

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2492

S.P. 1004

In Senate, April 5, 1990

Referred to the Committee on State and Local Government and ordered printed.
Sent down forthwith for concurrence.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CAHILL of Sagadahoc.

Cosponsored by Representative REED of Falmouth, Senator LUDWIG of Aroostook
and Representative SMALL of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Reduce Costs to County and Municipal Government by Delaying the
Implementation Dates of Certain State Mandates.



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

2
4 Sec. 1. 38 MRSA §451-A, sub-§1-A, as enacted by PL 1987, c.
492, is amended to read:

6 1-A. **Time schedule for salt and sand-salt storage program.**
An owner or operator of a salt or sand-salt storage area is not
8 in violation of any ground water classification or
reclassification adopted on or after January 1, 1980, at any time
10 prior to ~~October 1, 1996~~ October 1, 1997, with respect to
discharges to the ground water from those facilities, if by that
12 time the owner or operator has completed all steps then required
to be completed by the schedules set forth in this subchapter.
14 The department shall administer this schedule according to the
project priority list adopted by the board pursuant to section
16 411 and the provisions of this subsection.

18 A. Preliminary plans and engineers' estimates shall must be
completed and submitted to the Department of Transportation
20 by the following dates:

22 (1) For Priority 1 and 2 projects - ~~January 1989~~
January 1990;

24 (2) For Priority 3 project - ~~January 1990~~ January
26 1991;

28 (3) For Priority 4 project - ~~January 1991~~ January
30 1992; and

32 (4) For Priority 5 project - ~~January 1992~~ January 1993.

34 B. Arrangements for administration and financing shall must
be completed within 12 months of the dates established in
36 paragraph A for each priority category.

38 C. Detailed engineering and final plan formulation shall
must be completed within 24 months of the dates established
40 in paragraph A for each priority category.

42 D. Review of final plans with the Department of
Transportation shall must be completed and construction
44 commenced within 36 months of the dates established in
paragraph A for each priority category. The Department of
46 Transportation shall consult with the department in
reviewing final plans.

48 E. Construction shall must be completed and in operation on
50 or before ~~January 1, 1996~~ January 1, 1997.

52 In no case shall may violations of the lowest ground water
classification be allowed. In addition, no violations of any

2 ground water classifications adopted after January 1, 1980, may
3 be allowed for more than 3 years from the date of an offer of a
4 state grant for the construction of those facilities or after
5 ~~January 1, 1996~~ January 1, 1997, whichever is earlier.

6 The board shall may not issue time schedule variances under
7 subsection 1 to owners or operators of salt or sand-salt storage
8 areas.

10 An owner or operator of a salt or sand-salt storage area who is
11 in compliance with this section is exempt from the requirements
12 of licensing under section 413, subsection 2-D.

14 An owner or operator is not in violation of a schedule
15 established pursuant to this subsection if the owner or operator
16 is eligible for a state grant to implement the schedule and the
17 state grant is not available.

18 **Sec. 2. 38 MRSA §563-A, sub-§1**, as enacted by PL 1987, c. 491,
19 §10, is amended by amending the first paragraph to read:

22 **1. Compliance schedule.** Notwithstanding subsection 1-A,
23 no person may operate, maintain or store oil in a registered
24 underground oil storage facility or tank which that is not
25 constructed of fiberglass, cathodically protected steel or other
26 noncorrosive material approved by the department after:

28 **Sec. 3. 38 MRSA §563-A, sub-§1-A** is enacted to read:

30 **1-A. Compliance schedule for municipalities and school**
31 **administrative units.** A municipality or school administrative
32 unit may not operate, maintain or store oil in a registered
33 underground oil storage facility or tank that is not constructed
34 of fiberglass, cathodically protected steel or other noncorrosive
35 material approved by the department after:

36 A. October 1, 1992, if that facility or tank is more than
37 25 years old or if that facility or tank is more than 15
38 years old and is located in a sensitive geological area;

39 B. October 1, 1994, if that facility or tank is more than
40 20 years old or if that facility or tank is 15 years old and
41 is located in a sensitive geological area; or

42 C. October 1, 1997.

48 STATEMENT OF FACT

50 This bill reduces the cost of county and municipal
government by delaying the implementation dates of the

2 state-mandated salt and sand-salt storage shed program by one year.

4 This bill also establishes a new compliance schedule for
6 municipalities and schools that have underground oil storage tanks.