

MAINE STATE LEGISLATURE

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R. of S.

1

L.D. 2533

2

(Filing No. S- 426)

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STATE OF MAINE

4

SENATE

5

113TH LEGISLATURE

6

SECOND REGULAR SESSION

7 COMMITTEE AMENDMENT " A " to S.P. 955, L.D. 2533,
8 Bill, "AN ACT to Provide Regulatory Oversight of
9 Over-the-Road and Over-the-Rail Transportation of
10 Hazardous Materials and to Increase Revenue to the
11 Maine Hazardous Waste Fund and the Maine Coastal and
12 Inland Surface Oil Clean-Up Fund."

13 Amend the bill by striking out everything after
14 the enacting clause and inserting in its place the
15 following:

16 'Sec. 1. 29 MRSA §§246-B and 246-C are enacted
17 to read:

18 §246-B. License for transportation of hazardous
19 materials

20 1. License required. As of January 1, 1989, any
21 person, including a private carrier or a common or
22 contract carrier, who transports certain hazardous
23 materials as specified in this section by highway,
24 such that the motor vehicle used in that
25 transportation, transports more than 2,000 pounds of
26 any of those hazardous materials at any one time shall
27 first obtain from the Secretary of State an annual
28 license or single-trip license for each motor vehicle
29 used in that transportation. This license shall be
30 available for examination and displayed in accordance
31 with rules

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1 adopted by the Commissioner of Public Safety. Annual
2 licenses shall expire one year following the date of
3 issuance. The license shall be in such form as the
4 Secretary of State by rule prescribes. No license may
5 be transferable to another motor vehicle.

6 2. Hazardous materials covered. Hazardous
7 materials subject to the requirements of this section
8 shall mean those substances identified pursuant to the
9 United States Superfund Amendments and Reauthorization
10 Act of 1986, Title III, Sections 302 and 313.

11 3. Exceptions. This section shall not apply to:

12 A. Any motor vehicle owned or operated by the
13 Federal Government or any political subdivision of
14 the Federal Government;

15 B. Any properly registered agricultural motor
16 vehicle used in a bona fide farming operation;

17 C. Any motor vehicle used during an emergency
18 with the specific approval of a peace officer,
19 fire chief, designated official of the Department
20 of Environmental Protection or the Department of
21 Public Safety; or

22 D. Any motor vehicle which has a valid license
23 issued by the Department of Environmental
24 Protection for the transportation of hazardous
25 waste or waste oil pursuant to Title 38, section
26 1319-O.

27 4. Fee. The fee for an annual license is \$50 and
28 the fee for a single-trip license is \$25. No portion
29 of the annual fee for licensing may be prorated or
30 reduced.

31 5. Apportionment of fees. Fees shall be paid to
32 the Secretary of State and, upon receipt, credited to
33 the Maine Hazardous Waste Fund. Fees collected shall
34 be apportioned in the following manner:

35 A. Sixty-five percent to the Maine Hazardous
36 Waste Fund administered by the Department of

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1 Environmental Protection;

2 B. Fifteen percent to the Secretary of State for
3 the costs of administering the licensing program;

4 C. Ten percent to the Department of Public Safety
5 for costs related to motor vehicle inspections and
6 enforcement of this section; and

7 D. Ten percent to the State Emergency Response
8 Commission established under the Maine Emergency
9 Management Agency for hazardous materials training
10 of local and state officials.

11 §246-C. Enforcement

12 Every state police officer or any member of the
13 Department of Public Safety designated by the
14 Commissioner of Public Safety is authorized and
15 directed to enforce section 246-B. A violation of
16 section 246-B is a Class E crime, except that any
17 owner or operator who displays, causes or permits to
18 be displayed a fictitious license or a license issued
19 to another motor vehicle shall be guilty of a Class D
20 crime. All fines shall accrue to the Maine Hazardous
21 Waste Fund.

22 Sec. 2. 38 MRSA §545-B is enacted to read:

23 §545-B. Registration of transportation of oil in
24 inland areas

25 Effective October 1, 1988, any person who
26 transports by rail or highway more than 25 barrels of
27 oil into Maine at any one time shall register annually
28 with the department.

29 Sec. 3. 38 MRSA §551, sub-§4, 1D is enacted to
30 read:

31 D. Any person who is required to register with
32 the department pursuant to section 545-B shall pay
33 fees, which shall be determined on the basis of one
34 cent per barrel of gasoline and 1/2¢ per barrel of all
35 other refined oil, including #6 fuel oil, #2 fuel oil,

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1 kerosene, jet fuel, diesel fuel and liquid asphalt
2 transported by the registrant during the period of
3 registration. Fees shall be paid monthly by the
4 registrant on the basis of records certified to the
5 department. Fees shall be paid to the department and
6 upon receipt by it credited to the Maine Coastal and
7 Inland Surface Oil Clean-up Fund. The registrant
8 shall make available to the department and its
9 authorized representatives all documents relating to
10 the oil transported by the registrant during the
11 period of registration. This paragraph shall not
12 apply to waste oil which is transported into Maine in
13 any motor vehicle which has a valid license issued by
14 the department for the transportation of waste oil
15 pursuant to section 1319-O and which is subject to
16 fees established under section 1319-I.

17 Sec. 4. 38 MRSA §1319-D, first ¶, as amended by
18 PL 1985, c. 162, §11, is further amended to read:

19 The Maine Hazardous Waste Fund is established to
20 be used by the department as a nonlapsing, revolving
21 fund for carrying out the department's
22 responsibilities under this subchapter. This fund
23 shall not exceed \$600,000. All fees, penalties,
24 interest and other charges under this subchapter shall
25 be credited to this fund. This fund shall be charged
26 with the expenses of the department related to this
27 subchapter, including costs of removal or abatement of
28 discharges and costs of the inspection or supervision
29 of hazardous waste activities and hazardous waste
30 handlers.

31 Sec. 5. 38 MRSA §1319-I, sub-§4-B is enacted to
32 read:

33 4-B. Fee on hazardous materials transported by
34 railroad. Effective October 1, 1988, any person who
35 transports more than 25 tons of certain hazardous
36 materials as specified in this subsection at any one
37 time by rail shall register annually with the
38 department. Fees for the transportation of hazardous
39 materials shall be determined on the basis of 15¢ per
40 ton of hazardous materials transported by the
41 registrant during the period of registration and shall

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1 be paid monthly by the registrant on the basis of
2 records certified to the department. Fees shall be
3 paid to the department and upon receipt by it credited
4 to the Maine Hazardous Waste Fund. Hazardous
5 materials subject to the requirements of this
6 subsection shall mean those substances identified
7 pursuant to the United States Superfund Amendments and
8 Reauthorization Act of 1986, Title III, Sections 302
9 and 313. The registrant shall make available to the
10 department and its authorized representatives all
11 documents relating to the hazardous materials
12 transported by the registrant during the period of
13 registration.

14 Sec. 6. 38 MRS.A §1319-I, sub-§7, as enacted by
15 PL 1981, c. 478, §7, is repealed.

16 Sec. 7. Allocation. The following funds are
17 allocated from the Maine Hazardous Waste Fund to carry
18 out the purposes of this Act.

19 1988-89

20 DEFENSE AND VETERANS'
21 SERVICES, DEPARTMENT OF

22 Maine Emergency Management Agency

23 All Other \$ 30,000

24 Provides funds for the
25 training of local and
26 state officials to
27 safely respond to
28 discharges and
29 threatened discharges
30 of hazardous
31 materials. The funds
32 are to be spent under
33 the direction of the
34 State Emergency
35 Response Commission.

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| | | |
|----|--|------------------|
| 1 | | <u>1988-89</u> |
| 2 | <u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u> | |
| 3 | Bureau of Oil and Hazardous Materials | |
| 4 | Control | |
| 5 | Positions | (5) |
| 6 | Personal Services | \$142,798 |
| 7 | All Other | 14,737 |
| 8 | Capital Expenditures | 5,000 |
| 9 | | |
| 10 | Total | <u>\$162,535</u> |

11 Provides funds for one
12 Oil and Hazardous
13 Materials Specialist
14 II position; 2 Oil and
15 Hazardous Materials
16 Specialist I posi-
17 tions; 2 Environmental
18 Specialist III posi-
19 tions; general
20 operating expenses to
21 respond to hazardous
22 materials spills; and
23 to carry out inspec-
24 tion and enforcement
25 activities.

26 PUBLIC SAFETY, DEPARTMENT OF

27 State Police

| | | |
|----|-------------------|-----------|
| 28 | Positions | (1) |
| 29 | Personal Services | \$ 38,435 |

30 Provides funds for one
31 State Police Trooper
32 to inspect vehicles
33 carrying hazardous
34 materials in Maine.

35 SECRETARY OF STATE, DEPARTMENT OF

36 Division of Motor Vehicles

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| | | |
|----|----------------------------|------------------|
| 1 | Positions | (2) |
| 2 | Personal Services | \$37,104 |
| 3 | All Other | 5,000 |
| 4 | Capital Expenditures | 3,000 |
| 5 | | |
| 6 | Total | <u>\$ 45,104</u> |
| 7 | Provides a one-time | |
| 8 | allocation from the | |
| 9 | Maine Hazardous Waste | |
| 10 | Fund for the | |
| 11 | division's start-up | |
| 12 | cost of the licensing | |
| 13 | program for those | |
| 14 | vehicles which carry | |
| 15 | hazardous materials. | |
| 16 | Division of Motor Vehicles | |
| 17 | Positions | (2) |
| 18 | Personal Services | \$ 37,104 |
| 19 | All Other | 5,000 |
| 20 | Capital Expenditures | 3,000 |
| 21 | | |
| 22 | Total | <u>\$ 45,104</u> |
| 23 | Provides funds for 2 | |
| 24 | Clerk Typist II | |
| 25 | positions to | |
| 26 | administer the | |
| 27 | licensing program for | |
| 28 | vehicles transporting | |
| 29 | hazardous materials. | |
| 30 | | |
| 31 | TOTAL | <u>\$321,178</u> |

32 **Sec. 8. Allocation.** The following funds are
33 allocated from the Maine Coastal and Inland Surface
34 Oil Clean-up Fund to carry out the purposes of this
35 Act.

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| | | |
|---|-------------------------------------|-----------------|
| 1 | | <u>1988-89</u> |
| 2 | <u>PUBLIC SAFETY, DEPARTMENT OF</u> | |
| 3 | State Police | |
| 4 | All Other | \$11,105 |
| 5 | Capital Expenditures | 16,465 |
| 6 | | |
| 7 | Total | <u>\$27,570</u> |

8 Provides funds for
 9 costs related to
 10 vehicle registration
 11 inspections involving
 12 the highway
 13 transportation of oil
 14 into Maine and the
 15 purchase of a vehicle
 16 to be used in the
 17 inspection program.

18 FISCAL NOTE

19 This bill would result in:

20 1. An increase in dedicated revenue to the Maine
 21 Hazardous Waste Fund in the amount of \$400,000 for
 22 fiscal year 1989. This estimate is based on an
 23 anticipated \$300,000 derived from the proposed license
 24 on trucks for over-the-road transportation of
 25 hazardous materials as well as \$100,000 derived from
 26 the proposed fee for rail transportation of hazardous
 27 materials; and

28 2. An increase in dedicated revenue to the Maine
 29 Coastal and Inland Oil Clean-up Fund in the amount of
 30 \$27,570 for fiscal year 1989. This estimate is based
 31 on the assumption that approximately 500 trucks would
 32 register annually and pay the per barrel fees on oil
 33 transportation.

34 Allocations from these 2 funds are detailed in the
 35 allocation sections of the bill.'

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COMMITTEE AMENDMENT "A " to S.P. 955, L.D. 2533

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STATEMENT OF FACT

2 Section 1 of the amendment establishes a licensing
3 program for the highway transportation of large
4 volumes of certain extremely hazardous and toxic
5 chemicals identified by the United States Superfund
6 Amendments and Reauthorization Act of 1986, Title III,
7 Sections 302 and 313. It also establishes a fee
8 system for funds to train local and state officials in
9 hazardous materials handling and spill contingency
10 planning, inspecting hazardous materials transporters,
11 and increasing the Department of Environmental
12 Protection's capability to respond to and clean up
13 discharges and threatened discharges of hazardous
14 materials. Section 5 of the amendment also assesses a
15 companion fee on railroads which transport those
16 hazardous materials. Revenue generated from sections
17 1 and 5 of this amendment will be deposited into the
18 Maine Hazardous Waste Fund. Sections 2 and 3 of this
19 amendment establish a fee for the vehicular and
20 railroad transportation of oil into Maine. Currently,
21 an identical fee is assessed on other oil shipments
22 from or into Maine through ship-to-shore transfers.
23 Although discharges of oil resulting from the
24 transportation of oil by rail or highway into Maine
25 are subject to the oil discharge and pollution control
26 laws, and the Maine Coastal and Inland Surface Oil
27 Clean-up Fund may be used to clean up these
28 discharges, no fee is paid on that oil. This
29 amendment will eliminate the current fee inequity so
30 that oil transfers will be treated in the same manner
31 whether oil is transferred by ship, railroad or
32 highway. Sections 4 and 6 remove the current \$600,000
33 limitation on the Maine Hazardous Waste Fund.
34 Sections 7 and 8 provide necessary allocations to
35 implement the provisions of this bill.

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