

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2005

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Legislative Document

No. 1669

H.P. 1178

House of Representatives, May 10, 2005

**Resolve, To Authorize Certain Host Community Benefits Relative to  
a Landfill in the City of Old Town Owned by the State**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BLANCHARD of Old Town.  
Cosponsored by Senator SCHNEIDER of Penobscot and  
Representatives: CAIN of Orono, CLARK of Millinocket, DUCHESNE of Hudson, EBERLE  
of South Portland, KOFFMAN of Bar Harbor, PARADIS of Frenchville, PINEAU of Jay,  
RICHARDSON of Carmel.

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

Whereas, the Executive Department, State Planning Office, referred to in this preamble as "the office," was authorized to purchase the West Old Town Landfill, referred to in this preamble as "the disposal facility," in the City of Old Town by Resolve 2003, chapter 93; and

Whereas, Resolve 2003, chapter 93 authorized the office to enter into agreements to effect the operation of the disposal facility; and

Whereas, Casella Waste Systems, Inc., referred to in this preamble as "the operator," was selected by the office to be the operator of the disposal facility through a competitive bidding process initiated through "Request for Proposals: Contract for Landfill Operations," issued by the office on June 13, 2003; and

Whereas, the operator subsequently entered into an operating services agreement with the office dated February 5, 2004; and

Whereas, the operator and the City of Old Town need to execute a host community agreement as soon as possible; 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

**Sec. 1. Resolve 2003, c. 93, §1, sub-§5, ¶D amended. Resolved:** That Resolve 2003, c. 93, §1, sub-§5, ¶D is amended to read:

D. Serve as a liaison between the communities and the disposal facility operator or the office to facilitate communications during the development and operation of the disposal facility and provide residents with updated information about the project, including providing explanations of any technical terms, ~~and be it further,~~

; and be it further

**Sec. 2. Resolve 2003, c. 93, §1, sub-§§6 to 8 enacted. Resolved:** That Resolve 2003, c. 93, §1, sub-§§6 to 8 are enacted to read:

6. The operator of the disposal facility shall enter into a host community agreement with the City of Old Town on terms and conditions that are at least as favorable to the City of Old Town as the terms and conditions of the host community benefits described or detailed in the documents in the operator's bid in response to the request for proposals. The operator and the City of Old Town shall execute a host community agreement by the earlier of 90 days after the adjournment of the First Special Session of the 122nd Legislature or 90 days after the effective date of this subsection.

7. The host community agreement must include provisions for, and the office or operator shall make, a payment in lieu of taxes under the Maine Revised Statutes, Title 38, section 2175-B. This payment in lieu of taxes must be assessed by the City of Old Town as though the disposal facility were a privately owned commercial landfill.

8. To the extent that this resolve is silent on any provision with respect to the office or operator's ownership, operation or obligations with respect to the disposal facility, the provisions of the Maine Revised Statutes, Title 38, chapter 24 govern; and be it further

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

## SUMMARY

This resolve requires the operator of the West Old Town Landfill to enter into a host community agreement with the City of Old Town on terms and conditions that are at least as favorable to the City of Old Town as the terms and conditions of the host community benefits described or detailed in the documents in the operator's bid in response to the request for proposals. The host community agreement must include provisions for a payment in lieu of taxes.