

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
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ONE HUNDRED AND NINTH LEGISLATURE
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CHAPTER 511

H. P. 948 — L. D. 1181

AN ACT to Establish a Solid Waste Management Subsidy for Municipalities.

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

Sec. 1. 38 MRSA c. 13, as enacted by PL 1973, c. 387 and as amended, is further amended by inserting after the first 2 lines the following:

SUBCHAPTER I

SOLID WASTE MANAGEMENT

Sec. 2. 38 MRSA c. 13, sub-c. II is enacted to read:

SUBCHAPTER II

SOLID WASTE MANAGEMENT SUBSIDY

§ 1311. Findings; intent

The Legislature finds that proper disposal of solid wastes, and protection of land, air and water resources is important to the public health, safety and welfare; that the Legislature has mandated that municipalities provide for the proper disposal of solid wastes; that waste disposal facilities must comply with strict state and federal requirements; and that the operating costs of these facilities are high, putting an increasing burden on local property taxes.

It is the intent of this chapter that the State will participate with municipalities in up to 50% of the cost of maintaining and operating solid waste disposal facilities that are in substantial compliance with the requirements of this chapter.

§ 1312. Solid waste subsidy

1. Establishment. There is established a fund to provide an annual solid waste subsidy to be paid to qualifying municipalities.

2. Calculation. This subsidy shall provide a percentage, up to 50%, of the actual eligible cost of solid waste facility operation and maintenance for the prior year. This percentage of state participation shall be calculated by dividing the legislative appropriation for this fund by the sum of the reported eligible costs from all municipalities. Each municipality shall receive a subsidy equal to this percentage multiplied by their actual eligible costs for the prior year.

§ 1313. Eligible municipalities

1. **Facilities.** All municipalities operating or contracting with the following types of solid waste disposal facilities will be eligible for the solid waste subsidy:

- A. Municipal facilities;
- B. Private facilities; and
- C. Facilities operated by regional refuse districts as defined in chapter 15.

2. **Compliance.** Those facilities that the board has determined are in substantial compliance with the following criteria will be eligible for the solid waste subsidy:

- A. Operational criteria in rules adopted under section 1304, subsection 1, for facilities established on or before October 3, 1973; and
- B. Site and operational criteria in section 421 and rules adopted under section 1304 for facilities established after October 3, 1973.

3. **Appeals.** Municipalities may appeal determination of compliance in accordance with provisions of chapter 2.

§ 1314. Eligible costs

The following costs of operating and maintaining solid waste disposal facilities will be eligible for subsidy:

1. **Salaries and wages.** Salaries and wages of persons for time actually employed at the facilities;

2. **Utilities.** Cost of all utilities used at facilities;

3. **Road maintenance.** Road maintenance for roads used exclusively for the facility;

4. **Miscellaneous supplies and services.** Miscellaneous supplies and services, including pest control, used at the facility;

5. **Cover material.** Cover material:

A. Cost of purchased cover material; or

B. Value of cover material based on rates to be determined by the department;

6. **Equipment costs.** Equipment costs:

A. Cost of rental of equipment used at the facility; or

B. Operation, maintenance and capital cost of equipment owned by the municipality and used at the facility. Capital costs shall be amortized over the expected life of the equipment. Only annual costs in proportion to the fraction of time the equipment is used at the facility shall be eligible for reimbursement;

7. Transfer stations. All annual costs, including equipment and transportation, resulting from operation of waste transfer stations; and

8. Resource recovery. All annual costs resulting from recycling, resource recovery and energy production from solid wastes.

§ 1315. Administration

1. Municipal reporting of costs. The solid waste subsidy shall be based on costs for the prior calendar year. All municipalities shall report actual eligible costs to the department by February 1st.

2. Determination of subsidy. The Legislature shall by May 1st annually enact legislation appropriating a fund for this subsidy. A subsidy index shall be calculated by dividing this fund by the sum of the eligible annual costs reported by municipalities for the prior calendar year. If the subsidy index is greater than 0.50, it shall be established at 0.50. All money not expended from the fund shall lapse. Each municipality shall receive an amount equal to this subsidy index times the municipality's reported costs.

3. Authorization of payment. The commissioner shall authorize subsidy payments to the eligible municipalities. The subsidy shall be paid to each municipality in 2 equal installments, the first on June 1st and the 2nd on October 1st each year for the prior year's costs.

4. Audits. Each municipality shall maintain records and accounts sufficient to document reported costs, and these records and accounts shall be available for audit for at least 3 years.

5. Appeal. The computation of the solid waste subsidy for any municipality may be appealed in writing to the board by the municipal officers within 30 days from the date of notification of the computed amount. The board shall review the appeal and make an adjustment if, in its judgment, an error has been made. The board's decision shall be final as to facts supported by the records of the appeal.

Sec. 3. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

1979-80

1980-81

Board of Environmental Protection

Positions	(3)
Personal Services	\$33,917
All Other	506,300
Capital Expenditures	1,500
Total	\$541,717

Effective September 14, 1979

CHAPTER 512

S. P. 592 — L. D. 1661

AN ACT Concerning Revisions in the Maine Juvenile Code and Maine Criminal Code.

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

Sec. 1. 1 MRSA § 1 is amended to read:

§ 1. Extend of sovereignty and jurisdiction

The jurisdiction and sovereignty of the State extend to all places within its boundaries, subject only to such rights of concurrent jurisdiction as are granted over places ceded by State to the United States. **This section shall not limit or restrict the jurisdiction of the State over any person or with respect to any subject, within or without its boundaries, which jurisdiction is exercisable by reason of citizenship, residence or for any other reason recognized by law.**

Sec. 2. 15 MRSA § 3101, sub-§ 4, ¶G, is enacted to read:

G. In all prosecutions for subsequent crimes, any person bound over and convicted as an adult shall be proceeded against as if he were an adult.

Sec. 3. 15 MRSA § 3203, sub-§ 5, ¶D is enacted to read:

D. No continued detention shall be ordered unless the juvenile court shall determine that there is probable cause to believe that the juvenile has committed a juvenile crime. That determination shall be made on the basis of evidence, including reliable hearsay evidence, presented in testimony or affidavits.

Sec. 4. 15 MRSA § 3307, sub-§ 3, as amended, is further amended to read: