

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1507

H.P. 991

House of Representatives, April 8, 2025

An Act to Require General Public Notification of Oil Terminal Facility Transfer Activities

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

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BECK of South Portland.
Cosponsored by Senator CARNEY of Cumberland and
Representative: DHALAC of South Portland.

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

2 **Sec. 1. 38 MRSA §542, sub-§9-E** is enacted to read:

3 **9-E. Short message service or SMS.** "Short message service" or "SMS" means a text
4 messaging service component of most mobile telephones and mobile device systems that
5 uses standardized communication protocols and that allows the exchange of short text
6 messages, typically transmitted over cellular networks.

7 **Sec. 2. 38 MRSA §542, sub-§10,** as enacted by PL 1969, c. 572, §1, is repealed
8 and the following enacted in its place:

9 **10. Transfer or transferred.** "Transfer" or "transferred" means both onloading and
10 offloading of oil between an oil terminal facility and a vessel; a vessel and another vessel;
11 or an oil terminal facility and a vehicle.

12 **Sec. 3. 38 MRSA §542, sub-§10-B** is enacted to read:

13 **10-B. Vehicle.** "Vehicle" has the same meaning as in Title 29-A, section 101,
14 subsection 91.

15 **Sec. 4. 38 MRSA §546-D** is enacted to read:

16 **§546-D. Community notification**

17 **1. Community notification plan.** An owner or operator of an oil terminal facility
18 shall develop and implement a plan for electronic notification to the community of the
19 transfer of oil. For purposes of this section, "community" means the general public of the
20 municipality where the oil terminal facility is located and other members of the general
21 public who reside or work in adjacent municipalities or have an interest in receiving
22 notifications under this section. The plan must include:

23 A. An electronic notification system using SMS or similar technology to provide
24 notice of a transfer to a member of the public who requests the notice;

25 B. A provision for notice to be given once per day of every transfer anticipated in the
26 24-hour period following the notice;

27 C. For each notice, the following information regarding each transfer:

28 (1) The name and location of the terminal or, if the transfer is being conducted
29 offshore, the name and location of the anchorage;

30 (2) The approximate amount of oil to be transferred;

31 (3) The type of oil to be transferred;

32 (4) If the transfer involves a vessel, the name of the vessel or other identifier;

33 (5) The expected time and date of the transfer; and

34 (6) A description of any hazardous vapors that may be released during the transfer;

35 D. An agreement with an entity providing SMS or similar technology as required by
36 paragraph A;

37 E. The process that allows a member of the public to request and receive the notice;
38 and

F. A description, including time frame, for implementation of the plan.

The owner or operator shall annually update the community notification plan by July 1st.

2. Review of community notification plan. An owner or operator of an oil terminal facility shall provide a copy of the community notification plan under subsection 1 to the department and the municipality in which the oil terminal facility is located. The department or the municipality may make comments and recommended changes to the plan prior to implementation of the plan, which must be approved by the department and the municipality.

3. Public access to plan; periodic changes. The owner or operator of an oil terminal facility shall post the approved community notification plan under subsection 2 on a publicly accessible website. The owner or operator may make periodic changes to the plan, subject to review by the department and the municipality under subsection 2. By July 1st of each year, the owner or operator shall provide a copy of the current plan to the department and the municipality and post the current plan on a publicly accessible website.

4. Enforcement. In addition to any other penalties provided by law, an owner or operator of an oil terminal facility who violates this section is subject to enforcement action by the department including the revocation of a license under sections 544 and 545.

Sec. 5. Timeline for existing oil terminal facilities. By January 1, 2026, an owner or operator of an oil terminal facility that exists and is licensed under the Maine Revised Statutes, Title 38, sections 544 and 545 on the effective date of this Act shall submit a community notification plan under Title 38, section 546-D for review by the Department of Environmental Protection and the municipality in which the oil terminal facility is located pursuant to Title 38, section 546-D, subsection 2. By July 1, 2026, the owner or operator shall implement the plan reviewed and approved by the department and the municipality under this section and the owner or operator shall post the approved plan on a publicly accessible website.

SUMMARY

This bill requires owners and operators of oil terminal facilities to develop and implement community notification plans in which members of the public upon request are notified electronically within 24-hours of the transfer of oil between the facility and a vessel, between a vessel and another vessel or between the facility and a vehicle. The community notification plan is subject to review and approval by the Department of Environmental Protection and the municipality in which the facility is located and must be posted on a publicly accessible website. Owners and operators of existing oil terminal facilities are required to submit a community notification plan for review by the department and the municipality by January 1, 2026 and implement and publicly post the plan by July 1, 2026. The owners and operators must provide an update of the plan on July 1st annually thereafter.