

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(After Deadline)  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1600**

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S. P. 602

In Senate, May 12, 1981

(Approved by the Majority of the Legislative Council pursuant to Joint Rule 27.)

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Shute of Waldo.

Cosponsors: Representative Crowley of Stockton Springs, Representative Drinkwater of Belfast and Representative Hutchings of Lincolnville.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Amend the Petroleum Liquids Transfer Vapor Recovery Law.**

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**Emergency Preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, any bulk gasoline terminal in the Central Maine Air Quality Control Regions must comply by July 1, 1981, with the requirements of Title 38, section 610, as they relate to the installation of vapor control systems for the transfer of gasoline; and

Whereas, the location of the only large bulk gasoline terminal within the Central Maine Air Quality Control Regions is such that other nearby terminals in the Downeast Air Quality Region are not required to comply with the requirements of Title 38, section 610; and

Whereas, there is no factual basis for concluding that the emissions from this terminal adversely affect the Central Maine Air Quality Control Regions; and

Whereas, this terminal is important to the gasoline distribution system in the

central and northern area of the State and to the economy of the area, and the necessity to comply with the statutory requirements will force the abandonment of the gasoline terminal operation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

38 MRSA § 610, sub-§ 1, ¶ A, as enacted by PL 1979, c. 385, § 2, is amended to read:

A. This section shall be applicable in the Metropolitan Portland and Portland Peninsula and ~~Central Maine~~ Air Quality Control Regions of the State.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

In 1979, the Legislature enacted legislation establishing emission standards for the transfer of gasoline at bulk gasoline terminals in the Metropolitan Portland, Portland Peninsula and Central Maine Air Quality Regions. To meet these standards, bulk gasoline terminals in these regions are required to install certain transfer emission control devices by July 1, 1981.

In the Portland area, there are at least 10 bulk gasoline terminals that are uniformly affected by the emission control law. In the central Maine area, however, the law will have a discriminatory impact. There are 10 bulk gasoline terminals in the Bangor-Brewer-Hampden area and another terminal in Bucksport, which are located in the Downeast Air Quality Region, and hence are not subject to any emission controls. The Irving Oil Corporation terminal in Searsport, which serves the same market as these nearby terminals, happens to be located at the easterly end of the Central Maine Air Quality Control Region and is subject to emission controls.

Irving Oil Corporation purchased the Shell facility at Searsport in October 1980 and, under an agreement with Shell, has continued to provide Shell gasoline to Shell customers. Irving Oil Corporation also has its own gasoline stored in tanks it owned prior to the Shell acquisition. However, Irving Oil Corporation will have to abandon its gasoline business if it is the only terminal in the area which must install specialized vapor recovery control equipment. This abandonment will be necessary because gasoline tank trucks using a facility with vapor recovery controls on the transfer of gasoline must undergo expensive modifications to be compatible with the control equipment at the terminal. Instead of incurring these modification costs, gasoline tank truck owners will take their business to the uncontrolled gasoline terminals in Bucksport, Bangor, Brewer and Hampden.

To prevent this discriminatory impact of the Petroleum Liquids Transfer Vapor Recovery Law and to preserve essential gasoline supplies for central and northern Maine, this bill removes the Central Maine Air Quality Control Region from the scope of the law. This is not a major change in the law. It appears that the only bulk gasoline terminals in the Central Maine Air Quality Control Region are the Irving Oil Corporation terminal and a much smaller terminal at Hallowell. Moreover, there is no factual basis for concluding that a gasoline terminal at Searsport contributes to unacceptable levels of ozone in the Central Maine Air Quality Control Region, while the gasoline terminals in Bucksport, Bangor, Brewer and Hampden do not. As long as these facilities remain unregulated for gasoline transfer, there is no fair or rational basis for regulating a comparable terminal at Searsport.