

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

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Legislative Document

No. 1382

H.P. 961

House of Representatives, April 25, 1985

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

EDWIN H. PERT, Clerk

Presented by Representative Hoglund of Portland.

Cosponsored by Senator Andrews of Cumberland and Senator Najarian of Cumberland.

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STATE OF MAINE

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

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AN ACT Relating to Municipal Regulation of  
Hazardous Waste and Chemical  
Substances.

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

Sec. 1. 26 MRSA §1719, sub-§ 3, as enacted by PL 1983, c. 823, §2, is amended to read:

3. Cooperation with other agencies. The director shall obtain the assistance of the Bureau of Health and, other state agencies and municipal officials and agencies in the administration of this chapter. The director shall provide by rule appropriate procedures for transferring to other state and municipal agencies information provided by employers which is subject to confidential treatment. The director shall, upon request, provide a list of hazardous chemicals in use at specific locations and related, available information to municipal officials. This information shall be treated by the municipal officials as confidential.

1           Sec. 2. 38 MRSA §1310-B, sub-§2, as enacted by  
2 PL 1979, c. 699, §17, is amended to read:

3           2. Hazardous waste information. Information re-  
4 lating to hazardous waste submitted to the department  
5 under this subchapter may be designated by the person  
6 submitting it as being only for the confidential use  
7 of the department and the board, their agents and em-  
8 ployees, the Department of Agriculture and the De-  
9 partment of Human Services and their agents and em-  
10 ployees, other agencies of State Government, as au-  
11 thorized by the Governor, employees of the United  
12 States Environmental Protection Agency and the Attor-  
13 ney General and employees of the municipality in  
14 which the hazardous waste is located. The designation  
15 shall be clearly indicated on each page or other por-  
16 tion of information. The department shall establish  
17 procedures to insure that information so designated  
18 is segregated from public records of the department.  
19 The department's public records shall include the in-  
20 dication that information so designated has been sub-  
21 mitted to the department, giving the name of the per-  
22 son submitting the information and the general nature  
23 of the information. Upon a request for information,  
24 the scope of which includes information so design-  
25 ated, the department shall notify the submittor.  
26 Within 15 days after receipt of the notice, the  
27 submittor shall demonstrate to the satisfaction of  
28 the commissioner that the designated information  
29 should not be disclosed because the information is a  
30 trade secret, production, commercial or financial in-  
31 formation, the disclosure of which would impair the  
32 competitive position of the submittor and would make  
33 available information not otherwise publicly availa-  
34 ble. Unless such a demonstration is made, the infor-  
35 mation shall be disclosed and shall become a public  
36 record. The commissioner may grant or deny disclosure  
37 for the whole or any part of the designated informa-  
38 tion requested and within 15 days shall give written  
39 notice of his decision to the submittor and the per-  
40 son requesting the designated information. A person  
41 aggrieved by a decision of the commissioner may ap-  
42 peal to the Superior Court in accordance with the  
43 provisions of section 346. All information submitted  
44 to a municipality under this subsection shall be con-  
45 fidential and shall not be a public record under Ti-  
46 tle 1, chapter 13. In the event a request for such

1 information is submitted to the municipality, the mu-  
2 nicipality shall submit that request to the depart-  
3 ment to be processed by the department as provided in  
4 this subsection.

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STATEMENT OF FACT

6       The purpose of this bill is to make information  
7 available to municipal officials on the hazardous  
8 chemicals used in their towns. This information will  
9 allow the municipalities to prepare emergency re-  
10 sponse plans in the event of fires or accidental  
11 spills of hazardous chemicals. The information will  
12 be provided confidentially under the provisions of  
13 the hazardous waste laws and the chemical substance  
14 identification laws.

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