

MAINE STATE LEGISLATURE

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1 (New Draft of H.P.1167, L.D. 1547)
2 (New Title)

3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 2198

9 H.P. 1666

House of Representatives, March 9, 1984

10 Reported by Representative Carroll from the Committee on
11 Transportation and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

12 Original bill presented by Representative McHenry of Madawaska.

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

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FOUR
18

19 AN ACT Concerning Hazardous Materials
20 Control.
21

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

24 Sec. 1. 25 MRSA §2102, as enacted by PL 1977, c.
25 622, is repealed.

26 Sec. 2. 25 MRSA §2102-A is enacted to read:

27 §2102-A. Definitions

28 As used in this chapter, unless the context oth-
29 erwise indicates, the following terms have the fol-
30 lowing meanings.

1 1. Commerce. "Commerce" means trade, traffic,
2 commerce or transportation within or through the ju-
3 isdiction of the State.

4 2. Hazardous material. "Hazardous material"
5 means a substance or material which has been deter-
6 mined by the United States Secretary of Transporta-
7 tion to be capable of posing an unreasonable risk to
8 health, safety and property when transported in com-
9 merce, and which has been so designated in 49 Code of
10 Federal Regulations, Part 172.

11 3. Person. "Person" means an individual, firm
12 copartnership, corporation, company, association or
13 joint-stock association, and includes any trustee,
14 receiver, assignee or personal representative there-
15 of.

16 4. Transport or transportation. "Transport" or
17 "transportation" means any movement of hazardous ma-
18 terial by any mode and any loading, unloading or
19 storage incidental thereto.

20 Sec. 3. 25 MRSA §2103, as enacted by PL 1977, c.
21 622, is repealed.

22 Sec. 4. 25 MRSA §2103-A is enacted to read:

23 §2103-A. Adoption of rules

24 The Commissioner of Public Safety shall, in ac-
25 cordance with the Maine Administrative Procedure Act,
26 Title 5, chapter 375, adopt by reference the rules as
27 found in the 49 Code of Federal Regulations, Parts
28 107, 171, 172, 173, 174, 177, 178, 179, 387 and 397,
29 as amended. For purposes of this section, "as
30 amended" means those 49 Code of Federal Regulations
31 effective on the effective date of this section and
32 future final rules published in the Federal Register
33 that relate to the parts of 49 Code of Federal Regu-
34 lations described in this section. If any part of
35 this chapter is found to be in violation of the
36 United States Constitution or Constitution of Maine,
37 it shall have no effect on the remaining parts of
38 this chapter.

1 Sec. 5. 25 MRSA §2104, as amended by PL 1983, c.
2 474, §§1 and 2, is repealed.

3 Sec. 6. 25 MRSA §2104-A is enacted to read:

4 §2104-A. Reporting system

5 In addition to the reporting requirements of 49
6 Code of Federal Regulations, Part 171, any person who
7 transports a hazardous material within this State in-
8 volved in an accident resulting in death, serious
9 illness or personal injury, or resulting in a dis-
10 charge of a hazardous material, shall report the ac-
11 cident, as provided for hazardous matter, Title 38,
12 section 1318-B.

13 Sec. 7. 25 MRSA §2105, as enacted by PL 1977, c.
14 622, is repealed.

15 Sec. 8. 25 MRSA §2105-A is enacted to read:

16 §2105-A. Enforcement

17 It is the responsibility of the State Police,
18 sheriffs and their deputies and all other police of-
19 ficers to investigate any alleged violations of this
20 chapter and any rules adopted by reference thereto,
21 or to prosecute violators of this chapter and those
22 rules and otherwise to aid in the enforcement of the
23 provisions thereof.

24 Sec. 9. 25 MRSA §2106, as enacted by PL 1977, c.
25 622, is repealed.

26 Sec. 10. 25 MRSA §2106-A is enacted to read:

27 §2106-A. Penalties

28 Violation of this chapter is a Class D crime.

29 Sec. 11. 25 MRSA §2107, as enacted by PL 1977,
30 c. 622, is repealed.

31 Sec. 12. 25 MRSA §2109, as enacted by PL 1983,
32 c. 88, §5, is repealed.

1 STATEMENT OF FACT

2 Currently there are few state requirements relat-
3 ing to the transportation of hazardous materials.
4 There are extensive and adequate federal requirements
5 on transportation of hazardous materials, but these
6 generally only apply to common carriers. There are
7 many private carriers carrying hazardous materials
8 within the State not subject to these requirements.

9 This bill authorizes the Commissioner of Public
10 Safety to adopt those pertinent parts of 49 Code of
11 Federal Regulations dealing with the transportation
12 of hazardous materials establishing an effective pro-
13 gram of control and enforcement.

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