

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1391

S.P. 510

In Senate, April 2, 2009

An Act To Amend the Laws Governing Emergency Management

Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative PLUMMER of Windham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 37-B MRSA §741, sub-§3, ¶G,** as repealed and replaced by PL 2003, c.
3 510, Pt. A, §34, is amended to read:

4 G. On behalf of the State, enter into mutual aid arrangements with other states and
5 foreign countries, and their political subdivisions, and coordinate mutual aid plans
6 between political subdivisions of the State. If an arrangement is entered into with a
7 jurisdiction that has enacted ~~the Interstate Civil Defense and Disaster Compact,~~
8 ~~chapter 15,~~ the Emergency Management Assistance Compact, chapter 16, or the
9 International Emergency Management Assistance Compact, chapter 16-A, any
10 resulting agreement or agreements may be considered supplemental agreements
11 pursuant to those compacts. If the other jurisdiction or jurisdictions with which the
12 Governor proposes to cooperate have not enacted one of those compacts, the
13 Governor may negotiate special agreements with the jurisdiction or jurisdictions.
14 Any agreement, if sufficient authority for its making does not otherwise exist,
15 becomes effective only after approval by the Legislature; and

16 **Sec. 2. 37-B MRSA §745, sub-§2,** as amended by PL 2005, c. 634, §13, is
17 further amended to read:

18 **2. Sources of fund.** The following must be paid into the fund:

- 19 A. All money appropriated for inclusion in the fund;
20 B. All interest from investment of the fund; ~~and~~
21 C. Any other money deposited in the fund from the Department of Defense,
22 Veterans and Emergency Management, Disaster Assistance Relief, Other Special
23 Revenue Funds account; and
24 D. Reimbursement received from the Federal Government or other legal entity for
25 disaster relief expenditures made from the fund.

26 **Sec. 3. 37-B MRSA §745, sub-§3,** as amended by PL 2005, c. 634, §13, is
27 further amended to read:

28 **3. Use of fund.** The fund must be the first resource used when section 742 or 744 is
29 invoked, ~~except as provided in paragraph A. The fund may also be used for the purpose~~
30 ~~of matching federal funds in the event of a federally declared disaster. The uses of the~~
31 fund are as follows:

- 32 A. To provide disaster relief to individuals and families when a federal disaster
33 declaration is not received;
34 B. To provide disaster relief to local governmental units of the State for
35 infrastructure repair and response when a federal disaster declaration is not received;
36 C. Emergency response costs for state agencies;
37 D. To provide low-interest loans to businesses for disaster relief when a federal
38 disaster declaration is not received;

1 E. Disaster-related unmet needs of individuals and families following a federally
2 declared disaster;

3 F. Matching funds for assistance to individuals in a federally declared disaster; and

4 G. Matching funds for assistance to state and local governmental units in a federally
5 declared disaster.

6 **Sec. 4. 37-B MRSA §745, sub-§4**, as enacted by PL 2005, c. 634, §13, is
7 amended to read:

8 **4. Fund balance.** The fund's balance may not exceed \$3,000,000, except by order of
9 the Governor. Any In the absence of such an order, any amount, including interest, that
10 accrues in excess of \$3,000,000 must be transferred by the State Controller to the Maine
11 Budget Stabilization Fund, established in Title 5, section 1532. Beginning July 1, 2010,
12 the fund's maximum allowable balance must be adjusted annually on July 1st by any
13 percentage change in the Consumer Price Index from January 1st to December 31st of the
14 previous year, but only to a maximum increase of 2%.

15 **Sec. 5. 37-B MRSA §797**, as amended by PL 2001, c. 533, §1, is further amended
16 to read:

17 **§797. Maine chemical inventory report**

18 A person required to submit a facility emergency response plan, material safety data
19 sheet or list of hazardous chemicals and extremely hazardous substances must submit a
20 Maine chemical inventory ~~reporting form~~ report to the commission, the local emergency
21 planning committee and the local fire department with jurisdiction over the facility. The
22 inventory ~~reporting form~~ report and fee must be submitted by March 1st annually for the
23 previous calendar year, except that the inventory ~~reporting form~~ report and fee may be
24 submitted with the registration fee in the year of reporting if the reporting facility can
25 project its inventory levels for the current year. Information on the inventory of
26 extremely hazardous substances and hazardous chemicals for the previous calendar year
27 is required ~~on~~ in the form report. ~~These forms~~ This report must state, at a minimum:

28 **1. Chemical name.** The chemical name of each substance listed;

29 **2. Maximum weight.** The maximum number of pounds of each substance present at
30 any time during the preceding year;

31 **3. Average amount.** The average daily amount of each substance present during the
32 preceding year;

33 **4. Chemical storage.** A brief description of the manner of the chemical's storage;

34 **5. Chemical location.** The chemical's location at the facility;

35 **6. Information withholding.** An indication if the person is electing to withhold
36 information from disclosure under section 800;

1 **7. Transportation.** A description of the manner in which the substance is shipped to
2 the facility, including standard and alternate transportation routes taken through the State
3 from point of origin or entry to the facility. Records held by the commission regarding
4 standard and alternate transportation routes are confidential records for the purposes of
5 Title 1, chapter 13, subchapter 1. The commission may provide those records to state,
6 county or local emergency management agencies or public officials, as the commission
7 determines necessary, but shall require those agencies or officials to hold those records as
8 confidential; and

9 **8. Progress toward toxics use reduction goals.** For those persons required to
10 submit a ~~form~~ report under this section for extremely hazardous substances, a report on
11 the progress made by the facility toward meeting the toxics use reduction goals
12 established in Title 38, section 2303.

13 **Sec. 6. 37-B MRSA §799**, as amended by PL 1993, c. 355, §2, is further amended
14 to read:

15 **§799. Toxic chemical release reports**

16 Under this section, the owner or operator of every facility with 10 or more employees
17 and within Standard Industrial Classification Codes 20-39 must file toxic chemical
18 release ~~forms~~ reports for routine releases with the United States Environmental Protection
19 Agency, the Department of Environmental Protection, the commission and the local
20 emergency planning committee by October 1, 1989 and annually thereafter consistent
21 with the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499,
22 Title III, Section 313, and 40 Code of Federal Regulations, Part 372. Those ~~forms~~ reports
23 must be made available to the public by the commission and the local emergency
24 planning committee. The owner or operator of every facility required to report under this
25 section must also submit a report on the progress made by the facility toward meeting the
26 toxics release reduction goals established in Title 38, section 2303.

27 **Sec. 7. 37-B MRSA §805**, as enacted by PL 1989, c. 464, §3, is amended to read:

28 **§805. Community right to know**

29 **1. Availability to public.** Each emergency response plan, material safety data sheet,
30 list described in section 796, subsection 2, Maine chemical inventory ~~reporting form~~
31 report, toxic chemical release ~~form~~ report and follow-up emergency notice shall must be
32 made available to the general public, consistent with section 800, during normal working
33 hours at the location or locations designated by the Administrator of the United States
34 Environmental Protection Agency, the Governor, the commission or the local emergency
35 planning committee, as appropriate. Upon request by an owner or operator of a facility
36 subject to the requirements of section 797, the commission and the appropriate local
37 emergency planning committee shall withhold from disclosure under this section the
38 location of any specific chemical required by section 797 to be contained in a Maine
39 chemical inventory ~~reporting form~~ report.

40 **2. Notice of public availability.** Each committee shall annually publish a notice in
41 local newspapers that the emergency response plan, material safety data sheets and Maine

1 chemical inventory ~~reporting forms~~ reports have been submitted under this section. The
2 notice ~~shall~~ must state that follow-up emergency notices may subsequently be issued and
3 announce that members of the public who wish to review any such plan, sheet, ~~form~~
4 report or follow-up notice may do so at the location designated under subsection 1.

5 **Sec. 8. 37-B MRSA §806, sub-§4, ¶A**, as enacted by PL 1989, c. 464, §3, is
6 amended to read:

7 A. Any person may commence a civil action on that person's own behalf against the
8 owner or operator of a facility for failure to do any of the following:

9 (1) Submit a follow-up emergency notice under section 798, subsection 3;

10 (2) Submit a material safety data sheet or a list under section 796;

11 (3) Complete and submit a Maine chemical inventory ~~reporting form~~ report
12 under section 797; or

13 (4) Complete and submit a toxic chemical release ~~form~~ report under section 799.

14 **Sec. 9. 37-B MRSA c. 15**, as amended, is repealed.

15 SUMMARY

16 This bill amends the laws governing the Disaster Relief Fund to allow for reimbursed
17 costs to be deposited back into the fund, to list uses of the fund and to adjust the fund's
18 maximum allowable balance annually for inflation. It also revises language relating to
19 chemical inventory reporting. It amends statutory language to reflect the administrative
20 change that has phased out paper chemical inventory reporting forms in favor of
21 electronic reports containing the same information. It repeals the Interstate Civil Defense
22 and Disaster Compact, which has been superseded by the Emergency Management
23 Assistance Compact.