

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-801)  
109TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1735, L.D. 1853, Bill,  
"AN ACT to Allow Counties to Participate in the Solid Waste  
Management Subsidy."

Amend the bill by striking out everything after section  
1 and inserting in its place the following:

'Sec. 2. 38 MRSA §1312, as enacted by PL 1979, c. 511, §2,  
is amended to read:

§1312. Solid waste subsidy

1. Establishment. There is established a fund to provide  
an annual solid waste subsidy to be paid to qualifying munic-  
ipalities and counties.

2. Calculation. This subsidy shall provide a percentage,  
up to 50%, of the actual eligible cost of solid waste facility  
operation and maintenance for the prior year. This percentage  
of state participation shall be calculated by dividing the  
legislative appropriation for this fund by the sum of the  
reported eligible costs from all municipalities and counties.  
Each municipality and county shall receive a subsidy equal to  
this percentage multiplied by their actual eligible costs for  
the prior year.

Sec. 3. 38 MRSA §1313, as enacted by PL 1979, c. 511, §2,  
is repealed and the following enacted in its place:

§1313. Eligible facilities

1. Facilities. All municipalities and counties operating or contracting with the following types of solid waste disposal facilities will be eligible for the solid waste subsidy:

A. Municipal facilities;

B. Private facilities;

C. County facilities; and

D. Facilities operated by regional refuse districts and other public or quasi-public entities.

2. Compliance. Those facilities that the board has determined are in substantial compliance with the following criteria will be eligible for the solid waste subsidy:

A. Operational criteria in rules adopted under section 1304, subsection 1, for facilities established on or before October 3, 1973; and

B. Site and operational criteria in section 421 and rules adopted under section 1304 for facilities established after October 3, 1973.

3. Appeals. Municipalities and counties may appeal determination of compliance in accordance with provisions of chapter 2.

Sec. 4. 38 MRSA §1314, sub-§6, ¶B, first sentence, as enacted by PL 1979, c. 511, §2, is amended to read:

Operation, maintenance and capital cost of equipment owned by the municipality or county and used at the facility.

Sec. 5. 38 MRSA §1314, sub-§§7 and 8, as enacted by PL 1979, c. 511, §2, are amended to read:

7. Transfer stations. All annual costs, including equipment and transportation, resulting from operation of waste transfer stations; and

8. Resource recovery. All annual costs resulting from recycling, resource recovery and energy production from solid wastes; and

Sec. 6. 38 MRSA §1314, sub-§9 is enacted to read:

9. Exclusions. Costs for transport, storage, treatment and disposal of municipal or industrial sludge are not eligible for subsidy.

Sec. 7. 38 MRSA §1315, as enacted by PL 1979, c. 511, §2, is amended to read:

§1315. Administration

1. Municipal reporting of costs. The solid waste subsidy shall be based on costs for the prior calendar year. All municipalities and counties shall report actual eligible costs to the department by February 1st.

2. Determination of subsidy. The Legislature shall by May 1st annually enact legislation appropriating a fund for this subsidy. A subsidy index shall be calculated by dividing this fund by the sum of the eligible annual costs reported by municipalities and counties for the prior calendar year. If the subsidy index is greater than 0.50, it shall be established at 0.50. All money not expended from the fund shall lapse. Each municipality and county shall receive an amount equal to this subsidy index

times the municipality's or county's reported costs.

3. Authorization of payment. The commissioner shall authorize subsidy payments to the eligible municipalities and counties. The subsidy shall be paid to each municipality and county in 2 equal installments, the first on June 1st and the 2nd on October 1st each year for the prior year's costs.

4. Audits. Each municipality and county shall maintain records and accounts sufficient to document reported costs, and these records and accounts shall be available for audit for at least 3 years.

5. Appeal. The computation of the solid waste subsidy for any municipality or county may be appealed in writing to the board by the municipal officers or county commissioners within 30 days from the date of notification of the computed amount. The board shall review the appeal and make an adjustment if, in its judgment, an error has been made. The board's decision shall be final as to facts supported by the records of the appeal.'

#### Statement of Fact

This amendment clarifies the facilities that are eligible for the Solid Waste Management subsidy. Towns and counties operating or contracting with private, municipal, county or quasi-public facilities are eligible for participation. Actual reimbursement payments, however, would be restricted to participating towns and counties. There is a provision to prohibit duplicate payments to a county and municipality for the same costs.

The amendment also excludes municipal and industrial

treatment plant sludge disposal costs from the subsidy program. Most municipal sludge disposal facilities were constructed with state and federal financial assistance and were not intended to be included in this solid waste program.

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Filed by Mr. Blodgett of Waldoboro  
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House  
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