



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1567

S.P. 500

In Senate, May 11, 2011

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

Reference to the Committee on State and Local Government suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin. (GOVERNOR'S BILL)

Cosponsored by Senators: GOODALL of Sagadahoc, THOMAS of Somerset, Representatives:
CLARK of Millinocket, DUCHESNE of Hudson, HAMPER of Oxford, PARKER of Veazie.

1 **Sec. 1. Acquisition of landfill authorized. Resolved:** That, notwithstanding
2 the Maine Revised Statutes, Title 5, section 1825-B, subsection 1; Title 38, section
3 1310-X; and Title 38, chapter 24, the following provisions apply.

4 1. The Executive Department, State Planning Office, referred to in this section as
5 "the office," shall acquire, own and cause to be operated an existing Department of
6 Environmental Protection-licensed and generator-owned solid waste disposal facility in
7 the Town of East Millinocket, known as the Dolby Landfill and consisting of 3 separate
8 areas known as "Dolby Landfill Site 1," "Dolby Landfill Site 2" and "Dolby Landfill Site
9 3," including unused solid waste capacity, expansion potential and the rights and
10 obligations of all related solid waste licenses, together with such related property, if any,
11 and appurtenant rights as may be necessary or desirable for the operation of such property
12 as a commercial landfill, referred to in this resolve collectively as "the disposal facility."

13 The office shall establish the terms and conditions of sale, including a nominal cash
14 purchase price, and execute and deliver, in the name of and on behalf of the State, all
15 contracts the office determines are necessary or appropriate to effect the acquisition and
16 operation of the disposal facility. The office shall undertake all actions the office
17 determines necessary or appropriate to fully perform all obligations established under the
18 contracts.

19 2. The acquisition agreement must provide that the current owner of the disposal
20 facility and the owner's successors and assigns in the ownership of the pulp and paper
21 mills in Millinocket and East Millinocket and any energy-generating facilities now or
22 hereafter located on these mill properties have the right to dispose of sludge, ash and
23 other wastes generated from operations on the mill properties.

24 3. Notwithstanding the Maine Revised Statutes, Title 38, section 1310-U, the
25 municipality in which the disposal facility is located may not regulate the operation or
26 any other aspect of the disposal facility as provided in Title 38, section 2173 or by means
27 of any municipal ordinances, regulations, licenses or permits.

28 4. The municipal officers of the Town of East Millinocket and the Town of
29 Millinocket shall establish a joint citizen advisory committee consisting of 7 members, of
30 whom 4 must be from the Town of East Millinocket and 3 must be from the Town of
31 Millinocket. In appointing members to the committee, the municipal officers shall use
32 the Maine Revised Statutes, Title 38, section 2171, subsection 1 as guidance. The
33 committee shall meet as soon as practical following appointment of its members and shall
34 select a chair from among its members. The committee shall establish procedures for the
35 conduct of meetings. The committee may:

36 A. Review proposed contracts, site analyses, applications and other documents
37 relating to the expansion, permitting and operation of the disposal facility;

38 B. Hold periodic public meetings to solicit the opinions of residents concerning the
39 disposal facility and any permit applications, contracts or other provisions relating to
40 the disposal facility;

1 C. Provide the office and the disposal facility operator with suggested contract
2 provisions, permit conditions, plans or procedures the committee considers
3 appropriate; and

4 D. Serve as a liaison between the towns and the office and the disposal facility
5 operator to facilitate communications during the development and operation of the
6 disposal facility and provide residents with updated information about the disposal
7 facility, including providing explanations of any technical terms; and be it further

8 **Sec. 2. Report. Resolved:** That, by February 15, 2012, the Executive Department,
9 State Planning Office shall submit a report to the Joint Standing Committee on
10 Environment and Natural Resources on the acquisition of the disposal facility authorized
11 under section 1 and a review of the operations related to that disposal facility.

12 **SUMMARY**

13 This resolve directs the Executive Department, State Planning Office to purchase and
14 cause to be operated an existing licensed and generator-owned solid waste disposal
15 facility in the Town of East Millinocket known as the Dolby Landfill. The current owner
16 of the disposal facility and the owner's successors and assigns in the ownership of the
17 pulp and paper mills in the Town of Millinocket and the Town of East Millinocket will
18 have the right to dispose of sludge, ash and other wastes generated at these facilities. The
19 municipality in which the disposal facility is located may not regulate the operation of the
20 disposal facility. The municipal officials of the Town of East Millinocket and the Town
21 of Millinocket are directed to establish a joint citizen advisory committee regarding the
22 disposal facility. The resolve directs the Executive Department, State Planning Office to
23 submit a report to the Joint Standing Committee on Environment and Natural Resources
24 by February 15, 2012 on the acquisition of the disposal facility and a review of the
25 operations related to the disposal facility.