

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 841

H.P. 590

House of Representatives, February 26, 1991

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 NUTTING of Leeds.

Cosponsored by Senator BERUBE of Androscoggin, Representative ST. ONGE of Greene and Representative MITCHELL of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Facilitate Municipal Review of Commercial Hazardous Waste License Applications and the Collection of Municipal Fees Levied on Commercial Hazardous Waste Facilities.



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

2
3 Sec. 1. 38 MRSA §1319-R, sub-§§3 and 4, as affected by PL
4 1989, c. 890, Pt. A, §40 and amended by Pt. B, §263, are further
5 amended to read:

6
7 3. Site review. All persons who make application for a
8 license to construct, operate or substantially expand a
9 commercial hazardous waste facility shall give, at the same time,
10 written notice to the municipal officers of the municipality in
11 which the proposed facility will be located. The municipality
12 through its municipal officers shall ~~be~~ is granted intervenor
13 status in any proceeding for site review of a commercial
14 hazardous waste facility. The commissioner shall reimburse the
15 municipalities' direct costs, not to exceed \$5,000, for
16 participation in the proceedings.

17 The Governor may appoint a person to facilitate communications
18 between the applicant and the municipality and between the
19 department and the municipality.
20

21 The State may accept public and private funds from any source for
22 the purpose of carrying out responsibilities under this section.
23

24 Notwithstanding section 341-D, subsection 2, the board shall
25 decide all applications for commercial hazardous waste facilities.

26 The board shall hold at least one public hearing ~~within~~ in the
27 municipality in which the facility will be located.
28

29 During any proceeding for site review of a commercial hazardous
30 waste facility, the legislative body of the municipality in which
31 the facility is to be located may appoint 4 representatives to
32 the board. If the facility is proposed to be located ~~within~~ in an
33 unorganized township, the county commissioners of that county may
34 appoint 4 representatives. These representatives may vote on
35 board decisions related to the proposed commercial hazardous
36 waste facility. All representatives appointed under this
37 subsection shall participate on the board only for that site
38 review, until final disposition of the application, including any
39 administrative or judicial appeals. A license application may
40 not be considered by the board unless all municipal members of
41 the board and the municipality have been given written notice of
42 the board meeting and provided copies of all written
43 recommendations of the department, at least 30 days prior to the
44 date of the meeting. The municipal members are entitled to the
45 same pay for each day and expenses as regular board members
46 during the period of their service, to be paid by the department.
47

48
49 4. Municipal fees authorized. A municipality, by ordinance,
50 may levy a fee on a commercial hazardous waste facility located
51 in the municipality. These fees must be applied as a percentage
52

of the annual billings of the facility to its customers. No fee
2 so levied may exceed 2% of the annual billings. The commissioner
may, upon request by the municipality, shall audit or authorize
4 the municipality to audit the accounts of a facility to determine
the amount of the fee owed to the municipality. Payment of the
6 fee by the facility to the municipality is a condition of any
license approved under this section.

8
9 **Sec. 2. Retroactivity.** That part of section 1 of this Act that
10 amends the Maine Revised Statutes, Title 38, section 1319-R,
subsection 3 applies retroactively to July 1, 1990.

12
14
16 **STATEMENT OF FACT**

18 This bill makes a hazardous waste facility license void if
the Department of Environmental Protection fails to give a 30-day
notice to all intervenors before the hearing is held. The bill
20 also gives municipalities the right to request the Commissioner
of Environmental Protection to audit a facility and makes payment
22 of the fee a condition to issuing a license.