

# MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1532, L.D. 2163, Bill, "An Act to Amend the State's Oil Spill Prevention and Response Provisions"

Amend the bill by inserting after section 2 the following:

Sec. 3. 38 MRSA §542, sub-§6-A is enacted to read:

6-A. Oil spill response activity. "Oil spill response activity" means assistance in mitigating or attempting to mitigate the effects of an actual or threatened discharge of oil prohibited by section 543. The term includes lightering oil from a disabled or threatened vessel and other actions to prevent, contain, clean up, remove or dispose of prohibited oil discharges.

Sec. 4. 38 MRSA §542, sub-§7, as amended by PL 1977, c. 375, §3, is further amended to read:

7. Oil terminal facility. "Oil terminal facility" means any facility of any kind and related appurtenances, located in, on or under the surface of any land or water, including submerged lands, which is used or capable of being used for the purpose of transferring, processing or refining oil, or for the purpose of storing the same, but does not include any facility used or capable of being used to store no more than 500 barrels, nor any facility not engaged in the transfer of oil to or from waters of the State. A vessel shall--be is considered an oil terminal facility only in the event of a ship--to--ship ship-to-ship transfer of oil, but only that vessel going to or coming from the place of ship-to-ship ship-to-ship transfer and a permanent or fixed oil terminal facility. The term does not include vessels engaged in oil spill response activities.

2           **Sec. 5. 38 MRSA §545, sub-§4**, as amended by PL 1977, c. 375,  
§7, is further amended to read:

4           **4. Certain vessels included.** Licenses issued to any fixed  
6 or permanent oil terminal facility shall must include vessels  
under the direction or control of such facility and used to  
8 transport oil, between such fixed or permanent facility and  
vessels within state waters. Any person operating or causing to  
10 be operated a vessel used to transport oil between a permanent or  
fixed oil terminal facility and vessels within state waters,  
12 which vessel is not subject to the direction or control of that  
permanent oil terminal facility, shall obtain a license as  
14 required by this section. This subsection does not apply to  
vessels engaged in oil spill response activities.'

16           Further amend the bill by inserting after section 6 the  
following:

18           '**Sec. 7. 38 MRSA §551, sub-§5, ¶B**, as amended by PL 1991, c.  
20 454, §11, is further amended to read:

22           B. All costs, including without limitation personnel  
24 undertaking oil spill response activities and equipment  
expenses, involved in the removal of oil, the abatement of  
26 pollution and the implementation of remedial measures  
including restoration of water supplies, related to the  
28 discharge of oil; petroleum products and their by-products  
covered by this subchapter, including all discharges from  
30 interstate pipelines and other discharges prohibited by  
section 543;'

32           Further amend the bill by inserting after section 9 the  
following:

34           '**Sec. 10. Review.** Before March 1, 1995, the Oil Spill  
36 Advisory Committee shall report on its activities to the joint  
standing committee of the Legislature having jurisdiction over  
38 natural resource matters, which shall review those activities and  
the need to continue the committee.'

40           Further amend the bill by renumbering the sections to read  
42 consecutively.

44           Further amend the bill by inserting at the end before the  
statement of fact the following:  
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**FISCAL NOTE**

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Costs associated with legislative per diem and expenses of the Oil Spill Advisory Committee members, staff assistance, reporting to the Joint Standing Committee on Energy and Natural Resources and other related expenses can be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.

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Costs associated with the review of the Oil Spill Advisory Committee to determine its need to continue can be absorbed within the legislative budget.

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**STATEMENT OF FACT**

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This amendment ensures that vessels engaged in oil spill response are not subject to the licensing and license fee requirements of the Maine Coastal and Inland Surface Oil Clean-up Fund.

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The amendment clarifies that personnel costs reimbursed to the Maine Coastal and Inland Surface Oil Clean-up Fund by a person who caused the discharge must be personnel costs for those people directly cleaning up the spill.

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The amendment requires the Legislature to review the proposed Oil Spill Advisory Committee in 3 years and its need to continue.

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The amendment also adds a fiscal note to the bill.

Reported by the Committee on Energy and Natural Resources.  
Reproduced and distributed under the direction of the Clerk of the House.  
2/24/92 (Filing No. H-971)