

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
114TH LEGISLATURE  
FIRST REGULAR SESSION



BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
ENERGY AND NATURAL RESOURCES

JULY 1989

MEMBERS

Sen. Judy C. Kany \*  
Sen. Edgar E. Erwin  
Sen. Margaret G. Ludwig

Rep. Michael H. Michaud \*  
Rep. Paul F. Jacques  
Rep. James Mitchell  
Rep. James Reed Coles  
Rep. Annette M. Hogleund  
Rep. Richard A. Gould  
Rep. P. Kelley Simpson  
Rep. Edward L. Dexter  
Rep. Willis A. Lord  
Rep. Malachi Anderson

\* Denotes Chair

Staff: Gro Flatebo, Legislative Analyst  
Tim Glidden, Principal Analyst  
Office of Policy & Legal Analysis  
Room 101, State House Sta. 13  
Augusta, ME 04333  
(207) 289-1670

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST  
ULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
WILBERT W. BREWER  
ROD R. BURROWES  
MIRO FLATEBO  
JEBORAH C. FRIEDMAN  
JOHN B. KNOX



STATE OF MAINE  
**OFFICE OF POLICY AND LEGAL ANALYSIS**  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 289-1670

ANNIKA E. LANE  
EDWARD POTTER  
MARGARET J. REINSCH  
LARS H. RYDELL  
JOHN R. SELSER  
HAVEN WHITESIDE  
CAROLYN J. CHICK, RES. ASST  
ROBERT W. DUNN, RES. ASST  
HARTLEY PALLESCHI, JR., RES. ASST

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1989

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MICHAUD	OTP-AM MAJ	H-640 MAJ REP
ERWIN E . ALLEN	OTP-AM MIN	H-661 NUTTING
WHITCOMB		H-663 HASTINGS
		S-397 BUSTIN

SUMMARY

This bill, as amended by the majority committee report (H-640), enacts a comprehensive framework for solid waste management in the state. The bill establishes a Waste Management Agency within the executive branch of government to oversee waste management planning, waste reduction and recycling efforts and the siting, development and operation of disposal facilities as needed by the state. The existing Office of Waste Recycling and Reduction in the Department of Economic and Community Development is transferred to the new agency. The Department of Environmental Protection retains its role as the environmental licensing authority for solid waste facilities.

The bill establishes recycling goals of 25% in 1992 and 50% in 1994. To attain these goals the bill includes substantial incentives for recycling through investment tax credits, low-interest loans and direct grants for various types of recycling activities. Municipalities will be expected to undertake local and regional recycling efforts. In addition to the substantial financial assistance available to towns, the bill does establish some economic disincentives in the form of higher disposal fees for those towns which do not attain the recycling goals.

The bill bans the establishment of new commercial solid waste disposal facilities after the effective date of this act (H-663) while allowing expansion of existing commercial disposal facilities. The responsibility for ensuring disposal capacity for municipal solid waste is shifted completely to the public sector. The state Waste Management Agency is charged with identifying capacity needs and developing the capacity on an as-needed basis. The schedule for an initial siting and development process has a target date of July 1, 1994 for new state-owned capacity to meet any needs which are not met by existing capacity or capacity currently under development. The agency is encouraged to use private contractors for all aspects of disposal capacity development while retaining ownership and final control over any state initiated disposal capacity.

This bill also expands the scope of the Beverage Container Deposit law (32 MRSa §1861 et seq) substantially to include virtually all non-dairy beverages packaged in glass, metal and plastic containers of up to one gallon in volume. The handling fee received by those redemption centers and retailers which take returned containers is increased from 2 to 3 cents. Also as part of these provisions, the bill bans the sale of "plastic" cans and aseptic packaging for beverages due to the recycling problems posed by these container types. Elsewhere in the bill, plastic six-pack "yokes" are banned and a preference is given to the use of paper over plastic bags in retail outlets. The bill was amended (H-661) to establish a case-by-case hardship exemption for farmers who produce and market beverages subject to the expanded law.

The bill contains other provisions which include:

1. A coding system for plastic containers to facilitate sorting during recycling efforts;
2. Stronger directives to state government to purchase products with recycled content and to recycle state waste;
3. Demonstration projects to encourage the use of composted material and the use of recycled material in highway maintenance and construction projects;
4. Host community benefits to compensate those towns which host state-owned waste disposal facilities;

5. Review of municipal procurement standards to encourage the purchase of products with recycled content;
6. A ban on the possession of beverage containers not labeled in accordance with the beverage container deposit law; and
7. Numerous technical changes in the Department of Environmental Protection statutes to redefine the department's regulatory role in waste management.

In order to finance the package, the bill establishes fees on tires, auto batteries, white and brown goods and on various wastes disposed of at commercial facilities. A technical amendment (S-397) corrected an error in the appropriation section of the bill.

For further information, the reader is advised to consult extensive files available at the Office of Policy and Legal Analysis. Further summary information is available from the State Planning Office prior to the startup of the new Waste Management Agency.

**LD 1435      An Act to Prohibit Possession of Improperly Labeled Beverage Containers      ONTP**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MCGOWAN DIPIETRO JACQUES PRAY	ONTP	

SUMMARY

This bill would have prohibited the possession of any beverage container subject to the Beverage Container Deposit law (32 MRS §1861 et seq) which is not labeled with its refund value as provided by that law. The committee voted not to pass the bill but included a modified version of this concept in the comprehensive solid waste legislation, LD 1431.

**LD 1454      Resolve, to Study and Consolidate the Laws and Rules Regulating Campgrounds      RESOLVE 27**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
DUFFY GOULD R A ERWIN E JACQUES	OTP-AM	H-278

SUMMARY

This resolve requires the Commissioner of Conservation to study campground regulation. The goals of this study is to consolidate all campground regulation within one bureau and to adequately differentiate between year-round and seasonal campgrounds in this regulation.