

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

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

Penmor Lithographers
Lewiston, Maine
2006

Sec. B-2. 3 MRSA §168-A, sub-§3, as amended by PL 2003, c. 481, §1 and c. 689, Pt. B, §6, is repealed and the following enacted in its place:

3. Membership. The council consists of 20 voting members who are Maine residents and appointed in accordance with this subsection. In appointing members, the appointing authorities shall consider geographic distribution. All youth and legislative appointments must be made within 60 days after the convening of each new Legislature. All appointments are for the duration of the legislative term for which the members are appointed and expire upon the convening of the next Legislature. The appointing authorities shall select youth members from youths recommended by principals, guidance counselors or administrative heads of secondary or postsecondary school systems, representatives of equivalent instruction programs or other organizations having an interest in youth activities. Members may be reappointed to subsequent terms on the council as long as they are eligible at the time of their reappointment.

A. The President of the Senate shall appoint the following 10 members:

(1) Seven youths who have attained 16 years of age and who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma, enrolled in equivalent instruction programs under Title 20-A, chapter 211, subchapter 1-A or enrolled at postsecondary educational institutions located in the State;

(2) One youth who has attained 16 years of age and is enrolled in an equivalent instruction program under Title 20-A, chapter 211, subchapter 1-A; and

(3) Two members of the Senate.

B. The Speaker of the House shall appoint the following 10 members:

(1) Seven youths who have attained 16 years of age and who are enrolled in programs that lead to a secondary school diploma or certificate of attendance or a general equivalency diploma, enrolled in equivalent instruction programs under Title 20-A, chapter 211, subchapter 1-A or enrolled at postsecondary educational institutions located in the State;

(2) One youth who has attained 16 years of age and who is enrolled in an equivalent instruction program under Title 20-A, chapter 211, subchapter 1-A; and

(3) Two members of the House of Representatives.

Sec. B-3. 3 MRSA §168-A, sub-§4, as repealed and replaced by PL 2003, c. 481, §2, is amended to read:

4. Chairs. There is a legislative chair and a youth chair of the council. The legislative chair alternates every 2 years between the first-appointed member of the House of Representatives and the first-appointed member of the Senate, beginning in 2003 with the first-appointed member of the House of Representatives serving as the legislative chair for the 121st Legislature. The members shall elect one of their youth members to serve as the youth chair for a ~~term of one year~~ that biennium.

Sec. B-4. 3 MRSA §168-A, sub-§5, as enacted by PL 2001, c. 439, Pt. PPPP, §1 and affected by §4, is amended to read:

5. Integration with learning results. The Department of Education may seek the cooperation of the council ~~shall work cooperatively with the Department of Education~~ on the integration of council experience into the learning results standards in student service and career preparation.

Sec. B-5. Transition provisions; youth appointments. Notwithstanding the provision of the Maine Revised Statutes, Title 3, section 168-A, subsection 3, youth members of the Legislative Youth Advisory Council established in the Maine Revised Statutes, Title 3, section 168-A who were appointed to the council prior to the effective date of this Act for a term of 2 years may serve for the entire period of that 2-year appointment.

See title page for effective date.

CHAPTER 617

S.P. 47 - L.D. 141

An Act To Ensure Proper Disposal of Debris and Protection of the Environment

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

Whereas, the current rules regarding beneficial use of secondary materials do not adequately provide for the regulation of the use of construction and demolition debris; and

Whereas, rules are needed to provide facilities and potential facilities that are seeking to make

investments in the State with the necessary regulatory framework under which facilities will be required to operate; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §1306, sub-§6 is enacted to read:

6. Construction and demolition debris. The substitution of wood from construction and demolition debris for conventional fuels used in a boiler may not exceed 50% of total fuel by weight combusted on an average annual basis.

Sec. 2. Rule adoption. Notwithstanding the Maine Revised Statutes, Title 5, chapter 375 and Title 38, section 341-D, subsection 1-B, within 30 days after the effective date of this Act, the Board of Environmental Protection shall adopt the rule amendments to Chapter 418: Beneficial Use of Solid Wastes, Chapter 402: Transfer Stations and Storage Sites for Solid Waste, Chapter 405: Water Quality Monitoring, Leachate Monitoring, and Waste Characterization and Chapter 409: Processing Facilities that were proposed to the Board of Environmental Protection by the Department of Environmental Protection and that, following notice and comment as required by Title 5, chapter 375, were the subject of a public hearing before the board on November 17, 2005, except that the rules must reflect the changes made by the department that were contained in the draft rules submitted to the board on March 16, 2006 and may not allow the substitution of wood from construction and demolition debris for conventional fuels used in a boiler to exceed 50% of total fuel by weight combusted on an average annual basis pursuant to Title 38, section 1306, subsection 6. Amendments to chapters 418, 402, 405 and 409 that are adopted by the board after 30 days after the effective date of this Act are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 3. Source separation report. The Department of Environmental Protection shall evaluate the feasibility of requiring source separation and state-of-the-art processing that will achieve, to the greatest extent practicable, the removal of all toxic materials from construction and demolition debris prior to combustion in a boiler. The evaluation must include, but is not limited to, a review of the "positive pick" method of sorting, and requiring material separation at

the location at which buildings are demolished. By February 1, 2007, the department shall submit a report in connection with the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report must include the department's findings and recommendations and any proposed legislation.

Sec. 4. Best available control technology report. The Department of Environmental Protection shall evaluate the economic and technological feasibility of requiring all boilers that burn construction and demolition debris to use the best available control technology in order to minimize toxic air emissions. By February 1, 2007, the department shall submit a report in connection with the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report must include the department's findings and recommendations and any proposed legislation.

Sec. 5. Report regarding amount of construction and demolition debris wood fuel substitution. The Department of Environmental Protection shall evaluate the effects of allowing the substitution of wood from construction and demolition debris for conventional fuels used in a boiler to exceed 50% of total fuel by weight combusted on an annual average basis if the following conditions are met:

1. The boiler is designed and constructed for the primary purpose of power generation and not waste disposal;
2. The boiler employs the best available control technology as determined by the department; and
3. All other applicable regulatory standards are met with regard to the facility.

By February 1, 2007, the Department of Environmental Protection shall submit a report in connection with the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report must include the department's findings and recommendations and any proposed legislation.

Sec. 6. Authority to report legislation. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation to the First Regular Session of the 123rd Legislature relating to the reports submitted by the Department of Environmental Protection pursuant to sections 3, 4 and 5.

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

Effective May 2, 2006.