

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 9, L.D. 16, Bill, "An Act to Authorize Financing of Solid Waste Districts on a Per Capita or a State Valuation Basis"

Amend the bill by inserting after the enacting clause the following:

Sec. 1. 38 MRSA §1724, sub-§1, as enacted by PL 1983, c. 820, §2, is amended to read:

1. **Authorization.** All of the affairs of a disposal district shall must be managed by an appointed board of directors ~~which shall consist~~ that consists of not less than 3 directors, ~~or not less than 5 directors in disposal districts involving more than one municipality.~~ The exact number of directors shall must be determined in accordance with section 1721. Each director shall ~~be~~ is entitled to the number of votes which ~~that~~ corresponds to the level of population in his ~~that director's~~ municipality as set forth in the following table, unless an alternative method of apportioning votes is approved by a majority vote of the municipal officers representing each member of the disposal district prior to or at the time of formation.

Population	No. of Votes
0 - 1,000	1
1,001 - 2,500	2
2,501 - 5,000	3
5,001 - 10,000	4
10,001 - 15,000	5
15,001 - 25,000	6
25,001 - 35,000	7
35,001 - 50,000	8
50,001 - 65,000	9
65,001 and over	10

COMMITTEE AMENDMENT

2 A director may not split his votes. In the event a municipality
4 has more than one director, directors from that municipality
shall share equally the number of votes for that municipality.
6 A determination of population shall must be made based upon the
latest official Decennial Census of the United States by the
8 United States Bureau of Census. A disposal district may alter
the number of its directors by submitting the proposed alteration
10 to the voters in the same manner as provided in section 1721,
subsection 7. No municipality within any disposal district may
12 have less than one director. A quorum of the directors may
conduct the affairs of the district even if there is a vacancy on
14 the board of directors. A quorum is defined as a simple majority
of eligible and appointed directors, provided that a majority of
16 the member municipalities are represented. A simple majority of
directors present and voting may conduct the affairs of the
district.'

18
20 Further amend the bill in section 1 in paragraph A in the
10th and 11th lines from the end (page 2, lines 11 and 12 in
L.D.) by striking out the following: "Commissioner of
22 Environmental Protection" and inserting in its place the
following: '~~Commissioner of Environmental Protection~~ Executive
24 Director of the Waste Management Agency'

26 Further amend the bill in section 2 by striking out all of
the first 2 lines and inserting in their place the following:

28
30 'Sec. 2. 38 MRSAs §1726-A, sub-§5, as enacted by PL 1989, c.
861, is amended to read:'

32 Further amend the bill in section 5 by striking out all of
the first line (page 4, line 5 in L.D.) and inserting in its
34 place the following:

36 'Sec. 5. 38 MRSAs §1754, sub-§§4 and 5 are enacted to read:'

38 Further amend the bill in section 5 by inserting at the end
the following:

40
42 '5. Changes in method for sharing liability apply
prospectively. The fractional share of liability among member
44 municipalities in effect at the time a guaranteed note or bond is
issued is the fractional share of liability in effect for the
46 term of that note or bond. An article authorizing a district to
issue guaranteed notes or bonds may be amended to change the
48 method used by that district to allocate liability for bonds and
notes only by submitting that question to the inhabitants of the
50 district in the same manner as that prescribed in the Maine
Revised Statutes, Title 38, section 1754. If a change in the

2 method used to allocate liability for bonds and notes is approved
3 by the inhabitants of the district, the new method of allocation
4 is effective only for notes or bonds issued after the date the
5 change is approved by the inhabitants of the district.'

6 Further amend the bill by striking out all of section 6.

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

10
11
12 **STATEMENT OF FACT**

14 This amendment ensures that the fractional share of
15 liability for municipalities in a solid waste district in effect
16 at the time a guaranteed note or bond is issued by that district
17 is the fractional share of liability in effect for the term of
18 the note or bond. A change in the method used by a solid waste
19 district to allocate liability for notes and bonds among member
20 municipalities does not apply to previously issued notes or bonds
21 but is applicable only to notes and bonds issued after the change
22 is approved by the municipalities in the district. Regardless of
23 the method used by a solid waste district to allocate liability,
24 existing law guarantees all notes and bonds issued by a district
25 with the full faith and credit of the member municipalities.

26
27 This amendment also repeals the requirement that districts
28 with more than one member municipality have a minimum of 5
29 directors, makes a reference correction and makes a technical
30 correction.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the
House
2/19/93 (Filing No. H-27)