

MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "**B**" to COMMITTEE AMENDMENT "A" to S.P. 632,
L.D. 1725, Bill, "An Act to Amend Maine's Underground Oil Storage
Law"

Amend the amendment by inserting after the enacting clause
and before section 1 the following:

'Sec. 1. 10 MRSA §1663 is enacted to read:

§1663. Financial responsibility for oil, petroleum product and
by-product discharges

Any entity, in this section called the "primary entity,"
that has any one or combination of the relationships under Title
38, section 569-A, subsection 1, paragraph E with a 2nd entity
that owns or operates an oil refinery, that leases an underground
oil storage facility to a franchisee excluded from coverage by
the Ground Water Oil Clean-up Fund in Title 38, section 568-A,
subsection 1, paragraph E, subparagraph 2, must obtain for the
benefit of that franchisee environmental liability insurance.

1. Level of coverage required. This insurance must allow
the franchisee to meet financial responsibility requirements
promulgated by the United States Environmental Protection Agency
pursuant to the Resource Conservation and Recovery Act, Section
9003(c) and (d), as amended by the Hazardous and Solid Waste
Amendments of 1984 and the Superfund Amendments and
Reauthorization Act of 1986, Public Law 99-499, regardless of the
number of underground oil storage facilities that franchisee
operates.

2. Uninsured losses. The primary entity is directly
responsible for any uninsured losses as a result of a discharge
of oil at a franchisee's underground oil storage facility.'

2 Further amend the amendment by inserting after section 11
the following:

4 'Sec. 12. 38 MRSA §565-A is enacted to read:

6 §565-A. Aboveground oil storage tanks

8 New and replacement aboveground oil storage tanks for
10 storing gasoline or other Class I liquids at retail facilities
12 may not be installed after July 1, 1990, except when it is
14 physically and technically not possible to install an underground
oil storage tank and the Maine State Fire Marshal and the fire
department in whose jurisdiction the tank is to be located have
approved the installation.'

16 Further amend the amendment in section 16 in that part
18 designated "§569." in subsection 6 in the 3rd line from the end
(page 30, line 20 in amendment) by inserting after the following:
20 "uncertain." the following: 'If the fund has expended money for
franchisees of an entity excluded from the fund under section
22 568-A, subsection 1, paragraph E, the commissioner shall seek
recovery from that entity of all sums, including interest,
expended from the fund.'

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26 Further amend the amendment in section 24 in the first line
(page 34, line 40 in amendment) by striking out the following:
28 "15 to 22" and inserting in its place the following: '17 to 24'

30 Further amend the amendment in section 25 in the first line
(page 34, line 45 in amendment) by striking out the following:
32 "15 to 23" and inserting in its place the following: '17 to 25'

34 Further amend the amendment by renumbering the sections to
read consecutively.

36 **STATEMENT OF FACT**

38 The committee amendment for LD 1725 excludes franchisees of
40 entities that own or operate oil refineries from coverage by the
Ground Water Oil Clean-up Fund of clean-up costs and 3rd-party
42 damages. This amendment requires those entities to obtain
environmental liability insurance for their franchisees that are
44 excluded from coverage. The amendment also makes these entities
liable for any uninsured discharges from these facilities.

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1725

2 In addition, this amendment prohibits the installation of
new aboveground oil storage tanks except where it is physically
4 or technically not possible to install underground oil storage
tanks. Aboveground oil storage tanks are proliferating in an
6 effort to avoid regulation if the tanks were underground.

Filed by Rep. Michaud of E. Millinocket
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