

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 10

H.P. 17

House of Representatives, January 13, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Senator ERWIN of Oxford, Representative LORD of Waterboro and Representative PINEAU of Jay.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**AN ACT to Clarify the Automatic Public Intervenor Provisions of the
Solid Waste Management Laws.**

(EMERGENCY)



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

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

11 Whereas, the Board of Environmental Protection has delayed
12 a decision concerning whether to grant intervenor status to
13 municipal officers or county commissioners who have applied for
14 that status in several instances, even though the applicant's
15 permit was already under review by the Department of
16 Environmental Protection; and

17 Whereas, the Department of Environmental Protection has on
18 several occasions begun processing applications under this
19 provision even though the applicant had failed to deposit the
20 \$50,000 required by law; and

21 Whereas, this legislation is necessary immediately to
22 prevent any further violation of the original intent of these
23 provisions; and

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

29
30 **Be it enacted by the People of the State of Maine as follows:**

31 **Sec. 1. 38 MRSA §1310-S, sub-§3,** as enacted by PL 1987, c.
32 517, §25, is amended to read:

33 **3. Automatic municipal intervenor status.** The At its first
34 meeting following the timely submission of a request for
35 intervention, the board shall grant intervenor status to the
36 municipal officers, or their designees, from the municipality in
37 which the facility will be located. The intervenor status
38 granted under this subsection shall apply in any proceeding for a
39 license under this article, and all rights and responsibilities
40 commensurate with this status shall inhere in the intervenors
41 immediately upon the board's automatic designation of intervenor
42 status. The board may grant this status only if requested by the
43 municipal officers within 60 days of notification under
44 subsection 1.

45 **Sec. 2. 38 MRSA §1310-T,** as enacted by PL 1987, c. 517, §25,
46 is amended to read:

