

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2533

S.P. 955

In Senate, March 16, 1988

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator LUDWIG of Aroostook.

Cosponsored by Representative MICHAUD of East Millinocket, Representative DEXTER of Kingfield, Senator USHER of Cumberland.

STATE OF MAINE

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

1 **AN ACT to Provide Regulatory Oversight of**
2 **Over-the-Road and Over-the-Rail**
3 **Transportation of Hazardous Materials and to**
4 **Increase Revenue to the Maine Hazardous Waste Fund**
5 **and the Maine Coastal and Inland Surface Oil**
6 **Clean-Up Fund.**
7

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

10 **Sec. 1. 29 MRSA §§246-B and 246-C is enacted to**

1 read:

2 §246-B. License for transportation of hazardous
3 materials

4 1. License required. Any person, including a
5 private carrier or a common or contract carrier, who
6 transports certain hazardous materials as specified in
7 this section by highway so that the vehicle used in
8 that transportation transports more than 2,000 pounds
9 of that hazardous material at any one time shall first
10 obtain an annual license or single-trip license from
11 the Secretary of State for each vehicle used in that
12 transportation. This license shall be available for
13 examination and displayed in accordance with rules
14 adopted by the Commissioner of Public Safety. Annual
15 licenses shall expire one year following the date of
16 issuance. The license shall be in such form as the
17 Secretary of State by rule prescribes. No license may
18 be transferable to another vehicle.

19 2. Hazardous materials covered. Hazardous
20 materials subject to the requirements of this section
21 shall mean those substances identified pursuant to the
22 United States Superfund Amendments and Reauthorization
23 Act of 1986, Title III, Section 313.

24 3. Exceptions. This section does not apply to:

25 A. Any vehicle owned or operated by the Federal
26 Government or any political subdivision of the
27 Federal Government;

28 B. Any properly registered agricultural vehicle
29 used in a bona fide farming operation;

30 C. Any vehicle used during an emergency with the
31 specific approval of a peace officer, fire chief,
32 designated official of the Department of
33 Environmental Protection or the Department of
34 Public Safety; or

35 D. Any vehicle which has been issued a license by
36 the Department of Environmental Protection for the
37 transportation of hazardous waste pursuant to

1 Title 38, section 1319-O.

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

6 5. Apportionment of fees. Fees collected shall
7 be apportioned in the following manner:

8 A. Sixty-five percent to the Maine Hazardous
9 Waste Fund administered by the Department of
10 Environmental Protection;

11 B. Fifteen percent to the Secretary of State for
12 the costs of administering the licensing program;

13 C. Ten percent to the Department of Public Safety
14 for costs related to vehicle inspections and
15 enforcement of this section; and

16 D. Ten percent to the State Emergency Response
17 Commission established under the Maine Emergency
18 Management Agency for hazardous materials training
19 of local and state officials.

20 §246-C. License for transportation of oil

21 1. License required. Any person, including a
22 private carrier or a common or contract carrier, who
23 transports oil as specified in this section into Maine
24 by highway so that the vehicle used in that
25 transportation transports more than 3,500 gallons of
26 oil at any one time shall first obtain an annual
27 license or single-trip license from the Secretary of
28 State for each vehicle used in that transportation.
29 This license shall be available for examination and
30 displayed in accordance with rules adopted by the
31 Commissioner of Public Safety. Annual licenses shall
32 expire one year following the date of issuance. The
33 license shall be in such form as the Secretary of
34 State by rule prescribes. No license may be
35 transferable to another vehicle.

36 2. Oil. "Oil" means oil, petroleum products and

1 their by-products of any kind and in any form,
2 including, but not limited to, petroleum, fuel oil,
3 sludge, oil refuse, oil mixed with other waste, crude
4 oils and all other liquid hydrocarbons regardless of
5 specific gravity.

6 3. Exceptions. This section does not apply to:

7 A. Any vehicle owned or operated by the Federal
8 Government or any political subdivision of the
9 Federal Government;

10 B. Any vehicle used during an emergency with the
11 specific approval of a peace officer, fire chief,
12 designated official of the Department of
13 Environmental Protection or the Department of
14 Public Safety; or

15 C. Any vehicle which has been issued a license by
16 the Department of Environmental Protection for the
17 transportation of waste oil pursuant to Title 38,
18 section 1319-0, subsection 2.

19 4. Fee. The fee for an annual license is \$50 and
20 the fee for a single-trip license is \$25. No portion
21 of the annual fee for licensing may be prorated or
22 reduced.

23 5. Apportionment of fees. Fees collected shall
24 be apportioned in the following manner:

25 A. Seventy-five percent to the Maine Coastal and
26 Inland Surface Oil Clean-up Fund administered by
27 the Department of Environmental Protection;

28 B. Fifteen percent to the Secretary of State for
29 the costs of administering the licensing program;
30 and

31 C. Ten percent to the Department of Public Safety
32 for costs related to vehicle inspections and
33 enforcement of this section.

34 Sec. 2. 38 MRS §1319-D, first ¶, as amended by
35 PL 1985, c. 162, §11, is further amended to read:

1 The Maine Hazardous Waste Fund is established to
2 be used by the department as a nonlapsing, revolving
3 fund for carrying out the department's
4 responsibilities under this subchapter. This fund
5 shall not exceed \$600,000. All fees, penalties,
6 interest and other charges under this subchapter shall
7 be credited to this fund. This fund shall be charged
8 with the expenses of the department related to this
9 subchapter, including costs of removal or abatement of
10 discharges and costs of the inspection or supervision
11 of hazardous waste activities and hazardous waste
12 handlers.

13 Sec. 3. 38 MRSA §1319-I, sub-§4-B is enacted to
14 read:

15 4-B. Fee on hazardous materials transported by
16 rail. An owner of a railroad that annually transports
17 in excess of 2,000 tons of hazardous materials shall
18 pay a fixed annual fee of \$25,000 to the Maine
19 Hazardous Waste Fund. For the purposes of this
20 subsection, "hazardous materials" means those
21 substances identified pursuant to the United States
22 Superfund Amendments and Reauthorization Act of 1986,
23 Title III, Section 313.

24 Sec. 4. 38 MRSA §1319-I, sub-§7, as enacted by
25 PL 1981, c. 478, §7, is repealed.

26 STATEMENT OF FACT

27 Sections 1 and 2 of this bill establish a
28 licensing program for the over-the-road transportation
29 of certain hazardous materials and establishes a fee
30 system to increase the revenue to the Maine Hazardous
31 Waste Fund. Section 3 assesses a fee on railroads to
32 address the over-the-rail transportation of certain
33 hazardous materials. These fees would then be
34 available for use in responding to and cleaning up
35 spills and other releases of hazardous materials on
36 highways, railways and during handling. It will also
37 provide funds for training local and state officials
38 in hazardous materials handling, transportation and

1 spill response. Section 1 also established a fee on
2 oil conveyances used on highways; currently, a fee is
3 assessed on other oil shipments from or into the State
4 through ship-to-shore transfers. This provision
5 eliminates the current fee inequity.

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