

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

cation which has been legally obtained under the laws of another jurisdiction in which the interception occurred, shall be admissible in the courts of this State, subject to the Maine Rules of Evidence.

Effective September 23, 1983.

CHAPTER 380

H.P. 1048 - L.D. 1392

AN ACT to Authorize Municipalities to
Guarantee Delivery of their Solid Wastes to
Specific Waste Facilities.

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

Sec. 1. 38 MRSA §1304-B is enacted to read:

§1304-B. Delivery of solid wastes to specific waste facilities

1. Findings and purpose. The Legislature makes the following findings of fact. The State requires each municipality to provide for the disposal facility of domestic and commercial solid waste generated within the municipality. Solid waste contains valuable recoverable resources, including energy. Many municipalities have found that energy recovery reduces the cost of solid waste disposal. Energy recovery technology is complex and the equipment requires a steady supply of waste to operate efficiently. Because of the complicated technology, most energy recovery facilities have high capital costs and long payback periods. In order to remain cost effective throughout their lives, these energy recovery facilities require a guaranteed, steady supply of waste. Consequently, municipalities utilizing energy recovery facilities are usually required to enter long-term agreements to provide the facilities with specific amounts of waste. In order to make these energy recovery facilities financially feasible, and thereby simultaneously improve the environmental impacts and the economics of municipal solid waste disposal, municipalities shall have the legal authority to control the handling of solid waste generated within their borders.

The purpose of this section is to promote the recovery of resources from solid waste by creating one of the conditions which make energy recovery economically feasible, assuring municipalities the authority

to guarantee a steady supply of solid waste to specific waste facilities.

2. Flow control. Municipalities are expressly authorized to enact ordinances that control solid waste collection, its transportation or its delivery to a specific facility, when the purpose and effect of such an ordinance is to gain management control over solid waste and enable the reclamation of resources, including energy, from these wastes. This authorization includes, but is not limited to, ordinances:

A. Requiring segregation of wastes; and

B. Requiring delivery of wastes generated within the municipality, or any portion of those wastes, to a designated disposal or reclamation facility.

3. Ordinances. This chapter shall not be construed as limiting the authority of any municipality to enact ordinances for the regulation of solid waste disposal, provided that these ordinances are not less stringent than or inconsistent with this chapter or the regulations adopted under this chapter.

4. Contracts. Municipalities may contract with any person for the collection, transportation, storage, processing, salvaging or disposal of wastes.

Sec. 2. 38 MRSA §1305, sub-§2, as amended by PL 1979, c. 541, Pt. A, §277, is repealed.

Sec. 3. 38 MRSA §1305, sub-§3, as enacted by PL 1973, c. 387, is repealed.

Effective September 23, 1983.

CHAPTER 381

S.P. 564 - L.D. 1631

AN ACT to Create the Nuclear Activity Consent Law.

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

Sec. 1. 1 MRSA §15-A, as enacted by PL 1979, c. 519, §1, is repealed.

Sec. 2. 10 MRSA c. 3, sub-c. III-A, as amended,