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**Public Law**  
123rd Legislature  
First Regular Session

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**Chapter 414**  
**S.P. 708 - L.D. 1908**

**An Act To Implement Recommendations of the Blue  
Ribbon Commission on Solid Waste Management**

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

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

**1-C. Bypass.** "Bypass" means any solid waste that is destined for disposal, processing or beneficial use at a solid waste facility but that cannot be disposed of, processed or beneficially used at that facility because of the facility's malfunction, insufficient capacity, inability to process or burn, downtime or any other comparable reason.

**Sec. 2. 38 MRSA §1310-N, sub-§1, ¶B,** as amended by PL 1995, c. 465, Pt. A, §13 and affected by Pt. C, §2, is further amended to read:

B. In the case of a disposal facility other than a facility owned by the State, the facility provides a substantial public benefit, determined in accordance with subsection 3-A, except that this paragraph does not apply to a facility owned by the State and in operation prior to June 1, 2007 or to an expansion of that facility; and

**Sec. 3. 38 MRSA §1310-N, sub-§11** is enacted to read:

**11. Waste generated within the State.** Consistent with the Legislature's findings in section 1302, a solid waste disposal facility owned by the State may not be licensed to accept waste that is not waste generated within the State. For purposes of this subsection, "waste generated within the State" includes residue and bypass generated by incineration, processing and recycling facilities within the State or waste, whether generated within the State or outside of the State, if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility.

**Sec. 4. 38 MRSA §1310-AA, sub-§4,** as enacted by PL 1995, c. 465, Pt. A, §22 and affected by Pt. C, §2, is amended to read:

**4. Application.** This section does not apply to facilities described in section 1310-N, subsection 3-A, paragraph A or to facilities a facility owned by the State and in operation prior to June 1, 2007 or to an expansion of that facility.

**Sec. 5. 38 MRSA §1310-AA, sub-§5** is enacted to read:

**5. Modifications.** Public benefit determinations may be revised by the department if the department finds that a material change in the underlying facts or circumstances upon which a public benefit determination was based has occurred or is proposed, including, but not limited to, a change related to disposal capacity. The department may require the holder of a public benefit determination to submit an application for modification of that determination if the department finds that a change in the underlying facts or circumstances has occurred or is proposed.

**Sec. 6. Report.** By January 15, 2008, the Department of Environmental Protection shall submit to the Joint Standing Committee on Natural Resources a report on funding options for the State's solid waste management program based on the report dated March 2007 and titled "Report on Solid Waste Management Program Funding" that was submitted to the Joint Standing Committee on Natural Resources by the Department of Environmental Protection. The report must also include recommendations concerning potential sources of revenue from fees on the handling of construction and demolition debris, the production of construction and demolition debris wood fuel and the use of that wood fuel in the State sufficient to fund monitoring and compliance activities at facilities producing, disposing of, beneficially using or otherwise handling construction and demolition debris.

Effective September 20, 2007