

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 161, L.D. 246, Bill, "An Act Assuring Clean Waters in Maine"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

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

Whereas, the federal Oil Pollution Act of 1990, Public Law 101-380, 104 Stat. 484, went into effect on August 18, 1990; and

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

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

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

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

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Sec. 1. Commission reestablished; membership; appointments. The Commission to Study Maine's Oil Spill Clean-up Preparedness is reestablished and is composed of the 15 members appointed pursuant to Public Law 1989, chapter 868, section 11. Any vacancies on the commission must be filled by the original appointing authority.

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Sec. 2. Meetings. The first meeting of the commission must be held by June 30, 1991, called by the Chair of the Legislative Council or the chair's designee. The commission shall select a legislative member as chair.

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Sec. 3. Duties. The commission shall meet and hold a public hearing as needed to review Maine's oil spill clean-up preparedness. Specifically, the commission shall:

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

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

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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;

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

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

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6. Monitor any development of a sensitive area identification system by the State;

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

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

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6 9. Monitor development of any wildlife rehabilitation plan
developed by the State;

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

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

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

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

24 **Sec. 4. Reports by Commissioner of Environmental Protection.** The
Commissioner of Environmental Protection shall report to the
26 commission on the following activities.

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

32 A. Revising its rules on marine oil spills;

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

36 C. Developing a sensitive area identification and
38 protection system.

40 2. The department, in consultation with the Gulf of Maine
Council on the Marine Environment, shall pursue a response
42 agreement or compact with the other states and provinces on the
Gulf of Maine and report to the commission by June 30, 1991 on
44 its progress.

46 3. The commissioner shall report to the commission by June
30, 1991 on the availability of facilities for disposal of oily
48 debris from a major oil spill.

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

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

20 **Sec. 5. Reports by Department of Inland Fisheries and Wildlife.**
22 The Department of Inland Fisheries and Wildlife shall report to
24 the Commission to Study Maine's Oil Spill Clean-up Preparedness
by June 30, 1991 and quarterly thereafter until June 30, 1992 on
the progress of the department in developing a wildlife
rehabilitation plan.

26 **Sec. 6. Report.** The commission shall develop and submit a
28 report and recommendations, together with any recommended
30 legislation, to the Joint Standing Committee on Energy and
32 Natural Resources and the Office of the Executive Director of the
Legislative Council by November 1, 1991. The commission is
dissolved on June 30, 1992.

34 **Sec. 7. Staff assistance.** The commission may request staff
36 assistance between sessions of the Legislature from the
38 Legislative Council. Any staff assistance required by the
commission while the Legislature is in session must be provided
by the Department of Environmental Protection.

40 **Sec. 8. Reimbursement.** The public members of the commission
42 are entitled to legislative per diem and expenses for the days of
44 attendance at commission meetings upon request from the Executive
Director of the Legislative Council. The Executive Director of
the Legislative Council shall administer the budget of the
commission.

46 **Sec. 9. PL 1989, c. 868, §18, under that part designated**
48 **"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:

2 Provides funds for the per
4 diem, travel, consultants and
related expenses of the
6 Commission to Study Maine's
Oil Spill Clean-up
8 Preparedness. Unexpended
funds allocated in fiscal
10 year 1989-90 and fiscal year
1990-91 for the Commission to
12 Study Maine's Oil Spill
Clean-up Preparedness must be
14 carried forward to fiscal
year 1991-92. These funds
16 allocated pursuant to Public
Law 1989, chapter 868,
18 section 18 must be used for
the purpose of this new study
20 and must be carried forward
until the commission expires
22 on June 30, 1992. Any
unexpended funds lapse to the
24 Maine Coastal and Inland
Surface Oil Clean-up Fund
upon completion of the study.

26
28 **Sec. 10. Allocation.** The following funds are allocated from
the Maine Coastal and Inland Surface Oil Clean-up Fund to carry
out the purposes of this Act.

30
32 **1990-91**

34 **LEGISLATURE**

36 **Commission to Study Maine's Oil Spill
Clean-up Preparedness**

38 Personal Services \$2,200
40 All Other (2,200)

42 Provides for the transfer of
funds from the "all other"
44 line item to the "personal
services" line item to allow
46 for the payment of per diem
authorized by this Act.

48 **LEGISLATURE
TOTAL**

\$-0-

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

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FISCAL NOTE

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8 This bill continues the Commission to Study Maine's Oil
Spill Clean-up Preparedness utilizing the balance of dedicated
funds allocated pursuant to Public Law 1989, chapter 868, section
10 18 by adding a carrying provision for these funds. The
allocation in this bill provides a \$2,200 line item transfer from
12 All Other to Personal Services to allow for the payment of per
diem for public members of the commission. The Legislative
14 Council which is required to provide staff assistance may need
additional resources to provide staff assistance.

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18 Companion legislation, L.D. 77, "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,"
20 provides funds for sensitive area data management and mapping.'

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STATEMENT OF FACT

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26 This amendment replaces the bill with language to continue
the Commission to Study Maine's Oil Spill Clean-up Preparedness.
This commission will track the implementation of the federal Oil
28 Pollution Act of 1990 and state initiatives to prevent oil spills
in the marine environment. The commission will also make
30 recommendations for further action.

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

(5/15/91)

(Filing No. H-331)