

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 861

S.P. 324

In Senate, March 21, 1989

Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LUDWIG of Aroostook.

Cosponsored by Representative MICHAUD of East Millinocket, Senator ERWIN of Oxford and Representative HIGGINS of Scarborough.

STATE OF MAINE

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

An Act to Create and Implement a Fee Schedule and to Establish One Permanent Position to Coordinate and Administer the Superfund Amendments and Reauthorization Act of 1986.

(EMERGENCY)



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
3 as emergencies; and

5 **Whereas,** extremely hazardous substances are transported into
6 and stored within this State presenting a clear and present
7 danger to Maine citizens, and the Superfund Amendments and
8 Reauthorization Act of 1986 (SARA), Title III, Public Law 99-499,
9 requires mandatory planning, emergency notification, scheduled
10 reporting by industrial facilities and community right-to-know;
11 and

13 **Whereas,** at least 400 business facilities located in the
14 State manufacture, use, store or process extremely hazardous
15 substances in addition to those unknown quantities that are
16 transported through this State; and

17 **Whereas,** each designated facility and local emergency
18 planning committee must develop and test emergency operations
19 plans according to a federal mandate; and

21 **Whereas,** financial resources are not available to administer
22 this new program, a full-time permanent position is urgently
23 needed and a fee schedule should be established to provide the
24 necessary financial resources to process SARA Title III documents
25 and to provide urgently needed liaison to the State Emergency
26 Response Commission, 16 local emergency planning committees and
27 at least 400 industrial facilities located in this State; and

29 **Whereas,** in the judgment of the Legislature, these facts
30 create an emergency within the meaning of the Constitution of
31 Maine and require the following legislation as immediately
32 necessary for the preservation of the public peace, health and
33 safety; now, therefore,

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

37 **Sec. 1. 37-B MRSA §705,** as enacted by PL 1983, c. 460, §3, is
38 amended by inserting after the first paragraph a new paragraph to
39 read:

41 The Director of the Maine Emergency Management Agency shall
42 promulgate rules to establish a fee schedule to provide necessary
43 financial resources to process documents required under the
44 Superfund Amendments and Reauthorization Act of 1986, Title III,
45 Public Law 99-499, as amended, to ensure compliance with federal
46 reporting requirements.

49 **Sec. 2. Facility emergency planning.** It shall be required that
50 any facility which has present an extremely hazardous substance,
51 or EHS, above the state-adopted threshold planning quantity shall
prepare and publish a facility area emergency plan

1 to deal with accidental releases of these substances. The
2 emergency plan shall be submitted to the Maine Emergency
3 Management Agency for review and recommendations no later than
4 one year after enactment of this Act and reviewed at least
5 annually.

7 "Extremely hazardous substance" and "threshold planning
8 quantity," for the purpose of this section, shall have the
9 meanings set forth in the Superfund Amendments and
10 Reauthorization Act of 1986 (SARA), Title III, Public Law 99-499,
11 Section 302, and listed in 40 Code of Federal Regulations, Part
12 355, Appendix A or Appendix B, as amended by Federal Register
13 Vol. 53, No. 37, Thursday, February 25, 1988, Rules and
14 Regulations, Page 5575.

15
16 **Sec. 3. Facility emergency response equipment.** It shall be the
17 responsibility of the facility where extremely hazardous
18 substances are located above state-adopted threshold planning
19 quantities to provide the primary response equipment, including
20 protective clothing and breathing apparatus, necessary to contain
21 or extinguish releases of these substances.

22
23 **Sec. 4. Allocation.** The following funds are allocated from
24 funds collected pursuant to the fee schedule established by the
25 Director of the Maine Emergency Management Agency in section 1 of
26 this Act to carry out the purposes of this Act.

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35 Positions (1) (1)
36 Personal Services \$24,815 \$26,853
37 All Other 27,842 21,017
38
39 Provides funds to employ one
40 full-time permanent employee
41 who will be responsible for
42 managing and coordinating data
43 base information and for
44 providing liaison to the State
45 Emergency Response Commission
46 (SERC), local emergency
47 planning committees and the
48 industrial facilities
49 throughout the State that
50 manufacture, use, store or
51 process extremely hazardous
substances.

1
3 **DEPARTMENT OF DEFENSE AND
VETERANS' SERVICES**
5 **TOTAL**

\$52,657

\$47,870

7 **Emergency clause.** In view of the emergency cited in the
preamble, this Act shall take effect when approved.

9
11 **STATEMENT OF FACT**

13 In October 1986, Superfund Amendments and Reauthorization
15 Act of 1986 (SARA), Title III, Public Law 99-499, mandated
17 specific actions concerning designated extremely hazardous
19 substances, but was implemented without financial support. This
21 program, which is designed to improve the environmental health
and safety of Maine citizens, urgently requires staff support to
implement, monitor and manage this program. A fee schedule will
be developed and implemented by the rule-making process which
will make this program self-sufficient.