MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1633

H.P. 1151

House of Representatives, May 3, 2005

An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities

(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.

Millicent M. Macfarland
MILLICENT M. MacFARLAND

Clerk

Presented by Representative DAIGLE of Arundel.
Cosponsored by Senator COWGER of Kennebec and
Representatives: ANNIS of Dover-Foxcroft, DUCHESNE of Hudson, JOY of Crystal, ROSEN of Bucksport, SAVIELLO of Wilton, TWOMEY of Biddeford, Senator: MARTIN of Aroostook.

2	Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted
4	as emergencies; and
6	Whereas, this legislation prohibits the deliberate improper disposal of dangerous or unsafe materials in solid waste facilities; and
8	Whereas, it is critical to enact this legislation
10	immediately in order to prevent injury resulting from such improper disposal; and
12	
14	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
16	necessary for the preservation of the public peace, health and safety; now, therefore,
18	Re it enacted by the Deeple of the State of Maine or follows:
20	Be it enacted by the People of the State of Maine as follows:
22	Sec. 1. 38 MRSA c. 13, sub-c. 2-C is enacted to read:
22	SUBCHAPTER 2-C
24	
26	DANGEROUS OR UNSAFE MATERIAL CONTROL
	§1316-O. Definitions
28	As used in this subchapter, unless the context otherwise
30	indicates, the following terms have the following meanings.
32	1. Dangerous or unsafe material. "Dangerous or unsafe
34	material" means any substance or material that might present a dangerous or unsafe situation, including, but not limited to:
36	A. Pressure tanks such as propane tanks;
38	B. Flammable liquids or solids; and
40	C. Explosive materials such as dynamite or fireworks.
42	§1316-P. Prohibition; penalties
44	A person commits a Class E crime if, with respect to any dangerous or unsafe material that the person knows has been so
46	identified or knows may be dangerous or unsafe, that person knowingly:
48	
50	1. Conceals. Conceals that material by placing it inside other waste material or covering it with other waste material; and
3U	other waste material or covering it with other waste material; and

2	2. Disposes at solid waste facility. Disposes or causes
	another to dispose of such material in a solid waste facility.
4	
	Sec. 2. Rulemaking. The Department of Environmental
6	Protection shall adopt rules to define "dangerous or unsafe
	material" under the Maine Revised Statutes, Title 38, section
8	1316-O, subsection 1. In developing proposed rules under this
	section, the department shall consider for inclusion as dangerous
10	or unsafe materials those materials and items that the United
	States Department of Homeland Security, Transportation Security
12	Administration has prohibited on passenger airplanes in a
	passenger's carry-on baggage.
14	
	Emergency clause. In view of the emergency cited in the
16	preamble, this Act takes effect when approved.
18	
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SUMMARY

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Current law does not specifically prohibit a person from intentionally concealing and disposing of potentially dangerous items such as propane tanks. This bill makes it a Class E crime to knowingly conceal dangerous or unsafe material and dispose of that material in a solid waste facility.