

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1547

6
7 H.P. 1167

House of Representatives, May 3, 1983

8 Speaker laid before the house and referred to the Committee on
9 Transportation. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative McHenry of Madawaska.

Cosponsors: Senator Kany of Kennebec, Representative Michael of
Auburn and Representative Mitchell of Freeport.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to Hazardous Material.
18

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

21 Sec. 1. 25 MRSA §2104, sub-§3 is enacted to
22 read:

23 3. Permit. The motor vehicle operator has in
24 his possession a valid permit to transport hazardous
25 materials.

26 Sec. 2. 25 MRSA §2107, as enacted by PL 1977, c.
27 622, is repealed.

28 Sec. 3. 25 MRSA §§2109-2114 are enacted to read:
29 §2109. Transportation

30 1. Permit required. No person may transport any
31 hazardous material in commerce on any public way

1 within this State unless that person has received a
2 permit to transport hazardous material from the Com-
3 missioner of Public Safety.

4 2. Fee. The annual fee for a hazardous materi-
5 als transportation permit shall be as follows.

6 A. For vehicles insured in accordance with the
7 Motor Carrier Act of 1980, United State Code,
8 Title 49, Section 10927, the fees shall be \$10.

9 B. For vehicles not insured in accordance with
10 the Motor Carrier Act of 1980, United States
11 Code, Title 49, Section 10927, the fee shall be
12 \$100.

13 §2110. Maine Hazardous Materials Transportation Fund

14 The Maine Hazardous Materials Transportation Fund
15 is established to be used by the Department of Public
16 Safety as a nonlapsing, revolving fund for carrying
17 out the department's responsibilities under this
18 chapter. All fees, penalties, interest and other
19 charges under this chapter shall be credited to this
20 fund.

21 Money in the fund not currently needed to meet
22 the obligations of the department in the exercise of
23 its responsibilities for hazardous materials trans-
24 portation shall be deposited with the Treasurer of
25 State to the credit of the fund and may be invested
26 as provided by law. Interest received on that
27 investment shall be credited to the fund.

28 §2111. Disbursements and reimbursement

29 1. Disbursements. Money in the Maine Hazardous
30 Materials Transportation Fund may be disbursed by the
31 department to carry out the purposes of this chapter,
32 including:

33 A. Activities to prevent accidents involving
34 hazardous materials;

35 B. Mitigation of hazardous materials transporta-
36 tion incidents; and

1 C. Compensation to persons who have suffered
2 personal injury or damage to property as a result
3 of an accident involving hazardous materials.

4 2. Recovery. The department shall seek recovery
5 to the use of the Maine Hazardous Materials Trans-
6 portation Fund all sums expended therefrom, including
7 overdrafts, for disbursements made from the fund,
8 including interest computed at 10% a year from the
9 date of expenditure. Requests for reimbursement
10 shall be referred to the Attorney General for collec-
11 tion.

12 3. Waiver of reimbursement. The Commissioner of
13 Public Safety may waive the right to reimbursement to
14 the fund if it finds that the incident was the result
15 of:

16 A. An act of war;

17 B. An act of government, either state, federal
18 or municipal; or

19 C. An act of God, which means an unforeseeable
20 act exclusively occasioned by the violence of
21 nature without the interference of any human
22 agency.

23 §2112. Rules

24 The Commissioner of Public Safety may adopt
25 rules, in accordance with the Maine Administrative
26 Procedure Act, Title 5, chapter 375, and consistent
27 with regulations adopted by the United States Depart-
28 ment of Transportation, 49 Code of Federal Regula-
29 tions, to carry out the purposes of this chapter.
30 These rules may include provisions for the method of
31 application and granting of permits, the contents of
32 the permit, any limitations which may be placed on
33 the permits and methods inspection of vehicles carry-
34 ing hazardous materials by state police officers and
35 for payment of claims under this chapter.

36 §2113. Penalty

37 Any person violating any provision of this chap-
38 ter shall be subject to a civil penalty not to exceed

1 \$5,000, payable to the State, to be recovered in a
2 civil action.

3 STATEMENT OF FACT

4 Currently, there are only 2 state requirements
5 relating to the transportation of hazardous mate-
6 rials; the vehicle must be placarded to identify the
7 type of load being carried and there must be a bill
8 of lading in the vehicle. There are extensive fed-
9 eral requirements on transportation of hazardous
10 materials but these generally only apply to common
11 carriers. There are many private carriers carrying
12 hazardous materials within the State not subject to
13 these requirements.

14 This bill authorizes the Commissioner of Public
15 Safety to establish a program to control the trans-
16 portation of hazardous materials consistent with fed-
17 eral regulations. Vehicles carrying these materials
18 must obtain a permit, and the fees for the permit is
19 based on requirements for liability insurance. For
20 vehicles without sufficient insurance, the bill pro-
21 vides a fund to reimburse persons injured or damaged
22 by hazardous materials incidents. Finally, the Com-
23 missioner of Public Safety is authorized to adopt ad-
24 ditional rules to protect the public safety.

25 0486041383