

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.

Augusta, Maine
2012

(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:

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 550 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; and

D. A fee may not be imposed under this section on construction and demolition debris or residue from the processing of construction and demolition debris disposed of at a municipal or regional association landfill that is less than 6 acres in size and accepts only inert fill, construction and demolition debris, debris from land clearing and wood wastes.

See title page for effective date.

CHAPTER 545

H.P. 1260 - L.D. 1708

An Act To Prevent the Theft and Illegal Sale of Copper and Other Metals

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

Whereas, the theft of copper and other metals and their subsequent sale as scrap metal is a growing problem in Maine and the nation; and

Whereas, the theft of metal, such as catalytic converters, manhole covers and traffic signs, places members of the public in jeopardy; and

Whereas, without further restrictions on the sale of scrap metal, the theft of scrap metal will continue to grow, further endangering lives and the well-being of the public; 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. 30-A MRSA §3771, sub-§5, as enacted by PL 2007, c. 549, §1, is amended to read:

5. Scrap metal processor. "Scrap metal processor" means a person that, ~~from a fixed location,~~ purchases scrap metal for resale or recycling.

Sec. 2. 30-A MRSA §3772, sub-§1, as enacted by PL 2007, c. 549, §1, is amended to read:

1. Maintenance of records requirement. Except as provided in subsection 2, a scrap metal processor doing business in the State shall maintain an accurate and legible record of each scrap metal purchase transaction ~~that exceeds 100 pounds or \$50. A scrap metal processor shall provide payment to a seller only in the form of a check, and shall maintain a record of the payee, check number and name of the financial institution upon which the check is drawn.~~

Sec. 3. 30-A MRSA §3772, sub-§1-A is enacted to read:

1-A. Form and method of payment. A scrap metal processor shall provide payment to a seller only in the form of a check and shall maintain a record of the payee, check number and name of the financial institution upon which the check is drawn.

Sec. 4. 30-A MRSA §3772, sub-§3, ¶A, as enacted by PL 2007, c. 549, §1, is amended to read:

A. The name, address and gender of the seller. The scrap metal processor shall require the seller to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photo identification. The scrap metal processor shall photocopy the form of photo identification presented and record the distinct identifying number of that photo identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the scrap metal processor shall photograph the seller. A scrap metal processor shall keep these proof of identification records in a secure, nonpublic location and, unless otherwise permitted by law, may not publish, reproduce, distribute or disclose these records for any other purpose than that described in section 3773, subsection 2. Information required under this paragraph may be maintained for repeat sellers in a relational database that allows the scrap metal processor to record the information one time and relate future purchase records to that information;