

# 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)

7  
R. O. S.

L.D. 1515

DATE: 5-15-03

(Filing No. S-163)

**NATURAL RESOURCES**

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 507, L.D. 1515, Bill, "An Act To Promote and Monitor Competition in the Solid Waste Industry"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 38 MRSA §2112 is enacted to read:

**§2112. Small container contract restrictions**

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

A. "Small container" means a 2- to 10-cubic-yard container or dumpster.

B. "Small containerized solid waste hauling service" means providing solid waste hauling service to customers by providing the customer with a small container or dumpster that is picked up and emptied mechanically using a front-loading or rear-loading truck. "Small containerized solid waste hauling service" does not include hand pickup service or service using a compactor that is attached to or part of a small container.

**COMMITTEE AMENDMENT**

2 C. "Solid waste hauling service" means the collection,  
3 removal and transportation to a solid waste transfer station  
4 or disposal site of trash and garbage. As used in this  
5 paragraph, trash and garbage do not include construction and  
6 demolition debris, medical waste, hazardous waste, organic  
7 waste, special waste such as contaminated soil or sludge or  
8 recyclable materials.

9  
10 2. Contracts. Contracts for the provision of small  
11 containerized solid waste hauling service to customers located in  
12 this State are governed by the following provisions.

13  
14 A. If a contract under this subsection contains an  
15 automatic renewal provision, the contractor shall notify the  
16 customer by mail between 60 and 90 days prior to the  
17 contract termination date that if the customer does not,  
18 within 60 days of receipt of the contractor's notification,  
19 notify the contractor of the customer's intention to  
20 terminate the contract, the contract will be automatically  
21 renewed. Notice of termination by the customer may be by  
22 any reasonable method, including mail, electronically  
23 transmitted facsimile and e-mail. A contract may not  
24 contain terms that require a customer to provide notice of  
25 termination prior to the time frames provided for in this  
26 paragraph.

27  
28 B. The financial charge for early termination of a contract  
29 under this subsection may not exceed 3 times the current  
30 monthly charge.

31  
32 C. A contract under this subsection may not require the  
33 customer to inform a contractor concerning prices or other  
34 terms offered by competitors or require the customer to  
35 afford the contractor an opportunity to match or respond to  
36 a competitor's offer.

37  
38 This subsection does not apply to contracts in force on the  
39 effective date of this subsection.

40 **Sec. 2. 38 MRSA §2124-A, as enacted by PL 1995, c. 588, §4,**  
41 **is amended by adding at the end a new paragraph to read:**

42  
43 The report must include an analysis of how changes in  
44 available disposal capacity have affected or are likely to affect  
45 disposal prices. When the office determines that a decline in  
46 available landfill capacity has generated or has the potential to  
47 generate supracompetitive prices, it shall include this finding  
48 in its report and shall include recommendations for legislative  
49 or regulatory changes as necessary.'  
50

**SUMMARY**

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22

This amendment replaces the bill. The amendment requires contractors in the small container commercial trash hauling business to notify a customer with a contract containing an automatic renewal provision between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. The amendment also limits the charge for early termination of a small container commercial trash hauling contract to a maximum of 3 times the current monthly charge. The amendment also prohibits these contracts from requiring the customer to inform the contractor of the prices or terms offered by competitors. The amendment also provides that these contract restrictions do not apply to current contracts. The amendment also requires the Executive Department, State Planning Office to report on how changes in available disposal capacity have affected or are likely to affect disposal prices.

**FISCAL NOTE REQUIRED**  
(See attached)

Approved: 05/09/03 *MAC*

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 1515**

**An Act To Promote and Monitor Competition in the Solid Waste  
Industry**

**LR 1822(02)**

**Fiscal Note for Bill as Amended by Committee Amendment *A* 163**

**Committee: Natural Resources**

**Fiscal Note Required: Yes**

---

**Fiscal Note**

Minor cost increase - General Fund