



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1194

S.P. 421

In Senate, April 1, 2015

**An Act To Allow Municipalities To Contract with and Dispose of
Waste, including Residue, in State-owned Solid Waste Disposal
Facilities, as Allowed under a Facility License, To Ensure
Compliance with the Solid Waste Management Hierarchy**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

Handwritten signature of Heather J.R. Priest in cursive.

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.

Cosponsored by Senators: GRATWICK of Penobscot, LANGLEY of Hancock, SAVIELLO of Franklin, Representatives: DAVITT of Hampden, GILLWAY of Searsport, REED of Carmel, TUCKER of Brunswick.

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

2 **Sec. 1. 38 MRSA §2184, sub-§4** is enacted to read:

3 **4. State-owned facilities.** Notwithstanding any other provision of law to the
4 contrary, a municipality or regional association may enter into a contract or agreement
5 with the owner or operator of a state-owned solid waste disposal facility to utilize the
6 facility for managing solid waste generated within the State, including for the disposal of
7 residue from a solid waste processing facility.

8 **Sec. 2. 38 MRSA §2185** is enacted to read:

9 **§2185. Contracts or agreements involving state-owned facilities**

10 Notwithstanding any other provision of law to the contrary, the owner or operator of
11 a state-owned solid waste disposal facility may not enter into, implement or enforce a
12 contract or agreement with any person that prohibits, directly or indirectly, a municipality
13 or regional association from entering into a contract or agreement with the owner or
14 operator of the facility to utilize the facility for managing solid waste generated within the
15 State, including for the disposal of residue from a solid waste processing facility.

16 **SUMMARY**

17 This bill ensures compliance with the solid waste management hierarchy established
18 in the Maine Revised Statutes, Title 38, section 2101 by authorizing a municipality or
19 regional association to enter into a contract or agreement with the owner or operator of a
20 state-owned solid waste disposal facility in order to utilize the facility for managing solid
21 waste generated within the State, including for the disposal of residue from a solid waste
22 processing facility. This bill also prohibits the owner or operator of a state-owned solid
23 waste disposal facility from entering into, implementing or enforcing a contract or
24 agreement with any person to prohibit, directly or indirectly, a municipality or regional
25 association from entering into a contract or agreement with the owner or operator of the
26 facility to utilize the facility for managing solid waste generated within the State,
27 including for the disposal of residue from a solid waste processing facility.