

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

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

Augusta, Maine
2024

the right of appeal. When tobacco products are ordered forfeited, the final order must provide for the disposition of the tobacco products by the assessor by public auction or by the ~~State Purchasing Agent~~ Chief Procurement Officer. Proceeds must be deposited in the General Fund. Tobacco products described in section 4404-B, subsection 1 must be destroyed by the assessor in a manner that prevents their reintroduction into the marketplace.

See title page for effective date.

**CHAPTER 517
S.P. 665 - L.D. 1660**

**An Act to Ensure Proper
Regulation of Chemical Plastic
Processing**

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

Sec. 1. 38 MRSA §1303-C, sub-§2-C is enacted to read:

2-C. Chemical plastic processing. "Chemical plastic processing" means the processing of plastic waste using chemical or molecular methods into basic raw materials, feedstock chemicals, fuel for combustion, waxes or lubricants. "Chemical plastic processing" does not include plastic-to-plastic recycling.

Sec. 2. 38 MRSA §1303-C, sub-§19-D is enacted to read:

19-D. Plastic. "Plastic" means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain, including material derived from either petroleum or a biologically based polymer, such as corn or other plant sources.

Sec. 3. 38 MRSA §1303-C, sub-§19-E is enacted to read:

19-E. Plastic-to-plastic recycling. "Plastic-to-plastic recycling" means the production from plastic waste of new plastic material, designed to be used as industrial feedstock in place of raw material for the manufacture of new products made of or containing plastic, by processing the plastic waste in a manner that, in producing the new plastic material:

A. Retains the chemical structure of the plastic waste; or

B. Deconstructs the plastic waste into molecular precursors or intermediates and then reconstitutes the precursors or intermediates into plastic polymers using methods that result exclusively in the production of new plastic material.

"Plastic-to-plastic recycling" does not include chemical plastic processing.

Sec. 4. 38 MRSA §1303-C, sub-§32-A, as enacted by PL 2007, c. 583, §1, is amended to read:

32-A. Solid waste processing facility. "Solid waste processing facility" means a land area, structure, equipment, machine, device, system or combination thereof, other than an incineration facility, that is operated to reduce the volume or change the chemical or physical characteristics of solid waste. "Solid waste processing facility" includes but is not limited to a facility that processes plastic waste through chemical plastic processing and a facility that employs shredding, baling, mechanical and magnetic separation or composting or other stabilization technique to reduce or otherwise change the nature of solid waste.

Sec. 5. 38 MRSA §1310-N, sub-§5-A, ¶B, as amended by PL 2023, c. 283, §1, 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 through methods other than chemical plastic processing 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~~ does not include chemical plastic processing and does include, but is not limited to, plastic-to-plastic recycling; 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 July 1, 2024;

(b) Reuse or recycle at least 20% of such debris through methods other than placement in a solid waste landfill by July 1, 2025;

(c) Reuse or recycle at least 30% of such debris through methods other than placement in a solid waste landfill by July 1, 2026;

(d) Reuse or recycle at least 40% of such debris through methods other than placement in a solid waste landfill by 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 July 1, 2028.

Sec. 6. 38 MRSA §1310-N, sub-§5-A, as amended by PL 2023, c. 283, §1, is further amended by enacting at the end a new first blocked paragraph to read:

For the purposes of this subsection, a solid waste processing facility that processes plastic waste through chemical plastic processing is deemed to generate residue requiring disposal.

Sec. 7. 38 MRSA §1310-Y, first ¶, as amended by PL 2001, c. 575, §1, is further amended to read:

An owner or operator of a solid waste processing facility that processes plastic waste through chemical plastic processing that is licensed under section 1310-N or of a solid waste disposal facility that is licensed under section 1310-N shall provide the department assurance of its financial ability to satisfy the estimated cost of corrective action for known releases from the facility and its financial capacity to satisfy the estimated cost of closure and postclosure care and maintenance at the facility for a period of at least 30 years after closure. The board may adopt rules that increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules. The department may consider the use of more than one acceptable form of financial assurance per facility to satisfy the financial assurance requirement of this section. This section applies to all privately owned solid waste disposal facilities licensed by the department, including facilities licensed by the department before June 16, 1993, and to all solid waste processing facilities that process plastic waste through chemical plastic processing. This section does not apply to a municipally owned or operated solid waste disposal facility that accepts exclusively special waste, construction and demolition debris, land-clearing debris or any combination of those types of waste or to a municipally owned or operated solid waste disposal facility licensed before June 16, 1993.

Sec. 8. 38 MRSA §1310-Y, sub-§2, as enacted by PL 1993, c. 378, §9, is amended to read:

2. Report. An owner or operator of a solid waste processing facility that processes plastic waste through chemical plastic processing or of a solid waste disposal facility shall annually prepare a report containing a sworn statement providing the year-end balance of any escrow, trust or reserve account established under this

section. That report must be submitted to the commissioner by March 31st of each year or such other date as the commissioner may designate.

See title page for effective date.

CHAPTER 518

S.P. 888 - L.D. 2095

An Act to Require Reporting of Child Abuse and Neglect to Military Family Advocacy Programs

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 State can assist the United States Department of Defense in its mission to protect children of military families from abuse or neglect by identifying as military personnel a person alleged to have committed abuse or neglect of a child and reporting the allegation to a military family advocacy program when an investigation has been initiated; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period so the Department of Health and Human Services can immediately begin negotiating memoranda of understanding with military family advocacy programs at military installations in the State with respect to child abuse and neglect investigations; 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. 22 MRSA §4004, sub-§2, ¶F, as amended by PL 2007, c. 586, §8, is further amended to read:

F. File a petition under section 4032 if, after investigation, the department determines that a child is in immediate risk of serious harm or in jeopardy as defined in this chapter; ~~and~~

Sec. 2. 22 MRSA §4004, sub-§2, ¶G, as enacted by PL 2007, c. 586, §9, is amended by amending subparagraph (2) to read:

(2) The degree of threatened harm to any other child for whom the person or persons responsible for the deceased child may be responsible now or in the future; and