

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

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

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**Augusta, Maine**  
**2012**

the subchapter headnote, the words "mental retardation services" are amended to read "services for persons with intellectual disabilities or autism" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. A-146. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 34-B, chapter 5, subchapter 3, in the subchapter headnote, the words "services for mentally retarded persons" are amended to read "services for persons with intellectual disabilities or autism" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. A-147. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 34-B, chapter 5, subchapter 4, in the subchapter headnote, the words "rights of persons with mental retardation or autism" are amended to read "rights of persons with intellectual disabilities or autism" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**PART B**

**Sec. B-1. Rename Consent Decree Reinvestment Fund - BDS-MR program.** Notwithstanding any other provision of law, the Consent Decree Reinvestment Fund - BDS-MR program within the Department of Health and Human Services is renamed the Consent Decree Reinvestment Fund - Intellectual Disabilities Services program.

**Sec. B-2. Rename Community Development Fund - Mental Retardation program.** Notwithstanding any other provision of law, the Community Development Fund - Mental Retardation program within the Department of Health and Human Services is renamed the Community Development Fund - Intellectual Disabilities Services program.

**Sec. B-3. Rename Community Development - Mental Retardation program.** Notwithstanding any other provision of law, the Community Development - Mental Retardation program within the Department of Health and Human Services is renamed the Community Development - Intellectual Disabilities Services program.

**Sec. B-4. Rename MR/Elderly PNMI Room and Board program.** Notwithstanding any other provision of law, the MR/Elderly PNMI Room and Board program within the Department of Health and Human Services is renamed the PNMI Room and Board program.

**Sec. B-5. Rules, forms, policies and publications.** When adopting or amending its rules and developing, publishing and issuing forms, policies and publications, the Department of Health and Human Services, as appropriate, shall replace references to

"mental retardation" and "mentally retarded" with references to "intellectual disability" and "person with an intellectual disability" and shall ensure that language referring to persons with disabilities is consistent with the recommendations of the respectful language working group contained in the report submitted by the Maine Developmental Disabilities Council to the Joint Standing Committee on Health and Human Services pursuant to Resolve 2007, chapter 62.

**Sec. B-6. Intent; effect.** This Act is not intended to and does not change the eligibility requirements for services or benefits or result in an expansion of services or benefits provided by the Department of Health and Human Services.

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

Effective March 20, 2012.

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**CHAPTER 543**

**H.P. 522 - L.D. 693**

**An Act Concerning Solid Waste Facility Citizen Advisory Committees**

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

**Sec. 1. 38 MRSA §1310-N, sub-§12** is enacted to read:

**12. Citizen advisory committee notification.**  
Except for applications for minor alterations, the department may not issue a license or an amendment to a license to a solid waste disposal facility owned by the State unless the provisions of this subsection are satisfied.

A. For purposes of this subsection, the following terms have the following meanings.

(1) "Appointing authority" means an entity authorized pursuant to law or resolve to appoint a member to a citizen advisory committee.

(2) "License" means a license, permit, order or approval issued by the department pursuant to this chapter.

(3) "Minor alteration" means an alteration that in the department's judgment does not have a potential to impact the environment or public health or welfare or to create a nuisance.

B. The owner or operator of a solid waste disposal facility shall:

(1) At least 10 days prior to filing an application for a license or an amendment to a license with the department, send to each member of the relevant citizen advisory committee established pursuant to law or resolve a notice that a copy of the license or amendment application will be sent to each appointing authority in accordance with subparagraph (2). The notice must be sent by United States Postal Service, certified mail, return receipt requested; and

(2) At the time of filing an application for a license or an amendment to a license with the department, send to each municipality and any other appointing authority a copy of the license or amendment application. The copy must be sent by United States Postal Service, certified mail, return receipt requested or by a commercial mail delivery service with a comparable proof of delivery.

C. When filing a license or amendment application, the owner or operator of a solid waste disposal facility shall submit to the department a copy of the certified mail receipts or comparable proof of delivery received under paragraph B.

The department may not issue a license or an amendment to a license prior to 30 days after the latest date of mailing of an application or notice sent in accordance with paragraph B.

See title page for effective date.

**CHAPTER 544**

**H.P. 937 - L.D. 1278**

**An Act To Stabilize Solid Waste Management Funding**

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

**Sec. 1. 38 MRSA §2201, 3rd ¶**, as amended by PL 2005, c. 618, §21, is further amended to read:

Funds related to administration may be expended only in accordance with allocations approved by the Legislature for administrative expenses directly related to the office's and the department's programs, including actions by the department necessary to abate threats to public health, safety and welfare posed by the disposal of solid waste. Funds related to fees imposed on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris may be expended only for the state cost share to municipalities under the closure and remediation cost-sharing program for solid waste landfills established in section 1310-F. Funds related to operations may be expended only in accordance with

allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the office and for the repayment of any obligations of the office incurred under article 3. These allocations must be based on estimates of the actual costs necessary for the office and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance necessary to accomplish the purposes of this chapter. Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund must annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Revenue Services incurred in the administration of Title 36, chapter 719. Allowable expenditures include "Personal Services," "All Other" and "Capital Expenditures" associated with all office activities other than those included in the operations account.

**Sec. 2. 38 MRSA §2202, sub-§2**, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

**Sec. 3. 38 MRSA §2203-A**, as amended by PL 1999, c. 564, §1, is further amended 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, state-owned and regional association landfills.

Asbestos	\$5 per cubic yard
Oil-contaminated soil, gravel, brick, concrete and other aggregate	\$25 per ton
Waste water facility sludge	\$5 per ton
Ash, coal and oil	\$5 per ton
Paper mill sludge	\$5 per ton
Industrial waste	\$5 per ton
Sandblast grit	\$5 per ton
All other special waste	\$5 per ton
Municipal solid waste ash	\$1 per ton
Front end process residue (FEPR)	\$1 per ton
<u>Beginning January 1, 2013 and ending December 31, 2013, construction and demolition debris and residue from the processing of construction and demolition debris</u>	<u>\$1 per ton</u>
<u>Beginning January 1, 2014, construction and demolition debris and residue from the processing of construction and demolition debris</u>	<u>\$2 per ton</u>

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