

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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No. 1313

S.P. 461

March 12, 2007

An Act To Amend the Solid Waste Management Laws

Submitted by the State Planning Office pursuant to Joint Rule 204.
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 MARTIN of Aroostook.
Cosponsored by Senator: SNOWE-MELLO of Androscoggin, Representatives: DUCHESNE
of Hudson, EBERLE of South Portland.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§68-B** is enacted to read:

3 **68-B.**

4 <u>Natural</u>	<u>Solid Waste</u>	<u>Expenses for</u>	<u>38 MRSA §2123-C</u>
5 <u>Resources</u>	<u>Management</u>	<u>Nonsalaried and</u>	
6	<u>Advisory Council</u>	<u>Nonpaid Public</u>	
7		<u>Members Only</u>	

8 **Sec. 2. 38 MRSA §2101, sub-§2** is enacted to read:

9 **2. Waste reduction and diversion.** It is the policy of the State to actively promote
10 and encourage waste reduction measures and maximize waste diversion efforts by
11 encouraging new and expanded uses of solid waste generated in this State as a resource.

12 **Sec. 3. 38 MRSA §2123-B**, as amended by PL 1999, c. 527, §1, is repealed.

13 **Sec. 4. 38 MRSA §2123-C** is enacted to read:

14 **§2123-C. Solid Waste Management Advisory Council**

15 **1. Solid Waste Management Advisory Council.** The Solid Waste Management
16 Advisory Council, referred to in this section as "the council," is established to advise and
17 assist the office in reviewing:

18 A. State solid waste management policy, including the timeline and establishment
19 process for the development of a state-owned solid waste disposal facility;

20 B. Host community benefits;

21 C. The development of commercial solid waste facilities and the economic
22 competitiveness of commercial facilities;

23 D. The appropriateness of developing regional disposal facilities to better serve
24 municipalities and businesses;

25 E. The continued development and expansion of beneficial reuse and recycling;

26 F. The proper role of municipal zoning and other local control in regard to siting,
27 expansion and operation of solid waste disposal facilities; and

28 G. Other related matters as considered appropriate and necessary.

29 **2. Membership.** The Governor shall appoint 14 members of the council as follows:

30 A. Three members from the general public;

31 B. Two members from each of the following:

32 (1) Municipal government;

33 (2) Statewide and local environmental organizations;

- 1 (3) The recycling industry;
2 (4) Waste-to-energy facility owners or operators; and
3 (5) Landfill owners or operators; and
4 C. One member representing industrial waste generators.

5 The Director of the State Planning Office, or the director's designee, serves on the
6 council.

7 The commissioner, or the commissioner's designee, serves as an ex officio member of the
8 council.

9 **3. Terms.** All members, except the Director of the State Planning Office and the
10 commissioner, are appointed for staggered terms of 3 years. A vacancy must be filled by
11 the Governor for the unexpired portion of the term. The council shall annually elect a
12 chair from its membership.

13 **4. Quorum.** A quorum is a majority of the members of the council. An affirmative
14 vote of the majority of the members present at a meeting is required for any action. An
15 action may not be considered unless a quorum is present.

16 **5. Compensation; meetings.** Members are entitled to compensation according to
17 Title 5, section 12004-I, subsection 68-B. The council shall meet at least once a year and
18 at any time upon the call of the chair upon written request to the chair by 5 of the
19 members.

20 **6. Report.** The council shall report annually to the Governor and to the Legislature
21 on its activity during the past year.

22 **7. Staff.** The office shall provide the council with all necessary staff.

23 **Sec. 5. 38 MRSA §2124-A,** as amended by PL 2003, c. 338, §2, is further
24 amended to read:

25 **§2124-A. Solid waste generation and disposal capacity report**

26 By January 1, 1997 2008 and every 2 years annually thereafter, the office shall
27 submit a report to the joint standing committee of the Legislature having jurisdiction over
28 natural resource resources matters, the Governor and the department setting forth
29 information on statewide generation of solid waste, statewide recycling rates and
30 available disposal capacity for solid waste.

31 The report must include an analysis of how changes in available disposal capacity
32 have affected or are likely to affect disposal prices. When the office determines that a
33 decline in available landfill capacity has generated or has the potential to generate
34 supracompetitive prices, # the office shall include this finding in its report and shall
35 include recommendations for legislative or regulatory changes as necessary.

36 **Sec. 6. 38 MRSA §2156-A, sub-§2,** as amended by PL 1999, c. 736, §1, is
37 further amended to read:

1 **2. Recommendation for development.** When the office finds that ~~4~~ 6 years or less
2 of licensed and available disposal capacity for municipal solid waste or special waste
3 remains within the State, ~~the office~~ shall submit a report recommending the
4 construction and operation of a state-owned solid waste disposal facility for the disposal
5 of the type of waste for which capacity is needed to the joint standing committee of the
6 Legislature having jurisdiction over natural resource matters. The report must
7 recommend which state agency or department will own the facility and how it will be
8 operated. The report must also include a review of disposal options outside of the State; a
9 review of existing efforts to reduce, reuse, recycle, compost and incinerate the affected
10 municipal solid waste and special waste streams and the impact of these efforts on
11 capacity requirements; a thorough economic analysis of the facility's expected costs; and
12 commitments from entities to utilize the facility and projected revenues. It is the intent of
13 the Legislature that the facility be operated by a private contractor. A state-owned solid
14 waste disposal facility may not be constructed or operated unless authorized by
15 legislation pursuant to subsection 3.

16

SUMMARY

17 This bill modifies Maine's solid waste management laws as follows.

18 1. It adds a state policy to encourage waste reduction measures and maximize waste
19 diversion.

20 2. It establishes the Solid Waste Management Advisory Council to meet annually,
21 replacing a task force that meets every 5 years.

22 3. It changes the Executive Department, State Planning Office's solid waste capacity
23 and recycling report from a biannual to an annual report.

24 4. It changes the disposal capacity threshold by which the State Planning Office is
25 required to submit a recommendation on the construction and operation of a state-owned
26 solid waste disposal facility to the Legislature from 4 years to 6 years.