

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 985, L.D. 2448, Bill, "An Act to Authorize Refuse Disposal Districts to Handle Partial Waste Streams from Member Municipalities"

Amend the bill in that part designated "§1726-A." in subsection 1 by adding at the end the following: 'This subsection applies and the action of the city council, town council or town meeting is effective whether it was taken before or after the effective date of this subsection.'

Further amend the bill in that part designated "§1726-A." by striking out all of subsection 4 and inserting in its place the following:

'4. Municipal assessments. A district that proposes to provide limited waste disposal services may submit to the legal voters of the district a question with regard to granting the district assessment powers in substantially the form provided under section 1755. Authorized assessments must be shared by the member municipalities of the district under the same formula as guarantees are shared pursuant to section 1754.

A. When the question is submitted prior to the issuance of any indebtedness by the district, the directors may decide that approval of such an assessment article by the voters of a municipality is a condition of each municipality's continuance as a member of the district, in which case the ballots must include a statement that municipalities that fail to vote in favor of the proposed assessment article are no longer members of the district if the board determines that it is feasible or practical to constitute a district as a geographic unit made up of the municipalities voting in favor of the proposed assessment article. The ballots must also state that if the article is approved the assessments each year must be allocated among the municipalities that are then members of the district in proportion to the most recent state valuation of those municipalities in accordance with the formula established under section 1754. The ballot

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2 may not contain a specific fractional share of the
3 assessment to be borne by each member municipality. The
4 votes must be counted in each municipality and the
5 affirmative vote of a simple majority of votes cast in each
6 municipality is required to grant the district assessment
7 powers over all of the municipalities in the district. When
8 3 or more municipalities are involved in the voting and at
9 least 2 have voted to approve the assessment article
10 submitted to them, rejection of the proposed assessment
11 article by one or more municipalities does not defeat the
12 assessment power with respect to the municipalities voting
13 in favor of it if the board determines that it is feasible
14 or practical to constitute a district made up of the
15 municipalities voting in favor of the article as a
16 geographic unit. In that event, the board shall,
17 immediately after making its findings, issue an amended
18 certificate of organization in the name of the district for
19 a district composed only of the municipalities voting in
20 favor of the assessment article. Upon the issuance of a
21 certificate the municipalities not approving the assessment
22 article are no longer members of the district. The original
23 of the amended certificate must be delivered to the
24 directors of the district and a copy of the certificate
25 attested by the Commissioner of Environmental Protection
26 must be filed and recorded in the office of the Secretary of
27 State. The issuance of the certificate by the board is
28 conclusive evidence of the lawful reorganization of the
29 district. If the board determines that it is not feasible
30 or practical to constitute the district as a geographic unit
31 composed of the municipalities voting affirmatively on the
32 article, the district continues to exist with no assessment
33 power and the municipalities that did not approve the
34 assessment article remain members of the district.

35 B. When the question is submitted after the issuance of any
36 indebtedness by the district, the provisions of section
37 1755, subsection 2 apply.'

38
39 Further amend the bill in that part designated "§1726-A." in
40 subsection 6 in the last line (page 3, line 48 in L.D.) by
41 inserting after the following: "section" the following: 'and
42 nothing contained in this section limits the powers of a
43 municipality under section 1304-B'
44

45 STATEMENT OF FACT

46
47 This amendment retains the bill's intent to enable refuse
48 disposal districts to provide limited waste disposal services to
49 member municipalities on a contract basis while retaining powers
50 granted under existing law only to districts that provide
51 comprehensive waste management services.
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2 The amendment provides 2 methods by which a refuse disposal
district providing limited waste disposal services may obtain
4 authority to assess municipal members for administrative costs.
One method applies when the district has not issued any bonds or
6 notes, the 2nd method applies when the district and its member
municipalities have issued bonds or notes.

8
10 The amendment also clarifies that no other provision of the
bill restricts district activities allowed under the Maine
Revised Statutes, Title 38, section 1304-B.

Reported by Senator Ludwig for the Committee on Energy and
Natural Resources. Reproduced and Distributed Pursuant to
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(4/4/90)

(Filing No. S-642)