

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

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Legislative Document

No. 77

H.P. 56

House of Representatives, December 27, 1990

Reported by Representative FARNSWORTH for the Commission to Study Maine's Oil Spill Clean-up Preparedness pursuant to Public Law 1989, chapter 868.

Reference to the Joint Standing Committee on Energy and Natural Resources suggested and printing ordered under Joint Rule 18.

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

EDWIN H. PERT, Clerk

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STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

---

**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.**

---

(EMERGENCY)



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

4  
Whereas, the Commission to Study Maine's Oil Spill Clean-up  
6 Preparedness has reviewed the State's ability to respond to  
marine oil spills and has found that the response capability does  
8 not exist for a catastrophic oil spill along the Maine coast; and

10  
Whereas, sweeping new federal legislation, the Oil Pollution  
Act of 1990, Public Law 101-380, 104 Stat. 484, was signed into  
12 law on August 18, 1990; and

14  
Whereas, there are major efforts under way to address marine  
oil spill prevention, planning and response by others, including  
16 the United States Coast Guard, the Canadian Coast Guard, the  
Portland oil terminal operators and the industry-sponsored Marine  
18 Spill Response Corporation; and

20  
Whereas, there is a need for a continuing advisory body to  
monitor and evaluate these efforts, to study the effect of the  
22 new federal law and to explore the relationship between the new  
federal fund and the Maine Coastal and Inland Surface Oil  
24 Clean-up Fund; and

26  
Whereas, the fee that supports the Maine Coastal and Inland  
Surface Oil Clean-up Fund is scheduled to decrease from 4¢ to 3¢  
28 per gallon in February 1991; and

30  
Whereas, there is a need for the State to take further steps  
in oil spill prevention, planning, response and sensitive area  
32 protection; and

34  
Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
36 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
38 safety; now, therefore,

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

42 **PART A**

44 **Sec. A-1. PL 1989, c. 868, §14** is amended to read:

46 **Sec. 14. Reports; sunset.** The commission shall submit its  
48 initial report and recommendations, together with any recommended  
legislation, to the Joint Standing Committee on Energy and  
Natural Resources and the Office of the Executive Director of the  
50 Legislative Council by November 1, 1990. The commission shall  
submit a follow-up report to the same authorities by November 1,

1991. The commission is dissolved June 30, 1992. The commission shall:

1. Track implementation of the federal Oil Pollution Act of 1990 and regulations promulgated under it, and recommend to the Legislature and the Commissioner of Environmental Protection any appropriate statutory or regulatory changes;

2. Review opportunities and constraints of the new federal Oil Spill Liability Trust Fund and review and update Maine law to incorporate the availability of response money and damage compensation from the federal fund;

3. Review expenditures and the priority for expenditures of the Maine Coastal and Inland Surface Oil Clean-up Fund and make recommendations to the Commissioner of Environmental Protection and the Legislature on how the fund should be spent. The commission shall also consider the establishment of a permanent advisory committee for this purpose. In making these recommendations, the commission shall consider the advisability of establishing separate coastal and inland surface funds;

4. Monitor the development by the Commissioner of Environmental Protection of the State's marine oil spill contingency plan;

5. Identify needed additional response vessels and equipment and monitor the progress of the Department of Environmental Protection in obtaining them;

6. Monitor development of the State's sensitive area identification system;

7. Recommend resource protection priorities or a mechanism to establish them;

8. Evaluate and consider the establishment of a computerized spill trajectory tracking and forecasting system;

9. Monitor development of the State's wildlife rehabilitation plan;

10. Monitor the progress of the United States Coast Guard and the Department of Environmental Protection on navigational risk assessments and spill prevention measures, including use of tugboats and other measures;

11. Encourage and monitor formation of response cooperatives by the oil terminal operators in each major port area;

2 12. Study the impact of the State's present unlimited  
3 liability standard on the potential for oil spills in Maine  
4 waters; and

6 13. Monitor the safety problems of public boating in the  
7 vicinity of oil vessels.

8 **Sec. A-2. PL 1989, c. 868, §§14-A, 14-B and 14-C are enacted to**  
9 **read:**

10 **Sec. 14-A. Reports by Department of Environmental Protection.**

12 1. The Department of Environmental Protection shall report  
13 to the Commission to Study Maine's Oil Spill Clean-up  
14 Preparedness by June 30, 1991, and quarterly thereafter until  
15 June 30, 1992, on the progress of the department in:

16 A. Revising its rules on marine oil spills;

17 B. Developing a state marine oil spill contingency plan; and

18 C. Developing a sensitive area identification and  
19 protection system.

20 2. The department, in consultation with the Gulf of Maine  
21 Council on the Marine Environment, shall pursue a response  
22 agreement or compact with the other states and provinces on the  
23 Gulf of Maine, and report to the commission by July 1, 1991, on  
24 its progress.

25 3. The department shall report to the commission by June  
26 30, 1991, on the availability of facilities for disposal of oily  
27 debris from a major oil spill.

28 4. The department shall study and report to the commission  
29 by September 1, 1991, on the possibility of additional state oil  
30 spill prevention actions, such as vessel movement restrictions,  
31 shipboard inspections and more stringent operating requirements  
32 for terminals. The department shall retain an experienced  
33 consultant to advise the department on navigational and terminal  
34 risk assessment to support this effort.

35 5. The department shall, in connection with development of  
36 the state marine oil spill contingency plan, review and report to  
37 the commission by September 1, 1991, on its needs for specific  
38 response equipment, including booms, skimmers, sorbents, pumps,  
39 barges, dispersants and other spill control products, taking into  
40 account equipment that is or will be available from other  
41 sources. The report must also specify the steps the department  
42 has taken to provide the needed equipment.

**Sec. 14-B. Reports by Department of Inland Fisheries and Wildlife.**

2 The Department of Inland Fisheries and Wildlife shall report to  
4 the Commission to Study Maine's Oil Spill Clean-up Preparedness  
6 by June 30, 1991, and quarterly thereafter until June 30, 1992,  
on the progress of the department in developing a wildlife  
rehabilitation plan.

8 **Sec. 14-C. Transition.** Members of the Commission to Study  
10 Maine's Oil Spill Clean-up Preparedness on November 1, 1990,  
12 shall continue to serve until reappointed or replaced by their  
respective appointing authorities.

14 **Sec. A-3.** PL 1989, c. 868, §18, under that part designated  
16 "LEGISLATURE" in that part relating to "Commission to Study Maine's  
Oil Spill Clean-up Preparedness" is amended by amending the 3rd to  
12th lines to read:

18 Provides funds for the per  
20 diem, travel, consultants and  
22 related expenses of the  
Commission to Study Maine's  
24 Oil Spill Clean-up  
Preparedness. ~~Any-unexpended~~  
26 Unexpended funds allocated in  
fiscal years 1989-90 and  
1990-91 for the Commission to  
Study Maine's Oil Spill  
Clean-up Preparedness must be  
carried forward to fiscal  
year 1991-92. Any funds  
remaining on June 30, 1992,  
32 lapse and are returned to the  
34 Maine Coastal and Inland  
Surface Oil Clean-up Fund  
upon-completion-of-the-study.

38 **PART B**

40 **Sec. B-1.** 37-B MRSA §742, sub-§3 is enacted to read:

42 **3. Oil spill emergency proclamation.** In the event of a  
44 disaster due to an oil spill in coastal waters, the Commissioner  
of Environmental Protection shall directly represent the Governor  
46 in all direct abatement, clean-up and resource protection  
activities in coordination with federal, industry and other  
48 states' response teams. The agency shall assume the other  
functions prescribed in subsection 1, paragraph C, but does not  
50 have supervisory authority over the Department of Environmental  
Protection in the conduct of response activities on the water.

2           **Sec. B-2. 38 MRSA §546, sub-§4, ¶A,** as amended by PL 1989, c.  
546, §9, is further amended to read:

4           A. Operating and inspection requirements for facilities,  
6           vessels, personnel and other matters relating to licensee  
operations under this subchapter, including annual  
8           inspections of oil terminal facilities;

10           **Sec. B-3. 38 MRSA §546, sub-§4, ¶E,** as amended by PL 1989, c.  
868, §1, is further amended to read:

12           E. Development and implementation of criteria and plans to  
14           meet oil and petroleum pollution occurrences of various  
degrees and kinds, including periodic, unannounced the state  
16           marine oil spill contingency plan required under section  
18           546-A. Those plans must include provision for annual  
response plans and the preparedness of the response teams;

20           **Sec. B-4. 38 MRSA §546, sub-§§5 and 6** are enacted to read:

22           5. Facility response plans. Every facility subject to  
24           licensing under this section shall file with the department a  
26           copy of any oil discharge response plan submitted to the  
28           President of the United States under the federal Oil Pollution  
Act of 1990, Public Law 101-380, Section 4202, 104 Stat. 484, or  
a statement that a plan is not required under federal law.

30           6. Vessel response plans. Every tank vessel, as defined  
32           under 56 United States Code, Section 2101, shall file with the  
34           department a copy of any oil discharge response plan submitted to  
36           the President of the United States under the federal Oil  
Pollution Act of 1990, Public Law 101-380, Section 4202, 104  
Stat. 484, or a statement that a plan is not required under  
federal law.

38           **Sec. B-5. 38 MRSA §546-A,** as enacted by PL 1989, c. 868, §2,  
is repealed and the following enacted in its place:

40           §546-A. State marine oil spill contingency plan

42           1. Plan. The commissioner shall develop by September 1,  
44           1991, a preliminary state marine oil spill contingency plan. The  
46           commissioner shall hold a public hearing in the process of  
developing the plan.

48           2. Worst-case scenarios. The marine oil spill contingency  
50           plan must address a range of scenarios, including spills of  
52           100,000 gallons, 1,000,000 gallons and 6,000,000 gallons and the  
worst-case scenario in each major port area in both favorable and  
adverse conditions. The worst-case scenario in each major port  
area is the loss of an entire vessel of the following sizes:

2           A. Portland: 30,000,000 gallons;

4           B. Penobscot Bay and Penobscot River: 11,000,000 gallons;

6           C. Portsmouth, New Hampshire: 13,000,000 gallons;

8           D. St. John, New Brunswick: 90,000,000 gallons;

10          E. Eastport: 100,000 gallons; and

12          F. Elsewhere on the coast: 30,000 gallons.

14          3. Contents of plan. The marine oil spill contingency plan  
must include:

16           A. The designation of a state oil spill coordinator;

18           B. A clear definition of the roles of the department, the  
oil industry and the United States Coast Guard in various  
circumstances, as well as the roles of other state agencies  
including the Maine Emergency Management Agency;

22           C. A clear definition of the State's role under the joint  
agreement between the United States and Canada known as  
CANUSLANT;

26           D. An inventory of oil spill response equipment available  
within the State;

30           E. A listing of sources for qualified, trained spill  
responders within the State;

32           F. Preapproved criteria for use of dispersants,  
bioremediation and in situ burning, developed in  
consultation with the United States Coast Guard and other  
responsible agencies, and the names of the individuals  
authorized to make the final decision for the State on their  
use;

40           G. Identification of sensitive areas and resources, and  
management strategies to protect them;

42           H. Identification of resources for wildlife rehabilitation;  
and

46           I. Identification of facilities for disposal of oily debris  
and for separation, transport and storage of recovered oil.

48          4. Considerations. In preparing the plan, the need for  
pre-positioned response teams and additional equipment must be  
considered.

52



2 5. Rulemaking, review and revision. By January 1, 1992,  
3 the board shall adopt by rule a state marine oil spill  
4 contingency plan based upon the preliminary plan developed by the  
5 commissioner under subsection 1. The commissioner shall annually  
6 review and make recommendations to revise the plan, and the board  
7 shall act on those recommendations by rulemaking.

8 Sec. B-6. 38 MRS §546-B and 546-C are enacted to read:

10 §546-B. Sensitive area identification and protection

12 1. Sensitive area identification and data management. The  
13 commissioner, in consultation with the Department of Marine  
14 Resources, the Department of Inland Fisheries and Wildlife, the  
15 Department of Conservation, the State Planning Office, the United  
16 States Fish and Wildlife Service and other appropriate agencies  
17 and organizations, both public and private, shall assess the  
18 nature and extent of sensitive areas and resources in the marine  
19 environment that may be threatened by oil spills and develop a  
20 system to collect and maintain the necessary data.

22 2. Protection priorities. The board, in consultation with  
23 the Department of Marine Resources, the Department of Inland  
24 Fisheries and Wildlife, the Department of Conservation and other  
25 appropriate agencies and organizations, shall establish policies  
26 and guidelines to set priorities for protection of sensitive  
27 areas in the event of an oil spill.

28 3. Use of state geographic information system. The system  
29 developed pursuant to subsection 1 must be based on the state  
30 geographic information system to the maximum extent practicable.  
31 The commissioner is responsible for the design, implementation  
32 and execution of the marine oil spill prevention, planning and  
33 response system. The format and digital conversion of the data  
34 must comply with standards developed by the state geographic  
35 information system and data must be added to that system's data  
36 base. The state geographic information system must provide  
37 technical assistance and serve as the final repository for final  
38 geographic information system data. Development must proceed in  
39 3 phases as follows:

42 A. A pilot project for Casco Bay to be completed by  
43 December 31, 1991;

44 B. The Penobscot River and Penobscot Bay area to be  
45 completed in 1992; and

46 C. The remainder of the coastline to be completed in 1993.

2 §546-C. Wildlife rehabilitation plan

4 1. Wildlife rehabilitation plan. The Department of Inland  
6 Fisheries and Wildlife, in consultation with the Department of  
8 Environmental Protection, the Department of Marine Resources, the  
10 Department of Conservation, the United States Fish and Wildlife  
12 Service and other appropriate agencies and organizations, shall  
14 develop and implement a plan for rehabilitation of wildlife  
16 resources. This plan must include:

18 A. Policies and guidelines to address rehabilitation  
20 activities;

22 B. A mechanism for the use of volunteers, with due regard  
24 for their safety;

26 C. Identification of needed resources and facilities for  
28 rehabilitation efforts and an inventory of those available;  
30 and

32 D. Preliminary agreements with treatment centers or  
34 facilities.

36 2. Training. The Department of Inland Fisheries and  
38 Wildlife, in consultation with the Department of Environmental  
40 Protection, the Department of Marine Resources, the Department of  
42 Conservation, the United States Fish and Wildlife Service and  
44 other appropriate agencies and organizations, shall develop and  
46 implement training programs and training opportunities for  
48 volunteers and state and federal response personnel interested in  
50 wildlife rehabilitation.

Sec. B-7. 38 MRSA §547, as affected by PL 1989, c. 890, Pt.  
A, §40 and amended by Pt. B, §113, is further amended by adding  
after the first paragraph a new paragraph to read:

In the event of an oil spill emergency, the commissioner  
shall represent the Governor in all direct abatement, clean-up  
and resource protection activities in coordination with federal,  
industry and other states' response teams in accordance with  
Title 37-B, section 742, subsection 3.

Sec. B-8. 38 MRSA §551, sub-§1-A is enacted to read:

1-A. Sensitive area data management and mapping. The  
Legislature may allocate no more than \$350,000 per year of the  
amount then currently in the fund to mapping, data management and  
computerization related to the protection of sensitive areas and  
similar activities required under section 546-B. The allocations  
must be made in accordance with section 555.

2           **Sec. B-9. 38 MRSA §551, sub-§4, ¶A,** as amended by PL 1989, c.  
868, §4 and affected by §19, and as affected by c. 890, Pt. A,  
4           §40 and amended by Pt. B, §119, is repealed and the following  
enacted in its place:

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

16           **Sec. B-10. 38 MRSA §551, sub-§4, ¶D,** as amended by PL 1989, c.  
868, §5 and affected by §19, and as affected by c. 890, Pt. A,  
18           §40 and amended by Pt. B, §120, is repealed and the following  
enacted in its place:

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

40           **Sec. B-11. 38 MRSA §551, sub-§6,** as repealed and replaced by  
42           PL 1989, c. 868, §9 and as affected by c. 890, Pt. A, §40 and  
43           amended by Pt. B, §122, is repealed and the following enacted in  
44           its place:

46           6. Reimbursements to Maine Coastal and Inland Surface Oil  
47           Clean-up Fund. For the use of the fund, the commissioner shall  
48           seek recovery of all disbursements from the fund for the  
49           following purposes, including overdrafts and interest computed at  
50           15% a year from the date of expenditure, unless the department  
51           finds the amount involved too small or the likelihood of success  
52           too uncertain, provided that recoveries resulting from damage due

2 to an oil pollution disaster declared by the Governor pursuant to  
3 section 547 must be apportioned between the Maine Coastal and  
4 Inland Surface Oil Clean-up Fund and the General Fund so as to  
5 repay the full costs to the General Fund of any bonds issued as a  
6 result of the disaster:

7 A. All disbursements made by the fund pursuant to  
8 subsection 5, paragraphs B, D, E, H and I in connection with  
9 a prohibited discharge; and

10 B. In the case of a licensee promptly reporting a discharge  
11 as required by this subchapter, disbursements made by the  
12 fund pursuant to subsection 5, paragraphs B, D and E in  
13 connection with any single prohibited discharge including  
14 3rd-party claims in excess of \$15,000, except to the extent  
15 that the costs are covered by payments received under any  
16 federal program.

17 Requests for reimbursement to the fund, if not paid within 30  
18 days of demand, may be turned over to the Attorney General for  
19 collection or may be submitted to a collection agency or agent or  
20 an attorney retained by the department at the discretion of the  
21 department, notwithstanding Title 5, section 192. The  
22 commissioner may file claims with appropriate federal agencies to  
23 recover for the use of the fund all disbursements from the fund  
24 in connection with a prohibited discharge.

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

31 **Sec. B-12. PL 1985, c. 496, Pt. A, §15 is amended to read:**

32 **Sec. 15. Borrowing from the Maine Coastal and Inland Surface Oil**  
33 **Clean-up Fund.** To provide for the start-up of the Ground Water  
34 Oil Clean-up Fund, subject to the approval of the commissioner,  
35 the department may borrow up to \$1,200,000 from the Maine Coastal  
36 and Inland Surface Oil Clean-up Fund during fiscal year 1985-86  
37 to be expended for the purposes set forth in the Maine Revised  
38 Statutes, Title 38, chapter 3, subchapter II-B. Any money  
39 borrowed shall must be repaid with interest to the Maine Coastal  
40 and Inland Surface Oil Clean-up Fund before June 30, 1987, with  
41 the exception of \$250,000 in fiscal year 1986 1985-86 and  
42 \$250,000 in fiscal year 1987 ~~to be borrowed without repayment~~  
43 1986-87. That \$500,000 must be repaid without interest in 5  
44 annual installments of \$100,000 each, beginning in April 1991.  
45 The rate of interest shall must be determined by the Treasurer of  
46 State, based on the average rate of interest earned on funds  
47 invested during the period of the loan.  
48  
49  
50  
51  
52

2           Sec. B-13. PL 1989, c. 868, §19 is amended to read:

4           Sec. 19. Effective date. Sections 4 and 5 of this Act take  
effect August 1, 1990, ~~and are repealed February 1, 1991.~~

6  
8           Sec. B-14. Allocation. The following funds are allocated from  
the Maine Coastal and Inland Surface Oil Clean-up Fund to carry  
out sensitive area data management and mapping. Any unexpended  
10 balances of allocations made from this fund on June 30, 1991, may  
not lapse but must be carried forward through June 30, 1992, to  
12 be used for the same purposes.

14   1990-91                   1991-92                   1992-93

16       ENVIRONMENTAL PROTECTION,  
18       DEPARTMENT OF

20       Sensitive Area Data  
Management and Mapping

22	Positions	(1.0)	(1.0)	(1.0)
	Personal Services	\$10,000	\$42,000	\$45,000
24	All Other	43,000	48,000	58,000
	Capital Expenditures	45,000		

26  
28       Provides funding for  
an information systems  
30 manager position, oil  
spill response  
software, geographic  
32 information system  
software and  
34 geographic information  
system equipment,  
36 including workstation,  
plotter, digitizer,  
38 personal computer and  
printer.

40  
42       DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
TOTAL                                   \$98,000                   \$90,000                   \$103,000

44  
46       INLAND FISHERIES AND  
WILDLIFE, DEPARTMENT OF

48       Sensitive Area Data  
Management and Mapping

50	Positions	(1.0)	(1.0)	(1.0)
52	Personal Services	\$10,000	\$39,000	\$45,000

2	All Other	21,000	38,000	42,000
	Capital Expenditures	34,000		
4	Provides funding for a			
6	Biologist I position,			
8	geographic information			
10	system software and			
12	geographic information			
14	system equipment,			
16	including workstation,			
18	small plotter,			
20	digitizer, personal			
22	computer and printer.			
24				
26	<b>DEPARTMENT OF INLAND</b>			
28	<b>FISHERIES AND WILDLIFE</b>			
30	<b>TOTAL</b>	<u>\$65,000</u>	<u>\$77,000</u>	<u>\$87,000</u>
32				
34	<b>MARINE RESOURCES,</b>			
36	<b>DEPARTMENT OF</b>			
38				
40	<b>Sensitive Area Data</b>			
42	<b>Management and Mapping</b>			
44				
46	Positions	(1.0)	(1.0)	(1.0)
48	Personal Services	\$13,000	\$53,000	\$56,000
50	All Other	20,000	27,000	30,000
52	Capital Expenditures	20,000		
54				
56	Provides funding for a			
58	Scientist II position,			
60	geographic information			
62	system software,			
64	digitizing contracts			
66	and geographic			
68	information system			
70	equipment, including			
72	workstation and			
74	personal computer.			
76				
78	<b>DEPARTMENT OF MARINE</b>			
80	<b>RESOURCES</b>			
82	<b>TOTAL</b>	<u>\$53,000</u>	<u>\$80,000</u>	<u>\$86,000</u>
84				
86	<b>CONSERVATION, DEPARTMENT OF</b>			
88				
90	<b>Maine Geological Survey -</b>			
92	<b>Sensitive Area Data</b>			
94	<b>Management and Mapping</b>			
96				
98	All Other	\$58,000	\$52,000	\$41,000
100	Capital Expenditures	7,000		

2	TOTAL	<u>\$65,000</u>	<u>\$52,000</u>	<u>\$41,000</u>
4	Provides funding for			
6	digitizing contracts,			
8	related expenses and			
	additional computer			
	storage.			
10	<b>Geographic Information</b>			
12	<b>System - Sensitive Area</b>			
	<b>Data Management and</b>			
	<b>Mapping</b>			
14	Capital Expenditures	\$12,000	\$12,000	
16	Provides funding for			
18	additional computer			
20	storage.			
22	<b>DEPARTMENT OF CONSERVATION</b>	<u>\$77,000</u>	<u>\$64,000</u>	<u>\$41,000</u>
	<b>TOTAL</b>			
24	<b>TOTAL ALLOCATIONS</b>	<u>\$293,000</u>	<u>\$311,000</u>	<u>\$317,000</u>

26       **Emergency clause.** In view of the emergency cited in the  
28       preamble, this Act takes effect when approved.

30  
32                                   **STATEMENT OF FACT**

34       This bill is proposed by the Commission to Study Maine's Oil  
36       Spill Clean-up Preparedness under Public Law 1989, chapter 868.  
38       It is emergency legislation. There is a companion bill, "An Act  
40       Regarding Liability for Persons Responding to Oil Spills."

42       Part A of the bill continues the Commission to Study Maine's  
44       Oil Spill Clean-up Preparedness. To do this, the bill:

- 46               1. Extends the life of the commission until June 30, 1992;
- 48               2. Extends the allocation of existing funds for the  
50               commission until June 30, 1992. The bill does not allocate any  
52               new funds for the commission;
- 3. Requires the Department of Environmental Protection to  
                 provide reports to the commission by June 30, 1991, and quarterly  
                 thereafter, on:
  - A. Its progress in rulemaking;

- 2 B. The state oil spill contingency plan;
- 4 C. The sensitive area identification and protection system;
- 6 D. The wildlife rehabilitation plan;
- 8 E. The possibility of a Gulf of Maine oil spill compact; and
- 10 F. The availability of oily debris disposal facilities; and
- 12 4. Requires the commission to report to the Legislature by  
November 1, 1991, on:

- 14 A. The progress of the new federal, state and industry  
16 response initiatives;
- 18 B. The relationship between the new federal fund and the  
existing Maine Coastal and Inland Surface Oil Clean-up Fund;  
20 and
- 22 C. Any recommendations for further state legislative or  
administrative action.

24 Part B of the bill requires increased oil spill response  
26 planning by the Department of Environmental Protection and other  
state agencies. This Part:

- 28 1. Clarifies the relation between the Department of  
Environmental Protection and the Maine Emergency Management  
30 Agency in the event of an oil spill emergency;
- 32 2. Requires annual inspections and drills at licensed oil  
terminals;
- 34 3. Requires vessels and facilities to file federally  
36 required contingency plans with the Department of Environmental  
Protection;
- 38 4. Requires the Department of Environmental Protection to  
40 prepare a state marine oil spill contingency plan, including a  
worst-case scenario;
- 42 5. Requires the Department of Environmental Protection to  
44 develop a computerized, geographic information system-based  
sensitive area identification and protection plan, including  
46 guidance for protection priorities;
- 48 6. Requires the Department of Inland Fisheries and Wildlife  
to develop a wildlife rehabilitation plan;
- 50 7. Authorizes allocations up to \$350,000 per year for  
52 sensitive area data management and mapping;



2           8. Retains the fee on oil coming into the State at 4¢ per  
4 barrel, rather than letting it revert to 3¢ on February 1, 1991,  
6 as scheduled. This fee is used to support the Maine Coastal and  
8 Inland Surface Oil Clean-up Fund;

10           9. Gives the Department of Environmental Protection  
12 additional authority to collect overdue reimbursements to the  
14 Maine Coastal and Inland Surface Oil Clean-up Fund;

16           10. Returns \$500,000 within the next 5 years from the  
18 Ground Water Oil Clean-up Fund to the Maine Coastal and Inland  
20 Surface Oil Clean-up Fund; and

          11. Makes the allocations for sensitive area data  
management and mapping for fiscal years 1990-91, 1991-92 and  
1992-93, based on preliminary figures obtained from the  
Department of Environmental Protection, the Department of Inland  
Fisheries and Wildlife, the Department of Marine Resources and  
the Department of Conservation.