

# MAINE STATE LEGISLATURE

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DMG  
R. & D.

L.D. 1567

Date: 6-8-11

MAJORITY

(Filing No. S- 282)

**ENVIRONMENT AND NATURAL RESOURCES**

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**STATE OF MAINE**

**SENATE**

**125TH LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 500, L.D. 1567, "Resolve, To Authorize the State To Purchase a Landfill in the Town of East Millinocket"

Amend the resolve in section 1 in subsection 1 in the 2nd line (page 1, line 5 in L.D.) by striking out the following: "shall" and inserting the following: 'may'

Amend the resolve in section 1 in subsection 1 in the last paragraph in the first line (page 1, line 13 in L.D.) by striking out the following: "The" and inserting the following: 'If the office enters into an agreement for the acquisition of the disposal facility, the'

Amend the resolve in section 1 by striking out all of subsection 2 (page 1, lines 19 to 23 in L.D.)

Amend the resolve in section 1 in subsection 4 in the first line (page 1, line 28 in L.D.) by striking out the following: "The" and inserting the following: 'If the type of waste permitted to be disposed of at the disposal facility changes, the'

Amend the resolve in section 1 in subsection 4 in paragraph D in the last line (page 2, line 7 in L.D.) by striking out the following: "and be it further"

Amend the resolve in section 1 by inserting after subsection 4 the following:

'5. Nothing in this resolve permits the abrogation of, abrogates or intends to abrogate the sovereign immunity of the State with respect to any agreement authorized under this resolve; and be it further'

Amend the resolve in section 1 to renumber the subsections to read consecutively.

Amend the resolve in section 2 in the 3rd line (page 2, line 10 in L.D.) by inserting after the following: "on" the following: 'actions taken related to'

**SUMMARY**

This amendment, which is the majority report of the committee, amends the resolve in the following ways.

**COMMITTEE AMENDMENT**

1           1. It authorizes the Executive Department, State Planning Office to acquire, own and  
2 cause to be operated an existing solid waste disposal facility in the Town of East  
3 Millinocket. The resolve directs the State Planning Office to take those actions.

4           2. It strikes a provision in the resolve that requires the acquisition agreement to  
5 provide that the current owner of the disposal facility and the owner's successors and  
6 assigns in the ownership of the pulp and paper mills have the right to dispose of sludge,  
7 ash and other wastes generated at the facilities.

8           3. It modifies the provision in the resolve requiring the municipal officers of the  
9 towns to establish a joint citizen advisory committee by clarifying that a joint citizen  
10 advisory committee must be established if the type of waste permitted to be disposed of at  
11 the disposal facility changes.

12           4. It adds a provision that expressly preserves the sovereign immunity of the State  
13 with respect to any agreement authorized under the resolve.

FISCAL NOTE REQUIRED  
(See Attached)



# 125th MAINE LEGISLATURE

LD 1567

LR 2164(02)

**Resolve, To Authorize the State To Purchase a Landfill in the Town of East Millinocket**

**Fiscal Note for Bill as Amended by Committee Amendment "A" S-282**

**Committee: Environment and Natural Resources**

**Fiscal Note Required: Yes**

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## Fiscal Note

Potential current biennium cost increase - General Fund

### Fiscal Detail and Notes

This bill as amended gives the State Planning Office (SPO) the option to acquire, own and and cause to be operated an existing licensed solid waste disposal facility in the Town of East Millinocket known as the Dolby Landfill. If the Department of Environmental Protection (DEP) were required by the SPO to operate the Dolby Landfill starting in fiscal year 2011-12 its costs could range from as low as \$250,000 per fiscal year if required only to perform maintenance, inspections, water quality and leachate management to as much as \$46.5 million over several fiscal years if the DEP were required to operate the landfill over the entire Valley Fill area, perform groundwater contamination remediation and ultimately close the landfill.

If the SPO exercises the option to acquire, own and cause the Dolby Landfill to be operated it may need to expend \$62,000 in fiscal year 2011-12 to conclude a landfill acquisition agreement and perform related deed and recording requirements, \$16,000 per year to cover ongoing costs associated with annual landfill license and report fees starting in fiscal year 2011-12 and \$100,000 per year for community benefit agreement payments to the municipalities of Millinocket and East Millinocket starting in fiscal year 2013-14. It is important to note that if the SPO became the owner of the Dolby Landfill it would potentially bear joint liability for all of the DEP maintenance, remediation and closure costs listed above.