

# 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)



# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

---

Legislative Document

No. 2477

S.P. 947

In Senate, January 12, 2000

**An Act to Amend the Definition of Oil Terminal Facilities.**

(EMERGENCY)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MURRAY of Penobscot.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           Whereas, the transporting of oil by pipeline is not governed  
6 as strictly as oil received by waterborne sources; and

8           Whereas, damage to the environment is caused by oil spills  
by pipeline as well as by oil spills in the water; and

10           Whereas, in the judgment of the Legislature, these facts  
12 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
14 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

18           **Sec. 1. 38 MRSA §482, sub-§3-D, ¶B,** as enacted by PL 1997, c.  
20 502, §6, is amended to read:

22           **3-D. Oil terminal facility.** "Oil terminal facility" means  
a facility and related appurtenances located in, on, over or  
24 under the surface of any land or water that is used or capable of  
being used to transfer, process, refine or store oil as defined  
26 in section 542, subsection 6 and includes a facility that  
receives oil by pipeline. "Oil terminal facility" does not  
28 include:

30           A. A facility used or capable of being used to store less  
than 1,500 barrels or 63,000 gallons of oil;

32           B. A facility not engaged in the transfer of oil to or from  
34 the waters of the State; or

36           C. A facility consisting only of a vessel or vessels as  
defined in section 542, subsection 11.

38           **Sec. 2. 38 MRSA §542, sub-§7,** as amended by PL 1993, c. 355,  
40 §7, is further amended to read:

42           **7. Oil terminal facility.** "Oil terminal facility" means  
any facility of any kind and related appurtenances, located in,  
44 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  
46 transferring, processing or refining oil, or for the purpose of  
storing the same, and includes a facility that receives oil by  
48 pipeline but does not include any facility used or capable of  
being used to store no more than ~~1500~~ 1,500 barrels or 63,000  
50 gallons, nor any facility not engaged in the transfer of oil to

2 or from waters of the State. A vessel is considered an oil  
terminal facility only in the event of a ship-to-ship transfer of  
4 oil, but only that vessel going to or coming from the place of  
ship-to-ship transfer and a permanent or fixed oil terminal  
6 facility. The term does not include vessels engaged in oil spill  
response activities.

8 **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

10

12

### SUMMARY

14

16

Current law regulates "oil terminal facilities," which are defined to mean only those facilities that receive their petroleum products via waterborne sources. This bill amends the law to include terminals that receive their products by pipeline.