

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

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H.P. 1898

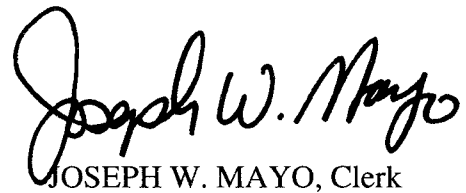
House of Representatives, March 20, 2000

An Act Relating to the Cleanup of the Wells Waste Oil Disposal Site.

(EMERGENCY)

Reported by Representative MARTIN for the Joint Standing Committee on Natural Resources pursuant to Public Law 1999, chapter 505, Part B, section 8.

Reference to the Joint Standing Committee on Natural Resources suggested and printing ordered under Joint Rule 218.


JOSEPH W. MAYO, Clerk

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

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6 **Whereas,** the deadline for distributions from the Wells Waste
Oil Clean-up Fund is April 1, 2000 and if this date is not
immediately extended, the fund will be used up and it will not be
possible to allow more persons to benefit from the fund; and

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

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

18 **Sec. 1. 10 MRSA §1023-L, sub-§3, ¶D,** as enacted by PL 1999, c.
505, Pt. A, §7, is amended to read:

20 D. An agreement has been reached with an entity that has
assumed liability for total response costs at the Wells
waste oil disposal site and the applicant is a participant
in that agreement.

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26 **Sec. 2. 10 MRSA §1023-L, sub-§7,** as amended by PL 1999, c.
531, Pt. H, §1 and affected by §2, is further amended to read:

28 **7. Direct payment program.** The direct payment program is
managed as follows.

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32 A. The authority shall pay to each person, eligible under
this subsection, \$2,000 upon presentation by the person to
the authority of a canceled check or other evidence
determined sufficient by the authority to demonstrate
payment of the person's share of total response costs at the
waste oil disposal site, unless the authority determines
that the payment made by the person at that site was in an
amount less than \$2,000, in which case the authority shall
pay to that person an amount equal to the amount that person
paid in relation to the site. All payments made under this
subsection must be from funds transferred from the Maine
Rainy Day Fund.

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44 B. Any person eligible under this subsection who presents
an invoice for that person's share of total response costs
at the site, but who has not yet paid the invoice, receives
a negotiable instrument from the authority made payable
jointly to that person and any entity identified by the
Department of Environmental Protection as assuming liability

2 for total response costs at the site. The negotiable
3 instrument must be in the amount of \$2,000, unless the
4 authority determines that the payment to be made by the
5 person at the site will be in an amount less than \$2,000, in
6 which case the authority shall pay to the person an amount
7 equal to the amount the person is to pay in relation to the
8 site. All payments made under this subsection must be from
9 funds transferred from the Maine Rainy Day Fund.

10 C. After the payments authorized in paragraphs A and B have
11 been made, additional payments must be made from the
12 available balance from funds transferred from the Maine
13 Rainy Day Fund to all persons who received funds under
14 paragraphs A and B who have paid their settlement share of
15 total response costs, and whose total liability at the site
16 exceeds the amount the persons received under paragraph A or
17 B. Distributions under this paragraph are proportionate to
18 the amount each person paid as the person's share of total
19 response costs at the site. Payments made pursuant to this
20 subsection may not exceed the person's settlement share of
21 total response costs attributable to eligible persons as
22 defined in this subsection multiplied by the total orphan
23 share percentage at the waste oil disposal site. The
24 authority may not issue deferred loans for eligible persons
25 who have received payments pursuant to this subsection.
26 This distribution must occur on ~~April 1~~ June 30, 2000. Any
27 remaining funds in the fund must be transferred to the
28 Groundwater Oil Clean-up Fund.

30 For purposes of this subsection, "person" means any natural
31 person domiciled in this State; a corporation or partnership in
32 the State; the State; any agency, authority, department,
33 commission, municipality, quasi-municipal corporation,
34 special-purpose district or other instrumentality of the State; a
35 political subdivision of the State, including but not limited to
36 those defined in Title 14, chapter 741 and Title 30-A, chapter
37 225; any other entity identified as a responsible party at the
38 waste oil disposal site whose waste oil is identified as
39 delivered to the waste oil disposal site and picked up from an
40 address or location within the State in the records compiled by
41 the Department of Environmental Protection or the United States
42 Environmental Protection Agency or their agents, provided that
43 neither the Federal Government nor any of its agencies,
44 authorities, departments, boards, commissions or
45 instrumentalities are eligible to have any share of their
46 obligation for response costs paid by the fund. A person is not
47 eligible for assistance under this subsection unless the person
48 is a participant in a settlement agreement under which an entity
49 has assumed liability for total response costs at the Wells waste
50 oil disposal site.

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

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FISCAL NOTE

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The additional costs associated with extending the deadline
for distributions from the Wells Waste Oil Clean-up Fund and
clarifying eligibility for direct payments can be absorbed by the
Finance Authority of Maine utilizing existing budgeted resources.

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SUMMARY

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16 This bill, which is reported by the Joint Standing Committee
on Natural Resources pursuant to Public Law 1999, chapter 505,
Part B, section 8, extends the date of final disbursement of
funds from the Wells Waste Oil Clean-up Fund from April 1, 2000
to June 30, 2000 and clarifies that eligibility for loans or
grants from the fund are limited to persons who are participants
in a settlement agreement under which an entity has assumed
liability for total response costs at the Wells waste oil
disposal site.

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