

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1330

H.P. 843

House of Representatives, March 23, 2023

**Resolve, to Ensure Compliance by the State with an Agreement
Regarding the Operation of the Landfill in Old Town**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DILL of Old Town.
Cosponsored by Representative: LANDRY of Farmington.

1 **Preamble. Whereas,** the 121st Legislature in its First Regular Session enacted
2 Resolve 2003, chapter 93, Resolve, To Authorize the State To Purchase a Landfill in the
3 City of Old Town, providing authority to the Executive Department, State Planning Office
4 to acquire, own and cause to be operated an existing Department of Environmental
5 Protection-licensed and generator-owned solid waste disposal facility in the City of Old
6 Town known as the West Old Town Landfill under terms and conditions that were revenue-
7 neutral to the State and determined to be advisable and in the public interest; and

8 **Whereas,** the 121st Legislature further authorized the State Planning Office to
9 establish the terms and conditions of, and execute and deliver, in the name of and on behalf
10 of the State, all contracts determined to be necessary or appropriate to effect the acquisition
11 and operation of the landfill and to undertake all actions determined to be necessary or
12 appropriate to fully perform all obligations established under such contracts; and

13 **Whereas,** the State Planning Office, in the name of and on behalf of the State did
14 acquire the landfill in 2004 through execution of the Agreement Regarding Solid Waste
15 Disposal Facility Acquisition and Operation with the owner of the paper mill located in
16 Old Town, in which the State agreed to provide certain commitments and benefits to the
17 owner of the paper mill in connection with the operation of the landfill either directly or
18 through any operator authorized by the State to operate the landfill; and

19 **Whereas,** the agreement provided that for a period of 30 years following the
20 acquisition of the landfill, the State would provide the owner of the paper mill located in
21 Old Town with disposal capacity at the landfill for all mill waste and biomass ash according
22 to a fee schedule provided in the agreement; now, therefore, be it

23 **Sec. 1. Determination of compliance with acquisition and operation**
24 **agreement. Resolved:** That the Department of Administrative and Financial Services
25 shall investigate and determine whether the benefits of the 2004 Agreement Regarding
26 Solid Waste Disposal Facility Acquisition and Operation, referred to in this resolve as "the
27 agreement," entered into by the State and the owner of the paper mill located in Old Town,
28 referred to in this resolve as "the paper mill," regarding disposal capacity and tipping fees
29 continues to properly accrue to the owner of the Old Town paper mill. The department
30 shall provide, in writing, the results of its investigation to the Joint Standing Committee on
31 Environment and Natural Resources within 30 days of the effective date of this resolve.

32 **Sec. 2. Necessary action to ensure compliance with the acquisition and**
33 **operation agreement. Resolved:** That if the Department of Administrative and
34 Financial Services determines, following the investigation conducted pursuant to section
35 1, that the benefits of the agreement are not being received by the owner of the paper mill
36 on the terms originally contemplated by the agreement, the department shall take such
37 action as is necessary to ensure the proper receipt of those benefits by the owner of the
38 paper mill.

39 **Sec. 3. Report. Resolved:** That, by January 15, 2024, the Department of
40 Administrative and Financial Services shall submit a report to the Joint Standing
41 Committee on Environment and Natural Resources on its findings and actions taken
42 pursuant to this resolve.

1 **SUMMARY**

2 In Resolve 2003, chapter 93, the State Planning Office was authorized to acquire and
3 cause to be operated a solid waste disposal facility in the City of Old Town. Pursuant to
4 an agreement entered into with the paper mill located in Old Town, the State agreed to
5 provide certain commitments and benefits to the owner of the paper mill in connection with
6 the operation of the landfill either directly or through any operator authorized by the State
7 to operate the landfill.

8 This resolve requires the Department of Administrative and Financial Services to
9 investigate and determine whether the State is providing the owner of the paper mill in Old
10 Town the benefits as required by the agreement. If the department determines that the
11 agreed-upon benefits are not being provided, the department is required to take necessary
12 action to ensure the receipt of those benefits. The resolve requires the department to report
13 the results of its investigation to the Joint Standing Committee on Environment and Natural
14 Resources within 30 days of the effective date of the resolve and to report again by January
15 15, 2024 regarding any action the department needed to take to ensure receipt of the
16 benefits by the owner of the paper mill.