

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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## CHAPTER 492

H.P. 1126 - L.D. 1651

An Act to Promote the Beneficial Use of  
Solid Waste

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

**Sec. 1. 38 MRSA §1303-C, sub-§31, ¶¶A and B,** as enacted by PL 1989, c. 869, Pt. A, §5, are amended to read:

A. A waste facility that employs controlled combustion to dispose of waste generated exclusively by an institutional, commercial or industrial establishment that owns the facility; ~~and~~

B. Lime kilns; wood chip, bark and hogged fuel boilers; kraft recovery boilers and sulfite process recovery boilers, which combust solid waste generated exclusively at the facility; ~~and~~

**Sec. 2. 38 MRSA §1303-C, sub-§31, ¶C** is enacted to read:

C. An industrial boiler that combusts mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity if:

(1) The mixed paper, corrugated cardboard or office paper would otherwise be placed in a landfill;

(2) The market value of the mixed paper, corrugated cardboard or office paper as a raw material for the manufacture of a product with recycled content is less than its value to the facility owner as a fuel supplement;

(3) The mixed paper, corrugated cardboard or office paper is combusted as a substitute for, or supplement to, fossil or biomass fuels that constitute the primary fuels combusted in the industrial boiler; and

(4) The boiler combusts no other forms of solid waste except as provided in this subsection.

This paragraph is repealed on July 1, 1993.

**Sec. 3. 38 MRSA §2132, sub-§3** is enacted to read:

**3. Beneficial use of waste.** The use of waste paper or corrugated cardboard as a fuel in industrial boilers for the generation of heat, steam or electricity constitutes recycling for the sole purpose of determining whether the goals

in subsection 1 are met and if the wastes would otherwise be placed in a landfill, the office determines that there is no reasonably available market in the State for recycling that waste and if the wastes are incinerated as a substitute for, or supplement to, fossil or biomass fuels that constitute the primary fuels incinerated in the industrial boiler.

**Sec. 4. 38 MRSA §2138, sub-§6** is enacted to read:

**6. Beneficial use of office paper.** Any person subject to the requirements of this section may use any office paper or corrugated cardboard as fuel in industrial boilers for the generation of heat, steam or electricity if these materials would otherwise be placed in a landfill, the office determines that there is no reasonably available market in the State for recycling those materials and if the materials are incinerated as a substitute for, or supplement to, fossil or biomass fuels that constitute the primary fuels incinerated in the industrial boiler.

**Sec. 5. Report.** Beginning on January 1, 1992, the owner of an industrial boiler that combusts any mixed paper, corrugated cardboard or office paper under the Maine Revised Statutes, Title 38, section 1303-C, subsection 31, paragraph C shall annually report the following information to the Commissioner of Environmental Protection:

1. The total weight of waste paper burned in the boiler during the previous 12 months;

2. The total weight of waste paper burned that was generated by parties other than the owner or operator of the boiler;

3. The total weight of waste paper that was recycled by the owner of the industrial boiler during the previous 12 months; and

4. Information sufficient to justify the substitution of waste paper for fuel on a cost basis.

See title page for effective date.

## CHAPTER 493

S.P. 588 - L.D. 1541

## An Act to Clarify the Maine Juvenile Code

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

**Sec. 1. 15 MRSA §3003, sub-§4-B** is enacted to read:

**4-B. Detention.** “Detention” means the holding of a person in a facility characterized by either physically restrictive construction or intensive staff supervision that is