

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

This section may not be construed to limit or restrict the rights of an individual to seek other available remedies in a separate legal action.

See title page for effective date.

**CHAPTER 283
S.P. 276 - L.D. 718**

**An Act to Facilitate the
Management of Wastewater
Treatment Plant Sludge at the
State-owned Juniper Ridge
Landfill**

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

Whereas, following the enactment of changes to the waste management laws under Public Law 2021, chapter 626, the operator of the state-owned Juniper Ridge Landfill implemented limitations on the amount of sludge accepted for landfilling and imposed additional and significant transportation and other sludge-management related costs on municipal and quasi-municipal customers; and

Whereas, implementation of the provisions in this legislation facilitates the landfilling of additional sludge amounts at the state-owned landfill by providing additional sludge bulking and stabilization material; and

Whereas, as memorialized in a written pledge dated May 16, 2023 from the operator of the state-owned landfill and provided to the Joint Standing Committee on Environment and Natural Resources, the landfilling of those additional sludge amounts, as facilitated in this legislation, will eliminate the additional transportation and sludge-management related costs the operator has imposed on municipal and quasi-municipal customers as a result of the enactment of Public Law 2021, chapter 626; 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 §1310-N, sub-§5-A, ¶B, as amended by PL 2021, c. 626, §2, is further amended by amending subparagraph (2) to read:

(2) A solid waste processing facility that generates residue requiring disposal shall recycle or process into fuel for combustion all waste accepted at the facility to the maximum extent

practicable, but in no case at a rate less than 50%. For purposes of this subsection, "recycle" includes, but is not limited to, the reuse of waste generated within the State as defined in section 1303-C, subsection 40-A, paragraph C; the recovery of metals from waste; the use of waste or waste-derived product as material substitutes in construction; and the use of waste as boiler fuel substitutes.

At least 50% of the waste that a solid waste processing facility characterizes as recycled under this subparagraph must have been reused or recycled by the facility through methods other than placement of the waste in a solid waste landfill, except that a solid waste processing facility that was in operation during calendar year 2018, that accepts exclusively construction and demolition debris and that accepted more than 200,000 tons of such debris in calendar year 2018 shall:

- (a) Reuse or recycle at least 15% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2022~~ July 1, 2024;
- (b) Reuse or recycle at least 20% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2023~~ July 1, 2025;
- (c) Reuse or recycle at least 30% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2024~~ July 1, 2026;
- (d) Reuse or recycle at least 40% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2025~~ July 1, 2027; and
- (e) Reuse or recycle at least 50% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2026~~ July 1, 2028.

Sec. 2. Temporary allowance for disposal or placement of oversized bulky waste in landfill. Notwithstanding any provision of the Maine Revised Statutes, Title 38, section 1303-C, subsection 40-A to the contrary, for the period beginning on the effective date of this Act and ending July 1, 2025:

1. If in any 12-month period the total weight of the residue generated by a solid waste processing facility and disposed of or otherwise placed in a solid waste landfill exceeds the total weight of the solid waste initially generated within the State that was processed by the facility in that 12-month period, such excess residue, not to exceed 25,000 tons in that 12-month period, is deemed to be waste generated within the State within the meaning of Title 38, section 1303-C, subsection

40-A as long as that excess residue is composed of oversized bulky waste and is disposed of or otherwise placed in a state-owned solid waste landfill; and

2. Any excess residue, other than the excess residue identified in subsection 1, generated by the facility in that 12-month period is deemed not to be waste generated within the State within the meaning of Title 38, section 1303-C, subsection 40-A.

As used in this section, "oversized bulky waste" means large items of solid waste that are residue from processing construction and demolition debris, including, but not limited to, household appliances, furniture and mattresses.

Sec. 3. Sludge management and landfill study. The Department of Environmental Protection, in consultation with the Public Utilities Commission, shall evaluate options for and develop recommendations regarding state regulation of the transportation, landfill disposal and other management of sludge generated from wastewater treatment plants as the activities of a public utility and regarding state regulation of the operation of state-owned solid waste landfills as a public utility. On or before January 15, 2024, the department shall submit a report outlining the results of the study and recommendations, including any proposed legislation, to the Joint Standing Committee on Environment and Natural Resources. After reviewing the report, the committee may report out legislation relating to the report to the Second Regular Session of the 131st Legislature.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Remediation and Waste Management 0247

Initiative: Allocates funding for grants to municipalities for the costs of landfill closure and remediation.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$375,000	\$375,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$375,000	\$375,000

Sec. 5. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 38, section 1310-N, subsection 5-A, paragraph B, subparagraph (2) applies retroactively to December 31, 2021.

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

Effective June 23, 2023.

CHAPTER 284

S.P. 803 - L.D. 1969

An Act to Expand the Use of Funds to Support Land Conservation

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

Whereas, this legislation establishes a new fund, the Land for Maine's Future Trust Fund, and directs the transfer of funds to the Land for Maine's Future Trust Fund on or before June 30, 2023; and

Whereas, in order to meet that requirement, this legislation must take effect immediately; 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. 5 MRSA §6201, sub-§2, as amended by PL 2021, c. 398, Pt. FFFF, §2, is further amended to read:

2. Cooperating entities. "Cooperating entities" means those private nonprofit organizations, municipal conservation commissions, local governments, federal agencies or other bodies designated by the Land for Maine's Future Board pursuant to section 6203 as able to assist the State in the acquisition or management of conservation lands of statewide significance or for community conservation projects 6203-E or 6203-F.

Sec. 2. 5 MRSA §6201, sub-§3, as amended by PL 2021, c. 135, §1, is further amended to read:

3. Matching funds. "Matching funds" means any combination of public and private funds used in conjunction with the Land for Maine's Future Trust Fund, the Public Access to Maine Waters Fund and the Maine Working Farmland Access and Protection Fund, the Conservation and Recreation Fund and the Conservation Land Management Fund for the purpose of this chapter, including, but not limited to: private contributions of cash or securities; money from municipal or other public agencies; money from a federal matching program, subject to the limitations of applicable federal and state laws, in an amount authorized by the federal program; contributions of real property, or interest in real property, that serves the acquisition needs of the State as determined by the Land for Maine's Future Board; in-kind contributions; or any combination of those funds. Contributions of land or interest in land