§1303-C. Definitions

As used in this chapter or in chapter 24, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 878, Pt. H, §7 (AMD).]

1. Agency.
[PL 1995, c. 656, Pt. A, §19 (RP).]

1-A. Biomedical waste. "Biomedical waste" means waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.
[PL 1989, c. 869, Pt. A, §3 (NEW); PL 1989, c. 869, Pt. A, §21 (AFF).]

1-B. Bypass.
[PL 2005, c. 612, §1 (NEW); MRSA T. 38 §1303-C, sub-§1-B (RP).]

1-C. Bypass. "Bypass" means any solid waste that is destined for disposal, processing or beneficial use at an operating solid waste facility but that cannot be disposed of, processed or beneficially used at that facility because of the facility's temporary malfunction, temporary insufficient capacity, temporary inability to process or burn or temporary downtime. For the purposes of this subsection, "operating solid waste facility" means a licensed solid waste facility that is fully operational at the time that the malfunction, insufficient capacity, inability to process or burn or downtime begins and that intends to resume full operation at the time that the malfunction, insufficient capacity, inability to process or burn or downtime ends.
[PL 2019, c. 291, Pt. A, §1 (AMD).]

2. Board.
[PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §225 (RP).]

2-A. Class I liquid. "Class I liquid" means any liquid having a flash point below 100° Fahrenheit.
[PL 1995, c. 573, §1 (NEW).]

2-B. Class II liquid. "Class II liquid" means any liquid having a flash point at or above 100° Fahrenheit and below 140° Fahrenheit.
[PL 1995, c. 573, §1 (NEW).]

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.
[PL 2023, c. 517, §1 (NEW).]

3. Closing reserve fund. "Closing reserve fund" means a fund created for the purpose of financing the closing and maintenance after closing of a waste facility.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

4. Commercial hazardous waste facility. "Commercial hazardous waste facility" means:

A. A waste facility that handles hazardous wastes generated off the site of the facility; or [PL 1989, c. 585, Pt. E, §4 (NEW).]

B. A facility that, in the handling of a waste generated off the site, generates hazardous waste. [PL 1989, c. 585, Pt. E, §4 (NEW).]
[PL 1989, c. 585, Pt. E, §4 (NEW).]

5. Commercial landfill facility. "Commercial landfill facility" means a commercial solid waste facility that is used for the burial of solid waste.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

6. Commercial solid waste disposal facility. "Commercial solid waste disposal facility" means a solid waste disposal facility except as follows:

A. [PL 2007, c. 338, §2 (RP); PL 2007, c. 338, §5 (AFF).]

A-1. [PL 2005, c. 612, §2 (NEW); MRSA T. 38 §1303-C, sub-§6, ¶A-1 (RP).]

A-2. A solid waste facility that is owned by a public waste disposal corporation under section 1304-B, subsection 5:

(1) As long as the public waste disposal corporation controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste generated within the State unless the commissioner finds that the acceptance of waste that is not waste generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A; [PL 2019, c. 619, §1 (AMD).]

B. [PL 2007, c. 338, §2 (RP); PL 2007, c. 338, §5 (AFF).]

B-1. [PL 2005, c. 612, §2 (NEW); MRSA T. 38 §1303-C, sub-§6, ¶B-1 (RP).]

B-2. A solid waste facility that is owned by a municipality under section 1305:

(1) As long as the municipality controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste generated within the State unless:

(a) The commissioner finds that the acceptance of waste that is not waste generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A; and

(b) Acceptance of waste that is not waste generated within the State is approved by a majority of the voters of the municipality by referendum election; [PL 2019, c. 619, §1 (AMD).]

C. [PL 2007, c. 338, §2 (RP); PL 2007, c. 338, §5 (AFF).]

C-1. [PL 2005, c. 612, §2 (NEW); MRSA T. 38 §1303-C, sub-§6, ¶C-1 (RP).]

C-2. A solid waste facility that is owned by a refuse disposal district under chapter 17:

(1) As long as the refuse disposal district controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste generated within the State unless the commissioner finds that the acceptance of waste that is not waste generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A; [PL 2019, c. 619, §1 (AMD).]

D. Beginning January 1, 2007, a solid waste facility owned and controlled by the Department of Administrative and Financial Services, Bureau of General Services under chapter 24; [PL 2011, c. 655, Pt. GG, §7 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

D-1. [PL 2005, c. 612, §2 (NEW); MRSA T. 38 §1303-C, sub-§6, ¶D-1 (RP).]

E. A solid waste facility owned and controlled by a single entity that:

(1) Generates at least 85% of the solid waste disposed of at a facility, except that the facility may accept from other sources, on a nonprofit basis, an amount of solid waste that is no more than 15% of all solid waste accepted on an annual basis; or

(2) Is an owner of a manufacturing facility that has, since January 1, 2006, generated at least 85% of the solid waste disposed of at the solid waste facility, except that one or more integrated industrial processes of the manufacturing facility are no longer in common ownership, and those integrated industrial processes will continue to generate waste that will continue to be disposed of at the solid waste facility. This exemption only applies if the source and type of waste disposed of at the solid waste facility remains the same as that previously disposed of by the single entity.

For the purposes of this paragraph, "single entity" means an individual, partnership, corporation or limited liability corporation that is not engaged primarily in the business of treating or disposing of solid waste or special waste. This paragraph does not apply if an individual partner, shareholder, member or other ownership interest in the single entity disposes of waste in the solid waste facility. A waste facility receiving ash resulting from the combustion of municipal solid waste or refuse-derived fuel is not exempt from this subsection solely by operation of this paragraph.

For purposes of this paragraph, "integrated industrial processes" means manufacturing processes, equipment or components, including, but not limited to, energy generating facilities, that when used in combination produce one or more manufactured products for sale; or [PL 2011, c. 206, §20 (RPR).]

F. A private corporation that accepts material-separated, refuse-derived fuel as a supplemental fuel and does not burn waste other than its own. [PL 1999, c. 525, §1 (NEW).]

[PL 2019, c. 619, §1 (AMD).]

7. Commercial waste facility.

[PL 1999, c. 525, §2 (RP).]

8. Construction and demolition debris. "Construction and demolition debris" means debris resulting from construction, remodeling, repair, and demolition of structures. It excludes asbestos and other special wastes.

[PL 1989, c. 585, Pt. E, §4 (NEW).]

9. Contingency reserve fund. "Contingency reserve fund" means a fund maintained for the purpose of meeting unexpected contingencies in the operation of a waste facility.

[PL 1989, c. 585, Pt. E, §4 (NEW).]

10. Conveyance. "Conveyance" means any aircraft, watercraft, vehicle or other machine used for transportation on land, water or in the air.

[PL 1989, c. 585, Pt. E, §4 (NEW).]

11. Department.

[PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §225 (RP).]

12. Disposal. "Disposal" means the discharge, deposit, dumping, spilling, leaking or placing of hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage into or on land, air or water and the incineration of solid waste, refuse-derived fuel, sludge or septage so that the hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage or a constituent of the hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage may enter the environment or be emitted into the air, or discharged into waters, including ground waters.

[PL 1993, c. 732, Pt. A, §7 (AMD).]

13. Generation. "Generation" means the act or process of producing hazardous, biomedical or solid waste, waste oil, sludge or septage.

[PL 1991, c. 72, §1 (AMD).]

13-A. Generator.

[PL 1991, c. 520, §4 (RP).]

14. Handle. "Handle" means to store, transfer, collect, separate, salvage, process, recycle, reduce, recover, incinerate, dispose of or treat.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

15. Hazardous waste. "Hazardous waste" means a waste substance or material, in any physical state, designated as hazardous by the board under section 1319-O. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

15-A. Hazardous waste incinerator. "Hazardous waste incinerator" means an enclosed device using controlled flame combustion to thermally break down hazardous waste.
[PL 1989, c. 794, §2 (NEW).]

15-B. Host community. "Host community" means any town, township or city that is the geographic site of a solid waste disposal facility or any immediately contiguous town, township or city if such town, township or city can demonstrate to the department that it incurs a direct financial impact related to any necessary development or maintenance of infrastructure or to any necessary provision of services as a result of the location or operation of that solid waste disposal facility.
[PL 2007, c. 406, §1 (NEW).]

16. Incineration facility. "Incineration facility" means a facility where municipal solid waste or refuse-derived fuel is disposed of through combustion, including combustion for the generation of heat, steam or electricity.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

17. Inert fill. "Inert fill" means clean soil material, rocks, bricks, and cured concrete, which are not mixed with other waste, and which are not derived from an ore mining activity.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

18. Land clearing debris. "Land clearing debris" means solid wastes resulting from the clearing of land and consisting solely of brush, stumps, soil material and rocks.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

19. Manifest. "Manifest" means the form used for identifying the quantity, composition and the origin, routing and destination of hazardous waste during its transport.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

19-A. Material-separated, refuse-derived fuel. "Material-separated, refuse-derived fuel" means a binder-enhanced, pelletized, solid fuel product made from the combustible fraction of a municipal solid waste stream that has been processed to remove the recyclable material before combustion. The product may not contain more than 6% by weight of plastic, metal, glass or food waste. In addition, the production of material-separated, refuse-derived fuel may not exceed 40% by weight of the total municipal solid waste stream from which it was derived.
[PL 1991, c. 220, §9 (NEW).]

19-B. Primary sand and gravel recharge area. "Primary sand and gravel recharge area" has the same meaning as in section 562-A, subsection 16-B.
[PL 1993, c. 383, §33 (NEW).]

19-C. Office.
[PL 2011, c. 655, Pt. GG, §8 (RP); PL 2011, c. 655, Pt. GG, §70 (AFF).]

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.
[PL 2023, c. 517, §2 (NEW).]

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 [PL 2023, c. 517, §3 (NEW).]

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. [PL 2023, c. 517, §3 (NEW).]

"Plastic-to-plastic recycling" does not include chemical plastic processing.
[PL 2023, c. 517, §3 (NEW).]

19-F. Perfluoroalkyl and polyfluoroalkyl substances. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in section 1614, subsection 1, paragraph F.
[PL 2025, c. 172, §2 (NEW).]

20. Recyclable. "Recyclable" means possessing physical and economic characteristics that allow a material to be recycled.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

21. Recycle. "Recycle" means to recover, separate, collect and reprocess waste materials for sale or reuse other than use as a fuel for the generation of heat, steam or electricity.
[RR 1993, c. 1, §131 (COR).]

22. Recycling. "Recycling" means the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

22-A. Recycling facility. "Recycling facility" means a facility engaged exclusively in the recycling of materials.
[PL 2019, c. 619, §2 (NEW).]

23. Refuse-derived fuel. "Refuse-derived fuel" means municipal solid waste which has been processed prior to combustion to increase the heat input value of the waste.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

24. Regional association. "Regional association" means 2 or more municipalities that have formed a relationship to manage the solid waste generated within the participating municipalities and for which those municipalities are responsible. The relationship must be formed by one or more of the following methods:

A. Creation of a refuse disposal district under chapter 17; [PL 1989, c. 869, Pt. A, §5 (NEW).]

B. Creation of a nonprofit corporation that consists exclusively of municipalities and is organized under Title 13, chapter 81 or Title 13-B, for the purpose, among other permissible purposes, of owning, constructing or operating a solid waste disposal facility, including a public waste disposal corporation under section 1304-B, or whose members contract for the disposal of solid waste with a solid waste disposal facility, including, but not limited to, a qualifying facility as defined in Title 35-A, section 3303; [PL 1997, c. 602, §1 (AMD); PL 1997, c. 602, §3 (AFF).]

C. Creation of a joint exercise of powers agreement under Title 30-A, chapter 115; or [PL 1989, c. 869, Pt. A, §5 (NEW).]

D. Contractual commitment. [PL 1989, c. 869, Pt. A, §5 (NEW).]

For the purposes of this chapter, a regional association and the entities described in paragraphs B and C may include counties and quasi-municipal corporations as members provided the counties or quasi-municipal corporations, when acting by themselves within their own jurisdictions, are capable of exercising all of the powers of the regional association.
[PL 1997, c. 602, §1 (AMD); PL 1997, c. 602, §3 (AFF).]

25. Residue. "Residue" means waste remaining after the handling, processing, incineration or recycling of solid waste including, without limitation, front end waste and ash from incineration facilities.
[PL 1989, c. 869, Pt. A, §5 (AMD).]

25-A. Responsible party. For the purposes of subchapter II-A only, "responsible party" means any or all of the following persons:

A. The owner or operator of an uncontrolled tire stockpile; and [PL 1991, c. 517, Pt. A, §1 (NEW).]

B. Any person who owned or operated an uncontrolled tire stockpile from the time any tire arrived at that stockpile. [PL 1991, c. 517, Pt. A, §1 (NEW).]
[PL 1991, c. 517, Pt. A, §1 (NEW).]

26. Resource recovery. For the purposes of section 1304-B only, "resource recovery" means the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

27. Septage. "Septage" means waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools or any other similar facilities.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

27-A. Significant ground water aquifer. "Significant ground water aquifer" has the same meaning as in section 562-A, subsection 19-A.
[PL 1993, c. 383, §34 (NEW).]

28. Site. "Site" means the same or geographically contiguous property which may be divided by a public or private right-of-way, as long as the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access is also considered site property.
[RR 2021, c. 2, Pt. B, §281 (COR).]

28-A. Sludge. "Sludge" means nonhazardous solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or wet process air pollution control facility or any other waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under the federal Clean Water Act, 33 United States Code, Section 1342 (1999).
[PL 1999, c. 393, §1 (NEW).]

29. Solid waste. "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but does not include hazardous waste, biomedical waste, septage or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.
[PL 2001, c. 247, §1 (AMD).]

30. Solid waste disposal facility. "Solid waste disposal facility" means a solid waste facility for the incineration or landfilling of solid waste or refuse-derived fuel. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

A. [PL 1989, c. 869, Pt. A, §5 (RP).]

B. [PL 1989, c. 869, Pt. A, §5 (RP).]

[PL 1991, c. 220, §10 (AMD).]

31. Solid waste facility. "Solid waste facility" means a waste facility used for the handling of solid waste, except that the following facilities are not included:

A. A waste facility that employs controlled combustion to dispose of waste generated exclusively by an institutional, commercial or industrial establishment that owns the facility; [PL 1991, c. 492, §1 (AMD).]

B. Lime kilns; wood chip, bark and hogged fuel boilers; kraft recovery boilers and sulfite process recovery boilers, which combust solid waste generated exclusively at the facility; and [PL 1991, c. 492, §1 (AMD).]

C. An industrial boiler that combusts mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity if:

(1) The mixed paper, corrugated cardboard or office paper would otherwise be placed in a landfill;

(2) The market value of the mixed paper, corrugated cardboard or office paper as a raw material for the manufacture of a product with recycled content is less than its value to the facility owner as a fuel supplement;

(3) The mixed paper, corrugated cardboard or office paper is combusted as a substitute for, or supplement to, fossil or biomass fuels that constitute the primary fuels combusted in the industrial boiler; and

(4) The boiler combusts no other forms of solid waste except as provided in this subsection. [PL 1993, c. 378, §4 (AMD).]

[PL 1993, c. 378, §4 (AMD).]

32. Solid waste landfill. "Solid waste landfill" means a waste disposal facility for the disposal of solid waste on or in land. This term does not include landspreading sites used in programs approved by the department.

[PL 1989, c. 585, Pt. E, §4 (NEW).]

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.

[PL 2023, c. 517, §4 (AMD).]

33. Source separation. "Source separation" means the preparation of materials for recycling by separation from wastes at the point of generation.

[PL 1989, c. 585, Pt. E, §4 (NEW).]

34. Special waste. "Special waste" means any solid waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a

chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

A. Oil, coal, wood and multifuel boiler and incinerator ash; [PL 1989, c. 585, Pt. E, §4 (NEW).]

B. Industrial and industrial process waste; [PL 1989, c. 585, Pt. E, §4 (NEW).]

C. Waste water treatment plant sludge, paper mill sludge and other sludge waste; [PL 1989, c. 585, Pt. E, §4 (NEW).]

D. Debris and residuals from nonhazardous chemical spills and cleanup of those spills; [PL 1989, c. 585, Pt. E, §4 (NEW).]

E. Contaminated soils and dredge spoils; [PL 1989, c. 585, Pt. E, §4 (NEW).]

F. Asbestos and asbestos-containing waste; [PL 1989, c. 585, Pt. E, §4 (NEW).]

G. Sand blast grit and nonliquid paint waste; [PL 1989, c. 585, Pt. E, §4 (NEW).]

H. [PL 1989, c. 869, Pt. A, §5 (RP); PL 1989, c. 869, Pt. A, §21 (AFF).]

I. High and low pH waste; [PL 1989, c. 585, Pt. E, §4 (NEW).]

J. Spent filter media and residue; and [PL 1989, c. 585, Pt. E, §4 (NEW).]

K. Other waste designated by the board, by rule. [PL 1989, c. 585, Pt. E, §4 (NEW).]
[PL 1989, c. 869, Pt. A, §5 (AMD); PL 1989, c. 869, Pt. A, §21 (AFF).]

35. State waste management and recycling plan. "State waste management and recycling plan" means the plan adopted by the former Maine Waste Management Agency pursuant to chapter 24, subchapter 2, subsequent plans developed by the former State Planning Office pursuant to Title 5, former section 3305, subsection 1, paragraph N and the department pursuant to section 2122 and may also be referred to as "state plan."
[PL 2011, c. 655, Pt. GG, §9 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

36. Storage. "Storage" means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the hazardous wastes.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

37. Substantially expand. "Substantially expand" means the expansion of an existing licensed hazardous waste facility by more than 25%, as measured by volume of waste or affected land area, from the date of its initial licensed operation.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

38. Transport. "Transport" means the movement of hazardous or solid waste, waste oil, sludge or septage from the point of generation to any intermediate points and finally to the point of ultimate disposition. Movement of hazardous waste on the site where it is generated or on the site of a licensed waste facility for hazardous waste is not "transport." Movement of waste oil on the site where it is generated or on the site of a licensed waste oil facility is not "transport."
[PL 2021, c. 186, §7 (AMD).]

39. Treatment. "Treatment" means any process, including but not limited to incineration, designed to change the character or composition of any hazardous waste, waste oil or biomedical waste so as to render the waste less hazardous or infectious.
[PL 1995, c. 462, Pt. A, §76 (RPR); PL 1995, c. 462, Pt. A, §90 (AFF).]

39-A. Uncontrolled tire stockpile. "Uncontrolled tire stockpile" means an area or location, whether or not licensed, where used motor vehicle tires are or were handled, stored or disposed of in such a manner as to present a significant fire hazard or a threat to public health or to the quality of a

classified body of surface water or a significant sand and gravel aquifer or fractured bedrock aquifer as defined in section 1310-N, subsection 2-A.
[PL 1991, c. 517, Pt. A, §1 (NEW).]

39-B. Used oil. "Used oil" means waste oil, as defined in subsection 42.
[PL 1995, c. 573, §2 (NEW).]

39-C. Used oil collection center. "Used oil collection center" means a site or facility where used oil is accepted from the public and collected or stored in an aboveground tank for recycling.
[PL 1995, c. 573, §2 (NEW).]

40. Waste facility. "Waste facility" means any land area, structure, location, equipment or combination of them, including dumps, used for handling hazardous, biomedical or solid waste, waste oil, sludge or septage. A land area or structure does not become a waste facility solely because:

A. It is used by its owner for disposing of septage from the owner's residence; [PL 1989, c. 585, Pt. E, §4 (NEW).]

B. It is used to store for 90 days or less hazardous wastes generated on the same premises; [PL 1989, c. 585, Pt. E, §4 (NEW).]

C. It is used by individual homeowners or lessees to open burn leaves, brush, deadwood and tree cuttings accrued from normal maintenance of their residential property, when such burning is permitted under Title 12, section 9325, subsection 1, paragraph F; or [PL 2025, c. 655, Pt. C, §18 (AMD).]

D. [PL 2025, c. 655, Pt. C, §18 (RP).]

E. It is used by its residential owner to engage in out-of-door burning of wood wastes as defined in Title 12, section 9324, subsection 7-A and painted or unpainted wood from construction and demolition debris under Title 12, section 9325, subsection 1, paragraph E. [PL 2025, c. 655, Pt. C, §18 (NEW).]
[PL 2025, c. 655, Pt. C, §18 (AMD).]

40-A. Waste generated within the State. "Waste generated within the State" means:

A. Waste initially generated within the State; [PL 2019, c. 619, §3 (NEW).]

B. Residue generated by an incineration facility or a recycling facility that is located within the State, regardless of whether the waste incinerated or processed by that facility was initially generated within the State or outside the State; [PL 2019, c. 619, §3 (NEW).]

C. Residue generated by a solid waste processing facility that is located within the State, regardless of whether the waste processed by that facility was initially generated within the State or outside the State, as long as:

(1) The residue is used at a solid waste landfill for daily cover, frost protection or other operational or engineering-related purpose, including, but not limited to, landfill shaping or grading, and such use has been approved by the department under the landfill's license and such use complies with all applicable rules of the department and all applicable conditions of the landfill's license; and

(2) The use of the residue under subparagraph (1) complies with the requirements of section 1310-N, subsection 5-A, paragraph B, subparagraph (2); [PL 2019, c. 619, §3 (NEW).]

D. Residue generated by a solid waste processing facility that is located within the State, regardless of whether the waste processed by that facility was initially generated within the State or outside the State, as long as:

(1) The residue does not meet the requirements of paragraph C; and

(2) The residue is generated by the facility only as an ancillary result of the facility's processing operations; and [PL 2019, c. 619, §3 (NEW).]

E. Residue generated by a solid waste processing facility that is located within the State, regardless of whether the waste processed by that facility was initially generated within the State or outside the State, as long as:

(1) The residue does not meet the requirements of paragraph C or D;

(2) The residue is not considered recycled under section 1310-N, subsection 5-A, paragraph B, subparagraph (2) and is disposed of at a solid waste landfill; and

(3) The solid waste processing facility is in compliance with the requirements of section 1310-N, subsection 5-A, paragraph B, subparagraph (2). [PL 2019, c. 619, §3 (NEW).]

Beginning February 1, 2023, notwithstanding paragraphs B, C and E, if the total weight of the residue generated in a calendar year by an incineration facility, recycling facility or solid waste processing facility that is disposed of or otherwise placed in a solid waste landfill in that calendar year exceeds the total weight of the solid waste initially generated within the State that was incinerated or processed by that facility in that calendar year, any such excess residue generated by that facility is not considered waste generated within the State.
[PL 2021, c. 626, §1 (AMD).]

41. Waste management. "Waste management" means purposeful, systematic and unified control of the handling and transportation of hazardous, biomedical or solid waste, waste oil, sludge or septage.
[PL 1991, c. 72, §1 (AMD).]

42. Waste oil. "Waste oil" means a petroleum-based or synthetic oil that, through use or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties. Waste oil that exhibits hazardous wastes characteristics, or has been contaminated with hazardous wastes in excess of quantities normally occurring in waste oil, is subject to the provisions of this chapter dealing with hazardous wastes.
[PL 1999, c. 334, §10 (AMD).]

43. Waste oil dealer.
[PL 2021, c. 186, §8 (RP).]

44. Waste reduction. "Waste reduction" means an action that reduces waste at the point of generation and may also be referred to as "source reduction."
[PL 1989, c. 585, Pt. E, §4 (NEW).]

45. Waste resulting from agricultural activities. "Waste resulting from agricultural activities" means wastes that result from agricultural activities as defined in section 361-A, subsection 1-B and that are returned to the soils as fertilizers and includes waste pesticides when generated by a farmer in the farmer's own use, as long as the farmer triple rinses each emptied pesticide container in accordance with departmental rules and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label.
[RR 2021, c. 2, Pt. B, §282 (COR).]

46. Wood wastes. "Wood wastes" means brush, stumps, lumber, bark, woodchips, shavings, slabs, edgings, slash and sawdust, which are not mixed with other waste.
[PL 1989, c. 585, Pt. E, §4 (NEW).]

47. Yard wastes. "Yard wastes" means grass clippings, leaves and other vegetal matter other than wood wastes and land clearing debris.
[PL 1991, c. 72, §2 (NEW).]

SECTION HISTORY

PL 1989, c. 585, §E4 (NEW). PL 1989, c. 794, §2 (AMD). PL 1989, c. 869, §§A3-5,21 (AMD). PL 1989, c. 878, §H7 (AMD). PL 1989, c. 890, §§A40,B225 (AMD). PL 1989, c. 929, §5 (AMD). PL 1991, c. 72, §§1,2 (AMD). PL 1991, c. 220, §§6-10 (AMD). PL 1991, c. 321 (AMD). PL 1991, c. 492, §§1,2 (AMD). PL 1991, c. 517, §A1 (AMD). PL 1991, c. 520, §4 (AMD). RR 1993, c. 1, §131 (COR). PL 1993, c. 355, §§46,47 (AMD). PL 1993, c. 378, §4 (AMD). PL 1993, c. 383, §§33,34 (AMD). PL 1993, c. 424, §§1,2 (AMD). PL 1993, c. 424, §3 (AFF). PL 1993, c. 732, §§A7,8 (AMD). PL 1995, c. 462, §A76 (AMD). PL 1995, c. 462, §A90 (AFF). PL 1995, c. 465, §A12 (AMD). PL 1995, c. 465, §C2 (AFF). PL 1995, c. 573, §§1,2 (AMD). PL 1995, c. 625, §C5 (AFF). PL 1995, c. 656, §§A19-21 (AMD). PL 1997, c. 393, §B9 (AMD). PL 1997, c. 602, §1 (AMD). PL 1997, c. 602, §3 (AFF). PL 1999, c. 334, §10 (AMD). PL 1999, c. 393, §1 (AMD). PL 1999, c. 525, §§1,2 (AMD). PL 2001, c. 247, §1 (AMD). PL 2005, c. 612, §§1,2 (AMD). PL 2007, c. 338, §§1, 2 (AMD). PL 2007, c. 338, §5 (AFF). PL 2007, c. 406, §1 (AMD). PL 2007, c. 414, §1 (AMD). PL 2007, c. 583, §1 (AMD). PL 2011, c. 206, §20 (AMD). PL 2011, c. 655, Pt. GG, §§7-9 (AMD). PL 2011, c. 655, Pt. GG, §70 (AFF). PL 2019, c. 291, Pt. A, §1 (AMD). PL 2019, c. 619, §§1-3 (AMD). PL 2021, c. 186, §§7, 8 (AMD). PL 2021, c. 626, §1 (AMD). RR 2021, c. 2, Pt. B, §§281, 282 (COR). PL 2023, c. 517, §§1-4 (AMD). PL 2025, c. 172, §2 (AMD). PL 2025, c. 655, Pt. C, §18 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 132nd Maine Legislature and is current through October 1, 2026. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.