

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1302

S.P. 478

In Senate, April 12, 1995

**An Act to Grant the Department of Environmental Protection the Authority to Waive the 180-day Limit to Apply for Coverage under the Insurance Fund.**

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Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator CLEVELAND of Androscoggin.  
Cosponsored by Representative: WINGLASS of Auburn.

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

4 **Sec. 1. 38 MRSA §568-A, sub-§1, ¶A,** as repealed and replaced  
by PL 1993, c. 363, §8 and affected by §21, is amended to read:

6 A. The applicant must submit within 180 days of reporting  
the discharge a written request to the commissioner to be  
8 covered by the fund. The commissioner, upon petition and  
for good cause shown, may waive the 180-day limitation of a  
10 written request to be covered by the fund. The request must  
include:

12 (1) A description of the discharge and the locations  
14 threatened or affected by the discharge, to the extent  
known;

16 (2) An agreement that the applicant shall pay the  
18 deductible amount specified in subsection 2; and

20 (3) Documentation that the applicant is in substantial  
22 compliance with the requirements of paragraph B.

24 Within 15 working days of receipt of a request, the  
commissioner must determine whether the request is  
complete. If the commissioner determines that the request  
26 is incomplete, the commissioner shall, within the 15 working  
days, inform the applicant of the additional information  
28 required to complete the request. Within 90 days of receipt  
of an applicant's completed request for coverage by the fund  
30 submitted pursuant to this paragraph the commissioner must  
issue an order approving or denying the applicant's  
32 request. Failure to issue an order within this period  
constitutes approval of the applicant's request for coverage  
34 by the fund.

36 When the commissioner determines that a site previously  
remediated to the commissioner's satisfaction requires  
38 further remediation, the owner or operator of the site may  
apply for coverage of eligible clean-up costs and 3rd-party  
40 damages claims from the fund, notwithstanding the person's  
failure to meet the 180-day deadline described in this  
42 paragraph.

44 **STATEMENT OF FACT**

46 This bill permits the Department of Environmental  
48 Protection, for good cause shown, to waive the requirement that  
an applicant for coverage of clean-up costs and eligible  
50 3rd-party damage costs by the Ground Water Oil Clean-up Fund must  
request coverage within 180 days of reporting a discharge.