

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)

DATE: 5-14-01

(Filing No. H-445)

NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1085, L.D. 1454, "Resolve, to Study the Establishment of the Department of Environmental Protection as the Lead Response Agency in All Emergency Releases and Spills of Toxic or Hazardous Materials"

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

'Resolve, to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials'

Further amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Commission established. Resolved: That the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following 18 members:

1. The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management or the director's designee;

2. The Commissioner of Environmental Protection or the commissioner's designee;

3. The Commissioner of Labor or the commissioner's designee;

COMMITTEE AMENDMENT

P. 1085

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

4. The Chief of the State Police or the chief's designee;

5. Nine members appointed as follows:

A. Two representatives of the Maine Fire Chiefs Association, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;

B. One representative of the Professional Firefighters of Maine, appointed by the President of the Senate;

C. One representative of the Maine State Federation of Firefighters, appointed by the Speaker of the House;

D. One representative of municipal government, appointed by the President of the Senate;

E. Two members of the State Emergency Response Commission, appointed by the chair of the State Emergency Response Commission; and

F. Two representatives of private industry, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;

6. Two members of the Senate, appointed by the President of the Senate. In making appointments under this subsection, the President shall give preference to members of the Senate who are knowledgeable in toxic or hazardous materials law and emergency response matters; and

7. Three members of the House of Representatives, appointed by the Speaker of the House. In making appointments under this subsection, the Speaker of the House shall give preference to members of the House who are knowledgeable in toxic or hazardous materials law and emergency response matters; and be it further

Sec. 3. Appointments; chairs; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections have been made. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair. The chairs of the commission shall call and convene the first meeting of the commission no later than 30 days after all the appointments have been made; and be it further

2 **Sec. 4. Duties. Resolved:** That the commission shall study the
3 manner in which state, county and municipal governments and
4 private industry respond to unplanned or unlawful releases and
5 spills of toxic or hazardous materials into the environment and
6 shall recommend any changes to laws, rules, ordinances or
7 procedures that must be made in order to clearly establish a lead
8 response agency in all geographic areas of the State for all such
9 releases. The commission's report must also include
10 recommendations for any improvements to communication systems,
11 equipment or training at the state, local or county level or in
12 private industry necessary to establish a lead response agency
13 for such releases. The commission's report may also include any
14 other issues the commission determines must be addressed to
15 implement that goal; and be it further

16 **Sec. 5. Staff assistance. Resolved:** That, upon approval of the
17 Legislative Council, the Office of Policy and Legal Analysis
18 shall provide necessary staffing services to the commission; and
19 be it further

20 **Sec. 6. Compensation. Resolved:** That the members of the
21 commission who are Legislators are entitled to the legislative
22 per diem, as defined in the Maine Revised Statutes, Title 3,
23 section 2, and reimbursement for necessary expenses for their
24 attendance at authorized meetings of the commission. Other
25 members of the commission who are not otherwise compensated by
26 their employers or other entities that they represent are
27 entitled to receive legislative per diem and reimbursement of
28 necessary expenses for their attendance at authorized meetings;
29 and be it further

30 **Sec. 7. Report. Resolved:** That the commission shall submit
31 its report, together with any necessary implementing legislation,
32 to the Second Regular Session of the 120th Legislature no later
33 than December 5, 2001. If the commission requires a limited
34 extension of time to conclude its work, it may apply to the
35 Legislative Council, which may grant the extension; and be it
36 further

37 **Sec. 8. Budget. Resolved:** That the chairs of the commission,
38 with assistance from the commission staff, shall administer the
39 commission's budget. Within 10 days after its first meeting, the
40 commission shall present a work plan and proposed budget to the
41 Legislative Council for approval. The commission may not incur
42 expenses that would result in the commission exceeding its
43 approved budget. Upon request from the commission, the Executive
44 Director of the Legislative Council shall provide the commission
45 chairs and staff with a status report on the commission's budget,
46 expenditures incurred and paid and available funds; and be it
47 further

