

MAINE STATE LEGISLATURE

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(Governor's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1853

H. P. 1735

House of Representatives, January 23, 1980

Referred to the Committee on Energy and Natural Resources. Sent up for concurrence and Ordered Printed.

EDWIN H. PERT, Clerk of the House

Presented by Mr. Blodgett of Waldoboro.

Cosponsors: Mr. Diamond of Windham, Mr. Brenerman of Portland and Mr. Austin of Bingham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Allow Counties to Participate in the Solid Waste Management Subsidy.

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

Sec. 1. 38 MRSA § 1311, as enacted by PL 1979, c. 511, § 2, is amended by adding at the end a new paragraph to read:

The Legislature further intends that the State will participate with counties in up to 50% of the cost of maintaining and operating solid waste disposal facilities that are in substantial compliance with this chapter and that are assisting municipalities with the proper disposal resource recovery or transfer of solid waste.

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 ~~municipalities~~ **governmental units**.

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 governmental units**. Each **municipality governmental unit** 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 amended to read:

§ 1313. Eligible governmental units

1. **Facilities.** All **municipalities governmental units** 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; **and**
- C. Facilities operated by regional refuse districts as defined in chapter 15; **and**
- D. **County facilities.**

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 Governmental units** 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:

B. Operation, maintenance and capital cost of equipment owned by the **municipality governmental unit** and used at the facility.

Sec. 5. 38 MRSA § 1315, as enacted by PL 1979, c. 511, § 2, is amended to read:

§ 1315. Administration

1. **Reporting of costs.** The solid waste subsidy shall be based on costs for the prior calendar year. All **municipalities governmental units** 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 governmental units** 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 governmental unit** shall receive an

amount equal to this subsidy index times the ~~municipality's~~ **governmental unit's** reported costs.

3. Authorization of payment. The commissioner shall authorize subsidy payments to the eligible ~~municipalities~~ **governmental units**. The subsidy shall be paid to each ~~municipality~~ **governmental unit** 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~~ **governmental unit** 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~~ **governmental unit** may be appealed in writing to the board by the municipal officers 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

The purpose of this bill is to allow counties to participate in the solid waste subsidy program in the same manner municipalities participate. This objective is accomplished by deleting the word municipality (municipal and municipalities) and replacing it with governmental unit (units). This change will also allow other governmental units — combination of municipalities and counties, or both, to be eligible for the subsidy.