

# MAINE STATE LEGISLATURE

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MAJORITY  
NATURAL RESOURCES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1205, L.D. 1705, Bill, "An Act Regarding Just Compensation for Private Waste Companies"

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

'An Act Regarding Displacement of Private Waste Companies'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 38 MRSA §1305-B is enacted to read:

§1305-B. Displacement of private waste companies

1. Notice and hearing. Before a political subdivision as defined in Title 30-A, section 2252 or a quasi-municipal corporation or district as defined in Title 30-A, section 2351 takes any action to provide commercial or industrial solid waste collection services in a manner that would cause displacement of an existing private company currently providing those services within the limits of the jurisdiction of that governmental unit, it must give notice and hold a public hearing. Notice of the public hearing must be published at least 60 days before the public hearing in a newspaper of general circulation within the subject jurisdiction. The notice must include:

A. The date, time and place of hearing;

B. A description of the proposed action that would result in displacement; and

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2 C. A statement that all interested persons will be given an  
4 opportunity to be heard at the hearing and an opportunity to  
file objections to the proposed displacement.

6 2. Displacement; timing. A political subdivision as  
8 defined in Title 30-A, section 2252 or a quasi-municipal  
10 corporation or district as defined in Title 30-A, section 2351  
12 that decides to displace a business providing commercial or  
industrial solid waste collection services must allow that  
business to continue providing those services for 12 months from  
the date of its decision.

14 For purposes of this section, commercial or industrial solid  
16 waste collection services include multifamily residences of 8 or  
18 more units, and "displace" or "displacement" means the provision  
20 of or contracting for or the grant of a franchise for commercial  
22 or industrial solid waste collection services by a political  
24 subdivision as defined in Title 30-A, section 2252 or a  
quasi-municipal corporation or district as defined in Title 30-A,  
section 2351 that prohibits an existing business from providing  
the same service and when the business is providing that service  
at the time the decision to displace is made.'

## 26 SUMMARY

28 This amendment removes the provision in the original bill  
30 that prohibits a local unit of government from banning private  
32 competition with a solid waste service provided by the  
34 governmental unit and the provision that prohibits a local unit  
36 of government from requiring industrial and commercial  
38 establishments and multifamily residences of 8 or more units to  
use or pay user fees for solid waste services provided by the  
governmental unit. It also eliminates the provision in the  
original bill that allows the governmental unit to displace a  
private solid waste business within 5 years if it pays  
compensation.

40 The amendment revises the procedures for notice and hearing,  
42 contained in the original bill, that a political subdivision or  
44 quasi-municipal corporation or district must follow before  
46 displacing an existing private solid waste business operating  
within its jurisdiction. Finally, the amendment reduces the  
number of years' notice required by the original bill for a local  
governmental unit to displace a solid waste business from 5 years  
to 12 months.