

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1793

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H.P. 1281

House of Representatives, February 23, 2010

**An Act To Stabilize Funding for Hazardous Material Emergency  
Response by the Department of Environmental Protection and  
Enhance Response Efforts of the Maine Emergency Management  
Agency**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PERRY of Calais. (GOVERNOR'S BILL)  
Cosponsored by Senator BARTLETT of Cumberland and  
Representative: PRATT of Eddington, Senator: PERRY of Penobscot.

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

2 **Sec. 1. 37-B MRSA §801, sub-§1**, as enacted by PL 1989, c. 464, §3, is amended  
3 to read:

4 **1. Fees required.** The operators of any a facility that is required to report to the  
5 State Emergency Response Commission under the Superfund Amendments and  
6 Reauthorization Act of 1986, Public Law 99-499, Title III, Sections 311, 312 and 313,  
7 and all natural gas pipelines are subject to the fees adopted pursuant to subsection 2. All  
8 fees collected pursuant to this section ~~shall~~ must be deposited in the Emergency Response  
9 Commission Fund.

10 **Sec. 2. 37-B MRSA §801, sub-§2**, as enacted by PL 1989, c. 464, §3, is amended  
11 to read:

12 **2. Fees established.** The director, with the advice of the commission and the  
13 Commissioner of Environmental Protection and subject to the Maine Administrative  
14 Procedures Procedure Act, Title 5, chapter 375, shall promulgate adopt rules to establish  
15 a fee schedule for:

16 A. Registering facilities, not to exceed \$50 per facility; and

17 B. Reporting hazardous materials, on a weight basis per chemical; and

18 C. Natural gas pipelines, not to exceed 2¢ per 5,000 cubic feet of gas transported.

19 The fee on natural gas must be paid quarterly by the owner of the pipeline in which the  
20 gas is first transported in the State.

21 **Sec. 3. 37-B MRSA §802, sub-§1, ¶C**, as enacted by PL 1989, c. 464, §3, is  
22 amended to read:

23 C. To provide training grants; and

24 **Sec. 4. 37-B MRSA §802, sub-§1, ¶D**, as enacted by PL 1989, c. 464, §3, is  
25 amended to read:

26 D. To provide for the resource needs of the local emergency planning committees; and

27 **Sec. 5. 37-B MRSA §802, sub-§1, ¶E** is enacted to read:

28 E. To reimburse the Maine Hazardous Waste Fund established under Title 38,  
29 section 1319-D for sums expended to pay costs, including without limitation  
30 personnel, equipment and training costs, incurred by the Department of  
31 Environmental Protection for emergency response related to the discharge of  
32 hazardous material to the extent those costs are not recovered from the responsible  
33 parties; and

34 **Sec. 6. 37-B MRSA §802, sub-§1, ¶F** is enacted to read:



1       Maine Emergency Management Agency as required under the Maine Revised Statutes,  
2       Title 37-B, chapter 13, subchapter 3-A.