

# MAINE STATE LEGISLATURE

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L.D. 334

(Filing No. H-143 )

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

COMMITTEE AMENDMENT "A" to H.P. 255, L.D. 334, Bill, "An Act to Establish An Automobile Recycling License"

Amend the bill by striking out the title and substituting the following:

**'An Act to Establish an Automobile Recycling Permit'**

Further amend the bill in section 2 in subsection 1-A in the next to the last line (page 1, line 22 in L.D.) by inserting after the following: "premises" the following: 'specified in the site plan in section 3755-A, subsection 1, paragraph C'

Further amend the bill in section 4 in that part designated "**§3753.**" in the first paragraph in the 5th line from the end (page 2, line 1 in L.D.) by striking out the following: "license holder" and inserting in its place the following: 'permit holder furnishes a sworn statement, annually, on the anniversary date of the granting of the permit, that the facility' and in the next to the last line (page 2, line 4 in L.D.) by striking out the following: "license" and inserting in its place the following: 'permit' and in the last line (page 2, line 5 in L.D) by striking out the following: "license" and inserting in its place the following: 'permit'

Further amend the bill in section 5 in that part designated "**§3755.**" by striking out all of the first line (page 2, line 27 in L.D.) and inserting in its place the following:

**'§3755. Limitations on graveyard, automobile recycling business and junkyard permits'**

**COMMITTEE AMENDMENT**

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2 Further amend the bill in section 5 in that part designated  
"§3755." in subsection 5 in the 3rd line (page 3, line 36 in  
4 L.D.) by inserting after the following: "graveyards" the  
following: ', automobile recycling businesses'

6  
8 Further amend the bill in section 5 in that part designated  
"§3755." in subsection 5 in the last paragraph in the next to  
last line (page 4, line 9 in L.D.) by inserting after the  
10 following: "graveyard" the following: ', automobile recycling  
business'

12  
14 Further amend the bill in section 5 in that part designated  
"§3755." by striking out all of subsection 6 (page 4, lines 12  
and 13 in L.D.) and inserting in its place the following:

16  
18 '6. Applicability. Municipalities may apply local  
ordinances adopted previously under subsection 5 pertaining to  
automobile graveyards and junkyards to an automobile recycling  
20 business without amending those ordinances to include automobile  
recycling businesses. A municipality must provide notice of its  
22 intent to apply these ordinances at the time an application for  
an automobile recycling business permit is filed.'

24  
26 Further amend the bill in section 6 in that part designated  
"§3755-A." in subsection 1 in paragraph C in subparagraph (7) in  
the last line (page 4, line 46 in L.D.) by striking out the  
28 following: "and"

30  
32 Further amend the bill in section 6 in that part designated  
"§3755-A." in subsection 1 in paragraph C in subparagraph (8) in  
the last line (page 4, line 49 in L.D.) by striking out the  
following: "tires." and inserting in its place the following:  
34 'tires; and'

36  
38 Further amend the bill in section 6 in that part designated  
"§3755-A." in subsection 1 in paragraph C by inserting after  
subparagraph (8) the following:

40 '(9) The location within the property boundary lines  
where vehicles are drained, dismantled or stored.'

42  
44 Further amend the bill in section 6 in that part designated  
"§3755-A." by striking out all of subsection 2 (page 5, lines 1  
to 5 in L.D.) and inserting in its place the following:

46  
48 '2. Standards for permit. The municipality may issue a  
permit to an automobile recycling business if the business  
demonstrates that the business meets the operation standards set  
49 forth in subsection 3.'

2 Further amend the bill in section 6 in that part designated  
 4 "~~§3755-A.~~" by striking out all of subsections 4, 5 and 6 (page 6,  
 lines 8 to 19 in L.D.) and inserting in their place the following:

6 '4. Revocation or suspension of permit. For purposes of  
 8 section 3758, subsection 3, each of the standards set forth in  
this section are conditions of a permit.

10 5. Relationship to automobile graveyard permit. A person  
 12 who recycles automobiles but does not qualify for, or loses, an  
 14 automobile recycling business permit may apply for an automobile  
graveyard permit.'

16 Further amend the bill in section 7 in that part designated  
 18 "~~§3756.~~" in subsection 3 in the last line (page 6, line 41 in  
 L.D.) by striking out the following: "license" and inserting in  
 its place the following: 'permit' and by inserting after the  
 following: "business" the following: 'plus the cost of posting  
 20 and publishing the notice under section 3754'

22 Further amend the bill by inserting before the statement of  
 24 fact the following:

#### 26 'FISCAL NOTE

28 The additional local costs of establishing a municipal  
 30 licensing procedure for automobile recycling businesses will  
 require 90% funding by the State as a state mandate pursuant to  
 the Constitution of Maine. The General Fund appropriations  
 32 required to fund these costs can not be estimated at this time.'

#### 34 STATEMENT OF FACT

36 This amendment clarifies the application of the 80% standard  
 38 in the definition of automobile recycling business. It requires  
 that an automobile recycling business provide an annual sworn  
 40 statement of compliance with the operating standards applicable  
 to the automobile recycling business permits. The amendment  
 42 changes "license" to "permit" wherever "license" appears to make  
 the language internally consistent.

44 The amendment deals with the application of local ordinances  
 46 by expanding the existing section relating to local ordinances to

COMMITTEE AMENDMENT "A" to H.P. 255, L.D. 334

2 include automobile recycling businesses rather than by repeating  
the same language in the Maine Revised Statutes, Title 30-A,  
4 section 3755-A, dealing with automobile recycling. The amendment  
provides that a municipality may apply existing local ordinances  
6 in determining whether to grant a permit for an automobile  
recycling business in addition to the new standards. The  
8 amendment deletes a provision that exempts automobile recycling  
businesses from local ordinances pertaining to graveyards and  
junkyards.

10  
The amendment also adds an item to the information provided  
12 with an application for a permit to include the location where  
vehicles are drained, dismantled and stored.

14  
The amendment eliminates a conflict with the Maine Revised  
16 Statutes, Title 29, by removing the requirement that an  
automobile recycling business obtain a license from the Secretary  
18 of State prior to receiving a municipal permit.

20  
The amendment provides that in addition to the license fee,  
the applicant must pay the cost of posting and publishing the  
22 notice required at the time of permit application.

Reported by the Committee on Business Legislation  
Reproduced and distributed under the direction of the Clerk of the  
House  
4/12/93 (Filing No. H-143)