

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1454

H.P. 1085

House of Representatives, March 5, 2001

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.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUPLESSIE of Westbrook.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: BERRY of Livermore, BULL of Freeport, COLWELL of Gardiner,
COWGER of Hallowell, DAIGLE of Arundel, Senator: TREAT of Kennebec.

2 **Sec. 1. Commission established. Resolved:** That the Commission
3 to Study the Establishment of the Department of Environmental
4 Protection as the Lead Response Agency in All Emergency Releases
5 and Spills of Toxic or Hazardous Materials, referred to in this
6 resolve as the "commission," is established; and be it further

7 **Sec. 2. Commission membership. Resolved:** That the commission
8 consists of the following 14 members:

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

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

13 3. Seven members appointed by the Governor as follows:

14 A. Two representatives of the Maine Fire Chiefs
15 Association;

16 B. One representative of the Professional Firefighters
17 of Maine;

18 C. One representative of the Maine State Federation of
19 Firefighters;

20 D. One representative of municipal government; and

21 E. Two members of the State Emergency Response
22 Commission;

23 4. Two members of the Senate, appointed by the President of
24 the Senate. In making appointments under this section, the
25 President shall give preference to members of the Senate who are
26 knowledgeable in toxic or hazardous materials law and emergency
27 response matters; and

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

33 **Sec. 3. Appointments; chairs; meetings. Resolved:** That all
34 appointments must be made no later than 30 days following the
35 effective date of this resolve. The Executive Director of the
36 Legislative Council must be notified by all appointing
37 authorities once the selections have been made. The first named
38 Senator is the Senate chair and the first named House of
39 Representatives member is the House chair. The chairs of the
40 commission shall call and convene the first meeting of the
41 commission no later than 30 days after all the appointments have
42 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 respond
4 to unplanned or unlawful releases and spills of toxic or
5 hazardous materials into the environment and shall recommend any
6 changes to laws, rules, ordinances or procedures that must be
7 made in order to clearly establish the Department of
8 Environmental Protection as the lead response agency in all
9 geographic areas of the State for all such releases. The
10 commission's report must also include recommendations for any
11 improvements to communications systems, equipment or training at
12 the state, local or county level necessary to establish the
13 department as the lead response agency for such releases. The
14 commission's report may also include any other issues the
15 commission determines must be addressed to implement that goal;
16 and be it further

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

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

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

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

This resolve creates a 14-member commission 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 into the environment. In conducting the study, the commission is required to study the manner in which state, county and municipal governments respond to unplanned or emergency releases and spills of toxic or hazardous materials into the environment and to recommend any changes to laws, rules, ordinances or procedures that must be made in order to clearly establish the Department of Environmental Protection as the lead response agency in all geographic areas of the state for all such releases. The commission's report must also include recommendations for any improvements to communications systems, equipment or training at the state, local or county level necessary to establish the department as the lead response agency for such releases.

The commission is required to submit a final report along with any recommended legislation to the Second Regular Session of the 120th Legislature no later than December 5, 2001.