

# 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)

R.O.S.

L.D. 645

DATE: 4-24-03

(Filing No. H-166)

NATURAL RESOURCES

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

STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 475, L.D. 645, Bill, "An Act to Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 10 MRSA §1023-M, sub-§2, as amended by PL 2001, c. 561, §1, is further amended by amending the first paragraph to read:

2. Eligibility to participate in loan program. The authority may use money in the fund to carry out any power of the authority under this section or under section 1026-S, including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of money in the fund in payment of principal, interest and other amounts due on insured loans. Money in the fund may be used for direct loans or deferred loans for all or part of the costs of the Plymouth waste oil site remedial study, past cost settlement, implementation of institutional controls selected by the United States Environmental Protection Agency to prevent use of contaminated groundwater by nearby residents and time-critical removal action costs when the authority determines that:

Sec. 2. 10 MRSA §1023-M, sub-§2, as amended by PL 2001, c. 561, §1, is further amended by amending the 3rd paragraph from the end to read:

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 475, L.D. 645

2 Money in the fund may not be used for attorney's fees associated  
3 with costs of the Plymouth waste oil site remedial study, past  
4 cost settlement, implementation of institutional controls or  
5 time-critical removal action, except that money in the fund may  
6 be used for attorney's fees incurred for the preparation of  
7 restrictive covenants, including deed and title research, for the  
8 properties within the area identified by the United States  
9 Environmental Protection Agency as the institutional control zone  
10 in order to implement the institutional controls selected by the  
11 United States Environmental Protection Agency.

12 **Sec. 3. 10 MRSA §1023-M, sub-§2-A,** as enacted by PL 2001, c.  
13 356, §7, is repealed.

14 **Sec. 4. 10 MRSA §1023-M, sub-§3,** as enacted by PL 2001, c.  
15 356, §7, is amended to read:

16 **3. Determinations regarding eligibility.** ~~The authority shall establish a registry of all persons who qualify under subsection 2 to have a portion of their share of costs of the Plymouth waste oil site remedial study, past cost settlement and time-critical removal action costs paid pursuant to this section.~~ The authority shall adopt rules relating to  
17 eligibility, including the calculation of an eligible person's  
18 proportionate share, procedures to ensure that money paid  
19 pursuant to this section is used to settle an eligible person's  
20 liabilities related to the waste oil disposal site and repayment  
21 of any amounts in excess of that person's share. Rules adopted  
22 pursuant to this subsection are routine technical rules as  
23 defined in Title 5, chapter 375, subchapter ~~II-A~~ 2-A.

24 **Sec. 5. Deadline for applications.** Applications submitted  
25 pursuant to the Maine Revised Statutes, Title 10, section 1023-M,  
26 subsection 2 must be received by the Finance Authority of Maine  
27 within 90 days after the effective date of this Act, except that  
28 the Finance Authority of Maine may extend that deadline by an  
29 additional period of time not to exceed 60 days for good cause  
30 shown.'

40 **SUMMARY**

41 This amendment replaces the bill. Like the bill, it  
42 authorizes the Finance Authority of Maine to provide loans to  
43 potentially responsible parties for the cost of implementing  
44 institutional controls at the federally designated Superfund site  
45 at Hows Corner in Plymouth. The amendment also allows money in  
46 the loan fund to be used for attorney's fees incurred for the  
47 preparation of restrictive covenants for properties within the  
48 institutional control zone in order to implement the

**COMMITTEE AMENDMENT**

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 475, L.D. 645

2 institutional controls. The amendment also provides that  
3 applications for loans must be submitted to the Finance Authority  
4 of Maine within 90 days after the effective date of the bill, as  
5 amended. Finally, the amendment deletes the requirement for the  
6 Finance Authority of Maine to establish a registry of all persons  
7 who are eligible for loans.

8

**FISCAL NOTE REQUIRED**  
(See attached)

10

**COMMITTEE AMENDMENT**

Approved: 04/11/03 *MAC*

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 645**

**An Act to Provide Additional Financing for Costs Associated with the  
Remediation of a Waste Oil Site in Plymouth**

**LR 0990(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Natural Resources**

**Fiscal Note Required: Yes**

---

**Fiscal Note**

Minor cost increase - General Fund