

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 324, L.D. 454, Bill, "An Act to Extend the Eligibility Period for Reimbursement of Municipalities for Landfill Closure"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'38 MRSA §1310-F, sub-§2, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §238, is further amended to read:

2. Eligibility. Any municipality ~~owning that owns, rents or leases~~ a solid waste landfill for which a remediation or closure plan has been adopted is eligible for grants. A municipality, ~~which that~~ has acted to close its solid waste landfill or to remedy environmental and public health hazards posed by the landfill prior to the ~~award of a grant under this section, but after January 1, 1983~~ adoption of a closure or remediation plan under this subchapter or that closed a landfill or remediated environmental or public health hazards posed by a landfill, is also eligible for reimbursement of ~~past and future costs consistent with the plan adopted under this subchapter~~ closure or remediation costs incurred after February 1, 1976, as long as the closure or remediation actions were in conformance with all applicable laws or rules in effect at the time. Costs incurred by closure or remediation actions taken after the adoption of a closure or remediation plan under this subchapter are eligible for reimbursement only if those actions conform to that plan. Any interest paid by a municipality on a municipal bond issued to raise funds for remediation and closure activities during this period is a cost eligible for reimbursement under this section. The commissioner shall use at least 1/3 of the available funds for municipalities eligible for reimbursement of closure and remediation costs under this subsection until all those municipalities have been reimbursed. A landfill that is

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2 privately owned and privately operated is not eligible for  
3 reimbursement under this subchapter.

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6 FISCAL NOTE

8 This bill extends the reimbursement period for  
9 municipalities for landfill closure or remediation to costs  
10 incurred after February 1, 1976. This proposal will impact the  
11 Department of Environmental Protection's bond funds. However,  
12 the exact impact can not be determined at this time. Projects  
13 currently compete for available funds based on specific criteria  
14 and it is unknown how many new projects will become eligible.'

16 STATEMENT OF FACT

18 This amendment replaces the bill. The amendment removes a  
19 provision in the law that limits eligibility for state  
20 reimbursement of municipal landfill closure or remediation costs  
21 to closure or remediation actions taken after January 1, 1983.  
22 The amendment enacts new language that extends municipal  
23 reimbursement eligibility to landfill closure or remediation cost  
24 incurred by a municipality after February 1, 1976, provided that  
25 the closure and remediation actions were done in conformance with  
26 all applicable laws and rules in effect at the time. Costs  
27 incurred by landfill closure or remediation actions taken after  
28 the adoption of a closure or remediation plan are eligible for  
29 reimbursement only if they conform to the provisions of the  
30 plan. The "closure or remediation plan" refers to a landfill  
31 closure or remediation plan adopted by the Department of  
32 Environmental Protection under the Maine Revised Statutes, Title  
33 38, chapter 13, subchapter 1-A. The amendment clarifies that  
34 municipally owned, rented or leased landfills are eligible for  
35 reimbursement and that privately owned and privately operated  
36 landfills are not eligible for reimbursement.

Reported by the Committee on Energy and Natural Resources  
Reproduced and distributed under the direction of the Clerk of the  
House  
(5/2/91) (Filing No. H-215)