

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1626

H.P. 1205

House of Representatives, May 30, 2003

**Resolve, To Authorize the State To Purchase a Landfill in the City
of Old Town**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUNLAP of Old Town. (GOVERNOR'S BILL)
Cosponsored by Senator CATHCART of Penobscot and
Representatives: CARR of Lincoln, Speaker COLWELL of Gardiner, KOFFMAN of Bar
Harbor, PEAVEY-HASKELL of Greenbush, Senators: DAVIS of Piscataquis, MARTIN of
Aroostook.

Sec. 1. Acquisition of landfill authorized. Resolved: That, notwithstanding anything in the Maine Revised Statutes, Title 5, section 1825-B, subsection 1 and Title 38, chapter 24 to the contrary, the Executive Department, State Planning Office, referred to in this section as "the office," may acquire, own and cause to be operated an existing and approved generator-owned solid waste disposal facility in the City of Old Town known as the West Old Town Landfill, referred to in this resolve as "the disposal facility" under such revenue-neutral terms and conditions as the office determines are advisable and in the public interest. The office may establish the terms and conditions of, and execute and deliver, in the name of and on behalf of the State, all contracts the office determines are necessary or appropriate to effect the transactions authorized by, or incident to, this resolve and to undertake all actions the office determines necessary or appropriate to fully perform all obligations established under this resolve.

The municipality in which the disposal facility is located may not regulate the operation, expansion or siting of the disposal facility as provided in Title 38, section 2173 or by means of any municipal ordinances, regulations, licenses or permits. The municipal officers of the City of Old Town may establish a citizen advisory committee to review landfill processes and serve as a liaison between the community and the office to facilitate communications during the development and operation of the landfill and provide local residents with updated information about the project, including explanations of any technical terms; and be it further

Sec. 2. Report. Resolved: That, by February 15, 2004, the Executive Department, State Planning Office shall submit a report to the Joint Standing Committee on Natural Resources on the acquisition of the disposal facility authorized under section 1 and a review of the operations related to that disposal facility.

SUMMARY

This resolve authorizes the Executive Department, State Planning Office to acquire, own and operate a preexisting, Department of Environmental Protection-approved and generator-owned solid waste disposal facility located in Old Town and to enter into such contracts as the office determines are necessary or appropriate to effect this transaction. The resolve further provides that municipal regulation of the facility will not be the same as for any other disposal facilities owned by the State. The City of Old Town, however, will be afforded the specified host community benefit, power and responsibility with respect to the facility as currently provided in state law.

2 Finally, the resolve requires the State Planning Office to submit
a report to the Joint Standing Committee on Natural Resources on
the process of acquiring the disposal facility and reviewing the
4 facility's operation.