

MAINE STATE LEGISLATURE

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L.D. 759

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 558, L.D. 759, Bill, "An Act to Encourage the Use of Tire-derived Fuel"

Amend the bill by striking out the title and substituting the following:

'An Act to Prevent and Abate Uncontrolled Tire Stockpiles'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 38 MRSA §1310-AA is enacted to read:

§1310-AA. Use of unauthorized tire management facility

A person may not dispose, store or process or cause to be disposed, stored or processed used motor vehicle tires at a site or facility in this State unless the site or facility is licensed, exempt from licensing or otherwise authorized under state law to dispose, store or process such tires.

The department shall maintain a current list of authorized tire management sites and facilities and shall make the list available upon request to any interested party.

Sec. 2. 38 MRSA §1316-A, as enacted by PL 1991, c. 517, Pt. A, §2, is amended by adding at the end a new paragraph to read:

COMMITTEE AMENDMENT

The Office of the State Fire Marshal may employ its enforcement powers as authorized in Title 25, section 2396 to require a responsible party or parties to take any action necessary to protect public health and safety from substantial and immediate fire danger posed by an uncontrolled tire stockpile.

Sec. 3. 38 MRSA §1316-B, sub-§§5 and 6, as enacted by PL 1991, c. 517, Pt. A, §2, are amended to read:

5. Alter. Have the physical characteristics of the stockpile site altered, including the construction of fire lanes, fire or pollution barriers or other necessary site remediation activity; ~~or~~

6. Close. Permanently close the stockpile and prohibit the use of the site for the storage or disposal of used motor vehicle tires; or

Sec. 4. 38 MRSA §1316-B, sub-§7 is enacted to read:

7. Consultation. Consult with the Office of the State Fire Marshal regarding on-site fire abatement and control measures.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

The Department of Environmental Protection will incur some minor additional costs to maintain lists pertaining to tire stockpiles and to consult with the Office of the State Fire Marshal regarding on-site fire abatement and control measures. These costs can be absorbed within the department's existing budgeted resources.

The additional costs to provide enforcement and consultation regarding fire abatement and tire stockpiles can be absorbed by the Office of the State Fire Marshal within the Department of Public Safety utilizing existing budgeted resources.'

STATEMENT OF FACT

The amendment replaces the bill. The amendment provides that a person may not dispose, store or process tires at a site or facility unless the site or facility is licensed, exempt from licensing or otherwise authorized to dispose, store or process tires. The Department of Environmental Protection is required to make available to any interested party a list of authorized facilities. The amendment also authorizes the Office of the

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2 State Fire Marshal to use its enforcement powers to protect the
public from fire dangers posed by uncontrolled tire stockpiles
and authorizes the Department of Environmental Protection to
4 consult with the Office of the State Fire Marshal regarding fire
abatement and control of tire stockpiles.

COMMITTEE AMENDMENT