

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1555

H.P. 1107

House of Representatives, May 30, 1995

An Act to Amend the Emergency Planning and Community Right to Know Laws.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JACQUES of Waterville.

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

2 **Sec. 1. 37-B MRSA §791, sub-§3** is enacted to read:

4 **3. Application.** Except as provided in section 798,
6 subsection 2, this subchapter does not apply to the
8 transportation, including the storage incident to that
10 transportation, of any substance or chemical subject to the
12 requirements of this Title.

14 **Sec. 2. 37-B MRSA §797, first ¶,** as amended by PL 1993, c. 355,
16 §1, is further amended to read:

18 A person required to submit a facility emergency response
20 plan, material safety data sheet or list of hazardous chemicals
22 and extremely hazardous substances must submit a Maine chemical
24 inventory reporting form to the commission, ~~the Department of~~
26 ~~Environmental Protection,~~ the local emergency planning committee
and the local fire department with jurisdiction over the
facility, by March 1st annually. A person subject to the
provisions of subsection 8 shall also submit the reporting form
to the Department of Environmental Protection. Information on
the inventory of extremely hazardous substances and hazardous
chemicals for the previous calendar year is required on the
form. These forms must state, ~~at a minimum:~~

28 **Sec. 3. 37-B MRSA §797, sub-§7,** as amended by PL 1989, c. 929,
30 §2, is further amended to read:

32 **7. Transportation.** -A- For extremely hazardous substances,
34 a description of the manner in which the substance is shipped to
36 the facility; and

38 **Sec. 4. 37-B MRSA §797, sub-§8,** as enacted by PL 1989, c. 929,
40 §3, is amended to read:

42 **8. Progress toward toxics use reduction goals.** For those
44 persons required to submit a form under this section for
extremely hazardous substances, a report on the progress made by
the facility toward meeting the toxics use reduction goals
established in Title 38, section 2303.

46 Except for the reporting of extremely hazardous substances,
48 additional information is not required.

50 **Sec. 5. 37-B MRSA §801, sub-§1,** as enacted by PL 1989, c. 464,
§3, is amended to read:

1. Fees required. The operators of any facility that is
required to report to the State Emergency Response Commission

2 under the Superfund Amendments and Reauthorization Act of 1986,
3 Public Law 99-499, Title III, Sections 311, 312 and 313, are
4 subject to the fees adopted pursuant to subsection 2. All fees
5 collected pursuant to this section shall must be deposited in the
6 Emergency Response Commission Fund. The registration fee must be
7 collected at the same time the chemical inventory reporting form
8 is submitted. Facilities that do not report extremely hazardous
9 substances, and are reporting the same information as the
10 previous year, are not required to restate the information.

11 **Sec. 6. 37-B MRSA §801, sub-§5** is enacted to read:

12 **5. Application for federal funds.** Each year the Maine
13 Emergency Management Agency shall seek and use grants provided to
14 states for planning and training for hazardous materials
15 emergencies by the federal Department of Transportation under the
16 Hazardous Materials Transportation Act, 49 United States Code,
17 Sections 1801 to 1812. If the agency does not seek these grants,
18 the amount of fees collected the following year for facility
19 registrations and inventory must be reduced by an amount equal to
20 the amount of the grant that was available.

21 STATEMENT OF FACT

22
23
24
25
26 This bill changes the State's community right to know laws,
27 making them consistent with federal laws, by creating a
28 transportation exemption.

29 It also clarifies that only toxics use reduction reports go
30 to the Department of Environmental Protection.

31
32 Except for extremely hazardous materials, it further limits
33 the amount of information required to be submitted to that
34 specified in law and deletes the requirement to provide shipping
35 routes.

36
37 It also simplifies the reporting process by requiring the
38 facility registration forms and fees and the facility inventory
39 forms and fees to be submitted at the same time, reducing
40 paperwork by reducing the submission of duplicative information.

41
42 Finally, it requires the Maine Emergency Management Agency
43 to apply for federal grants for training of local responders for
44 hazardous materials emergencies or to reduce the amount of fees
45 collected the following year for facility registrations and
46 inventory by an amount equal to the grant that was available.