

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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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.

A handwritten signature in cursive script that reads "Ed Pert".

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.

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STATE OF MAINE

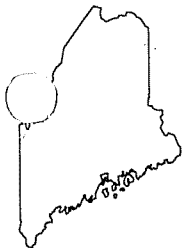
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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

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

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

§546-A. Clean-up plans; review and revision

The board shall annually review and, if necessary, revise plans developed under section 546, subsection 4, paragraph E.

Sec. 2. 38 MRSA §550, as repealed and replaced by PL 1977, c. 375, §9, is amended to read:

§550. Enforcement; penalties

Any person who causes or is responsible for a discharge in violation of section 543 shall is not be subject to any fines or civil penalties if such that person promptly reports and removes such discharge in accordance with the rules, regulations and orders of the board.:

1. Report and remove. Promptly reports and removes the discharge in accordance with the rules and orders of the board; and

2. Reimburse. Reimburses the department for any disbursement made from the fund in connection with the discharge pursuant to section 551, subsection 5, paragraph B within 60 days of demand.

Sec. 3. 38 MRSA §551, sub-§4, ¶A, as amended by PL 1989, c. 500, §2, is further amended to read:

A. License fees shall be are determined on the basis of 3¢ 4¢ per barrel of unrefined crude oil and all other refined oil, petroleum products and their by-products, including #6 fuel oil, #2 fuel oil, kerosene, gasoline, jet fuel and diesel fuel, transferred by the licensee during the licensing period and shall must be paid monthly by the licensee on the basis of records certified to the department. License fees shall must be paid to the department and upon receipt by it credited to the Maine Coastal and Inland Surface Oil Clean-up Fund.

Sec. 4. 38 MRSA §551, sub-§4, ¶D, as amended by PL 1989, c. 500, §3, is further amended to read:

D. Any person who is required to register with the department pursuant to section 545-B and who first transports oil in Maine shall pay fees, which shall be are determined on the basis of 3¢ 4¢ per barrel for all refined

oil, including #6 fuel oil, #2 fuel oil, kerosene, gasoline, jet fuel, diesel fuel and liquid asphalt transported by the registrant during the period of registration. Fees shall must be paid monthly by the registrant on the basis of records certified to the department. Fees shall must be paid to the department and upon receipt by it credited to the Maine Coastal and Inland Surface Oil Clean-up Fund. The registrant shall make available to the department and its authorized representatives all documents relating to the oil transported by the registrant during the period of registration. This paragraph shall does not apply to waste oil which is transported into Maine in any motor vehicle which has a valid license issued by the department for the transportation of waste oil pursuant to section 1319-O and which is subject to fees established under section 1319-I.

**Sec. 5. 38 MRSA §551, sub-§6, ¶C**, as repealed and replaced by PL 1977, c. 375, §14, is amended to read:

C. Requests for reimbursement to the fund if not paid within 30 days of demand shall must be turned over to the Attorney General for collection; and

**Sec. 6. 38 MRSA §551, sub-§6, ¶D**, as amended by PL 1983, c. 483, §15, is further amended to read:

D. The department may file claims with appropriate federal agencies to recover for the use of the fund all disbursement from the fund in connection with a prohibited discharge; and

**Sec. 7. 38 MRSA §551, sub-§6, ¶E** is enacted to read:

E. Requests for reimbursement to the fund for disbursements pursuant to subsection 5, paragraph B, if not paid within 60 days of demand, are subject to a penalty not to exceed twice the total amount of reimbursement requested. This penalty is in addition to the reimbursement requested and any other fines or civil penalties authorized by this Title.

**Sec. 7. Effective date.** This Act takes effect August 1, 1990.

**Sec. 8. Repeal.** Sections 3 and 4 of this Act are repealed February 1, 1991.

**Sec. 9. Report.** The Board of Environmental Protection shall report on the status of current plans developed under the Maine Revised Statutes, Title 38, section 546, subsection 4, paragraph E, to the Joint Standing Committee on Energy and Natural Resources on January 15, 1991.

