

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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, as amended by PL 2005, c. 618, §21, is further amended to read:

§ 2201. Maine Solid Waste Management Fund established

The Maine Solid Waste Management Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support programs administered by the State Planning Office and the Department of Environmental Protection. The fund must be segregated into 23 subsidiary accounts. The first subsidiary account, called operations, receives all fees established and received under article 1. The 2nd subsidiary account, called administration, receives all fees established under this article and under Title 36, chapter 719, all funds recovered by the department as reimbursement for departmental expenses incurred to abate imminent threats to public health, safety and welfare posed by the illegal disposal of solid waste and all unclaimed deposits returned to the State under Title 32, chapter 28.

~~Money in the fund not currently needed to meet the obligations of the office first and 2nd subsidiary accounts must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund into the 3rd subsidiary account called reserve.~~

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 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. ~~Funds in the reserve may be expended only in accordance with allocations approved by the Legislature for acquiring additional landfill disposal capacity.~~ 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, sub-§1, as enacted by PL 1999, c. 385, §7, is amended to read:

1. Fees. Fees are imposed in the following amounts to be levied for solid waste that is disposed of at commercial, municipal and regional association landfills.

HP0937, LD 1278, item 1, 125th Maine State Legislature
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Asbestos	\$5 per cubic yard
	\$25 per ton
Oil-contaminated soil, gravel, brick, concrete and other aggregate	\$5 per ton
Waste water facility sludge, <u>except as otherwise provided in this subsection</u>	<u>\$6 per ton</u>
<u>Waste water facility sludge disposed of at a landfill granted a license to expand after October 15, 2011</u>	
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, <u>except as otherwise provided in this subsection</u>	<u>\$6 per ton</u>
<u>All other special waste disposed of at a landfill granted a license to expand after October 15, 2011</u>	
Municipal solid waste ash	\$1 per ton
Front end process residue (FEPR)	\$1 per ton
	<u>\$4 per ton</u>
<u>Construction and demolition debris, except as otherwise provided in this subsection</u>	
	<u>\$6 per ton</u>
<u>Construction and demolition debris disposed of at a landfill granted a license to expand after October 15, 2011</u>	
	<u>\$3 per ton</u>
<u>Construction and demolition debris processing residue, except as otherwise provided in this subsection</u>	
	<u>\$5 per ton</u>
<u>Construction and demolition debris processing residue disposed of at a landfill granted a license to expand after October 15, 2011</u>	

Sec. 4. 38 MRSA §2203-A, sub-§2, ¶B, as enacted by PL 1999, c. 385, §7, is amended to read:

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

Sec. 5. 38 MRSA §2203-A, sub-§2, ¶C, as amended by PL 1999, c. 564, §1, is further amended to read:

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

Sec. 6. 38 MRSA §2203-A, sub-§2, ¶D is enacted to read:

D. A fee may not be imposed under this section on construction and demolition debris or

SUMMARY

This bill creates a 3rd subsidiary account in the Maine Solid Waste Management Fund for the purpose of purchasing additional landfill disposal capacity. The bill imposes fees on the disposal of construction and demolition debris and construction and demolition debris processing residue and imposes higher fees on certain wastes that are disposed of at a landfill granted a license to expand after October 15, 2011. The bill also provides that a disposal fee may not be imposed on construction and demolition debris and construction and demolition debris processing residue that is disposed of at a municipal, regional association or generator-owned landfill.