

# MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 179, L.D. 476, Bill, "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"

Amend the bill by striking out all of section 5 and inserting the following:

'Sec. 5. 38 MRSA §344, sub-§10 is enacted to read:

10. Voluntary surrender. Unless otherwise provided in this Title or rules adopted pursuant to this Title, a license may be voluntarily surrendered by the license holder upon department approval.'

Amend the bill in section 9 in §561 in the first paragraph in the 6th line (page 3, line 29 in L.D.) by striking out the following: "underground" and inserting in its place the following: 'underground oil storage facilities and aboveground'

Amend the bill by inserting after section 10 the following:

'Sec. 11. 38 MRSA §566-A, sub-§4, as amended by PL 1999, c. 334, §2, is further amended to read:

**4. Commissioner role.** If the owner of an underground oil storage facility or tank fails to properly abandon the facility or tank within a reasonable time period, the commissioner may undertake the abandonment. ~~The commissioner shall collect any reimbursement due the Ground Water Oil Clean-up Fund in accordance with section 569-A or 569-B.~~ The commissioner shall seek recovery of costs incurred to undertake the abandonment, whether from state or federal funds, in accordance with the procedures set forth in section 569-A, subsection 10. Costs incurred by the commissioner to undertake the abandonment are a lien against the real estate of the owner as provided under section 569-A, subsection 10-A and section 569-B, subsection 6-A.'

Amend the bill in section 11 in subsection 1 in the 2nd line (page 4, line 17 in L.D.) by striking out the following: "an oil storage facility" and inserting the following: 'an underground oil storage facility or an aboveground oil storage facility'

COMMITTEE AMENDMENT

1 Amend the bill in section 12 in paragraph A in the 2nd line (page 4, line 33 in L.D.)  
2 by striking out the following: "an oil storage facility" and inserting the following: 'an  
3 underground oil storage facility or an aboveground oil storage facility'

4 Amend the bill in section 13 in subsection 2 in the 4th line (page 5, line 1 in L.D.) by  
5 striking out the following: "an oil storage facility" and inserting the following: 'an  
6 underground oil storage facility or an aboveground oil storage facility'

7 Amend the bill in section 15 in the indented paragraph in the 12th to 14th lines (page  
8 7, lines 16 to 18 in L.D.) by striking out the following: "The commissioner shall demand  
9 reimbursement of costs, including interest computed at 15% a year from the date of  
10 expenditure, and payment of damages to be recovered under this section and payment,  
11 Payment" and inserting in its place the following: 'The commissioner shall demand  
12 reimbursement of costs, including interest, and payment of damages to be recovered  
13 under this section and payment. The interest rate charged may not exceed the prime rate  
14 of interest plus 4%. Interest must be computed beginning 60 days from the date of a  
15 payment demand by the commissioner. Payment'

16 Amend the bill by striking out all of section 16 and inserting the following:

17 '**Sec. 16. 38 MRSA §1609, sub-§5,** as enacted by PL 2007, c. 296, §1, is  
18 amended to read:

19 **5. "Deca" mixture of polybrominated diphenyl ethers in electronics.** Effective  
20 January 1, 2010, a person may not manufacture, sell or offer for sale or distribute for sale  
21 or use in the State a television or computer that has a plastic housing containing more  
22 than 0.1% of the "deca" mixture of polybrominated diphenyl ethers.'

23 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
24 section number to read consecutively.

## 25 SUMMARY

26 This amendment makes the following changes to the bill.

27 1. It clarifies a provision in the bill regarding voluntary surrender of a license.

28 2. It changes a term used in the bill from "an oil storage facility" to "an underground  
29 oil storage facility or an aboveground oil storage facility" since the term "oil storage  
30 facility" is not defined in statute.

31 3. It amends a provision in the bill that authorizes the Commissioner of  
32 Environmental Protection to charge interest.

33 4. It strikes a provision in the bill that repealed the exemptions to the "deca" sales  
34 ban.

35 5. It adds a provision to the bill that allows a de minimis level of the "deca" mixture  
36 of polybrominated diphenyl ethers in electronics to be consistent with the de minimis  
37 level allowed in products containing the "penta" and "octa" mixtures.

38 6. It adds a provision to the bill that amends the law governing recovery of costs  
39 incurred to undertake the abandonment of underground oil storage facilities and tanks. It

- 1 directs the commissioner to seek recovery of those costs regardless of whether the costs
- 2 were paid from state or federal funds.

FISCAL NOTE REQUIRED  
(See attached)



# 124th MAINE LEGISLATURE

LD 476

LR 527(02)

**An Act To Amend Certain Laws Administered by the Department of Environmental Protection**

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

**Committee: Natural Resources**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

This bill provides clarifications and amends certain laws currently administered by the Department of Environmental Protection (DEP). The bill does not create new responsibilities, only further defines existing statute. Any additional costs to DEP associated with rulemaking can be absorbed within the existing budgeted resources.