MAINE STATE LEGISLATURE

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1	L.D. 2477
2	(Filing No. S-418)
3 4 5 6	STATE OF MAINE SENATE 113TH LEGISLATURE SECOND REGULAR SESSION
7 8 9	COMMITTEE AMENDMENT " A" to S.P. 939, L.D. 2477, Bill, "AN ACT Concerning the Storage, Use and Transportation of Hazardous Chemicals."
10 11 12	Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:
13 14	'Sec. 1. 5 MRSA \$12004, sub-\$8, ¶A, sub-¶(9-B) is enacted to read:
15 16 17 18	(9-B) Environ- State Emergency Not 22 MRSA Response Commission Commission
19 20	Sec. 2. 22 MRSA c. 271, sub-c. III is enacted to read:
21	SUBCHAPTER III
22	EMERGENCY RESPONSE PLANNING
23	§1696-G. Findings; purpose
24 25 26 27 28	The Legislature finds that storage, use and transportation of hazardous chemicals in the State pose a risk of accidental release into the environment and that these releases endanger public health and safety. This subchapter establishes a comprehensive

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- program for emergency response to releases of hazardous and toxic chemicals which threaten public 2
- 3
- health and safety. This subchapter is intended to be consistent with and facilitate implementation of the
- provisions of the United States Emergency Planning and 5
- 6 Community Right-to-Know Act of 1986, Public Law 99-499.
- 7 §1696-H. State Emergency Response Commission
- 1. Commission established. The State Emergency Response Commission, as established by Title 5, section 12004, shall be responsible for overseeing the implementation of a commission of the section 12004. Commission established. 8 9
- 10
- implementation of a comprehensive program of planning 11
- and training for effective emergency response to 12
- 13 releases of hazardous chemicals. The commission is
- composed of 9 to 11 members as follows: 14
- The Commissioner of Environmental Protection 15
- 16 or the commissioner's designee;
- The Commissioner of Human Services or the 17
- commissioner's designee; 18
- The Director of the Division of Disease 19
- 20 Control, Department of Human Services;
- The Commissioner of Transportation or the 21
- commissioner's designee; 22
- 23 The Director of the Maine Emergency Management
- 24 Agency, who shall serve as chairman;
- 25 F. The Chief of the State Police;
- 26 A representative, appointed by the Governor,
- 27 of the Maine Fire Chiefs Association;
- A representative, appointed by the Governor, 28
- of municipal government; and 29
- I. A representative, appointed by the Governor, of private commerce and industry. 30
- 31
- The Governor may appoint up to 2 additional members to 32
- represent the general public. All members appointed 33
- 34 by the Governor to serve on the commission shall serve
- 35 for a term of 4 years.

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Powers and duties. The general duties of the 2 commission are: 3 To designate emergency planning districts to 4 facilitate implementation of emergency response 5 plans; 6 To provide for the necessary appointment of local emergency response planning committees; 7 8 C. To supervise and coordinate local emergency 9 response planning committee activities; 10 To review emergency response plans developed by the local committees; 11 E. To receive chemical spill notifications required pursuant to state law and the provisions 12 13 of the United States Emergency Planning and 14 15 Community Right-to-Know Act of 1986, Public Law 99-499; 16 To provide the public with information upon 17 request, consistent with the provisions of state 18 and federal law, on emergency response plans, 19 potential hazards and safety; 20 21 To monitor, observe, participate in and review 22 certain emergency drills and exercises; 23 To review and monitor hazardous materials 24 training programs in the State; 25 To conduct joint emergency operations from the 26 State Emergency Operations Center; and J. To undertake any other actions necessary to accomplish the purposes of this subchapter. 27 28 26 MRSA §1715, sub-§2, as enacted by PL 29 Sec. 3. 1983. c. 823, §2, is amended to read: 30 Schedule 31 2. for information and training The information and training shall commence 32 program. 33 prior to an employee's initial assignment. Additional 34 instruction shall be provided whenever chemicals or

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- processes change or newly acquired information indicates the need for additional protective measures. A refresher training course shall be held for all employees at least once a year. Programs shall be conducted during the employee's regular working hours.
- Sec. 4. Implementation study. The State Emergency Response Commission shall prepare recommendations for the complete implementation of the United States Emergency Planning and Community Right-to-Know Act of 1986, Public Law 99-499, and submit those recommendations to the Joint Standing Committee on Energy and Natural Resources no later than January 1, 1989. The recommendations may be in statutory form and shall include provisions for the following:
- 1. Notification of releases. The requirements and procedures for notification of releases of hazardous chemicals;
- 2. Submission of information. Procedures for the submission to local officials and the public of information on hazardous chemicals, including the type, quantity and location of the chemicals;
- 3. Reporting. Periodic reporting to state and local officials and to the public on releases of hazardous chemicals; and
- 4. Other subjects. Any other subjects required for full implementation of the United States Emergency Planning and Community Right-to-Know Act of 1986, Public Law 99-499.'

31 STATEMENT OF FACT

The amendment revises the original bill to make the membership and duties of the State Emergency Response Commission consistent with those of the group established through executive order by the Governor in 1987. The amendment strikes a provision on local planning requirements which is adequately dealt with under federal law at the current time. Finally, the



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amendment slightly revises the study and reporting provisions of the original bill to eliminate unnecessary elements and to clarify the requirement

4 for recommendations to implement a program consistent

5 with federal law.

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Reported by Senator Usher for the Committee on Energy and Natural Resources. Reproduced and Distributed Pursuant to Senate Rule 12. (4/6/88) (Filing No. S-418)