

MAINE STATE LEGISLATURE

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R. 108

Date: 3-31-06
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(Filing No. S-545)

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Natural Resources

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

STATE OF MAINE

SENATE

122ND LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 694, L.D. 1777, Resolve, "Resolve, To Direct the Department of Environmental Protection To Consolidate the Management of Solid Waste"

Amend the resolve by striking out all of the title and substituting the following:

'Resolve, To Establish a Blue Ribbon Commission on Solid Waste Management'

Further amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve establishes the Blue Ribbon Commission on Solid Waste Management; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

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 necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Blue Ribbon Commission on Solid Waste Management, referred to in this resolve as "the commission," is established to study the management of solid waste in this State; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 9 members having a broad range of expertise in the area of solid waste management policy appointed as follows :

1 1. Three members appointed by the President of the Senate, including at least one
2 member of the Senate with knowledge of solid waste management matters and at least
3 one public member with expertise in solid waste management matters;

4 2. Four members appointed by the Speaker of the House, including at least one
5 member of the House with knowledge of solid waste management matters and at least
6 one public member with expertise in solid waste management matters;

7 3. The Commissioner of Environmental Protection or the commissioner's designee;
8 and

9 4. The Director of the State Planning Office within the Executive Department or the
10 director's designee; and be it further

11 **Sec. 3. Appointments; chair. Resolved:** That all appointments must be made
12 no later than 30 days following the effective date of this resolve. The appointing
13 authorities shall notify the Executive Director of the Legislative Council once all
14 appointments have been completed. The first-named Senate member and the first-named
15 House member are cochair of the commission and shall call and convene the first
16 meeting of the commission no later than July 30, 2006; and be it further

17 **Sec. 4. Duties. Resolved:** That the commission shall undertake a comprehensive
18 review of the management of solid waste in this State:

19 1. The commission shall give priority consideration to the following issues:

20 A. The State's importation and exportation of municipal solid waste and construction
21 and demolition debris. The commission's review must include an evaluation of the
22 economic and environmental impacts of the importation, processing and disposal of
23 construction and demolition debris and of any imposed limitation on the burning of
24 construction and demolition debris;

25 B. A management structure for how solid waste should be managed in the State,
26 taking into consideration the current management structure for solid waste in the
27 State, trends in solid waste management, solid waste management models, state solid
28 waste policies, future solid waste management needs of the State and the work done
29 by the Executive Department, State Planning Office pursuant to the Maine Revised
30 Statutes, Title 38, section 2123-B; and

31 C. The solid waste management hierarchy as specified in Title 38, section 2101.

32 2. The commission shall also review the following:

33 A. The definition of "host community" for the purpose of eligibility for host
34 community benefits;

35 B. Municipal solid waste incineration;

36 C. The state recycling and waste reduction goals specified in Title 38, section 2132;
37 and

38 D. Other matters considered relevant by the commission; and be it further

39 **Sec. 5. Authorized number of meetings; public comment. Resolved:** That
40 the commission is authorized to hold 10 meetings, including at least one meeting at which
41 the commission provides an opportunity for public comment; and be it further

1 **Sec. 6. Report. Resolved:** That, no later than January 1, 2007, the commission
2 shall submit a report of its findings, together with any necessary implementing
3 legislation, to the Joint Standing Committee on Natural Resources. The report must
4 include recommendations with respect to the appropriate solid waste management regime
5 in this State, including the management of construction and demolition debris, and the
6 appropriate solid waste management hierarchy for this State. The joint standing
7 committee of the Legislature having jurisdiction over natural resources matters may
8 report out a bill during the First Regular Session of the 123rd Legislature concerning the
9 findings and recommendations of the commission; and be it further

10 **Sec. 7. Extension. Resolved:** That, if the commission requires a limited
11 extension of time to complete its study and make its report, it may apply to the
12 Legislative Council, which may grant an extension; and be it further

13 **Sec. 8. Compensation. Resolved:** That the legislative members of the
14 commission are entitled to receive the legislative per diem, as defined in the Maine
15 Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary
16 expenses related to their attendance at authorized meetings of the commission. Public
17 members not otherwise compensated by their employers or other entities that they
18 represent are entitled to receive reimbursement of necessary expenses and a per diem
19 equal to the legislative per diem for their attendance at authorized meetings of the
20 commission; and be it further

21 **Sec. 9. Outside funding for consultant. Resolved:** That the commission may
22 seek outside funds to fund the costs of contracting with a consultant or expert to provide
23 support to the commission. Contributions to support the work of the commission may not
24 be accepted from any party having pecuniary or other vested interest in the outcome of
25 the matters being studied. Any person, other than a state agency, desiring to make a
26 financial or in-kind contribution must certify to the Legislative Council that it has no
27 pecuniary or other vested interest in the outcome of the study. Such certification must be
28 made in the manner prescribed by the Legislative Council. All contributions are subject
29 to approval by the Legislative Council. All funds accepted must be forwarded to the
30 Executive Director of the Legislative Council along with an accounting record that
31 includes the amount of funds, the date the funds were received, from whom the funds
32 were received and the purpose of and any limitation on the use of those funds. The
33 Executive Director of the Legislative Council shall administer any funds received by the
34 commission. The executive director shall notify the chair of the commission when
35 sufficient funding has been received; and be it further

36 **Sec. 10. Staffing. Resolved:** That the Department of Environmental Protection
37 shall provide primary staff support to the commission. At the request of the commission,
38 the Executive Department, State Planning Office shall provide staffing assistance to the
39 commission; and be it further

40 **Sec. 11. Commission meetings. Resolved:** That meetings of the commission
41 are public proceedings and records of the commission are public records as defined in the
42 laws governing freedom of access, the Maine Revised Statutes, Title 1, chapter 13.

43 **Sec. 12. Appropriations and allocations.** The following appropriations and
44 allocations are made.

1 ENVIRONMENTAL PROTECTION, DEPARTMENT OF

2 Remediation and Waste Management 0247

3 Initiative: Allocates funds from the Solid Waste Management Fund for costs associated
 4 with departmental coordination and professional facilitation of stakeholder meetings at
 5 various locations statewide.

6			
7	OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
8	All Other	\$0	\$15,000
9			
10	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$15,000

11
 12 **ENVIRONMENTAL PROTECTION, DEPARTMENT**
 13 **OF**

14	DEPARTMENT TOTALS	2005-06	2006-07
15			
16	OTHER SPECIAL REVENUE FUNDS	\$0	\$15,000
17			
18	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$15,000

19 LEGISLATURE

20 Study Commissions - Funding 0444

21 Initiative: Provides a base allocation of \$500 in fiscal year 2006-07 in the event outside
 22 funding is received to fund the costs of contracting with a consultant to provide additional
 23 support to the Blue Ribbon Commission on Solid Waste Management.

24			
25	OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
26	All Other	\$0	\$500
27			
28	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

29			
30	LEGISLATURE		
31	DEPARTMENT TOTALS	2005-06	2006-07
32			
33	OTHER SPECIAL REVENUE FUNDS	\$0	\$500
34			
35	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$500

36			
37	SECTION TOTALS	2005-06	2006-07
38			
39	OTHER SPECIAL REVENUE FUNDS	\$0	\$15,500
40			
41	SECTION TOTAL - ALL FUNDS	\$0	\$15,500

1

2 **Emergency clause.** In view of the emergency cited in the preamble, this resolve
3 takes effect when approved.'

4

SUMMARY

5 This amendment replaces the resolve. The amendment establishes the Blue Ribbon
6 Commission on Solid Waste Management to undertake a comprehensive study of solid
7 waste management in this State.

8

FISCAL NOTE REQUIRED

9

(See attached)

**122nd MAINE LEGISLATURE****LD 1777****LR 2925(02)**

Resolve, to Direct the Department of Environmental Protection to Consolidate the Management of Solid Waste

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note**Current Costs - Legislative Study**

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$15,500	\$0	\$0

Legislative Study

The projected legislative cost (not reflected in the above allocations) of the Blue Ribbon Commission on Solid Waste Management is \$9,150 in fiscal year 2006-07. The Legislature's budget includes \$20,000 in fiscal year 2006-07 for legislative studies. Whether the amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The bill includes an Other Special Revenue Funds allocation to the Solid Waste Management Fund within the Department of Environmental Protection of \$15,000 in fiscal year 2006-07 for departmental coordination and professional facilitation of meetings at various locations throughout the state. There is also a base allocation to the Legislature of \$500 in fiscal year 2006-07 in the event that outside funding is received to contract with a consultant to provide support to the Blue Ribbon Commission on Solid Waste Management.