

By Mr. Petrolati of Ludlow, petition of Thomas M. Petrolati and Brian P. Lees for legislation to regulate expansion of the Hampden County Jail and House of Correction in the vicinity of facilities of the Massachusetts Municipal Wholesale Electric Company in the town of Ludlow. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT RELATIVE TO THE MASSACHUSETTS MUNICIPAL WHOLESALE ELECTRIC COMPANY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding the provisions of any general or
2 special law to the contrary, no state department, agency, authority
3 or political subdivision shall consider the location of, any impact
4 arising from or contributed by, the Hampden County Jail and
5 House of Correction and related facilities to be constructed
6 pursuant to Chapter 714 of the Acts of 1989 and the proximity
7 of such jail to existing facilities of the Massachusetts Municipal
8 Wholesale Electric Company, in conducting environmental
9 assessments and in determining compliance with environmental
10 standards of the existing electric generating units and related
11 facilities, proposals of the Massachusetts Municipal Wholesale
12 Electric Company for expansion of its pre-existing electric
13 generating units and related facilities and construction and
14 operation of additional generating units and related facilities at
15 its Stony Brook Energy Center in Ludlow.

1 SECTION 2. The location of, any impact arising from or
2 contributed by, the Hampden County Jail and House of
3 Correction and related facilities to be constructed pursuant to
4 c. 714 of the Acts of 1989 and the proximity of the same shall

5 not operate as a bar to an application by the Massachusetts
6 Municipal Wholesale Electric Company to the Energy Facilities
7 Siting Council or any successor department, agency, authority or
8 political subdivision to construct additional generating units and
9 related facilities at its Stony Brook Energy Center site in Ludlow,
10 Massachusetts.

11 The location of, any impact arising from or contributed by, the
12 Hampden County Jail and House of Correction and related
13 facilities to be constructed pursuant to c. 714 of the Acts of 1989
14 and the proximity of the same shall not operate as a bar to an
15 approval by the Energy Facilities Siting Council or any successor
16 department, agency, authority or political subdivision for the
17 Massachusetts Municipal Wholesale Electric Company to
18 construct additional generating units and related facilities at its
19 Stony Brook Energy Center in Ludlow, Massachusetts, provided
20 however that the Energy Facilities Siting Council finds, after
21 hearing, such facilities reasonably necessary to meet the power
22 supply needs of member and non-member cities and towns having
23 municipal electric departments and other utilities, public or
24 private, within or without the commonwealth.

1 SECTION 3. Notwithstanding any general or special law to
2 the contrary, the Commonwealth of Massachusetts shall
3 indemnify and save harmless the Massachusetts Municipal
4 Wholesale Electric Company, its members, assigns, successors in
5 interest, any co-owners of electric facilities at the Stony Brook
6 Energy Center and the directors, officers, employees and agents
7 of the Massachusetts Municipal Wholesale Electric Company
8 from all damages, liabilities, financial loss, and expense including
9 reasonable legal fees and costs, if any, in any amount in excess
10 of one hundred thousand dollars per occurrence, arising out of
11 any civil, administrative or criminal action, notice, order,
12 injunction, claim, demand, suit or judgment, whether state or
13 federal, by reason of the proximity of the Massachusetts
14 Municipal Wholesale Electric Company's generation, transmis-
15 sion and distribution facilities to those structures to be constructed
16 on the land described in St. 1989, c. 714. The Massachusetts
17 Municipal Wholesale Electric Company, its members, assigns,

18 successors in interest, any co-owners of electric facilities at the
19 Stony Brook Energy Center and the directors, officers, employees
20 and agents of the Massachusetts Municipal Wholesale Electric
21 Company, shall not be indemnified under this section if it or they
22 acted in a grossly negligent, willfull or malicious manner.

