

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

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

Effective July 3, 1995, unless otherwise indicated.

CHAPTER 465

H.P. 181 - L.D. 229

An Act to Abolish the Maine Waste Management Agency

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

Whereas, this legislation proposes to abolish the Maine Waste Management Agency and to transfer certain of its functions to other state agencies; and

Whereas, the Governor's budget plan for fiscal year 1995-96 provides no funding for continued activities of the Maine Waste Management Agency; 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:

PART A

Sec. A-1. 2 MRSA §6, sub-§2, as repealed and replaced by PL 1993, c. 349, §1, is amended to read:

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

- Superintendent of Banking;
- Bureau of Consumer Credit Protection Superintendent;
- State Tax Assessor;
- Superintendent of Insurance;
- Associate Commissioner for Programs, Department of Mental Health and Mental Retardation;
- Associate Commissioner of Administration, Department of Mental Health and Mental Retardation;

Associate Commissioner for Institutional Management; and

~~Executive Director, Maine Waste Management Agency; and~~

Deputy Commissioner, Department of Administrative and Financial Services.

Sec. A-2. 2 MRSA §6, sub-§4, as amended by PL 1991, c. 780, Pt. Y, §4, is further amended to read:

4. Range 88. The salaries of the following state officials and employees are within salary range 88:

- Director of the Bureau of Parks and Recreation;
- Director of Public Lands;
- Director of Employee Relations;
- Director, Bureau of Air Quality Control;
- Director, Bureau of Land Quality Control;
- Director, Bureau of Water Quality Control;
- Director, Bureau of Oil and Hazardous Materials Control;
- Director, Bureau of Administration; and
- ~~Director, Office of Planning;~~
- ~~Director, Office of Waste Reduction and Recycling;~~
- ~~Director, Office of Siting and Disposal Operations; and~~
- Executive Director, Board of Environmental Protection.

Sec. A-3. 3 MRSA §927, sub-§9, ¶B, as repealed and replaced by PL 1991, c. 376, §11, is amended to read:

B. Independent agencies:

- (1) Maine Conservation School;
- (2) Office of State Historian;
- (3) Maine Arts Commission;
- (4) Maine State Museum Commission;
- (5) Maine Historic Preservation Commission;
- (6) Maine Health Care Finance Commission;

- (7) Board of Occupational Therapy Practice;
- (8) Board of Respiratory Care Practitioners;
- (9) Radiologic Technology Board of Examiners;
- (10) Maine Library Commission; and
- ~~(11) Maine Waste Management Agency; and~~
- (12) Maine Court Facilities Authority.

Sec. A-4. 5 MRSA §931, sub-§1, ¶K, as amended by PL 1993, c. 349, §6, is further amended to read:

K. All major policy-influencing positions listed in sections 932 to ~~953-A~~ 952;

Sec. A-5. 5 MRSA §953-A, as enacted by PL 1989, c. 585, Pt. A, §4, is repealed.

Sec. A-6. 5 MRSA §12004-I, sub-§22, as repealed and replaced by PL 1989, c. 585, Pt. A, §6, is repealed.

Sec. A-7. 32 MRSA §1723, sub-§2, as enacted by PL 1991, c. 718, §1, is amended to read:

2. Alternative labels. The ~~Maine Waste Management Agency~~ State Planning Office may approve use of other nationally or internationally recognized label coding systems for special purpose plastic bottles or rigid plastic containers.

Sec. A-8. 32 MRSA §1726, as enacted by PL 1989, c. 585, Pt. C, §16, is amended to read:

§1726. Rules and enforcement

The ~~Maine Waste Management Agency, Office of Waste Reduction and Recycling~~ State Planning Office shall adopt and enforce rules implementing the provisions of this chapter including, but not limited to, criteria for labeling containers made of more than one plastic resin. In adopting rules, the office shall consult with ~~the Waste Management Advisory Council~~, the Department of Agriculture, Food and Rural Resources, plastic container manufacturers and distributors, and the recycling industry. Rules ~~shall~~ must be adopted in accordance with the provisions of Title 5, chapter 375.

Sec. A-9. 32 MRSA §1732, sub-§1, as enacted by PL 1989, c. 849, §1, is amended to read:

1. Agency. "Agency" means the ~~Maine Waste Management Agency~~ State Planning Office.

Sec. A-10. 32 MRSA §1866-A, sub-§3, as enacted by PL 1991, c. 591, Pt. R, §4 and affected by §18, is amended to read:

3. Over-redemption of beverage container deposits. When a deposit initiator pays out more in refund values than it collects in deposits during the course of a calendar year, the deposit initiator may apply to the Treasurer of State for a reimbursement from the Maine Solid Waste Management Fund equal to 50% of the amount of over-redeemed minimum deposits. The Treasurer of State shall reimburse documented claims of over-redeemed minimum deposits.

Sec. A-11. 38 MRSA §343-D, sub-§1, as amended by PL 1993, c. 500, §2 and affected by §5, is further amended to read:

1. Appointment; composition. The committee consists of 16 voting members.

A. The Governor shall appoint 2 representatives from the business community, 2 elected or appointed municipal officials who are not owners or representatives of owners of small business stationary sources, and 2 representatives of organized labor.

B. The President of the Senate shall appoint one member from a public health organization, one member from an environmental organization and one public member who is an owner or represents an owner of a small business stationary source.

C. The Speaker of the House of Representatives shall appoint one member from a public health organization, one member from an environmental organization and one public member who is an owner or represents an owner of a small business stationary source.

D. The commissioner shall appoint a designee to represent the department.

E. The Senate Minority Leader and the House Minority Leader shall each appoint one member who is an owner or represents an owner of a small business stationary source.

F. The Director of the Bureau of Air Quality Control shall appoint a designee to represent the bureau.

The Commissioner of Labor, the Director of the Maine Emergency Management Agency and the ~~Executive Director of the Maine Waste Management Agency~~ State Planning Office serve as ex officio members and do not vote on committee matters.

As used in this subsection, unless the context otherwise indicates, a "small business stationary source" means a source that meets the eligibility requirements of 42 United States Code Annotated, Section 7661f.

Sec. A-12. 38 MRSA §1303-C, sub-§35, as enacted by PL 1989, c. 585, Pt. E, §4, is amended to read:

35. State waste management and recycling plan. "State waste management and recycling plan" means the plan adopted by the ~~agency~~ former Maine Waste Management Agency pursuant to chapter 24, subchapter II; and subsequent plans developed by the State Planning Office pursuant to Title 5, section 3305, subsection 1, paragraph L and may also be referred to as "state plan."

Sec. A-13. 38 MRSA §1310-N, sub-§1, ¶B, as repealed and replaced by PL 1993, c. 680, Pt. A, §37, is amended to read:

B. In the case of a disposal facility other than a facility owned by the State, the facility provides a substantial public benefit, determined in accordance with subsection 3-A; and

Sec. A-14. 38 MRSA §1310-N, sub-§3, as repealed and replaced by PL 1993, c. 680, Pt. A, §37, is repealed.

Sec. A-15. 38 MRSA §1310-N, sub-§3-A is enacted to read:

3-A. Public benefit determination. Public benefit determination is made in the following manner.

A. For the following facilities, the department determines public benefit and shall employ a rebuttable presumption of public benefit:

(1) Solid waste disposal facilities less than 6 acres in size that accept only inert fill, construction and demolition debris, debris from land clearing and wood wastes; and

(2) Solid waste disposal facilities used exclusively for the disposal of waste generated by the owner of the facility except that the facility may accept, on a nonprofit basis, waste not generated by the owner provided that the amount so accepted does not exceed 15% of all solid waste accepted on an annual average.

B. For all other facilities, the commissioner shall make the determination of public benefit in accordance with section 1310-AA, and the commissioner's determination under that section is not subject to review by the department or the

board as part of the licensing process under this section.

Sec. A-16. 38 MRSA §1310-N, sub-§9 is enacted to read:

9. Host community agreements. The following provisions apply to an application for a license for a commercial solid waste disposal facility.

A. The department may not issue a license for a commercial solid waste disposal facility unless the applicant has demonstrated that it has:

(1) Complied with municipal ordinances requiring host community benefits;

(2) Negotiated in good faith with the municipality in which the facility is proposed to be located to formulate a host community agreement;

(3) Developed and will implement a host community agreement; or

(4) Renegotiated, if appropriate, the terms of an existing host community agreement.

B. Based upon the nature, size and projected impacts of the proposed facility, host community agreements must, when applicable, include provisions regarding:

(1) Improvement, maintenance and repair of local roads directly affected by traffic to and from the facility and of other infrastructural elements directly affected by the facility;

(2) Development and maintenance of adequate local emergency response capacity to accommodate the facility;

(3) Financial support for personnel or other means to provide technical assistance to the municipality in interpreting data and to advise the municipality on other technical issues concerning the facility; and

(4) Other issues determined on a case-specific basis by the applicant and municipality to be appropriate given the nature of the proposed facility.

The department shall adopt rules concerning the expenditure of funds made available to a municipality under the provisions of subparagraph (3) to ensure that funds are used to provide direct technical support to the municipality necessary for the conduct of municipal planning and decision making.

Sec. A-17. 38 MRSA §1310-R, sub-§3, ¶C, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §247, is repealed.

Sec. A-18. 38 MRSA §1310-R, sub-§4, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §248, is repealed.

Sec. A-19. 38 MRSA §1310-S, sub-§4, as amended by PL 1991, c. 794, §1, is further amended to read:

4. Financial assistance. The commissioner shall reimburse or make assistance grants for the direct expenses of intervention of any party granted intervenor status under subsection 3, not to exceed \$50,000. The board shall adopt rules governing the award and management of intervenor assistance grants and reimbursement of expenses to ensure that the funds are used in support of direct, substantive participation in the proceedings before the department. Allowable expenses include, without limitation, hydrogeological studies, waste generation and recycling studies, traffic analyses, the retention of expert witnesses and attorneys and other related items. Expenses not used in support of direct, substantive participation in the proceedings before the department, including attorney's fees related to court appeals, are not eligible for reimbursement under this subsection. Expenses otherwise eligible under this section that are incurred by the municipality after notification pursuant to subsection 1; are eligible for reimbursement under this subsection only if a completed application is accepted by the department. The commissioner may make an additional assistance grant not to exceed \$50,000 to any party granted intervenor status under subsection 3 on an application for the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling when the intervenor demonstrates to the commissioner that the size, nature, location, geological setting or other relevant factors warrant additional expenditures for technical assistance. The board shall also establish rules governing:

A. The process by which an intervenor under subsection 3 may gain entry to the proposed facility site for purposes of reasonable inspection and site investigations under the auspices of the department; and

B. The reduction in the maximum level of reimbursable costs to the extent the municipality establishes by local ordinance any substantially similar financial requirements of the applicant.

Sec. A-20. 38 MRSA §1310-X, sub-§2, as amended by PL 1993, c. 355, §52, is further amended to read:

2. Relicense or transfer of license. The department may relicense or approve a transfer of license for a commercial solid waste disposal or biomedical waste disposal or treatment facility after September 30, 1989, if the facility had been previously licensed by the department as a commercial solid waste disposal or biomedical waste disposal or treatment facility prior to October 6, 1989, and all other provisions of law have been satisfied.

Sec. A-21. 38 MRSA §1310-X, sub-§3, ¶C, as repealed and replaced by PL 1991, c. 297, §1, is amended to read:

C. For a commercial solid waste disposal facility ~~and prior to the adoption of the state plan and siting criteria under chapter 24, the department determines that the proposed expansion is consistent with the provisions of section 1310-R, subsection 3, paragraph A 1 or, after the adoption of the state plan and siting criteria under chapter 24, the agency determines that the provisions of section 2157 are met~~ the commissioner or the department determines as provided in section 1310-N, subsection 3-A that the facility provides a substantial public benefit.

Sec. A-22. 38 MRSA §1310-AA is enacted to read:

§1310-AA. Public benefit determination

1. Application for public benefit determination. Prior to submitting an application under section 1310-N for a license for a new or expanded solid waste disposal facility, a person must apply to the commissioner for a determination of whether the proposed facility provides a substantial public benefit.

2. Process. Determinations by the commissioner under this section are not subject to Title 5, chapter 375, subchapter IV. The commissioner shall provide public notice of the filing of an application under this section and shall accept written public comment on the application for 20 days after the date of the notice. In making the determination of whether the facility provides a substantial public benefit, the commissioner shall consider the state plan, written information submitted in support of the application and any other written information the commissioner considers relevant. The commissioner may hold a public meeting in the vicinity of the proposed facility to take public comments and shall consider those comments in making the determination. The commissioner shall issue a decision on the matter within 60 days of receipt of the application. The commissioner's decisions under this section may be appealed to the board, but the board is not authorized to assume jurisdiction of a decision under this section.

3. Standards for determination. The commissioner shall find that the proposed facility provides a substantial public benefit if the applicant demonstrates to the commissioner that the proposed facility:

A. Meets immediate, short-term or long-term capacity needs of the State;

B. Except for expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling, is consistent with the state waste management and recycling plan; and

C. Is not inconsistent with local, regional or state waste collection, storage, transportation, processing or disposal.

4. Application. This section does not apply to facilities described in section 1310-N, subsection 3-A, paragraph A or to facilities owned by the State.

Sec. A-23. 38 MRSA §1316-C, last ¶, as enacted by PL 1991, c. 517, Pt. A, §2, is amended to read:

Funds recovered under this section must be deposited into the ~~Maine Solid Waste~~ Tire Management Fund.

Sec. A-24. 38 MRSA §1316-F is enacted to read:

§1316-F. Tire Management Fund

The Tire Management Fund is created within the department as a nonlapsing dedicated fund to pay the costs of tire stockpile abatement, remediation and cleanup. All funds appropriated or allocated to the fund must be deposited in the fund and the fund may accept grants, bequests, gifts or contributions from any person, corporation or governmental entity. The fund must be used for the purposes set forth in section 1316-B. Permissible uses include providing financial incentives to tire processors to make the processing of tires economically feasible. The department shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 1, 1996 on how the funds have been spent.

Sec. A-25. 38 MRSA §1382, first ¶, as amended by PL 1991, c. 517, Pt. B, §2, is further amended to read:

Members of the board of trustees are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over natural resources and to confirmation by the Legislature. The board of trustees consists of 8 members as follows: one member from the Department of Environmental Protection; one member from the Department of Agriculture, Food and Rural Resources; one member from the ~~Maine Waste~~

~~Management—Agency~~ State Planning Office; one member from an environmental interest group; one member from the Maine Waste Water Control Association; one member from the Maine Municipal Association; one member representing users of sludge or residuals; and one member representing generators of sludge and residuals.

Sec. A-26. 38 MRSA c. 24 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 24

SOLID WASTE MANAGEMENT AND RECYCLING

Sec. A-27. 38 MRSA c. 24, sub-c. I is amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER I

GENERAL PROVISIONS

Sec. A-28. 38 MRSA §2101-A is enacted to read:

§2101-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Agency. "Agency" means the State Planning Office.

2. Office. "Office" means the State Planning Office.

Sec. A-29. 38 MRSA §2102, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. A-30. 38 MRSA §2103, as amended by PL 1991, c. 517, Pt. B, §§5 and 6, is repealed.

Sec. A-31. 38 MRSA §§2104 to 2110, as enacted by PL 1989, c. 585, Pt. A, §7, are repealed.

Sec. A-32. 38 MRSA c. 24, sub-c. II is amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER II

SOLID WASTE PLANNING

Sec. A-33. 38 MRSA §2121, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. A-34. 38 MRSA §2122, as amended by PL 1991, c. 591, Pt. E, §40, is repealed and the following enacted in its place:

§2122. State waste management and recycling plan

The office shall prepare an analysis of, and a plan for, the management, reduction and recycling of solid waste for the State. The plan must be based on the priorities and recycling goals established in sections 2101 and 2132. The plan must provide guidance and direction to municipalities in planning and implementing waste management and recycling programs at the state, regional and local levels.

1. Consultation. In developing the state plan, the office shall consult with the department. The office shall solicit public input and may hold hearings in different regions of the State.

2. Revisions. The office shall revise the analysis at least every 2 years to incorporate changes in waste generation trends, changes in waste recycling and disposal technologies, development of new waste generating activities and other factors affecting solid waste management as the office finds appropriate.

Sec. A-35. 38 MRSA §2123, as amended by PL 1993, c. 310, Pt. A, §3, is repealed.

Sec. A-36. 38 MRSA §2123-A is enacted to read:

§2123-A. State plan contents

The state plan includes the following elements.

1. Waste characterization. The state plan must be based on a comprehensive analysis of solid waste generated, recycled and disposed of in the State. Data collected must include, but not be limited to, the source, type and amount of waste currently generated; and the costs and types of waste management employed including recycling, composting, land-spreading, incineration or landfilling.

2. Waste reduction and recycling assessment. The state plan must include an assessment of the extent to which waste generation could be reduced at the source and the extent to which recycling can be increased.

3. Determination of existing and potential disposal capacity. The state plan must identify existing solid waste disposal and management capacity within the State and the potential for expansion of that capacity.

4. Projected demand for capacity. The state plan must identify the need in the State for current and future solid waste disposal capacity by type of solid

waste, including identification of need over the next 5-year, 10-year and 20-year periods.

Sec. A-37. 38 MRSA §2124, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

§2124. Reports

The ~~agency office~~ shall submit the ~~adopted~~ plan and subsequent revisions to the Governor, the department and the joint standing committee of the Legislature having jurisdiction over natural resource matters.

Sec. A-38. 38 MRSA §2125, as corrected by RR 1993, c. 1, §136, is amended to read:

§2125. Evaluation of municipal implementation of solid waste management hierarchy

The ~~agency office~~ shall ~~adopt, by rule,~~ develop a system for acknowledging implementation by municipalities of the solid waste management hierarchy set forth in section 2101 and the goals for solid waste management adopted in the waste management and recycling plan. The system must include the following elements.

1. Evaluation. Municipalities shall report annually, except as provided by the ~~agency office~~, on their solid waste management practices. The annual report must include provisions for designating how much of each type of solid waste is generated and how that solid waste is managed. The ~~agency office~~ shall assist municipal reporting by developing a municipal waste stream assessment model. The model must rely on actual waste data whenever possible, but incorporate default generation estimates when needed. Default generation estimates must incorporate factors such as commercial activity, geographical differences and municipal population.

2. Progress report. The ~~agency office~~ shall use the municipal annual reports and other appropriate information to prepare an annual report to the Governor and the Legislature on the progress made by municipalities toward implementing the solid waste management hierarchy.

Sec. A-39. 38 MRSA c. 24, sub-c. III is amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER III

WASTE REDUCTION AND RECYCLING

Sec. A-40. 38 MRSA §2131, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. A-41. 38 MRSA §2132, sub-§1, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

1. State recycling goal. It is the policy of the State to recycle or compost, by January 1, ~~1994~~ 1998, 50% of the municipal solid waste generated each year. ~~The Legislature establishes an interim goal of recycling, by January 1, 1992, 25% of the municipal solid waste generated each year.~~

Sec. A-42. 38 MRSA §2132, sub-§2, as amended by PL 1991, c. 517, Pt. B, §7, is further amended to read:

2. Goal revision. The ~~agency~~ office shall recommend revisions, if appropriate, to the state recycling goal established in this section and shall establish a waste reduction goal. The ~~agency~~ office shall submit its recommendations and any implementing legislation to the joint standing committee of the Legislature having jurisdiction over natural resource matters ~~by January 1, 1993.~~

Sec. A-43. 38 MRSA §2133, sub-§1, as amended by PL 1991, c. 517, Pt. B, §§8 and 9, is repealed.

Sec. A-44. 38 MRSA §2133, sub-§1-A is enacted to read:

1-A. Recycling progress. Municipalities are not required to meet the state recycling goal in section 2132, but they must demonstrate reasonable progress toward that goal. The office shall determine reasonable progress.

Sec. A-45. 38 MRSA §2133, sub-§2, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. A-46. 38 MRSA §2133, sub-§§2-A and 2-B are enacted to read:

2-A. Technical and financial assistance program. A program of technical and financial assistance for waste reduction and recycling is established in the office to assist municipalities with managing solid waste. The director shall administer the program in accordance with the waste management hierarchy in section 2101.

2-B. Household hazardous waste collection. The office may, within available resources, award grants to eligible municipalities, regional associations, sanitary districts and sewer districts for household hazardous waste collection and disposal programs. In implementing this program, the office shall attempt to:

A. Coordinate the household hazardous waste collection programs with overall recycling and waste management;

B. Encourage regional economies of scale;

C. Coordinate programs between private and public institutions; and

D. Maximize opportunities for federal grants and pilot programs.

Sec. A-47. 38 MRSA §2133, sub-§3, as amended by PL 1991, c. 517, Pt. B, §10, is further amended to read:

3. Recycling capital investment grants. The office may make grants to eligible municipalities, regional associations, sanitary districts and sewer districts for the construction of public recycling and composting facilities and the purchase of recycling and composting equipment. The office may establish requirements for local cost sharing of up to 25% of the total grant amount. ~~The office shall give preference to recycling programs that require the participation of the waste generators served.~~

Sec. A-48. 38 MRSA §2133, sub-§4, ¶B, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. A-49. 38 MRSA §2133, sub-§5, as repealed and replaced by PL 1991, c. 517, Pt. B, §11, is repealed.

Sec. A-50. 38 MRSA §2133, sub-§6 is enacted to read:

6. Recycling demonstration grants. The office may make demonstration grants to eligible municipalities, regional associations or other public organizations to pilot waste reduction, recycling and composting programs and to test their effectiveness and feasibility.

Sec. A-51. 38 MRSA §2134, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

§2134. Market development and assistance

The office shall ~~design and implement a~~ market development strategy and marketing assistance programs, consistent with the recycling component of the state plan, which ~~shall~~ must include, without limitation, the following elements:

1. Collection. ~~Methods of collecting and marketing recyclable materials that achieve necessary economies of scale and product quality specifications. The strategy shall include a model plan for source separation of materials to be recycled at the household, municipal, regional or state level, as appropriate;~~

2. Incentive program. ~~An incentive program to encourage end users of materials to be recycled to locate or expand their operations within the State. The office shall consult with the Finance Authority of~~

~~Maine and the Department of Economic and Community Development in developing this element;~~

3. Information clearinghouse. An information clearinghouse on recycling markets to improve the marketing of materials to be recycled. The office shall maintain a current list of recycling programs, together with a description of the recyclable materials available through the programs. The office shall also maintain listings of brokers, handlers, processors, transporters and other persons providing services and potential markets for recyclable materials. The office shall actively promote the services of the clearinghouse and shall seek to match programs with appropriate recycling businesses. The office shall make its information on recycling services available to private solid waste generators seeking markets or services for recyclable materials. The office shall make its technical reports and planning documents available to municipalities and regional associations on a timely basis;

4. Brokering service. ~~Direct Provision for~~ marketing and brokering services for materials ~~included in the state marketing plan~~ when municipal and regional association efforts to market the material and the information clearinghouse are inadequate; and

5. Marketing development plan. ~~Based on the state plan, a market development and marketing plan by January 1, 1990, which includes:~~

A. ~~Potential opportunities to increase demand for and use of materials generated by recycling programs;~~

B. ~~Market opportunities in Canada and other export markets;~~

C. ~~Recommendations for specific actions to increase and stabilize the demand for materials generated by recycling programs, including, but not limited to, proposed legislation, if necessary; and~~

D. ~~Specific recommendations on markets for recycled materials from the various areas of the State; and~~

6. Reuse of waste. ~~Assisting Assistance to~~ industries in promoting the reuse of industrial and commercial wastes that are suitable raw materials for other processes. ~~The office shall coordinate those efforts with waste exchanges in the northeastern United States.~~

Sec. A-52. 38 MRSA §2135, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. A-53. 38 MRSA §2135-A, as enacted by PL 1991, c. 517, Pt. A, §3, is repealed.

Sec. A-54. 38 MRSA §2136, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. A-55. 38 MRSA §2137, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

§2137. State Government recycling and waste reduction

The office, in cooperation with the Department of ~~Administration~~ Administrative and Financial Services, shall assess the status of recycling efforts undertaken directly by the State for its own solid waste and shall evaluate existing programs and develop necessary new programs for recycling to reduce the generation of solid waste by the State. ~~The programs shall include, without limitation, recycling of office papers, cardboard, used motor oil, yard waste and other materials produced by the State for which recycling markets exist or may be developed.~~

1. Waste reduction and recycling plan. ~~Each state agency shall prepare a waste reduction and recycling plan addressing the requirements of subsections 3 and 4. The plan shall be submitted to the Office of Waste Reduction and Recycling on or before July 1, 1990, for approval as consistent with the goals and guidelines of this section and with the state waste management and recycling plan. The plan shall be updated on a biennial basis to increase the amount of material recycled by taking advantage of any changed circumstances. Each department shall complete an analysis of additional materials to determine recycling potential, and shall incorporate these materials into plan updates. Updated plans shall be submitted to the office for approval prior to adoption.~~

2. Capitol complex recycling program. ~~The State House and the State Office Building shall constitute the Capitol complex recycling demonstration area. The House of Representatives, the Senate, the office of the Governor, and each department that occupies space in the State House or the State Office Building shall, by July 1, 1990, institute a recycling program for its respective offices in these buildings. The program shall include, at a minimum, office paper, corrugated cardboard and containers subject to the returnable container law, Title 32, chapter 28, which are sold in the Capitol complex. The program shall include procedures for collecting and storing recyclable materials, bins or containers for storing materials, and contractual and other arrangements with buyers.~~

3. Recycling. ~~By January 1, 1991, each~~ Each state agency ~~outside the Capitol complex~~ shall establish and implement a source separation and collection program for recyclable materials produced as a result of agency operations, including, at a minimum, high grade paper and corrugated paper.

The source separation and collection program shall must include, at a minimum, procedures for collecting and storing recyclable materials, bins or containers for storing materials, and contractual and other arrangements with buyers. Each agency shall appoint a recycling coordinator for every 50 employees at a minimum and shall conduct educational programs for its employees on the recycling program.

4. Waste reduction. ~~By January 1, 1991, each~~ Each state agency shall establish and implement a waste reduction program for materials used in the course of agency operations. The program shall must be designed and implemented to achieve the maximum feasible reduction of waste generated as a result of agency operations.

5. University of Maine System. The following provisions ~~shall~~ apply to the University of Maine System.

~~A. Each campus of the University of Maine System shall prepare a waste reduction, recycling and composting plan addressing the requirements of paragraphs B to D. The plan shall be submitted to the Office of Waste Reduction and Recycling on or before July 1, 1990, for approval as consistent with the goals and guidelines of this chapter and with the state waste management and recycling plan. Each campus shall complete an analysis of additional materials to determine recycling potential, and shall incorporate these materials into annual plan updates.~~

~~Updated plans shall be submitted to the office for approval prior to adoption.~~

B. ~~By January 1, 1991, each~~ Each campus of the University of Maine System shall establish and implement a source separation and collection program for recyclable materials, including at a minimum, high grade paper, corrugated paper and glass. The source separation and collection program shall must include procedures for collecting and storing recyclable materials, bins or containers for storing materials and contractual and other arrangements with buyers. Each campus shall appoint a recycling coordinator and shall conduct educational programs for students and employees on the recycling program.

C. ~~By January 1, 1991, each~~ Each campus of the University of Maine System shall establish and implement a waste reduction program for materials used in the course of its operations. The program shall must be designed and implemented to achieve the maximum feasible reduction of waste.

~~D. By January 1, 1991, each~~ Each campus of the University of Maine System shall establish a leaf composting program.

E. Each campus of the University of Maine System shall assess the status of its recycling efforts, evaluate existing programs and, within available resources, develop necessary new programs for recycling to reduce the generation of solid waste by the campus.

Sec. A-56. 38 MRSA §2138, as amended by PL 1991, c. 492, §4, is further amended to read:

§2138. Office paper recycling program

1. Office paper recycling mandated. Any person employing 15 or more people at a site within the State shall implement an office paper and corrugated cardboard recycling program ~~according to the following schedule:~~

~~A. By July 1, 1991, when employing 200 or more persons at a site;~~

~~B. By July 1, 1992, when employing 50 or more persons at a site; and~~

~~C. By July 1, 1993, when employing 15 or more persons at a site.~~

The office shall provide technical and ~~market development~~ marketing assistance and direction to entities within the State to assist ~~in~~ with meeting this ~~schedule~~ requirement. Municipalities and regional associations may assist employers in attaining the objectives of this section.

2. Office paper. For the purposes of this section, "office paper" includes, but is not limited to, ledger, computer and bond paper.

3. Certification of tax credit. The office, in cooperation with the State Tax Assessor, shall assist in the administration of tax credits for the purchase of machinery and equipment used by businesses in new or expanded waste reduction, reuse or recycling programs pursuant to Title 36, section 5219-C by certifying that the machinery and equipment are eligible for the credit.

~~**4. Technical and financial assistance programs.** The office shall administer other financial assistance programs for projects that reduce the waste stream or increase recycling that the agency determines appropriate, including technology transfer to businesses and assisting the Finance Authority of Maine in determining eligible projects for low interest loans.~~

~~**5. Industrial waste reduction.** The office shall consult with the Maine Sludge and Residuals Utiliza-~~

tion Research Foundation and the private sector to identify and examine solutions to the problems of reducing the volume and toxicity of industrial waste.

~~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. A-57. 38 MRSA §2139, as amended by PL 1989, c. 700, Pt. A, §170, is further amended to read:

§2139. Public education

The office shall design a program of public education in support of the state recycling goals to promote waste reduction, source separation and recycling and composting efforts at the individual, local, regional and state levels.

1. Public education. The office shall develop and disseminate educational material designed to establish broad public understanding and compliance with the State's recycling and waste reduction goals.

2. Kindergarten to grade 12 curriculum. In cooperation with the Department of Education, the office shall develop a curriculum suitable for use in programs from kindergarten through high school and provide assistance to educators in using the curriculum.

Sec. A-58. 38 MRSA c. 24, sub-c. IV is amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER IV

FACILITY SITING AND DEVELOPMENT

Sec. A-59. 38 MRSA §2151, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. A-60. 38 MRSA §2151-A is enacted to read:

§2151-A. Indemnification

The office shall defend and indemnify any employee of the office, including the director, and any member of the Facility Siting Board against expenses actually and necessarily incurred by the person in connection with the defense of any action or proceeding in which the person is made party by reason of

past or present association with the office with regard to the powers and duties set forth in this article.

Sec. A-61. 38 MRSA §2152, sub-§1, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

1. Board established. The Facility Siting Board, as established in Title 5, section 12004-D, subsection 4, is created to conduct a site screening and selection process for disposal facilities owned, operated or controlled by the agency office. The board shall undertake this process in a manner consistent with the state waste management and recycling plan and provisions of section 2154 and shall make all final decisions on the choice of specific sites for solid waste disposal facilities under the jurisdiction of the agency office. The office shall provide staff support to the Facility Siting Board.

Sec. A-62. 38 MRSA §2153, as amended by PL 1991, c. 794, §2, is further amended to read:

§2153. Siting criteria

1. Siting criteria. ~~By September 1, 1992, the Facility Siting Board shall amend its~~ With regard to state-owned facilities, the office shall administer rules adopted by the former Maine Waste Management Agency, Office of Siting and Disposal Operations, for siting criteria for solid waste disposal facilities. The office may revise rules as necessary based on the following factors.

A. A site may be located anywhere within the State and need not be in proximity to the site of waste generation.

A-1. ~~Agency-owned sites~~ Sites for the disposal of special waste may not be located within a 5-mile radius of an existing commercial special waste landfill or a commercial incineration facility.

B. To the extent possible, a site must be located in proximity to the transportation systems, including existing or potential railroad systems, that are used to convey waste to the site or to convey residuals and materials to be recycled from the site.

C. The capacity or size of a site must be consistent with the projected demand as determined in the state plan.

D. A site and its considered use must be consistent with, and actively support, other waste management objectives, including waste reduction and recycling.

E. The projected price for site development, construction and operation must be fair and reasonable.

F. A site must meet preliminary environmental standards developed jointly by the department and the Maine Land Use Regulation Commission, including ground water standards, geological standards and standards to protect public drinking water supplies.

G. Existing uses on adjacent properties, including public or private schools, may not be in significant conflict with or significantly jeopardized by the use of a site.

Sec. A-63. 38 MRSA §2154, sub-§1, as amended by PL 1991, c. 794, §3, is further amended to read:

1. Initial site screening. The Facility Siting Board shall conduct a site screening and selection process to identify solid waste disposal capacity sufficient to meet the projected needs identified in the state planning process under section ~~2423~~ 2123-A, subsection ~~6~~ 4. The Facility Siting Board shall consider the need for geographic distribution of facilities to adequately serve all regions of the State. The Facility Siting Board also shall consider in its site selection process the need for landfill capacity to dispose of incinerator ash resulting from the combustion of domestic and commercial solid waste generated within its jurisdiction. Prior to recommending a site, the Facility Siting Board shall hold a public hearing in every municipality or plantation identified in the screening process as a potential site. For potential sites within an unincorporated township, the Facility Siting Board shall hold a public hearing within the vicinity of the proposed site. Prior to submitting a recommended site to the department for review, the Facility Siting Board ~~shall~~ must find that the recommended site meets the standards adopted under section 2153.

Sec. A-64. 38 MRSA §2156, sub-§1, as amended by PL 1991, c. 794, §5, is further amended to read:

1. State facility required. The office shall develop facilities sufficient to meet the projected needs for municipal solid waste identified in the analysis conducted under section ~~2423~~ 2123-A, subsection ~~6~~ 4 and to serve all geographic areas of the State. The office may develop facilities sufficient to meet the projected needs for special waste identified in the analysis conducted under section ~~2423~~ 2123-A, subsection ~~6~~ 4 and to serve all geographic areas of the State.

Sec. A-65. 38 MRSA §2156, sub-§3, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

3. Office ownership. The ~~agency~~ office shall maintain ownership of any solid waste disposal facility it develops and shall maintain full control over the use of the facility or facilities.

Sec. A-66. 38 MRSA §2157, as amended by PL 1993, c. 732, Pt. B, §3, is repealed.

Sec. A-67. 38 MRSA §2158, as amended by PL 1989, c. 890, Pt. A, §40 and Pt. B, §290, is repealed.

Sec. A-68. 38 MRSA §2163, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. A-69. 38 MRSA §2164, as amended by PL 1991, c. 808, §1, is repealed.

Sec. A-70. 38 MRSA §2175-B is enacted to read:

§2175-B. Payment in lieu of taxes

The office shall annually pay a municipality an amount in lieu of taxes equal to the amount of property taxes on a solid waste disposal facility owned or operated by the office not paid to that municipality during the previous calendar year. In the case of an unorganized territory, the office shall annually pay the amount to the State Tax Assessor who shall deposit that amount in the Unorganized Territory Education and Services Fund established in Title 36, chapter 115. If the office disagrees with the amount determined to be due in lieu of taxes under this section, it may appeal to the State Board of Property Tax Review as provided in Title 36, section 271.

Sec. A-71. 38 MRSA §2176, first ¶, as amended by PL 1993, c. 310, Pt. B, §10, is further amended to read:

In addition to payment in lieu of taxes provided in section ~~2405~~ 2175-B, the ~~agency~~ office shall make impact payments to a municipality in which a solid waste disposal facility is located or, in the case of an unorganized territory, to the State Tax Assessor upon request by the community involved or by the State Tax Assessor. The agency shall base its impact payments on measurable criteria including, without limitation:

Sec. A-72. 38 MRSA §2201, first ¶, as repealed and replaced by PL 1991, c. 824, Pt. A, §88, is amended to read:

The Maine Solid Waste Management Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support programs adminis-

tered by the ~~Maine Waste Management Agency State Planning Office~~ and the Department of Environmental Protection. The fund must be segregated into 2 subsidiary accounts. The first subsidiary account, called operations, receives all fees established and received under article 1. The 2nd subsidiary account, called administration, receives all fees established under this article and under Title 36, chapter 719, all funds recovered by the department as reimbursement for departmental expenses incurred to abate imminent threats to public health, safety and welfare posed by the illegal disposal of solid waste and all unclaimed deposits returned to the State under Title 32, chapter 28.

Sec. A-73. 38 MRSA §2202, sub-§1, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

1. Fees established. The agency department shall establish procedures to charge fees specified in this article and pursuant to the requirements of this article. All fees collected by the ~~agency~~ shall department under this article must be deposited into the Maine Solid Waste Management Fund.

Sec. A-74. 38 MRSA §2203, sub-§3, as enacted by PL 1991, c. 517, Pt. B, §16, is amended to read:

3. Imported special waste. In addition to any other fee assessed under this section and to support those regulatory and administrative costs associated with imported special wastes, an administrative fee of \$2 per ton, or the maximum fee on out-of-state waste authorized by federal law, whichever is greater, is imposed on special waste brought into the State for disposal, except that an administrative fee of \$2 per cubic yard is imposed on asbestos brought into the State for disposal. The fee must be assessed at the first point of disposal, processing or treatment within the State.

Sec. A-75. 38 MRSA §2204, sub-§2, as amended by PL 1993, c. 85, §2, is repealed.

Sec. A-76. 38 MRSA §2204, sub-§3, as amended by PL 1993, c. 310, Pt. C, §3, is further amended to read:

3. Imported municipal solid waste. To support those regulatory and administrative costs associated with imported municipal solid wastes, an administrative fee of \$4 per ton, or the maximum fee on out-of-state waste authorized by federal law, whichever is greater, is assessed on any municipal solid waste originating outside the State and delivered to a commercial solid waste disposal facility or solid waste disposal facility owned by the agency office or a regional association for disposal.

Sec. A-77. 38 MRSA §§2205 and 2206, as enacted by PL 1989, c. 585, Pt. A, §7, are amended to read:

§2205. Fee payments

Each operator of a solid waste disposal facility shall make the fee payment quarterly. The fee ~~shall~~ must be paid to the agency department on or before the 20th day of April, July, October and January for the 3 months ending the last day of March, June, September and December.

1. Quarterly reports. Each fee payment ~~shall~~ must be accompanied by a form prepared and furnished by the agency department and completed by the operator. The form ~~shall~~ must state the total weight or volume of solid waste disposed of at the facility during the payment period and provide any other aggregate information ~~deemed determined~~ necessary by the agency department to carry out the purposes of this chapter. The form ~~shall~~ must be signed by the operator.

2. Timeliness of payment. The operator ~~shall~~ be is deemed to have made a timely payment of the fee if the operator complies with all of the following:

A. The enclosed payment is for the full amount owed pursuant to this section and no further agency department action is required for collection;

B. The payment is accompanied by the required form and the form is complete and accurate; and

C. The letter transmitting the payment that is received by the agency department is postmarked by the United States Postal Service on or prior to the final day on which the payment is to be received.

3. Discount. Any operator that makes a timely payment of the fee as provided in this section ~~shall be~~ is entitled to apply against the fee payable a discount of 1% of the amount of the fee collected.

4. Refunds. Any operator who believes the fee was overpaid by the operator may file a petition for refund to the agency department. If the agency department determines that the operator has overpaid the fee, the agency department shall refund to the operator the amount due the operator, together with interest at a rate established by the agency department.

5. Alternative proof of payment. For purposes of this section, presentation of a receipt indicating that the payment was mailed by registered or certified mail on or before the due date ~~shall be~~ is evidence of timely payment.

6. Interest. If an operator fails to make a timely payment of the fee, the operator shall pay interest on the unpaid amount due at the rate established by the agency department from the last day for timely payment to the date paid.

7. Additional penalty. In addition to the interest provided in subsection 6, if an operator fails to make timely payment of the fee, 5% of the amount of the fee shall must be added to the amount actually due if the failure to file a timely payment is for not more than one month, with an additional 5% for each additional month, or fraction of a month, during which the failure continues, not exceeding 25% in the aggregate.

8. Assessment notice. If the agency department determines that any operator has not made a timely payment of the fee, the ~~agency will~~ department shall send the operator a written notice of the amount of the deficiency, within 30 days of determining the deficiency. When the operator has not provided a complete and accurate statement of the weight or volume of waste received at the facility for the payment period, the agency department may estimate the weight or volume in the notice.

The operator charged with the deficiency ~~shall have~~ has 30 days to pay the deficiency in full or, if the operator wishes to contest the deficiency, forward the amount of the deficiency to the agency department for placement in an escrow account with the Treasurer of State or any bank in the State, or post an appeal bond in the amount of the deficiency. The bond ~~shall must~~ be executed by a surety licensed to do business in the State and be satisfactory to the agency department. Failure to forward the money or appeal bond to the agency department within 30 days ~~shall result~~ results in a waiver of all legal rights to contest the deficiency.

If, through the administrative or judicial review of the deficiency, it is determined that the amount of deficiency ~~shall must~~ be reduced, the agency department shall within 30 days remit the appropriate amount to the operator, with any interest accumulated by the escrow deposit.

The amount determined after administrative hearing or after waiver of administrative hearing ~~shall be is~~ payable to the agency department and ~~shall be is~~ collectible.

If any amount due under this subsection remains unpaid 30 days after receipt of notice of the deficiency, the agency department may order the operator of the facility to cease receiving any solid waste until the amount of the deficiency is completely paid.

9. Filing of appeals. Notwithstanding any other provision of law, all appeals of final agency depart-

ment actions concerning the fee ~~shall must~~ be filed with the agency department pursuant to section 2206.

§2206. Hearings and appeals

The agency department shall establish rules governing procedures for hearings and appeals under this article consistent with Title 5, chapter 375.

Sec. A-78. 38 MRSA §2213, sub-§1, ¶A, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

A. The project has been determined to be consistent with the state plan pursuant to section ~~2457~~ 1310-AA, if applicable, and the necessary permits have been obtained from the department;

PART B

Sec. B-1. 5 MRSA §3305, sub-§1, ¶H, as amended by PL 1991, c. 780, Pt. DDD, §21, is further amended to read:

H. Compile, analyze and maintain information useful to the development of industry in the State concerning resources, sites, space, equipment, adequate housing, contracts, materials, transportation, markets, labor supply, population trends and other economic considerations and shall measure and monitor economic distress and poverty in the State on an on-going basis. The State Planning Office, in conjunction with the Department of Economic and Community Development, shall study problems peculiar to the industry and economy of this State with a view toward the broader utilization of our natural resources, which studies ~~shall must~~ be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations equipped to conduct the needed research. The State Planning Office shall, upon request from the Governor or any state department, assist in the preparation of reports regarding the responsibilities and duties provided by this subsection, including regular analysis of poverty and economic distress. The State Planning Office shall coordinate its activities pursuant to this paragraph with the Bureau of Child and Family Services to meet the annual reporting needs of the bureau; ~~and~~

Sec. B-2. 5 MRSA §3305, sub-§1, ¶K, as enacted by PL 1989, c. 501, Pt. DD, §12, is amended to read:

K. Coordinate the development of energy policy, including:

(1) Collecting and analyzing energy data from all available energy sources in the State. The director shall afford confidential treatment to information, documents and data dealing with sales of individual companies that are engaged in the wholesale and retail trade of petroleum products in the State, upon request of the individual companies;

(2) Preparation of an energy resources plan to be submitted to the Governor and the Legislature every 2 years that includes a description of historical energy demand by end-use sector and energy resources used to meet that demand and a forecast of energy demand by end-use sector for the next 5 years, 10 years and 20 years, which ~~shall~~ must include an electric and gas forecast;

(3) Encouragement and direction or sponsorship of research, experiments and demonstration projects within the State to develop alternate energy sources, particularly, but not limited to, those sources that rely on renewable natural resources of the State, such as solar energy, water of tides and rivers, forests, winds and other sources which to date have not been fully explored or utilized; and

(4) Provision of conservation alternatives to proposed new electric power generating plants and assessment of the long-term and short-term energy savings realized by the conservation alternatives;

Sec. B-3. 5 MRSA §3305, sub-§1, ¶¶ L and M are enacted to read:

L. Coordinate the development of solid waste management policy including:

(1) Collecting and analyzing solid waste management and recycling data from all available sources including commercial and municipal entities;

(2) Preparing a solid waste management and recycling plan to be submitted to the Governor and the Legislature every 2 years; and

(3) Providing technical and financial assistance to municipalities in waste reduction and recycling activities; and

M. Own, design, develop or operate, or contract with private parties to operate, a solid waste disposal facility, as provided in Title 38, chapter 24, subchapter IV.

Sec. B-4. 5 MRSA §3305-A is enacted to read:

§3305-A. Authority to own and operate solid waste disposal facility

The office has all necessary power and authority to own, design, develop and operate a solid waste disposal facility or facilities as provided in Title 38, chapter 24, subchapter IV, including:

1. Title to property. Authority to take and hold title to the facility;

2. Contracts. Authority to assume all rights and obligations under existing agreements related to the facility and to enter into contracts and agreements on behalf of the State as the office may consider necessary or appropriate in connection with the facility; and

3. Rules. Authority to adopt and amend rules in accordance with chapter 375, subchapter II.

Sec. B-5. 10 MRSA §1055 is enacted to read:

§1055. Revenue obligation securities for waste facilities, waste disposal services or recycling projects

In addition to any other powers and for the purposes of this chapter and Title 38, chapter 24, the authority may exercise powers and authority previously granted to the former Maine Waste Management Agency in Title 38, sections 2211 to 2222.

Sec. B-6. 38 MRSA §2211, sub-§1-A is enacted to read:

1-A. Agency. "Agency" means the Finance Authority of Maine.

Sec. B-7. Report; task force. The State Planning Office shall convene a task force to develop recommendations for a state policy regarding the potential development and operation of the state-owned solid waste disposal facility at Carpenter Ridge. The State Planning Office shall include on the task force legislators who are members of the Joint Standing Committee on Natural Resources. The State Planning Office shall submit a report to the Joint Standing Committee on Natural Resources by February 1, 1996 describing the status of the application for a license for the Carpenter Ridge waste facility and setting forth any recommendations the task force has developed for operation of the facility, including recommendations as to when and how the facility might be developed and operated, what changes in state law would be advisable to allow for operation of the facility and any other issues the task force considers appropriate.

The task force shall also examine state policy regarding the ban on development of new commercial solid waste disposal facilities and shall submit any recommendations regarding that policy in the report required in this section. The report must also include information on the importation of out-of-state waste into Maine and the export of Maine waste and recent congressional action on legislation relating to state authority to regulate the importation of waste.

PART C

Sec. C-1. Transition provisions. The following provisions apply to the reassignment of the duties and responsibilities of the former Maine Waste Management Agency.

1. Except as otherwise provided in this section, the Director of the State Planning Office shall assume all remaining duties and responsibilities of the former Maine Waste Management Agency, its officers and its executive director, including administration of any rules adopted by that agency relating to these remaining duties. By December 1, 1995, the director shall submit legislation to the Second Regular Session of the 117th Legislature to revise all remaining references to the Maine Waste Management Agency in the Maine Revised Statutes to conform to the intent of this Act.

2. All rules and procedures in effect, in operation or adopted on the effective date of this Act in or by the former Maine Waste Management Agency or any of its administrative units or officers remain in effect until rescinded, revised or amended by the proper authority.

3. Six authorized positions and incumbent personnel in the Maine Waste Management Agency are transferred to the State Planning Office. Those employees retain their accrued fringe benefits, including vacation and sick leave, health and life insurance and retirement benefits.

4. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, all accrued expenditures, assets, liabilities, balances or appropriations, allocations, transfers, revenues or other available funds in an account or subdivision of an account of the former Maine Waste Management Agency must be transferred to the proper account by the State Controller upon the request of the State Budget Officer and with the approval of the Governor. Notwithstanding any other provision of law, the Department of Administrative and Financial Services is authorized to allot funds through a financial order, upon approval of the State Budget Officer and the Governor, in order to meet all outstanding obligations of the former Maine Waste Management Agency that are not specifically transferred to any other unit of State Government.

5. The Department of Administrative and Financial Services shall serve as the fiscal agent for the former Maine Waste Management Agency for the purpose of effecting the repeal of that agency. The duties of the Department of Administrative and Financial Services are limited to those required to close out the agency and include functions such as processing payment vouchers, preparing budget documents, processing contract documents, preparing human resource documents, preparing the final personnel payrolls and other related administrative activities required. Except for records transferred to the State Planning Office or the Department of Environmental Protection as necessary to enable those agencies to continue functions previously performed by the Maine Waste Management Agency, essential records related to the agency must be transferred to the Department of Administrative and Financial Services to be maintained and stored pursuant to standard procedure. This subsection is effective retroactively to May 1, 1995.

6. All personal property and equipment previously belonging to or allocated for the use of the former Maine Waste Management Agency must be transferred to the State Planning Office.

7. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Maine Waste Management Agency may be used by the State Planning Office and the Department of Environmental Protection until existing supplies of those items are exhausted.

8. All real estate held by the former Maine Waste Management Agency is transferred to the State Planning Office.

Sec. C-2. Effective date. Notwithstanding the emergency nature of this Act, the transfer of responsibilities and authorities described in this Act takes effect July 1, 1995.

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

Effective July 3, 1995, unless otherwise indicated.

CHAPTER 466

S.P. 473 - L.D. 1269

An Act to Provide Retirement Benefit Options for Game Wardens and Marine Patrol Officers

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