

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47  
49  
51

L.D. 10  
(Filing No. H-4 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 17, L.D. 10, Bill, "An Act to Clarify the Automatic Public Intervenor Provisions of the Solid Waste Management Laws"

Amend the Bill by striking out all of the emergency preamble and inserting in its place the following:

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** enacting the public participation provisions of the solid waste management laws in 1987, the Legislature intended to provide municipal officers or county commissioners automatic intervenor status and access to up to \$50,000 to fund their participation in permit proceedings for solid waste facilities; and

**Whereas,** there has been some confusion regarding when the municipal intervenor fee should be paid and when a municipality qualifies for intervenor status; and

**Whereas,** this legislation is necessary immediately to clarify the original intent of these provisions; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend the Bill by inserting after the enacting clause the following:

**Sec. 1. 38 MRSA §1310-S, sub-§1-A is enacted to read:**

1-A. Preliminary notice. Sixty days prior to submitting an application with the department regarding a specific site for a

1 solid waste disposal facility, the applicant shall notify by  
2 certified mail the municipal officers of the municipality in  
3 which the site is located or, in the unorganized territories, the  
4 county commissioners with jurisdiction over the site.'

5

6 Further amend the Bill in section 1 by striking out all of  
7 subsection 3 (page 1, lines 36 to 50 in L.D.) and inserting in  
8 its place the following:

9

10 '3. Automatic municipal intervenor status. The At its  
11 first meeting following the timely submission of a request for  
12 intervention, the board shall grant intervenor status to the  
13 municipal officers, or their designees, from the municipality in  
14 which the facility will be located. The intervenor status  
15 granted under this subsection shall apply in any proceeding for a  
16 license under this article. Immediately upon the board's  
17 automatic designation of intervenor status, the intervenors have  
18 all rights and responsibilities commensurate with this status.  
19 The board may grant this status only if requested by the  
20 municipal officers within 60 days of notification under  
21 subsection 1.'

22 Further amend the Bill in section 3, in that part designated  
23 "§1310-T." by inserting at the end the following new sentence:

24

25 'Upon request, the department shall provide an audit report to  
26 the applicant after all the application and appeal proceedings  
27 before the board have concluded.'

28

29 Further amend the Bill by renumbering the sections to read  
30 consecutively.

31

32

33

34

### STATEMENT OF FACT

35  
36  
37 In addition to the changes in the original bill, this  
38 amendment requires a potential applicant for a solid waste  
39 disposal facility to notify municipal officers or county  
40 commissioners with jurisdiction over the site 60 days before the  
41 application is filed. The amendment also requires the department  
42 to provide an applicant with a copy of an audit covering the  
43 expenditure of funds for municipal intervenors.