

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1715, L.D. 2400, Bill, "An Act Concerning Site Protection at Former Mining Operations"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 5 MRSA §453-A is enacted to read:

§453-A. Board of trustees

The Mining Excise Tax Trust Fund Board of Trustees, as established in section 12004-G, subsection 33-B and referred to in the chapter as the "board," consists of 5 members, at least one of whom must be a resident of the unorganized territory.

1. Appointment. The members of the board are appointed by the Governor and are subject to review by the joint standing committee of the Legislature having jurisdiction over taxation matters and to confirmation by the Legislature.

2. Terms. Of the initial members one serves a term of one year, one serves a term of 2 years, one serves a term of 3 years, one serves a term of 4 years and one serves a term of 5 years. Upon the expiration of the initial terms, members are appointed to serve 5-year terms. Members may be reappointed. Members serve until their successors are appointed and qualified.

3. Vacancies. A vacancy is filled for the expiration of the term to which the member has been appointed.'

2 Further amend the bill in section 2 in subsection 33-A in
4 the 4th column in the 2nd line (page 1, line 33 in L.D.) by
striking out the following "§453" and inserting in its place the
following: '§453-A'

6
8 Further amend the bill in section 3 in subsection 2 in the
2nd line (page 1, line 41 in L.D.) by striking out the following:
"50%" and inserting in its place the following: 'at least 50%
10 and, if revenues from the Mining Excise Tax are available, up to'

12 Further amend the bill in section 3 in subsection 4 in the
2nd line (page 1, line 46 in L.D.) by striking out the following:
14 "50%" and inserting in its place the following: 'at least 50%
and, if revenues are available, up to'

16
18 Further amend the bill in section 3 in subsection 4 in the
6th line (page 2, line 3 in L.D.) by striking out the following:
"100%" and inserting in its place the following: 'money'

20
22 Further amend the bill in section 4 in subsection 6 in the
4th line (page 2, line 12 in L.D.) by inserting after the
following: "revenues" the following: 'from mining operations in
24 municipalities not under the jurisdiction of the Maine Land Use
Regulation Commission'

26
28 Further amend the bill in section 4 in subsection 6 in the
last 2 lines (page 2, lines 15 and 16 in L.D.) by striking out
the following: "and the Maine Land Use Regulation Commission"

30
32 Further amend the bill by inserting after section 5 the
following:

34 'Sec. 6. 36 MRSA §2862, sub-§8, ¶¶B and D, as enacted by PL
1981, c. 711, §10, are repealed.'

36
38 Further amend the bill in section 7 by striking out all of
subsection 3 and inserting in its place the following:

40 '3. Scope of corrective action. The fund may be used only
42 for corrective action for mining operations located in
municipalities.'

44 Further amend the bill in section 7 in subsection 5 in the
last 2 lines (page 3, lines 31 and 32 in L.D.) by striking out
46 the following: "or an unorganized territory"

48 Further amend the bill in section 7 in subsection 7 in the
last line (page 4, line 3 in L.D.) by inserting after the
50 following: "action." the following: 'Any funds expended for

corrective action as provided in this section must be reimbursed in full by the mining company, its successor or its parent corporation.

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

This bill requires mining excise tax revenue to be spent for 2 additional purposes prior to being prorated between the General Fund and other mining trust funds. This may reduce General Fund revenue if mining activity is undertaken anywhere in the State.

STATEMENT OF FACT

This amendment changes the original bill to amend the provisions of the Mining Excise Tax Trust Fund Board of Trustees. If revenues from the Mining Excise Tax are not sufficient to repay municipalities for the property tax exemption afforded by the Maine Revised Statutes, Title 36, chapter 371, the amendment allows for a partial payment of that reimbursement.

The amendment clarifies that only revenues from mining operations located in regions of the State not under the jurisdiction of the Maine Land Use Regulation Commission are to be deposited in the Mining Corrective Action Fund. A provision allowing the board of trustees to require financial assurance from mining operations located in municipalities was dropped.

If any funds are spent from the fund, the mining company must reimburse the fund. The amendment also deletes language specifying where funds are to be allocated if the Mining Impact Assistance Fund reaches the limit deleted by the original bill.

This amendment also adds a fiscal note to the bill.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the House
3/23/92 (Filing No. H-1177)