

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1998

S.P. 700

In Senate, January 8, 2020

An Act To Amend the Waste Motor Oil Disposal Site Remediation Program

(EMERGENCY)

Submitted by the Finance Authority of Maine pursuant to Joint Rule 203.
Reference to the Committee on Environment and Natural Resources suggested and ordered
printed.

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARSON of Cumberland.

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

3 **Whereas,** in 2007, the Legislature established the waste motor oil disposal site
4 remediation program pursuant to the Maine Revised Statutes, Title 10, section 1020-A to
5 help eligible responsible parties pay their share of response costs associated with the
6 cleanup of sites in Casco, Ellsworth, Plymouth and Presque Isle formerly operated by the
7 now-defunct Portland-Bangor Waste Oil Company; and

8 **Whereas,** the program authorized the Finance Authority of Maine, among other
9 things, to issue bonds to fund the response costs of eligible responsible parties at the sites;
10 and

11 **Whereas,** the bond payments were successfully made with revenues collected from
12 various premiums on motor oil changes, bulk motor vehicle oil and prepackaged motor
13 oil sales and motor vehicle oil sold in various sizes and refinements; and

14 **Whereas,** the program generated sufficient revenues to enable payment of all debt
15 service and other expenses related to the bonds as well as other related statutory
16 obligations so that all obligations for past costs have been fully met; and

17 **Whereas,** the bonds have been fully redeemed and retired early by the Finance
18 Authority of Maine; and

19 **Whereas,** legislation is needed to direct the Finance Authority of Maine as to how to
20 direct the remaining excess funds and conclude the program; and

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

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

26 **Sec. 1. 10 MRSA §1020, sub-§2, ¶D,** as amended by PL 2009, c. 434, §1 and
27 affected by §84, is further amended to read:

28 D. All revenue received from the State Tax Assessor pursuant to former subsection 6
29 and former subsection 6-A.

30 **Sec. 2. 10 MRSA §1020, sub-§6-A,** as repealed and replaced by PL 2011, c. 211,
31 §5 and affected by §27, is repealed.

32 **Sec. 3. 10 MRSA §1020-B,** as amended by PL 2011, c. 211, §13, is repealed.

33 **Sec. 4. 10 MRSA §1020-C, sub-§1, ¶A,** as amended by PL 2011, c. 548, §1 and
34 affected by §36, is further amended to read:

1 A. "Eligible dealer" means a motor vehicle oil dealer that has sold or distributed
2 motor vehicle oil outside the State on which the motor vehicle oil premium was
3 imposed by section 1020, former subsection 6-A.

4 **Sec. 5. 10 MRSA §1020-D** is enacted to read:

5 **§1020-D. Repeal.**

6 This subchapter is repealed June 30, 2020.

7 **Sec. 6. 10 MRSA §1053, sub-§6, ¶E**, as amended by PL 2007, c. 464, §9, is
8 further amended to read:

9 E. The sum of \$120,000,000 consisting of not more than \$100,000,000 for loans and
10 up to \$20,000,000 for use of bond proceeds to fund capital reserve funds for revenue
11 obligation securities issued pursuant to this subchapter relating to loans for paper
12 industry job retention projects; and

13 **Sec. 7. 10 MRSA §1053, sub-§6, ¶F**, as amended by PL 2007, c. 464, §9, is
14 further amended to read:

15 F. The sum of \$100,000,000 consisting of not more than \$85,000,000 for loans and
16 up to \$15,000,000 for use of bond proceeds to fund capital reserve funds for revenue
17 obligation securities issued pursuant to this subchapter relating to loans for
18 transmission facilities projects as defined in section 963-A, subsection 49-H; and

19 **Sec. 8. 10 MRSA §1053, sub-§6, ¶G**, as enacted by PL 2007, c. 464, §9, is
20 repealed.

21 **Sec. 9. 36 MRSA §112, sub-§8, ¶A**, as amended by PL 2011, c. 548, §10, is
22 further amended to read:

23 A. Collection of the tax on fire insurance companies imposed by Title 25, section
24 2399; and

25 **Sec. 10. 36 MRSA §112, sub-§8, ¶D**, as amended by PL 2011, c. 548, §10, is
26 repealed.

27 **Sec. 11. 36 MRSA §144, sub-§2, ¶A**, as amended by PL 2011, c. 211, §18 and c.
28 380, Pt. M, §2, is further amended to read:

29 A. Subsection 1 does not apply in the case of ~~premiums imposed pursuant to Title~~
30 ~~40, section 1020, subsection 6-A~~, sales and use taxes imposed by Part 3, estate taxes
31 imposed by chapter 575 or 577, income taxes imposed by Part 8 and any other tax
32 imposed by this Title for which a specific statutory refund provision exists.

33 **Sec. 12. 36 MRSA §191, sub-§2, ¶RR**, as corrected by RR 2011, c. 1, §51, is
34 repealed.

35 **Sec. 13. Transfer from the Waste Motor Oil Revenue Fund to the**
36 **Uncontrolled Sites Fund.** Notwithstanding any provision of the Maine Revised

1 Statutes, Title 10, section 1020 to the contrary, as soon as practicable after January 1,
2 2020, the Finance Authority of Maine shall transfer to the Uncontrolled Sites Fund
3 established under Title 38, section 1364, subsection 6 all amounts remaining in the Waste
4 Motor Oil Revenue Fund after payment of the authority's fund administration expenses
5 for 2019, but the authority shall reserve \$65,000 for payments due in 2020 under the
6 reimbursement program set forth in Title 10, section 1020-C related to premiums paid in
7 2019. The authority also may reserve up to \$10,000 for its reasonable costs of
8 administering the fund in 2020. Any money remaining in the fund after payments due
9 under the reimbursement program set forth in Title 10, section 1020-C related to
10 premiums paid in 2019 and payment of the authority's expenses and any other money,
11 including interest earnings, received by the fund after the initial transfer under this section
12 must be transferred to the Uncontrolled Sites Fund by June 30, 2020.

13 **Emergency clause.** In view of the emergency cited in the preamble, this
14 legislation takes effect when approved, except that those sections of this Act that amend
15 the Maine Revised Statutes, Title 10, section 1053, subsection 6, paragraphs E and F;
16 Title 36, section 112, subsection 8, paragraph A; and Title 36, section 144, subsection 2,
17 paragraph A and repeal Title 10, section 1053, subsection 6, paragraph G; Title 36,
18 section 112, subsection 8, paragraph D; and Title 36, section 191, subsection 2, paragraph
19 RR take effect June 30, 2020.

20 SUMMARY

21 This bill amends the Finance Authority of Maine's waste motor oil disposal site
22 remediation program by directing all remaining funds in the Waste Motor Oil Revenue
23 Fund to the Department of Environmental Protection's Uncontrolled Sites Fund and by
24 repealing the laws governing the program. Except for the premium imposed on the sale
25 or distribution of motor vehicle oil, the laws governing the program are repealed June 30,
26 2020. The repeal of the premium imposed on the sale or distribution of motor vehicle oil
27 is effective when the legislation is approved. The bill also amends other sections of law
28 by correcting cross-references and making technical changes resulting from the repeal of
29 the laws governing the program.