

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 12 in L.D.)

Amend the bill in section 1 in §1310-Q in subsection 1 in the 4th line (page 1, line 20 in L.D.) by striking out the following: "The Except as provided in subsection 2, the" and inserting the following: 'The'

Amend the bill in section 1 in §1310-Q in subsection 1 in the 9th line (page 1, line 25 in L.D.) by inserting after the following: "entity" the following: 'and the department may not approve the transfer of the license of a solid waste facility subject to subsection 2 unless the provisions of that subsection are satisfied'

Amend the bill in section 1 in §1310-Q by striking out all of subsection 2 and inserting the following:

‘2. Transfers of solid waste license for a facility that incinerates municipal solid waste or special waste. In addition to the provisions of subsection 1, during the stated term of any waste handling contract between a solid waste facility that incinerates municipal solid waste or special waste and the host community in which the facility is geographically sited, the department may approve the transfer of a solid waste facility license from the solid waste facility only after the expiration of a due diligence review period for the host community in which the facility is geographically sited, which must conclude within 180 days of the date of filing of the application for transfer of the license. For purposes of this section, any change of owner or operator of the solid waste facility, whether accomplished through sale, merger, lease, sale of stock, assignment or otherwise, is subject to the requirement set forth in this subsection. Any facility owned wholly or in part by a regional association pursuant to section 1304-B, subsection 5 is exempt from this subsection. A transfer to a host community in which the facility is geographically sited is exempt from this subsection.

The board shall decide all applications for transfer of a license subject to this subsection. The board shall hold a public hearing on a transfer application within or in the vicinity of the municipality in which the facility is located after expiration of the due diligence review period prescribed in this subsection.’

Amend the bill by striking out all of the emergency clause (page 2, lines 14 and 15 in L.D.)

SUMMARY

This amendment authorizes the Department of Environmental Protection to approve the transfer of a solid waste facility license during the stated term of a waste handling contract between a solid waste facility that incinerates municipal solid waste or special waste and its host community only after the expiration of a due diligence review period for the host community. The amendment removes the provision in the bill that required the proposed new owner to apply for a new license and it removes the provision in the bill that required the written consent of the host community. The amendment gives jurisdiction over transfer applications that are subject to the new requirements to the Board of Environmental Protection and requires the board to hold a public hearing on the transfer application. The amendment clarifies that for purposes of this law "host community" means the town in which the facility

is geographically sited and it adds sale of stock as a method of ownership change that is subject to the requirements of the bill. The amendment exempts regional associations and a transfer to the facility's host community from the bill's requirements. The amendment also removes the emergency preamble and clause.