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[Maine Voices: Look closely at proposals for state to acquire troubled landfill](#)

Wanting to preserve paper mill jobs is a worthy goal, but it still has to be cost-effective.

PORTLAND - Trying to save or restore jobs in the Katahdin region is a laudable goal for Maine's Legislature and governor to pursue.



ABOUT THE AUTHORS

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READ THE BILL

To read L.D. 1567, go to the [Legislature's bill search page](#).

But trying to meet that goal by assuming the liabilities for a landfill that is in current violation of state and federal law and regulations and will require at least \$17 million to close and clean up, so that a new owner can be found for the paper mill that uses that landfill, is -- as this paper noted in an editorial on June 6 ("State should take a risk on Katahdin region mills") -- a risky proposition to say the least.

Before adopting L.D. 1567, which will shift the burden of these costs to the people of Maine from the current owners (a Canadian corporation that separated the profit-making hydropower assets from the mills several years ago and failed to convince the last governor to carry their water on the landfill), the Legislature or the governor's

office should conduct a thorough examination of what the costs could be and provide how those costs would be covered.

To date, neither has done so. That failure runs afoul of the Maine Constitution and must be redressed before further action is taken.

Simply put, before one Legislature or governor can saddle future Legislatures or governors with a liability greater than \$2 million, that Legislature must approve by a two-thirds vote the issuance of bonds to cover that liability and the people of Maine must approve the bond.

Not surprisingly, that makes good sense -- it ensures that the can isn't just kicked further down the road by our elected representatives, leaving future Legislatures, and ultimately taxpayers, to foot the bill.

For an administration focused on running state government like a business, it's a curious decision to buy a piece of contaminated property that nobody with any business sense wants to touch.

Of course, that's the *raison d'être* for the legislation -- to remove a liability that any business looking at the assets of the mill wants to avoid. Even assuming that the state's acquisition of this liability entices someone to invest the even greater amount of capital to update and restart the mill, the most likely scenario is that the state ends up paying a minimum of \$17 million to close the landfill within the next seven to 10 years.

This does not include costs for operating and maintenance of the landfill (at least \$250,000 a year), costs to address the current violations that are polluting groundwater and surface waters in the Penobscot River watershed, or costs to improve the stability of the landfill.

And contrary to this paper's statement, by the very nature of this "deal," the landfill will come with no assets to offset those costs -- the best assets of the mill, the hydropower facilities, have already been spun off and the paper mill assets will be forever separated from the landfill liability by this legislation.

The administration has yet to provide any specifics as to how it intends to pay for these costs, or address the current violations of state and federal law at the landfill. That's not just bad fiscal and environmental policy. It is a violation of our basic legal framework, the Maine Constitution.

If Maine government is going to get into the business of assuming liabilities like old and leaking landfills, let's make sure we all know what it is we are getting ourselves into and make provisions to pay for it at the time we assume those liabilities.

Because regardless of whether there's a sign at the border, if L.D. 1567 is passed, every company with a major environmental liability like this leaking landfill is going to know that Maine is open for business. It's just not the business we should be asking for.

- Special to the Press Herald

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