

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

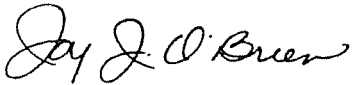
No. 2021

S.P. 780

In Senate, December 21, 1989

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

Received by the Secretary of the Senate on December 21, 1989. Referred to the Committee on Aging, Retirement and Veterans and 1,600 ordered printed pursuant to Joint Rule 14.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LUDWIG of Aroostook.

Cosponsored by Senator KANY of Kennebec, Senator TITCOMB of Cumberland and Representative LORD of Waterboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend the Laws Implementing, Administering and Enforcing the
United States Emergency Planning and Community Right-to-Know Act of 1986.

(EMERGENCY)



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

Whereas, there are railroad yards, truck depots and airports that routinely possess extremely hazardous substances on a temporary basis and these transportation storage points should be defined as "facilities" within the law; and

Whereas, the State does not now have authority to accomplish administrative inspections to determine if a facility has complied with all provisions of the law; and

Whereas, the current law does not describe accurately the intent and the need to improve both employee health and public safety; and

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

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

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

B-1. "Facility" means all buildings, equipment, structures, rail tracks or yards, 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 motor vehicles, watercraft, rolling stock and aircraft.

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 possesses any extremely hazardous substance 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 necessary inspections to ensure compliance with this subchapter. In the event of an accident or incident, the agency shall conduct appropriate investigations and

2 inspections to determine the cause and to direct appropriate
3 reporting, response mitigation and corrective actions.

4 **Emergency clause.** In view of the emergency cited in the
5 preamble, this Act shall take effect when approved.
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12 **STATEMENT OF FACT**

13
14 This bill makes the following changes to current law in
15 implementing the United States Emergency Planning and Community
16 Right-to-Know Act of 1986. The bill:

17 1. Defines "facility;"

18
19 2. Expands the law regarding facility emergency response
20 plans to include operators of facilities that possess, rather
21 than store, extremely hazardous substances; and
22

23 3. Authorizes the Maine Emergency Management Agency to
24 conduct administrative inspections within facilities to determine
25 compliance with the law and to direct appropriate corrective
26 administrative actions.
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