

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

§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:

Sec. 1. 35-A MRSA §6105, sub-§4, ¶E, as amended by PL 1989, c. 59, §2, is repealed and the following enacted in its place:

E. To provide for a contingency reserve fund allowance as provided in section 6111; and

Sec. 2. 35-A MRSA §6111 is enacted to read:

§6111. Contingency reserve fund

1. Annual contingency allowance. A consumer-owned water utility may provide for an annual contingency allowance by including in rates an amount up to 5% of the revenues required to operate the water utility. Each year any contingency allowance, which may not exceed 5% of the prior year's total revenue, must be credited to a contingency reserve fund. Other revenue may not be credited to the account.

2. Contingency reserve fund maximum. The maximum amount that may be accumulated in a contingency reserve fund is as follows:

A. For utilities with annual revenues of up to \$125,000, the maximum amount is 25% of the most recent year's annual revenues;

B. For utilities with annual revenues between \$125,001 and \$250,000, the maximum amount is 15% of the most recent year's annual revenues plus \$12,500;

C. For utilities with annual revenues between \$250,001 and \$375,000, the maximum amount is 5% of the most recent year's annual revenues plus \$37,500; and

D. For utilities with annual revenues in excess of \$375,000, the maximum amount is 15% of the most recent year's annual revenues.

Any contingency allowance collected when the contingency reserve fund is at the maximum amount permitted must be credited to the unappropriated retained earnings account and treated in the same manner as any other surplus produced by a consumer-owned utility.

3. Use of contingency reserve fund. The contingency reserve fund may be used only to pay for operating losses resulting from insufficient revenues to meet operating expenses and debt service costs, including, but not limited to, principal and interest repayment.

4. Transition. Any contingency reserve fund accumulated and expended prior to January 1, 1991 may not be considered in determining whether a utility has reached its maximum amount under subsection 2.

5. Commission review. If the commission determines that a water utility's contingency reserve fund has reached the maximum that may be accumulated under subsection 2 and that the utility is accumulating in its unappropriated retained

earnings account an amount that is inconsistent with just and reasonable rates, the commission may, pursuant to chapter 13, order the utility to reduce its rates to the appropriate level either in the form of temporary rate adjustments, credits or reduction in rates.

6. Public hearing on excesses. If a water utility in each of 3 consecutive years collects through rates under subsection 1 an amount equal to or greater than 7% of the utility's total annual operating expenses, the water utility shall:

A. Immediately notify all of its customers in writing of the over-collection and of the time and place where the utility will hold a public hearing on the matter; and

B. Hold a public hearing no less than 10 days and no more than 30 days after sending the notice required under paragraph A. During the hearing the water utility shall:

(1) Detail the extent of the over-collection;

(2) Provide opportunity for any customer to testify or question the officials on any matter relating to the utility's financial situation; and

(3) Explain and provide copies of the provisions of section 1302 and section 6104, subsection 7.

See title page for effective date.

CHAPTER 222

H.P. 347 - L.D. 477

An Act to Provide for Safer Hunting of Deer During the Firearms Season

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

12 MRSA §7406, sub-§12, as amended by PL 1985, c. 304, §16, is further amended to read:

12. Hunting without hunter orange clothing. A person is guilty of hunting without hunter orange clothing if ~~he~~ that person hunts with firearms during the open firearm season on deer and fails to wear ~~an article~~ 2 articles of solid-colored hunter orange clothing ~~which is that are~~ in good and, serviceable condition and which is visible from all sides, except that persons hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys need not wear hunter orange clothing. One article of clothing must be a hat. The other article of clothing must cover a major portion of the torso, such as a jacket, vest, coat or poncho.

See title page for effective date.
