

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1231, L.D. 1716, Bill, "An Act Relating to Transportation of Hazardous Materials by Railroad"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'38 MRSA §1319-I, sub-§4-B, as enacted by PL 1987, c. 750, §5, is repealed and the following enacted in its place:

4-B. Fee on hazardous materials transported by railroad. Any person who transports more than 25 tons of certain hazardous materials as specified in this subsection at any one time by rail shall register annually with the department. Fees for the transportation of hazardous materials by rail shall be imposed on the registrant who first transports the materials in Maine by rail. Fees for the transportation of hazardous materials shall be determined by one of the following methods:

A. Fifteen cents per ton of hazardous materials transported by the registrant during the period of registration and shall be paid quarterly by the registrant on the basis of records certified to the department; or

B. Twenty-five thousand dollars to be paid at the time of registration.

The registrant shall select the method of payment at the time of registration. Fees shall be paid to the department and upon receipt credited to the Maine Hazardous Waste Fund. Any registrant selecting quarterly payments shall be automatically subject to the \$25,000 annual registration fee if the fee for any one quarter has not been paid to the Maine Hazardous Waste Fund

1 within 60 days after the fee becomes due. Hazardous materials  
2 subject to the requirements of this subsection shall mean those  
3 substances identified pursuant to the federal Hazardous Materials  
4 Transportation Act, Public Law 93-633, except that, for purposes  
5 of this subsection, hazardous materials shall not include oil as  
6 defined in Title 38, section 542, subsection 6. The registrant  
7 shall make available to the department and its authorized  
8 representatives all documents relating to the hazardous materials  
9 transported by the registrant during the period of registration.

11

### FISCAL NOTE

13

14 Under the current rate structure, fee collections from the  
15 railroads have not met revenue expectations. This bill would  
16 offer an alternative to pay per ton or by a flat fee. It is  
17 anticipated that these methods of payment may result in an  
18 increase in fees collected for the biennium. However, the exact  
19 amount of the increase can not be determined at this time.'

21

### STATEMENT OF FACT

23

24 This amendment provides for 2 methods of fee payment for  
25 transportation of hazardous materials by rail based on a  
26 quarterly payment system or a single \$25,000 payment. This  
27 allows railroads which carry small amounts of hazardous materials  
28 to make lower payments based on the actual amount of hazardous  
29 materials transported. The current monthly payment provision is  
30 changed to quarterly payments to comply with the provisions of  
31 the Maine Revised Statutes, Title 38, section 1319-I, subsection  
32 5. This amendment also requires registrants whose quarterly  
33 payment is 60 days overdue to pay the \$25,000 annual registration  
34 fee.

35

36 An exception is provided from the definition of hazardous  
37 materials for oil as defined in Title 38, section 542, subsection  
38 6, since fees for the transportation of oil are already assessed.

39

Reported by the Committee on Energy and Natural Resources  
Reproduced and distributed under the direction of the Clerk of the  
House  
6/16/89 (Filing No. H-580)