

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
105TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "B" to H. P. 1587, L. D. 2046, Bill, "AN ACT
Relating to the Management of Solid Wastes."

Amend said Bill in that part designated "§4865." of section
2 by striking out all of the 2nd underlined sentence of subsection
3 and inserting in place thereof the following:

'Any municipality which desires to continue open burning beyond
July 1, 1974 shall, on or before July 1, 1973, apply to the department
for a permit to continue open burning and shall furnish proof of
its participation or intent to participate in a regional program
or its substantial progress in implementation of an acceptable solid
waste management plan for the particular municipality, which plan
will be operational by July 1, 1975.'

Further amend said Bill in that part designated "§4865." of
section 2 by striking out all of the first underlined
sentence of the last paragraph and inserting in place thereof the
following:

'If, after hearing, the commissioner determines that the
municipality is participating in a regional program or is making
substantial progress in implementing an acceptable solid waste
management plan for the particular municipality or the formation of
such program and that the continued open burning will be consistent
with such regional program or other waste disposal plan and will not
otherwise violate applicable statutes or regulations, he may grant
the permit for such period as he finds necessary for the municipality
to comply with such plans, but in no event later than July 1, 1975.'

(Filing No. H-584)

Further amend said Bill by striking out all of that part designated "§4867." of section 2.

Further amend said Bill by renumbering those sections designated "§4868." to "§4870." to be '§4867.' to '§4869.' of section 2.

Statement of Fact

These amendments are suggested because no rational basis can be determined for allowing a municipality which merely furnishes proof of participation or intent to participate in a regional plan to continue open burning until July 1, 1975, while not allowing a municipality which opts to solve its open burning problem, on its own, in an acceptable manner, to continue open burning until July 1, 1975.

In many cases, municipalities may find that it is less expensive to create and operate their own acceptable solid waste management program than to participate in a regional program. Without these suggested amendments, these communities will be unfairly penalized.

This amendment is also necessary because the section to be deleted in its entirety is entirely unnecessary. Communities now have the capacity and authority to contract among themselves for various services. In addition, they may form a special district for solid waste management just as for sewer and water utility services.

Without this amendment, the State may decree where a district will be set up, when it will be set up, what communities will be in it, who will be the directors, what fees will be charged, etc., without any input from taxpayers or officials of the communities

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affected.

Filed by Mr. Porter of Lincoln.

Reproduced and distributed under the direction of the Clerk of the House.

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