

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

mentally ill, reformatory, opera house, hall for public assemblies, hotel, boardinghouse or lodginghouse accommodating more than 6 persons, or tenement house occupied by more than 2 families, or store in which more than 10 persons are employed above the first story, ~~shall~~ must be provided with more than one way of egress, by stairways on the inside or fire escapes on the outside of such building. Such stairways and fire escapes ~~shall~~ must be so constructed, in such a number, or such size and in such location as to give reasonably safe, adequate and convenient means of exit, in view of the number of persons who may need to use such stairway or fire escape, ~~shall~~ must at all times be kept free from obstruction and ~~shall~~ must be accessible from each room in each story above the first story.

Any apartment building of 3 stories or less in its entirety is permitted to have a single exit under the condition that the building is protected throughout by an approved automatic sprinkler system, meets the requirements of the applicable chapter of the National Fire Protection Association Life Safety Code 101 and every sleeping room has a 2nd means of escape.

~~No~~ An individual, partnership or corporation ~~shall~~ may not offer for sale in this State, any type of fire escape device or fire alarm systems unless first securing approval of the Commissioner of Public Safety.

Any person or corporation aggrieved by any order of the commissioner issued under this section may appeal to the Superior Court by filing within 30 days from the effective date of such order a complaint ~~therefor~~ and the court shall fix a time and place of hearing and cause notice ~~thereof~~ of the time and place to be given to the commissioner and, after the hearing, the court may affirm or reverse in full or in part any such order of the commissioner and the decision of the court ~~shall be~~ is final. If the commissioner in the interest of public safety, because ~~he deems~~ the commissioner determines there is immediate danger, forbids the use of such buildings for any public purpose until satisfactory compliance with ~~his~~ the commissioner's order, such order ~~shall become~~ immediately becomes effective immediately and the filing of the complaint ~~shall~~ may not operate as a stay ~~thereof~~.

See title page for effective date.

**CHAPTER 385**

**H.P. 1204 - L.D. 1714**

**An Act to Clarify and Improve the State's Solid Waste Management Laws**

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

**Sec. 1. 38 MRSA §352, sub-§5-A, in that part designated "TABLE I" in that part relating to "TITLE 38, SECTION 1304" is amended to read:**

1304, Waste management		
A. Septage disposal		
1. Site designation	50	25
B. Land application of sludges and residuals program approval		
1. Industrial sludge	400	400
2. Municipal sludge	300	275
3. Bioash	300	275
4. Wood ash	300	75
5. Food waste	300	75
6. Other residuals	300	175
C. Landfill		
1. Closing plans for <del>nonmunicipal</del> <u>secure</u> landfills	1,500	1,500
2. Closing plans for <del>municipal</del> <u>attenuation</u> landfills	500	500
3. <del>Variance requests for attenuation landfills</del> <u>Post-closure report</u>	175	175
4. Preliminary information reports	175	175
5. License transfers	500	175
6. Special waste disposal		
a. One-time disposal of quantities of 6 cubic yards or less	50	50
b. One-time disposal of quantities greater than 6 cubic yards	100	100
c. Program approval for routine disposal of a special waste	300	300
7. <u>Minor revision for secure land fills</u>	600	100
8. <u>Minor revision for attenuation landfills</u>	100	100
9. <u>Public benefit determination</u>	175	175
D. Incineration facility		
1. <del>Fuel substitution activities</del>	1,575	1,500
2. License transfer	175	175

E. License transfer other than for landfills and incinerators	100	100
F. <u>Minor revision for septage facilities and solid waste facilities other than landfills</u>	<u>100</u>	<u>100</u>
G. <u>Permit by rule for one-time activities</u>	<u>100</u>	<u>100</u>

<del>the acceptance of municipal Existing, nonsecure municipal solid waste landfills accepting waste from fewer than 15,000 people</del>		
2. <del>New or expanded for the acceptance of municipal Existing, nonsecure municipal solid waste landfills accepting waste from more than 15,000 people</del>	3,500	3,500
3. <del>New or expanded for the acceptance of special waste secure landfill</del>	5,000	8,500
4. <del>Wood waste or demolition debris landfills, or both, if greater than 6 acres</del>	1,000	1,700
5. <del>Wood Nonsecure wood waste or demolition debris landfills, or both, if less than or equal to 6 acres</del>	<del>175</del> <u>700</u>	750
B. Incineration facilities		
1. New or expanded for the acceptance of municipal or special wastes, or both	3,500	5,000
2. Municipally owned and operated solid waste incinerators with licensed capacity of 10 tons per day or less	3,500	1,000
C. Transfer station and storage facility	750	175
D. <del>Tire disposal or storage facility, or both</del>	400	450
E. <del>Recycling facility</del>	<del>350</del>	200
F. Processing facility other than municipal solid waste composting	700	700
G. <del>Other utilization</del> <u>Beneficial use activities other than agronomic utilization</u>		
1. <del>Special waste</del>	<del>175</del>	350
2. <del>Other</del>	<del>75</del>	350
3. <u>Fuel substitution</u>	<u>700</u>	<u>500</u>
4. <u>Beneficial use without risk assessment</u>	<u>700</u>	<u>200</u>
5. <u>Beneficial use with risk assessment</u>	<u>1,400</u>	<u>500</u>
H. <u>Permit by rule for ongoing activities</u>	<u>100</u>	<u>100</u>

**Sec. 2. 38 MRSA §352, sub-§5-A, in that part designated "TABLE II" is amended to read:**

TABLE II

WASTE MANAGEMENT FEES - ANNUAL LICENSE  
MAXIMUM FEES IN DOLLARS

TITLE 38 SECTION	PROCESSING FEE	ANNUAL LICENSE FEE
1304, Waste management		
A. Septage disposal		
1. Landspreading	<del>150</del> <u>550</u>	250
2. Storage	50	75
B. <del>Sludge</del> <u>Residuals</u> compost facility		
1. Type I	150	150
2. <del>Type IA</del>	<del>150</del>	150
3. <del>Type II and Type III less than 3,500 cubic yards</del>	<del>175</del> <u>700</u>	500
4. <del>Type III</del>	175	750
5. <del>Municipal solid waste Type II and Type III 3,500 cubic yards or greater</del>	<del>175</del> <u>1,400</u>	850
C. Land application of sludges and residuals		
1. Sites with program approval		
a. Industrial sludge	150	250
b. Municipal sludge	75	200
c. Bioash	75	200
d. Wood ash	50	125
e. Food waste	50	125
f. Other residuals	50	125
2. Sites without program approval		
a. Industrial sludge	300	550
b. Municipal sludge	150	250
c. Bioash	150	250
d. Wood ash	75	200
e. Food waste	75	200
f. Other	75	200
1310-N, Solid waste facility siting		
A. Landfill		
1. <del>New or expanded for</del>	3,500	1,000

**Sec. 3. 38 MRSA §1304, sub-§1-A, ¶¶A and C, as enacted by PL 1987, c. 517, §9, are amended to read:**

A. Licensing categories of transporters of solid waste septage, used motor vehicle tires and construction or demolition debris, conveyances used for the transportation of solid waste septage, used motor vehicle tires and construction or demolition debris and the operators of these conveyances as the board finds necessary to effect sound waste management;

C. A manifest system for categories of solid waste ~~which shall~~ that must provide a means to account for solid waste septage, used motor vehicle tires and construction or demolition debris handled, transported and disposed of in the State; and

**Sec. 4. 38 MRSA §2133, sub-§2-A**, as amended by PL 1997, c. 672, §4, is further amended 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 office may also provide planning assistance to municipalities and regional organizations for managing municipal solid waste. Planning assistance may include cost and capacity analysis and education and outreach activities. The director shall administer the program in accordance with the waste management hierarchy in section 2101. Preference in allocating resources under this section must be given to municipalities that take advantage of regional economies of scale. Preference may also be given to municipalities that provide a municipal trash collection service as defined in Title 12, section 9324, subsection 7 or that prohibit residential out-of-door burning of highly combustible trash.

**Sec. 5. 38 MRSA §2133, sub-§2-C** is enacted to read:

**2-C. Business technical assistance program.** The office may, as resources allow, assist the business community to develop state programs and services that are designed to promote the solid waste hierarchy and that are desired by and financially supported by the business community. The office shall coordinate these efforts in conjunction with the department.

**Sec. 6. 38 MRSA §2203**, as amended by PL 1995, c. 465, Pt. A, §74 and affected by Pt. C, §2, is repealed.

**Sec. 7. 38 MRSA §2203-A** is enacted to read:

**§2203-A. Waste handling fees**

**1. Fees.** Fees are imposed in the following amounts to be levied for solid waste that is disposed of

at commercial, municipal and regional association landfills.

<u>Asbestos</u>	<u>\$5 per cubic yard</u>
<u>Oil-contaminated soil, gravel, brick, concrete and other aggregate</u>	<u>\$25 per ton</u>
<u>Waste water facility sludge</u>	<u>\$5 per ton</u>
<u>Ash, coal and oil</u>	<u>\$5 per ton</u>
<u>Paper mill sludge</u>	<u>\$5 per ton</u>
<u>Industrial waste</u>	<u>\$5 per ton</u>
<u>Sandblast grit</u>	<u>\$5 per ton</u>
<u>All other special waste</u>	<u>\$5 per ton</u>
<u>Municipal solid waste ash</u>	<u>\$1 per ton</u>
<u>Front end process residue (FEPR)</u>	<u>\$1 per ton</u>

**2. Exceptions.** Notwithstanding subsection 1:

A. A municipal or regional association landfill that has accepted 12,000 tons or more of special waste, other than municipal solid waste ash, asbestos and oil-contaminated soil, gravel, brick, concrete and other aggregate, in calendar year 1998 shall continue to pay \$2 per ton to the department for those categories of waste accepted in that calendar year;

B. A municipal or regional association landfill shall continue to pay \$2 per ton to the department on all categories of special waste other than municipal solid waste ash, asbestos and oil-contaminated soil, gravel, brick, concrete and other aggregate that was generated by the municipality or regional association and accepted for disposal in its landfill in calendar year 1998; and

C. A municipal or regional association landfill that has accepted 4,000 tons or more of oil-contaminated soil, gravel, brick, concrete and other aggregate in calendar year 1998 shall pay \$5 per ton for that category of waste.

**Sec. 8. 38 MRSA §2204**, as amended by PL 1995, c. 656, Pt. A, §64, is further amended to read:

**§2204. Municipal solid waste disposal surcharge**

The department shall impose the following fees a fee of \$2 per ton on any municipal solid waste disposed of at a commercial, municipal or regional association landfill, except that there is no fee on municipal solid waste generated by a municipality that owns the landfill accepting it or that has entered into a

contract with a term longer than 9 months for disposal of municipal solid waste in that landfill facility.

~~1. **Landfill surcharge.** A disposal surcharge of \$4 per ton is assessed on any municipal solid waste disposed of by landfilling at a commercial landfill facility.~~

~~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 office or a regional association for disposal.~~

**Sec. 9. 38 MRSA §2205, sub-§2, ¶C,** as amended by PL 1995, c. 465, Pt. A, §77 and affected by Pt. C, §2, is further amended to read:

C. The letter transmitting the payment that is received by the department is postmarked by the United States Postal Service on or prior to the final day on which the payment is to be received, unless an alternative date is agreed upon in writing by the operator and the department.

See title page for effective date.

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## CHAPTER 386

S.P. 720 - L.D. 2042

### An Act to Update, Clarify and Amend Licensure Requirements for Occupations and Professions and Registrations

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

#### PART A

**Sec. A-1. 9 MRSA §5002,** as enacted by PL 1977, c. 488, §1, is amended to read:

##### §5002. Intent

It is the intent of the Legislature to require the registration and financial reporting of charitable organizations, the registration and bonding of professional fund-raising ~~counsels~~ counsel and commercial co-venturers and the registration of professional solicitors.

**Sec. A-2. 9 MRSA §5003, sub-§1,** as amended by PL 1983, c. 277, §1, is further amended to read:

**1. Charitable organization.** "Charitable organization" means any person or entity, including any person or entity organized in a foreign state, ~~which~~ that is or holds itself out to be organized or operated for any charitable purpose ~~and which or that~~ solicits, accepts or obtains contributions from the public for any charitable purpose. A chapter, branch, area office or similar affiliate or any person soliciting contributions for any charitable purpose within the State for a charitable organization ~~which that~~ has its principal place of business outside the State shall be is considered a charitable organization for the purposes of this Act. For purposes of this chapter, an organization established for and serving bona fide religious purposes is not a charitable organization.

**Sec. A-3. 9 MRSA §5003, sub-§3-A,** as enacted by PL 1981, c. 456, Pt. A, §23, is amended to read:

**3-A. Commissioner.** "Commissioner" means the Commissioner of ~~Business~~ Professional and Financial Regulation.

**Sec. A-4. 9 MRSA §5003, sub-§4-A** is enacted to read:

**4-A. Entity.** "Entity" means any natural person, corporation, partnership, limited liability company, association or any other organization.

**Sec. A-5. 9 MRSA §5003, sub-§5-C,** as enacted by PL 1979, c. 678, §1, is amended to read:

**5-C. Hospital.** "Hospital" means an institution ~~which that~~ is engaged primarily in providing inpatient, outpatient or both inpatient and outpatient medical and psychiatric diagnostic and therapeutic services in the care and treatment of injured, disabled, sick or mentally ill persons who are under the supervision of a physician.

**Sec. A-6. 9 MRSA §5003, sub-§§5-E and 5-F** are enacted to read:

**5-E. Membership.** "Membership" means the relationship of a person to an organization that entitles that person to the privileges, professional standing, honors or other direct benefits of the organization in addition to the right to vote, elect officers and hold office in the organization.

**5-F. Office.** "Office" means the Office of Licensing and Registration within the Department of Professional and Financial Regulation.