

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

K. J. Printing Co.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
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ONE HUNDRED AND NINTH LEGISLATURE
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No person operating a broadcasting station within this State shall broadcast any such communication without ~~announcing verbally~~ **an oral or visual announcement** of the name of the person who made or financed the expenditure for the communication.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 13, 1980

CHAPTER 639
S. P. 694 — L. D. 1816

AN ACT Relating to the Bonding of Voting Device Vendors.

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

21 MRSA § 1064, as amended by PL 1973, c. 585, § 12 is repealed.

Effective July 3, 1980

CHAPTER 640
H. P. 1735 — L. D. 1853

AN ACT to Allow Counties to Participate in the Solid Waste Management Subsidy.

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

Sec. 1. **38 MRSA § 1311**, as enacted by PL 1979, c. 511, § 2, is amended by adding at the end a new paragraph to read:

The Legislature further intends that the State will participate with counties in up to 50% of the cost of maintaining and operating solid waste disposal facilities that are in substantial compliance with this chapter and that are assisting municipalities with the proper disposal resource recovery or transfer of solid waste.

Sec. 2. **38 MRSA § 1312**, as enacted by PL 1979, c. 511, § 2, is amended to read:

§ 1312. Solid waste subsidy

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

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 **and counties**. Each municipality **and county** shall receive a subsidy equal to this percentage multiplied by their actual eligible costs for the prior year.

Sec. 3. 38 MRSA § 1313, as enacted by PL 1979, c. 511, § 2, is repealed and the following enacted in its place:

§ 1313. **Eligible facilities**

1. **Facilities.** All municipalities and counties 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;**

C. **County facilities; and**

D. **Facilities operated by regional refuse districts and other public or quasi-public entities.**

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 and counties may appeal determination of compliance in accordance with provisions of chapter 2.

Sec. 4. 38 MRSA § 1314, sub-§ 6, ¶B, first sentence, as enacted by PL 1979, c. 511, § 2, is amended to read:

Operation, maintenance and capital cost of equipment owned by the municipality **or county** and used at the facility.

Sec. 5. 38 MRSA § 1314, sub-§§ 7 and 8, as enacted by PL 1979, c. 511, § 2, are amended to read:

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; **and**

Sec. 6. 38 MRSA § 1314, sub-§ 9 is enacted to read:

9. Exclusions. Costs for transport, storage, treatment and disposal of municipal or industrial sludge are not eligible for subsidy.

Sec. 7. 38 MRSA § 1315, as enacted by PL 1979, c. 511, § 2, is amended to read:

§ 1315. Administration

1. Municipal reporting of costs. The solid waste subsidy shall be based on costs for the prior calendar year. All municipalities **and counties** 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 **and counties** 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 **and county** shall receive an amount equal to this subsidy index times the municipality's **or county's** reported costs.

3. Authorization of payment. The commissioner shall authorize subsidy payments to the eligible municipalities **and counties**. The subsidy shall be paid to each municipality **and county** 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 **and county** 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 **or county** may be appealed in writing to the board by the municipal officers **or county commissioners** 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.