

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
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PUBLIC LAWS
OF THE
STATE OF MAINE

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1991

tution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

5 MRSA §13124-A is enacted to read:

§13124-A. Conflict of interest

In making recommendations or decisions on research and development contracts, agreements or grants with educational institutions, nonprofit institutions and organizations, business enterprises and other persons concerned with scientific and technological research and development in the State, including any state or federal agency, members of the commission and advisory boards to the commission and to the centers for innovation are not bound by the provisions of Title 17, section 3104, but continue to be bound by the provisions of Title 5, section 18.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 31, 1991.

CHAPTER 220

H.P. 439 - L.D. 622

An Act Relating to the Use of Material-separated, Refuse-derived Fuel

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

Whereas, the problem of solid waste management is increasing in the State; and

Whereas, the Legislature has set recycling goals for the State; and

Whereas, source reduction, reuse and recycling are the primary methods for achieving these goals; and

Whereas, municipalities are struggling to develop the means of achieving these goals; and

Whereas, alternative methods for meeting these goals are encouraged, provided they are compatible with and do not diminish the implementation of source reduction, reuse and recycling programs; and

Whereas, some alternative methods for meeting the State's recycling goals will be economically feasible only if appropriate changes in present law are made; and

Whereas, some municipalities are under court order to develop alternatives to their present landfills by mid-year 1991; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §582, sub-§7-E, as amended by PL 1989, c. 546, §11, is further amended to read:

7-E. Incinerator. "Incinerator" means any device, apparatus or equipment used for destroying, reducing or salvaging by fire any material or substance, but does not include any device, apparatus or equipment used to burn material-separated, refuse-derived fuel.

Sec. 2. 38 MRSA §582, sub-§7-I is enacted to read:

7-I. Material-separated, refuse-derived fuel. "Material-separated, refuse-derived fuel" means a binder-enhanced, pelletized, solid fuel product made from the combustible fraction of a municipal solid waste stream that has been processed to remove the recyclable material before combustion. The product may not contain more than 6% by weight of plastic, metal, glass or food waste. In addition, the production of material-separated, refuse-derived fuel may not exceed 40% by weight of the total municipal solid waste stream from which it was derived.

Sec. 3. 38 MRSA §582, sub-§10-A is enacted to read:

10-A. Resource recovery facility. "Resource recovery facility" has the same meaning as an incineration facility defined in section 1303-C, subsection 16 except that, for the purposes of this chapter, a facility that burns material-separated, refuse-derived fuel but does not burn municipal solid waste or refuse-derived fuel as defined in section 1303-C is not a resource recovery facility.

Sec. 4. 38 MRSA §582, sub-§11-B, as amended by PL 1989, c. 546, §11, is further amended to read:

11-B. Solid waste fuel-burning equipment. "Solid waste fuel-burning equipment" means any furnace, boiler or apparatus, and all appurtenances thereto, capable of burning solid waste fuel for the primary purpose of producing thermal energy. Equipment used to burn material-separated, refuse-derived fuel either alone or with another fuel other than solid waste fuel or refuse-derived fuel as defined in section 1303-C is not solid waste fuel-burning equipment.

Sec. 5. 38 MRSA §590-E is enacted to read:

§590-E. Combustion of material-separated, refuse-derived fuel

A facility may not burn any material-separated, refuse-derived fuel in fuel-burning equipment with a total heat input capacity of 500,000 British thermal units per hour or less. A facility may burn material-separated, refuse-derived fuel in fuel-burning equipment with a total heat input capacity of greater than 500,000 British thermal units per hour, if:

1. Registration. The fuel-burning equipment is registered with the Oil and Solid Fuel Board;

2. Automatic stoker. The fuel-burning equipment has a total heat input capacity of less than 10,000,000 British thermal units per hour and is equipped with an automatic stoker that has a feed rate of at least 50 pounds per hour; and

3. No ambient air quality violation. The department determines that the facility has demonstrated that the facility will not violate ambient air quality standards. In making this demonstration, the owner or operator of the facility shall use the department's meteorological model used for screening sources, or its equivalent as approved by the department, and submit all air quality modeling results required to make this determination to the department. The department shall notify the facility of its determination on air quality impacts in writing within 60 days of receiving the air quality modeling results from the facility. If the department fails to act within this 60-day period, the determination is deemed to be in favor of the facility. A facility or fuel-burning equipment that requires an air emission license under this chapter is exempt from this subsection.

Sec. 6. 38 MRSA §1303-C, sub-§7, ¶D, as enacted by PL 1989, c. 585, Pt. E, §4, is amended to read:

D. The agency under chapter 24; ~~or~~

Sec. 7. 38 MRSA §1303-C, sub-§7, ¶E, as amended by PL 1989, c. 869, Pt. A, §4, is further amended to read:

E. The person generating the solid waste disposed of at the facility, except that the facility may accept, on a nonprofit basis, no more than 15% of all solid waste accepted on an annual average that is not generated by the owner. A waste facility receiving ash resulting from the combustion of municipal solid waste or refuse-derived fuel is not exempt from this subsection solely by operation of this paragraph; ~~or~~

Sec. 8. 38 MRSA §1303-C, sub-§7, ¶F is enacted to read:

F. A private corporation that accepts material-separated, refuse-derived fuel as a supplemental fuel and does not otherwise burn waste other than its own.

Sec. 9. 38 MRSA §1303-C, sub-§19-A is enacted to read:

19-A. Material-separated, refuse-derived fuel. "Material-separated, refuse-derived fuel" means a binder-enhanced, pelletized, solid fuel product made from the combustible fraction of a municipal solid waste stream that has been processed to remove the recyclable material before combustion. The product may not contain more than 6% by weight of plastic, metal, glass or food waste. In addition, the production of material-separated, refuse-derived fuel may not exceed 40% by weight of the total municipal solid waste stream from which it was derived.

Sec. 10. 38 MRSA §1303-C, sub-§30, as amended by PL 1989, c. 869, Pt. A, §5, is further amended to read:

30. Solid waste disposal facility. "Solid waste disposal facility" means a solid waste facility for the incineration or landfilling of solid waste or refuse-derived fuel. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

Sec. 11. 38 MRSA §1304-C is enacted to read:

§1304-C. Report; material-separated, refuse-derived fuel

Beginning on January 1, 1992, a municipal solid waste processing facility that produces any material-separated, refuse-derived fuel shall annually report the following information to the department:

1. Total weight. The total weight of municipal solid waste accepted by the facility during the previous 12 months by material category;

2. Recycled weight. The weight of the municipal solid waste recycled by the facility during the previous 12 months by material category;

3. Material-separated, refuse-derived fuel production. The weight of material-separated, refuse-derived fuel produced by the facility during the previous 12 months; and

4. Disposition of remaining waste. The disposition of any remaining waste.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 31, 1991.

CHAPTER 221

S.P. 171 - L.D. 426

An Act to Regulate Water Utility Contingency Reserve Funds

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