# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

### **Legislative Document**

No. 2341

H.P. 1691

House of Representatives, February 22, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

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

EDWIN H. PERT, Clerk

Presented by Representative FARNSWORTH of Hallowell.

Cosponsored by Senator HOLLOWAY of Lincoln, Representative HOGLUND of Portland and Representative ROLDE of York.

### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Enhance the Ability of the State to Respond to Oil Spills.



	§546-A. Clean-up plans; review and revision
6	
	The board shall annually review and, if necessary, revise
8	plans developed under section 546, subsection 4, paragraph E.
10	Sec. 2. 38 MRSA $\S550$ , as repealed and replaced by PL 1977, c. 375, $\S9$ , is amended to read:
12	375, 89, 18 amended to read:
12	§550. Enforcement; penalties
14	3550. naroteement, pendictes
	Any person who causes or is responsible for a discharge in
16	violation of section 543 shall is not be subject to any fines or
	civil penalties if such that person premptly-reports-and-removes
18	such-discharge-in-accordance-with-the-rules,-regulations-and
	orders-of-the-board-:
20	orders of the source.
	1. Report and remove. Promptly reports and removes the
22	discharge in accordance with the rules and orders of the board; and
24	<u>anu</u>
4	2. Reimburse. Reimburses the department for any
26	disbursement made from the fund in connection with the discharge
20	pursuant to section 551, subsection 5, paragraph B within 60 days
28	of demand.
20	or demand.
30	Sec. 3. 38 MRSA §551, sub-§4, ¶A, as amended by PL 1989, c.
30	500, §2, is further amended to read:
32	5007 B27 IB Further amenaea to read.
	A. License fees shall-be are determined on the basis of 3¢
34	4¢ per barrel of unrefined crude oil and all other refined
	oil, petroleum products and their by-products, including #6
36	fuel oil, #2 fuel oil, kerosene, gasoline, jet fuel and
	diesel fuel, transferred by the licensee during the
38	licensing period and shall must be paid monthly by the
- •	licensee on the basis of records certified to the
40	department. License fees shall must be paid to the
	department and upon receipt by it credited to the Maine
42	Coastal and Inland Surface Oil Clean-up Fund.
12	Godbed and Initial Stricts of Jordan up I and
44	Sec. 4. 38 MRSA §551, sub-§4, ¶D, as amended by PL 1989, c.
	500, §3, is further amended to read:
46	500, 33, 13 luichel amended to ledd.
40	D. Any person who is required to register with the
48	department pursuant to section 545-B and who first
-0	transports oil in Maine shall pay fees, which shall-be are
50	determined on the basis of 3¢ 4¢ per barrel for all refined
30	decermined on the pasts of at her parter for all fertued

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

Sec. 1. 38 MRSA §546-A is enacted to read:

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	oil, including #6 fuel oil, #2 fuel oil, kerosene, gasoline
2	jet fuel, diesel fuel and liquid asphalt transported by the
	registrant during the period of registration. Fees shall
4	must be paid monthly by the registrant on the basis of
, <del>-</del>	records certified to the department. Fees shall must be
6	paid to the department and upon receipt by it credited to
U	the Maine Coastal and Inland Surface Oil Clean-up Fund. The
0	· · · · · · · · · · · · · · · · · · ·
8	registrant shall make available to the department and it
	authorized representatives all documents relating to the oi
10	transported by the registrant during the period of
,	registration. This paragraph shall does not apply to wast
12	oil which is transported into Maine in any motor vehicle
v	which has a valid license issued by the department for the
14	transportation of waste oil pursuant to section 1319-0 and
•	which is subject to fees established under section 1319-I.
16	
	Sec. 5. 38 MRSA §551, sub-§6, ¶C, as repealed and replaced by
18	PL 1977, c. 375, §14, is amended to read:
20	C. Requests for reimbursement to the fund if not paid
20	within 30 days of demand shall must be turned over to the
22,	Attorney General for collection; and
	Con ( 20 MIDCA SEE1 and SC AID
24	Sec. 6. 38 MRSA §551, sub-§6, ¶D, as amended by PL 1983, c
	483, §15, is further amended to read:
26	
	D. The department may file claims with appropriate federa
28	agencies to recover for the use of the fund all disbursement
	from the fund in connection with a prohibited discharge : and
30	
	Sec. 7. 38 MRSA §551, sub-§6, ¶E is enacted to read:
32	
	E. Requests for reimbursement to the fund for disbursements
34	pursuant to subsection 5, paragraph B, if not paid within 60
	days of demand, are subject to a penalty not to exceed twice
36	the total amount of reimbursement requested. This penalty
30	is in addition to the reimbursement requested and any other
38	
30	fines or civil penalties authorized by this Title.
4.0	Son 7 Test at the data of the second
40	Sec. 7. Effective date. This Act takes effect August 1, 1990.
42	Sec. 8. Repeal. Sections 3 and 4 of this Act are repealed
	February 1, 1991.
44	
	Sec. 9. Report. The Board of Environmental Protection shall
46	report on the status of current plans developed under the Maine
	Revised Statutes, Title 38, section 546, subsection 4, paragraph

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E, to the Joint Standing Committee on Energy and Natural

Resources on January 15, 1991.

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Page 2-LR3333(1)

### STATEMENT OF FACT

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- 1. Raising the licensing fee for persons licensed under this law from 3¢ per barrel to 4¢ per barrel for a period of 6 months. This temporary increase is necessary to fund the purchase of several new booms without seriously depleting the Maine Coastal and Inland Oil Surface Clean-up Fund;
- 2. Requiring the person responsible for an oil spill to reimburse the Department of Environmental Protection for the clean-up costs incurred by the department, in addition to the current responsibility to report and remove the discharge, in order to avoid being subject to any fines or civil penalties;
- 18 3. Providing a penalty for failure to reimburse the Department of Environmental Protection for clean-up costs in connection with an oil spill; and
- 22 4. Requiring the Board of Environmental Protection to report to the Joint Standing Committee on Energy and Natural Resources on the current status of plans by January 15, 1991.