and

40           3. Alternatives to the use of dioxin-forming products.

42           The joint standing committee of the Legislature having  
jurisdiction over natural resources matters has authority to  
44           report out a bill to the First Regular Session of the 121st  
Legislature relating to dioxin releases and programs for the  
46           source reduction, collection and land disposal of dioxin-forming  
products.

48

## SUMMARY

2  
4  
6  
8  
10  
12

This bill restricts the disposal of dioxin-forming products to avoid burning or incineration that results in the release of dioxin into the environment. It establishes an education and outreach program to reduce the improper management of dioxin-forming products. It encourages the State to purchase alternatives to dioxin-forming products when practicable. The bill also requires the Department of Environmental Protection and the Executive Department, State Planning Office to submit a report to the Legislature on dioxin releases and dioxin-forming products and their alternatives.