

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 780, L.D. 2021, Bill, "An Act to Amend the Laws Implementing, Administering and Enforcing the United States Emergency Planning and Community Right-to-Know Act of 1986"

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

Sec. 1. 37-B MRSA §791, sub-§2, ¶B-1 is enacted to read:

B-1. "Facility" means all buildings, equipment, structures, rail makeup, holding or storage tracks, spurs or yards, truck parking areas, airports, loading docks and other stationary items that are located on a single site or on contiguous or adjacent sites and are owned or operated by the same person or by another person who controls, is controlled by, or is under common control with that person. "Facility" includes sites where motor vehicles, watercraft, rolling stock and aircraft are present for more than 12 hours.

Sec. 2. 37-B MRSA §795, first ¶, as enacted by PL 1989, c. 464, §3, is amended to read:

The operators of any facility ~~that--stores~~ where any extremely hazardous substance is present in a quantity above the threshold planning quantity are subject to the following.

Sec. 3. 37-B MRSA §803, sub-§4, as enacted by PL 1989, c. 464, §3, is amended to read:

4. Monitor compliance. The agency shall monitor the compliance of facilities, owners and operators with this subchapter and shall conduct inspections as necessary to ensure compliance with this subchapter. In the event of an accident or incident, the agency may investigate and inspect facilities to determine the cause and circumstances and may order appropriate reporting, facility response mitigation and corrective actions pursuant to any requirement of this subchapter.'

2 Further amend the bill by inserting before the statement of  
fact the following:

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**FISCAL NOTE**

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This bill will result in an increase in dedicated revenue to  
the Maine Emergency Management Agency. However, the amount of  
10 additional revenue cannot be determined at this time. The Maine  
Emergency Management Agency will be able to implement the  
12 additional requirements of this bill without additional  
allocations of funds.'

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**STATEMENT OF FACT**

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This amendment changes the definition of facility in the  
original bill to target sites where transported substances  
20 covered under the requirements of this subchapter come to rest.

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This amendment also changes the applicability provision for  
emergency response plans to include facilities where extremely  
24 hazardous substances are present. This language is consistent  
with federal applicability provisions for emergency planning.

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This amendment also clarifies that the Maine Emergency  
Management Agency's inspections will cover the requirements of  
the Maine Revised Statutes, Title 37-B, chapter 13, subchapter  
30 III-A.

Reported by Senator Erwin for the Committee on Energy and  
Natural Resources. Reproduced and Distributed Pursuant to  
Senate Rule 12.

(2/5/90)

(Filing No. S-489)