

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

(Filing No. H-1025)

COMMITTEE AMENDMENT "A" to H.P. 1958, L.D. 2040, Bill,
"AN ACT to Regulate Hazardous Materials and Wastes and to Pro-
vide for a Uniform Response System to Hazardous Materials
Emergencies."

Amend the bill by striking out the title and inserting in
its place the following:

'AN ACT to Regulate Hazardous Materials and to Provide
for a Reporting System to Hazardous Materials Emergencies.'

Further amend the bill by striking out everything after
the enacting clause and inserting in its place the following:

'Chapter 25 MRSA c.256 is enacted to read:

CHAPTER 256

HAZARDOUS MATERIALS CONTROL

§2101. Policy

It is declared to be the policy of the State to protect its
citizens adequately against the risks to life and property which
are inherent in the transportation of hazardous materials in
commerce.

§2102. Definitions

As used in this chapter, unless the context otherwise in-
dicates, the following words shall have the following meanings.

1. Commerce. "Commerce" means trade, traffic, commerce or transportation within the jurisdiction of the State of Maine.

2. Emergency agency. "Emergency agency" means law enforcement, fire, civil emergency preparedness or any other agency or department charged with the responsibility of responding to an accident involving death, serious illness, severe personal injury or substantial present or potential hazard to human health or environment.

3. Hazardous material. "Hazardous material" means a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce.

4. Person. "Person" means any individual, corporation, partnership, trust, estate, political subdivision or district, their legal representatives, agents or assigns.

5. Transport or transportation. "Transport" or "transportation" means any movement of property by any mode and any loading, unloading or storage incidental thereto.

§2103. Designation of hazardous materials

Hazardous materials, as used in sections 2104 and 2105, shall mean such quantity and form of material or group or class of such materials as designated by the United States Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, Title 49 USC, section 1801, et seq., and regulations issued thereunder.

§2104. Handling of hazardous materials

It shall be unlawful for a person to transport hazardous materials within the State unless:

1. Vehicle marking. The motor vehicle so transporting displays a placard or marking which shall be similar in size and contain the same information required by the Code of Federal Regulations, Title 49, section 177.823; and

2. Bill of lading. The motor vehicle operator has in his possession a bill of lading specifically naming and describing the hazardous material transported and its location in the vehicle.

§2105. Reporting system

It is the responsibility of any person who transports hazardous material within the State to report to an emergency agency, by the fastest means available, any accident involving:

1. Death. Death;

2. Illness. Serious illness;

3. Injury. Severe personal injury; or

4. Danger to life. A situation of such a nature that a continuing danger to life exists at the scene of the accident and, in the judgment of the person, should be reported even though it does not meet the specific criteria of subsections 1, 2 or 3.

§2106. Exemptions

This chapter shall not apply to any person or transportation required under federal law to comply with the Hazardous Materials Transportation Act, Title 49 USC, section 1801, et seq., and regulations issued thereunder.

§2107. Penalty

Violation of this chapter shall be a Class D crime.

§2108. Advisory board

There is created a Hazardous Materials Advisory Board to be composed of the following: The Director of Civil Emergency Preparedness or his designee who shall serve as chairman; the Commissioner of Agriculture or his designee; the Commissioner of Environmental Protection or his designee; the Commissioner of Public Safety or his designee; the State Fire Marshal or his designee; the Commissioner of Human Services or his designee; the Commissioner of Transportation or his designee; and the Attorney General or his designee. These members shall appoint 2 public representatives from industry and associations which transport or have an interest in the transportation of hazardous materials.'

STATEMENT OF FACT

The purpose of this amendment is to provide for the regulation of handling and transportation of hazardous materials. It requires that vehicles transporting hazardous materials be placarded, and carry bills of lading identifying the nature and location of the hazardous material. In addition, the amendment provides for prompt reporting of serious accidents and conditions when the possibility of a serious accident occurring exists.

The / ^{amendment} does not affect the authority of the Commissioner of Public Safety to promulgate regulations concerning explosives or inflammables pursuant to Title 25, section 2441.

COMMITTEE AMENDMENT "A" to H.P. 1958, L.D. 2040

Reported by the Committee on Natural Resources.

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