

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 156

H.P. 113

House of Representatives, January 22, 1991

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

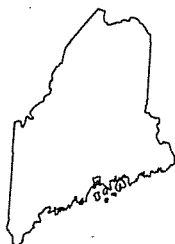
Presented by Representative KETOVER of Portland.

Cosponsored by Representative MICHAUD of East Millinocket, Representative JACQUES of Waterville and Representative LORD of Waterboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Assist in the Cleanup of Contaminated Property.



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

4 Sec. 1. 38 MRSA §1362, sub-§1-A is enacted to read:

6 1-A. Person. "Person" means an individual or a business
that employs fewer than 5 full-time equivalent employees or that
has annual gross taxable revenues less than \$250,000.

8 Sec. 2. 38 MRSA §1366-A is enacted to read:

10 §1366-A. Assistance; financially ruinous contamination

12 Any person who must, under this chapter, abate, clean up or
14 mitigate threats or hazards posed by an uncontrolled site is
16 eligible for partial or full payment of costs associated with the
abatement, cleanup or mitigation of the uncontrolled site, if:

18 1. Application for assistance. That person submits to the
20 commissioner an application for financial assistance in the
abatement, cleanup or mitigation of an uncontrolled site;

22 2. Ownership of site. The commissioner determines that the
24 person submitting the application under subsection 1 is:

26 A. The owner of the site; and

28 B. Is compelled under this chapter to abate, clean up or
mitigate the site; and

30 3. Financially ruinous contamination. The commissioner
32 determines that the cost to abate, clean-up or mitigate the site
would be financially ruinous to the owner of the site.
34 Abatement, clean-up or mitigation costs are financially ruinous
if:

36 A. Such costs exceed the sum of all liquid capital assets
available to the applicant; and

38 B. The applicant is unable to finance the abatement,
40 clean-up or mitigation costs by debt financing.

42 The commissioner shall provide to any person the commissioner
44 determines eligible under this section financial assistance from
the Uncontrolled Sites Fund established under section 1364,
46 subsection 6. The amount of financial assistance provided to an
eligible applicant may not exceed the minimum amount that, in
48 combination with the liquid assets and credit access available to
the applicant, is necessary to complete the abatement, cleanup or
50 mitigation of the site.

52 The board shall adopt rules to implement this section no later
than January 1, 1992. The rules must set forth the method of

2 payment, the procedure for determining financial need and
4 timetables for decision-making and payment by the department, and
6 must prescribe and include all forms necessary to implement this
8 section.

6 **Sec. 3. Effective date.** This Act is effective on January 1,
8 1992.

10

12 **STATEMENT OF FACT**

14

14 This bill requires the Department of Environmental
16 Protection to provide financial assistance to individuals or
18 small businesses that are required under law to clean up a
20 hazardous waste site, but who, if compelled to do so, would face
financial ruin. The bill establishes a means test as a standard
for determining "financially ruinous" costs, and directs the
board to adopt rules implementing the bill by January 1, 1992.
This Act is effective on January 1, 1992.