

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2436

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S.P. 969

In Senate, March 16, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator WEBSTER of Franklin.  
Cosponsored by Representative DEXTER of Kingfield.

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### STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act to Authorize Franklin County to Acquire a Parcel of Land in Coburn Gore.**

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(EMERGENCY)  
(AFTER DEADLINE)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Franklin County established a landfill for the benefit of the residents of Coburn Gore and surrounding areas of Franklin County on privately owned land in Coburn Gore before 1969, and has had sole responsibility for the landfill from that date to the present under an agreement with the landowners; and

Whereas, the term of that agreement will expire on May 1, 1990, and Franklin County has an urgent need to acquire the landfill parcel to ensure that the landfill remains available for use by the residents of Coburn Gore and surrounding areas of Franklin; and

Whereas, the owner of the parcel, the Coburn Gore Partnership, comprised of members of the Van Vleck family, is willing to transfer that property to Franklin County along with the surrounding property; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Franklin County; acquisition of land in Coburn Gore.** Franklin County is authorized to acquire a parcel of land in Coburn Gore from the Coburn Gore Partnership, including the Coburn Gore landfill and a perimeter buffer area of several acres of surrounding lands and to enter into a release and indemnification agreement that would waive the sovereign immunity of Franklin County to suit and would release, indemnify, defend and hold harmless the Coburn Gore Partnership and predecessors-in-title and related individuals from all liabilities or damages of any type whatsoever that might accrue as a result of the establishment, construction, operation, maintenance, management, closure, post-closure maintenance or any other aspect of the landfill.

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

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## STATEMENT OF FACT

6 As a public service to the residents of Coburn Gore, the  
8 Coburn Gore Partnership, comprised of members of the Van Vleck  
10 family and its predecessors-in-title, has permitted Franklin  
12 County to use a parcel of property in Coburn Gore. The county  
14 established a landfill on that parcel prior to 1969 and has had  
sole responsibility for all aspects of the landfill since that  
date to the present. The agreement permitting Franklin County to  
use this property expires on May 1, 1990. The county must have  
continued access to the property to meet the waste disposal needs  
of Coburn Gore and surrounding Franklin County residents.

16 This bill permits the county to acquire the land with a  
18 surrounding buffer parcel from the Coburn Gore Partnership in  
20 return for an agreement that would recognize the sole  
responsibility of the county for all aspects of the landfill  
since its creation.