

MAINE STATE LEGISLATURE

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90K
R. of S.

L.D. 1294

(Filing No. S-334)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 963, L.D. 1294, Bill, "An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990"

Amend the bill by inserting after section 4 the following:

Sec. 5. 38 MRSA §569-A, sub-§5, ¶¶A and B, as enacted by PL 1991, c. 817, §26, are amended to read:

A. Until January 1, 1994 and after January 1, 1998, a fee is assessed of 44¢ per barrel of gasoline; 25¢ per barrel of refined petroleum products and their by-products other than gasoline, liquid asphalt and #6 fuel oil, including #2 fuel oil, kerosene, jet fuel and diesel fuel; and 10¢ 4¢ per barrel of #6 fuel oil. The fee is assessed on the first transfer of those products by oil terminal facility licensees, as defined in section 542, subsection 7, and on a person required to register with the commissioner under section 545-B who first transports oil into the State. The fee is not assessed on petroleum products that are exported from this State. These fees must be paid monthly on the basis of records certified to the commissioner. This subsection does not apply to waste oil transported into the State in any motor vehicle that has a valid license issued by the department for the transportation of waste oil pursuant to section 1319-O and is subject to fees established under section 1319-I.

B. After January 1, 1994, the fees assessed in paragraph A increase to 48¢ per barrel of gasoline and 27¢ per barrel of refined petroleum products and their by-products other than gasoline, liquid asphalt and #6 fuel oil, including #2 fuel oil, kerosene, jet fuel and diesel fuel. The fee is not

SENATE AMENDMENT

SENATE AMENDMENT "A" to H.P. 963, L.D. 1294

2 assessed on petroleum products that are exported from this
State. The fees assessed on #6 fuel oil remain at 10¢ 4¢
4 per barrel. This paragraph is repealed on January 1, 1998.

6 **Sec. 6. 38 MRSA §569-A, sub-§6**, as enacted by PL 1991, c. 817,
§26, is amended to read:

8 **6. Allocation from Ground Water Oil Clean-up Fund.** From
the fees assessed in subsection 5, 6¢ per barrel of gasoline,
10 refined petroleum products and their by-products, other than
liquid asphalt and #6 fuel oil, must be transferred by the
12 department upon receipt as follows.

14 A. Sixty-two and one half percent of the 6¢ per barrel fee
must be transferred to the Finance Authority of Maine for
16 deposit in the Underground Oil Storage Replacement Fund, and
after \$3,000,000 has been transferred to the Maine State
18 Housing Authority pursuant to paragraph B, 100% of the 6¢
per barrel fee must be transferred to the Finance Authority
20 of Maine.

22 B. Thirty-seven and one half percent of the 6¢ per barrel
fee must be transferred to the Maine State Housing Authority
24 for deposit in the Housing Opportunities for Maine Fund to
be used initially for loans and grants to finance the costs
26 of removal, disposal, replacement or abandonment of
underground oil storage facilities and tanks located on
28 owner-occupied or residential rental property, which
facilities and tanks have been identified by the department
30 as leaking or posing an environmental threat or as having
been abandoned. After \$3,000,000 has been transferred, the
32 Maine State Housing Authority does not receive a percentage
of the 6¢ per barrel fee.

34 After an aggregate sum of \$10,000,000 has been transferred to the
36 Finance Authority of Maine and an aggregate sum of \$3,000,000 has
been transferred to the Maine State Housing Authority pursuant to
38 this subsection, the per barrel fee assessed pursuant to
subsection 5 must be reduced by 6¢ per barrel.'

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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SENATE AMENDMENT "A" to H.P. 963, L.D. 1294

FISCAL NOTE

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1993-94

1994-95

APPROPRIATIONS/ALLOCATIONS

Other Funds \$568,453 \$1,399,963

REVENUES

Other Funds (\$46,744) \$579,701

The increase of several air emission fees will increase dedicated revenues to the Department of Environmental Protection by \$568,453 and \$1,399,963 in fiscal years 1993-94 and 1994-95, respectively. These amounts are allocated to provide funding to implement the federal Clean Air Act.

Certain changes regarding the fee charged per barrel for #6 fuel oil will decrease revenues to several other special revenue funds. The Ground Water Oil Clean-up Fund will experience dedicated revenue losses of \$175,771 and \$234,361 in fiscal years 1993-94 and 1994-95, respectively. The Underground Oil Storage Replacement Fund will experience dedicated revenue losses of \$292,951 and \$390,601 in fiscal years 1993-94 and 1994-95, respectively. The Housing Opportunities for Maine Fund will experience dedicated revenue losses of \$146,475 and \$195,300 in fiscal years 1993-94 and 1994-95, respectively.

The Department of Environmental Protection will incur some minor additional costs to form a study committee that will submit a report to the Legislature. These costs can be absorbed within the department's existing budgeted resources.

STATEMENT OF FACT

This amendment decreases the fees assessed on #6 fuel oil from 10¢ per barrel to 4¢ per barrel. The amendment also excludes the fees assessed on #6 fuel oil from being transferred from the Ground Water Oil Clean-up Fund to the Underground Oil Storage Replacement Fund and the Housing Opportunities for Maine Fund by the Department of Environmental Protection.

(Senator LAWRENCE)
SPONSORED BY: *Senator W. Lawrence*

COUNTY: York