

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 56, L.D. 77, Bill, "An Act to Extend the Commission to Study Maine's Oil Spill Clean-up Preparedness and to Improve Marine Oil Spill Prevention, Planning and Response"

Amend the bill by striking out the title and substituting the following:

'An Act to Improve Marine Oil Spill Prevention, Planning and Response'

Further amend the bill in the emergency preamble by striking out all of the 5th paragraph (page 1, lines 20 to 24 in L.D.).

Further amend the bill in the emergency preamble in the 6th paragraph in the 2nd line (page 1, line 27 in L.D.) by striking out the following: "is scheduled to decrease" and inserting in its place the following: 'decreased'

Further amend the bill by striking out all of Part A.

Further amend the bill in Part B by striking out the first line (page 4, line 38 in L.D.).

Further amend the bill in section B-4 in subsection 6 in the 2nd line (page 5, line 30 in L.D.) by inserting after the following: "2102." the following: 'entering state waters'

Further amend the bill in section B-5 in that part designated "§546-A." by striking out all of subsection 1 and inserting in its place the following:

'1. Plan. The commissioner shall develop by December 31, 1991 a preliminary state marine oil spill contingency plan. The commissioner shall hold a public hearing in the process of developing the plan. The commissioner shall consult and coordinate with other agencies and organizations developing information for oil spill response planning to prevent a duplication of effort and the creation of incompatible data and data bases.'

2 Further amend the bill in section B-5 in that part
designated "§546-A." in subsection 2 in the 6th line (page 5,
4 line 52 in L.D.) by striking out the following: "sizes" and
inserting in its place the following: 'capacities'

6
8 Further amend the bill in section B-5 in that part
designated "§546-A." in subsection 5 in the first line (page 7,
line 1 in L.D.) by striking out the following: "January 1," and
10 inserting in its place the following: 'April 30,'

12 Further amend the bill in section B-6 in that part
designated "§546-B." in subsection 1 by inserting at the end a
14 new sentence to read: 'The commissioner shall ensure that the
duplication of effort among agencies and creation of incompatible
16 data and data bases are minimized.'

18 Further amend the bill in section B-6 in that part
designated "§546-B." in subsection 2 by inserting at the end a
20 new sentence to read: 'In developing priorities, the board shall
consider the interrelatedness of the marine environment, economic
22 factors, species diversity and other appropriate factors.'

24 Further amend the bill in section B-6 in that part
designated "§546-B." in subsection 3 by inserting after the 2nd
26 sentence (page 7, line 34 in L.D.) the following: 'The
commissioner shall specify the format and types of data to be
28 compiled by other agencies with money supplied by the fund.'

30 Further amend the bill in section B-6 in that part
designated "§546-B." in subsection 3 by inserting after the 4th
32 sentence (page 7, line 39 in L.D.) the following: 'Any persons
employed for sensitive area mapping and supported by money from
34 the fund must be involved in the digitization, quality assurance
and control and training for sensitive area mapping.'

36
38 Further amend the bill in section B-6 in that part
designated "§546-C." in subsection 1 in the 6th line (page 8,
line 8 in L.D.) by striking out the following: "and implement"
40 and by inserting after the following: "of" the following: 'oil
spill damaged'

42
44 Further amend the bill in section B-6 in that part
designated "§546-C." in subsection 1 in paragraph A in the first
line (page 8, line 11 in L.D.) by inserting after the following:
46 "policies" the following: ', priorities'

48 Further amend the bill in section B-6 in that part
designated "§546-C." in subsection 1 by inserting after
50 paragraph A the following:

2 'B. An analysis of the cost-effectiveness of wildlife
3 rehabilitation efforts:'

4 Further amend the bill in section B-6 in that part
5 designated "~~§546-C.~~" in subsection 1 in paragraph C in the last
6 line (page 8, line 19 in L.D.) by striking out the following:
7 "and"

8
9 Further amend the bill in section B-6 in that part
10 designated "~~§546-C.~~" in subsection 1 in paragraph D in the last
11 line (page 8, line 22 in L.D.) by striking out the following: "1"
12 and inserting in its place the following: '; and'

13 Further amend the bill in section B-6 in that part
14 designated "~~§546-C.~~" in subsection 1 by inserting after
15 paragraph D the following:

16
17 'E. Recommendations on implementation of the plan and any
18 required training efforts.'

19
20 Further amend the bill in section B-6 in that part
21 designated "~~§546-C.~~" in subsection 1 by relettering the
22 paragraphs to read consecutively.

23
24 Further amend the bill in section B-6 in that part
25 designated "~~§546-C.~~" by striking out all of subsection 2.

26
27 Further amend the bill in section B-8 by striking out all of
28 subsection 1-A and inserting in its place the following:

29
30 '1-A. Sensitive area data management and mapping. The
31 Legislature may allocate no more than \$350,000 per year of the
32 amount then currently in the fund until fiscal year 1994-95 to
33 mapping, data management and computerization related to the
34 protection of sensitive areas and similar activities required
35 under section 546-B. This limitation does not include personnel
36 costs. The allocations must be made in accordance with section
37 555. After fiscal year 1993-94, the Legislature must review the
38 need for these activities before allocating additional funds.'

39
40 Further amend the bill by striking out all of sections B-9
41 and B-10 and inserting in their place the following:

42
43 'Sec. B-9. 38 MRSA §551, sub-§4, ¶A, as repealed and replaced
44 by PL 1991, c. 66, Pt. A, §19 and affected by Pt. A, §42, is
45 repealed and the following enacted in its place:

46
47 A. License fees are determined on the basis of 4¢ per
48 barrel until July 1, 1994 and 3¢ per barrel after July 1,
49 1994, of unrefined crude oil and all other refined oil,
50 including #6 fuel oil, #2 fuel oil, kerosene, gasoline, jet

2 fuel and diesel fuel, transferred by the licensee during the
3 licensing period and must be paid monthly by the licensee on
4 the basis of records certified to the commissioner. License
5 fees must be paid to the department and upon receipt by it
6 credited to the Maine Coastal and Inland Surface Oil
7 Clean-up Fund.

8 Sec. B-10. 38 MRS §551, sub-§4, ¶D, as repealed and replaced
9 by PL 1991, c. 66, Pt. A, §20 and affected by Pt. A, §42, is
10 repealed and the following enacted in its place:

12 D. Any person who is required to register with the
13 commissioner pursuant to section 545-B and who first
14 transports oil in Maine shall pay fees that are determined
15 on the basis of 4¢ per barrel until July 1, 1994 and 3¢ per
16 barrel after July 1, 1994, for all refined oil, including #6
17 fuel oil, #2 fuel oil, kerosene, gasoline, jet fuel, diesel
18 fuel and liquid asphalt transported by the registrant during
19 the period of registration. Fees must be paid monthly by
20 the registrant on the basis of records certified to the
21 commissioner. Fees must be paid to the department and upon
22 receipt by it credited to the Maine Coastal and Inland
23 Surface Oil Clean-up Fund. The registrant shall make
24 available to the commissioner and the commissioner's
25 authorized representatives all documents relating to the oil
26 transported by the registrant during the period of
27 registration. This paragraph does not apply to waste oil
28 transported into Maine in any motor vehicle that has a valid
29 license issued by the department for the transportation of
30 waste oil pursuant to section 1319-O and is subject to fees
31 established under section 1319-I.

32 Sec. B-11. 38 MRS §551, sub-§5, ¶B, as amended by PL 1985, c.
33 496, Pt. A, §13, is further amended to read:

36 B. All costs, including without limitation personnel and
37 equipment expenses, involved in the removal of oil, the
38 abatement of pollution and the implementation of remedial
39 measures including restoration of water supplies, related to
40 the discharge of oil, petroleum products and their
41 by-products covered by this subchapter, including all
42 discharges from interstate pipelines and other discharges
43 prohibited by section 543;'

44 Further amend the bill in section B-11 by striking out all
45 of the amending clause (page 9, lines 41 to 44 in L.D.) and
46 inserting in its place the following:

48 'Sec. B-11. 38 MRS §551, sub-§6, as repealed and replaced by
49 PL 1991, c. 66, Pt. A, §21, is repealed and the following enacted
50 in its place:'

2 Further amend the bill in section B-11 in subsection 6 in
 4 the 2nd paragraph from the end in the 4th line (page 10, lines 22
 and 23 in L.D.) by striking out the following: "at the discretion
 6 of the department, notwithstanding Title 5, section 192." and
 inserting in its place the following: 'with the approval of the
 Attorney General in conformance with Title 5, section 191.'

8
 10 Further amend the bill by striking out all of sections B-13
 and B-14 and inserting in their place the following:

12 'Sec. B-13. Retroactivity. Those sections of this Act that
 14 enact the Maine Revised Statutes, Title 38, section 551,
 subsection 4, paragraphs A and D are retroactively effective
 beginning May 1, 1991.

16 Sec. B-14. Allocation. The following funds are allocated from
 18 the Maine Coastal and Inland Surface Oil Clean-up Fund to carry
 out sensitive area data management and mapping. Any unexpended
 20 balances of allocations made from this fund on June 30, 1991 may
 not lapse but must be carried forward through June 30, 1992, to
 22 be used for the same purposes.

24 1990-91 1991-92 1992-93

26 ENVIRONMENTAL
 28 PROTECTION,
 DEPARTMENT OF

30 Sensitive Area Data
 Management and Mapping

32	Positions		(2.0)	(2.0)
34	Personal Services		\$134,580	\$146,505
	All Other		366,000	366,000
36	Capital Expenditures	\$60,000	16,300	

38 Provides funds for an
 40 Information Systems
 Manager position, an
 42 ES IV and 2 temporary
 ES II positions, oil
 44 spill response
 software, geographic
 46 information system
 software and
 48 geographic information
 system equipment. It
 50 also includes funds to
 contract for
 52 digitizing sensitive
 area data.

2	DEPARTMENT OF ENVIRONMENTAL PROTECTION			
4	TOTAL	<u>\$60,000</u>	<u>\$516,880</u>	<u>\$512,505</u>
6				
8	INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF			
10	Sensitive Area Data			
12	Management and Mapping			
14	Positions		(1.0)	(1.0)
16	Personal Services		\$32,774	\$35,673
18	All Other		19,800	9,800
20	Capital Expenditures	\$10,135		
22	Provides funds for a Biologist I position, contractual services to develop a wildlife rehabilitation plan, travel expenses, computer maintenance, software license fees and geographic information system equipment.			
24				
26				
28				
30				
32	DEPARTMENT OF INLAND FISHERIES AND WILDLIFE			
34	TOTAL	<u>\$10,135</u>	<u>\$52,574</u>	<u>\$45,473</u>
36	MARINE RESOURCES, DEPARTMENT OF			
38	Sensitive Area Data			
40	Management and Mapping			
42	Positions		(1.0)	(1.0)
44	Personal Services		\$35,764	\$38,884
46	All Other		9,800	9,800
48	Capital Expenditures	\$10,135		
50	Provides funding for a Marine Scientist II position, travel expenses, computer maintenance, software license fees and geographic information system equipment.			
52				

2	DEPARTMENT OF MARINE			
	RESOURCES			
4	TOTAL	<u>\$10,135</u>	<u>\$45,564</u>	<u>\$48,684</u>
6	CONSERVATION,			
	DEPARTMENT OF			
8	Maine Geological Survey -			
10	Sensitive Area Data			
	Management and Mapping			
12	Capital Expenditures	\$7,000		
14	Provides funding for			
16	additional computer			
	storage.			
18	Geographic Information			
20	System - Sensitive Area			
	Data Management and			
22	Mapping			
24	Capital Expenditures	\$9,800	\$9,800	
26	Provides funds for			
	additional computer			
28	storage.			
30	DEPARTMENT OF			
	CONSERVATION			
32	TOTAL	<u>\$16,800</u>	<u>\$9,800</u>	
34	TOTAL ALLOCATIONS	<u>\$97,070</u>	<u>\$624,818</u>	<u>\$606,662'</u>
36	Further amend the bill by renumbering the sections to read			
38	consecutively.			
40	Further amend the bill by inserting before the statement of			
	fact the following:			
42				
44	FISCAL NOTE			
46		1990-91	1991-92	1992-93
48	APPROPRIATIONS/ALLOCATIONS			
	Other Funds	\$97,070	\$624,818	\$606,662

2 REVENUES

4 Other Funds \$166,666 \$1,000,000 \$1,000,000

6 This bill allocates from the Maine Coastal and Inland
Surface Oil Clean-up Fund \$97,070 in fiscal year 1990-91,
8 \$624,818 for fiscal year 1991-92 and \$606,662 for fiscal year
1992-93 to the Department of Environmental Protection, the
10 Department of Inland Fisheries and Wildlife, the Department of
Marine Resources and the Department of Conservation to carry out
12 the purposes of this Act. This bill also increases the fee per
barrel on unrefined crude oil and other products from 3¢ to 4¢
14 effective May 1, 1991 and will result in an increase in dedicated
revenue to the Maine Coastal and Inland Surface Oil Clean-up Fund
16 of \$166,666 for fiscal year 1990-91, \$1,000,000 for fiscal year
1991-92 and \$1,000,000 for fiscal year 1992-93. There is
18 companion legislation, L.D. 246 "An Act Assuring Clean Waters in
Maine" that extends the Commission to Study Maine's Oil Spill
20 Clean-up Preparedness.'

22

STATEMENT OF FACT

24

26 This amendment alters the original bill in several important
ways.

28

1. The language to extend the Commission to Study Maine's
Oil Spill Clean-up Preparedness was removed.

30

2. Language has been added to require the Department of
32 Environmental Protection to exercise more oversight and
coordination over data management efforts.

34

3. A requirement for training personnel for wildlife
36 rehabilitation following an oil spill has been removed so that a
plan is in place before any training occurs.

38

4. Allocations for sensitive area mapping are sunsetted
40 after fiscal year 1994-95.

42

5. Personnel and equipment expenses are included in state
44 expenses to be reimbursed by a person responsible for an oil
spill.

46

6. Attorneys hired by the Department of Environmental
Protection will be reviewed by the Attorney General.

48

7. The effective date of the fee increase for oil transfers
50 is postponed to May 1, 1991 and the marine oil spill contingency
plan development and adoption are postponed.

COMMITTEE AMENDMENT "A" to H.P. 56, L.D. 77

2 8. The 1¢ per barrel fee increase has a sunset provision
and is removed on July 1, 1994.

4

9. The fiscal note is added.

6

Reported by the Committee on Energy and Natural Resources.
Reproduced and distributed under the direction of the Clerk
of the House.

(5/16/91)

(Filing No. H-339)