

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 645

H.P. 475

House of Representatives, February 11, 2003

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

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CARR of Lincoln.
Cosponsored by Senator STANLEY of Penobscot and
Representatives: CLARK of Millinocket, CLOUGH of Scarborough, FAIRCLOTH of Bangor,
JACKSON of Fort Kent, JODREY of Bethel, McGLOCKLIN of Embden, McGOWAN of
Pittsfield, SHERMAN of Hodgdon.

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

4 **Whereas,** Portland-Bangor Waste Oil Services, a defunct Maine
6 corporation, operated a waste oil handling facility in Plymouth;
and

8 **Whereas,** this site is contaminated and must be cleaned up
10 expeditiously to protect the public health, safety and welfare;
and

12 **Whereas,** investigation and cleanup of the site will be
14 expensive; and

16 **Whereas,** under state and federal law, any entity that sent
waste oil or other contaminants to the site is a "responsible
18 party" and, as such, is jointly and severally liable for the cost
of investigation and cleanup; and

20 **Whereas,** this liability may pose an extraordinary financial
22 hardship to small businesses, municipalities and others who sent
waste oil to the site; and

24 **Whereas,** some waste oil handled at the site was collected
26 from households as a public service and it is in the public
interest to ensure the continued financial viability of the
28 service station owners and other small business owners who
provided this service; and

30 **Whereas,** responsible parties at the Plymouth site have been
32 asked to reimburse the United States Environmental Protection
Agency for expenses incurred at that site; and

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

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

42 **Sec. 1. 10 MRSA §1023-M, sub-§2,** as amended by PL 2001, c.
44 561, §1, is further amended by amending the first paragraph to
read:

46 **2. Eligibility to participate in loan program.** The
48 authority may use money in the fund to carry out any power of the
authority under this section or under section 1026-S, including,
50 but not limited to, the pledge or transfer and deposit of money

2 in the fund as security for and the application of money in the
fund in payment of principal, interest and other amounts due on
4 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
6 institutional controls approved by the United States
Environmental Protection Agency to prevent use of contaminated
8 groundwater by nearby residents and time-critical removal action
costs when the authority determines that:

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

14
16 **SUMMARY**

18 This bill authorizes the Finance Authority of Maine to
provide interest-free loans to potentially responsible parties
for the cost of implementing institutional controls at the
20 federally designated Superfund site at Hows Corner in Plymouth.