

MAINE STATE LEGISLATURE

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(Emergency)
(After Deadline)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2477

S.P. 939 In Senate, March 8, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 27.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator ERWIN of Oxford.

Cosponsored by Representative TRACY of Rome, Speaker
MARTIN of Eagle Lake, Senator KANY of Kennebec.

STATE OF MAINE

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

1 AN ACT Concerning the Storage, Use and
2 Transportation of Hazardous Chemicals.
3

4 Emergency preamble. Whereas, Acts of the
5 Legislature do not become effective until 90 days
6 after adjournment unless enacted as emergencies; and

7 Whereas, hazardous materials are in widespread use
8 throughout the State; and

1 Whereas, accidental release of these materials may
2 pose serious health and environmental hazards; and

3 Whereas, specialized handling procedures and
4 efficient evacuation plans are essential to respond to
5 these releases; and

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

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

14 Sec. 1. 5 MRSA §12004, sub-§8, ¶A, sub-¶(9-B)
15 is enacted to read:

16 (9-B) <u>Environ-</u>	<u>State Emergency</u>	<u>Legislative</u>	<u>22 MRSA</u>
17 <u>ment/</u>	<u>Response</u>	<u>Per Diem</u>	<u>§1696-H</u>
18 <u>Natural</u>	<u>Commission</u>		
19 <u>Resources</u>			

20 Sec. 2. 22 MRSA c. 271, sub-c. III is enacted
21 to read:

22 SUBCHAPTER III

23 EMERGENCY RESPONSE PLANNING

24 §1696-G. Findings; purpose

25 The Legislature finds that storage, use and
26 transportation of hazardous chemicals in the State
27 pose a risk of accidental release into the environment
28 and that these releases endanger public health and
29 safety. This subchapter establishes a comprehensive
30 program for emergency response to releases of
31 hazardous and toxic chemicals which threaten public
32 health and safety. This subchapter is intended to be
33 consistent with and facilitate implementation of the
34 provisions of the United States Emergency Planning and
35 Community Right-to-Know Act of 1986, Public Law 99-499.

1 §1696-H. State Emergency Response Commission

2 1. Commission established. The State Emergency
3 Response Commission, as established by Title 5,
4 section 12004, shall be responsible for overseeing the
5 implementation of a comprehensive program of planning
6 and training for effective emergency response to
7 releases of hazardous chemicals. The commission is
8 composed of 5 members as follows:

9 A. Commissioner, Department of Environmental
10 Protection;

11 B. Commissioner, Department of Human Services;

12 C. Director, Maine Emergency Management Agency;

13 D. State Fire Marshal; and

14 E. Chief, State Police.

15 §1696-I. Local emergency response planning

16 1. Responsibility for planning. The municipal
17 officers, with the assistance of the local fire chief,
18 local public safety officers and other persons as the
19 municipal officers may designate, shall prepare an
20 emergency response plan to deal with the release of
21 hazardous chemicals within their jurisdiction.

22 2. Notice of hazardous chemicals; cooperation.
23 No later than September 1, 1989, the owner or operator
24 of any facility which is required to prepare or have
25 available a material safety data sheet under Title 26,
26 chapter 22, shall notify the municipal officials of
27 the municipality within which the facility is located
28 of the presence of hazardous chemicals at the
29 facility. The owner or operator of the facility shall
30 provide the municipal officers with a list of all
31 hazardous chemicals used, stored, produced or
32 otherwise present at the facility and shall cooperate
33 in the preparation of the emergency response plan by
34 providing any other information the municipal officers
35 deem necessary. For the purposes of this subchapter,

1 the term "hazardous chemical" shall have the same
2 meaning as that defined in Title 26, section 1711.
3 These plans shall be prepared no later than January 1,
4 1990, and shall be reviewed annually and revised as
5 necessary. The emergency response plan shall be
6 subject to the approval of the municipal officers.

7 3. Plan contents. Each emergency response plan
8 shall include, without limitation, the following
9 elements:

10 A. Identification of facilities subject to the
11 requirements of this subchapter that are within
12 the municipality, identification of routes
13 likely to be used for the transportation of
14 hazardous chemicals and identification of
15 additional facilities contributing or subjected
16 to additional risks due to their proximity to
17 facilities subject to the requirements of this
18 subchapter, such as schools, hospitals, large
19 industrial facilities or natural gas facilities;

20 B. Methods and procedures to be followed by
21 facility owners and operators and local
22 emergency and medical personnel to respond to
23 any release of these substances;

24 C. Designation of a community emergency
25 coordinator and facility emergency coordinators
26 to make determinations necessary to implement
27 the plan;

28 D. Procedures providing reliable, effective and
29 timely notification that a release has occurred
30 by the facility emergency coordinators and the
31 community emergency coordinator to persons
32 designated in the emergency plan and to the
33 public;

34 E. Methods for determining the occurrence of a
35 release and the area or population likely to be
36 affected by the release;

37 F. A description of emergency equipment and
38 facilities in the community and at each facility

1 in the community subject to the requirements of
2 this subchapter and an identification of the
3 persons responsible for the equipment and
4 facilities;

5 G. Evacuation plans, including provisions for
6 precautionary evacuations and alternative
7 traffic routes;

8 H. Training programs, including schedules for
9 training of local emergency response and medical
10 personnel; and

11 I. Methods and schedules for exercising the
12 emergency plan.

13 4. Review. The State Emergency Response
14 Commission shall review selected emergency response
15 plans to ensure compliance with the requirements of
16 this subchapter and to maintain effective coordination
17 between state and local emergency response personnel.

18 5. Assistance. The State Emergency Response
19 Commission shall provide, through the staffs of its
20 respective member agencies, technical assistance to
21 local emergency planning committees upon the request
22 of the local committees.

23 6. Availability. Any local emergency response
24 plan shall be made available to any member of the
25 public at the municipal offices or other public
26 locations.

27 Sec. 3. 26 MRSA §1715, sub-§2, as enacted by
28 PL 1983, c. 823, §2, is amended to read:

29 2. Schedule for information and training
30 program. The information and training shall commence
31 prior to an employee's initial assignment. Additional
32 instruction shall be provided whenever chemicals or
33 processes change or newly acquired information
34 indicates the need for additional protective
35 measures. A refresher training course shall be held
36 for all employees at least once a year. Programs
37 shall be conducted during the employee's regular
38 working hours.

1 Sec. 4. Implementation study. The State
2 Emergency Response Commission shall prepare
3 recommendations for the complete implementation of the
4 United States Emergency Planning and Community
5 Right-to-Know Act of 1986, Public Law, 99-499, and
6 submit those recommendations to the Joint Standing
7 Committee on Energy and Natural Resources no later
8 than January 1, 1989. The recommendations shall be in
9 statutory form and shall include provisions for the
10 following:

11 1. Planning districts. The designation of
12 local emergency planning districts;

13 2. Notification of releases. The requirements
14 and procedures for notification of releases of
15 hazardous chemicals;

16 3. Submission of information. The submission
17 to local officials and the public of information on
18 hazardous chemicals, including the type, quantity and
19 location of the chemicals;

20 4. Reporting. Periodic reporting to state and
21 local officials and to the public on releases of
22 hazardous chemicals; and

23 5. Other subjects. Any other subjects required
24 for full implementation of the Act.

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

28 STATEMENT OF FACT

29 Recent federal legislation calls for the
30 establishment of a comprehensive system of emergency
31 response planning to deal with accidental or otherwise
32 unlicensed releases of hazardous chemicals. Events in
33 the State and elsewhere around the country have
34 underlined the urgency of this action.

1 The purpose of this bill is to establish the
2 basic responsibilities for emergency response planning
3 at the local level and to require the constructive
4 cooperation of commercial and industrial facilities
5 which produce or use hazardous chemicals. A
6 coordinating commission is established at the state
7 level to provide technical assistance and to ensure
8 effective coordination of state and local emergency
9 response efforts.

10 Building on this foundation, the bill also calls
11 for the development of statutory recommendations by
12 the new State Emergency Response Commission to fully
13 implement the provisions of the recent federal
14 legislation, the United States Emergency Planning and
15 Community Right-to-Know Act of 1986, Public Law 99-499.

16 The bill also strengthens the training
17 requirements of the chemical identification law to
18 require annual refresher courses for all employees
19 exposed to hazardous chemicals in the workplace.

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