

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

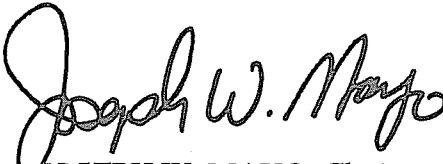
No. 411

H.P. 323

House of Representatives, February 9, 1993

**An Act to Promote Uniformity of Pricing among Municipalities Serviced
by Privately Owned Waste-to-energy Facilities.**

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative CAMPBELL of Holden.

Cosponsored by Representative: SAXL of Bangor, Senator: BALDACCI of Penobscot.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

Sec. 1. 38 MRSA §1304-B, sub-§4-B is enacted to read:

4-B. Contract enforcement. Any municipality that has entered into a contract for waste disposal directly with a privately owned waste-to-energy facility or indirectly with an entity that is engaged in the business of transporting waste to a privately owned waste-to-energy facility, may, in the case of nonperformance of such a contract, pursue a claim for damages or specific performance, or both, to the extent allowable under law, subject to the following limitations.

A. When, at the time of the filing of the claim for damages, the waste-to-energy facility is providing waste disposal services either directly or indirectly to 50 or more municipalities, a claiming municipality may not recover damages for nonperformance of a contract for waste disposal having a price term that is more favorable than the average price charged per ton of solid waste to all contracting municipalities during the previous calendar year, determined at the time of the filing of the claim for damages.

B. When, at the time of the filing of the claim for specific performance, the privately owned waste-to-energy facility is providing waste disposal services either directly or indirectly to 50 or more municipalities, a claiming municipality is not entitled to waste disposal services from the facility at a price that is more favorable than the average price charged per ton of solid waste to all contracting municipalities during the previous calendar year, determined at the time of the filing of the claim for specific enforcement.

This subsection applies to all claims that have not been reduced to judgment on or prior to the effective date of this subsection.

STATEMENT OF FACT

This bill enacts a provision governing contract enforcement powers of a municipality that has entered into a contract for waste disposal either directly with a privately owned waste-to-energy facility or indirectly with an entity that transports the waste to a privately owned waste-to-energy facility. Enforcement is limited when the waste-to-energy facility is providing waste disposal services to 50 or more municipalities as follows.

1. A municipality may not recover damages for
2 nonperformance of a contract for waste disposal having a price
4 term that is more favorable than the average price charged per
6 ton to all contracting municipalities during the previous
calendar year.

2. A municipality seeking specific performance is not
8 entitled to waste disposal services at a price that is more
10 favorable than the average price charged per ton to all
contracting municipalities during the previous calendar year.