

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 92

H.P. 58

House of Representatives, January 13, 2021

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

(EMERGENCY)

Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TUCKER of Brunswick.
Cosponsored by Senator BRENNER 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 oil
13 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 obligations
16 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:

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

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

39 **§1020-D. Repeal**

1 This subchapter is repealed September 30, 2021.

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

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

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

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

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15 repealed.

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

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

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

22 **Sec. 11. 36 MRSA §144, sub-§2, ¶A**, as amended by PL 2011, c. 211, §18 and c.
23 380, Pt. M, §2, is further amended to read:

24 A. Subsection 1 does not apply in the case of ~~premiums imposed pursuant to Title 10,~~
25 ~~section 1020, subsection 6-A,~~ sales and use taxes imposed by Part 3, estate taxes
26 imposed by chapter 575 or 577, income taxes imposed by Part 8 and any other tax
27 imposed by this Title for which a specific statutory refund provision exists.

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

30 **Sec. 13. Transfer from the Waste Motor Oil Revenue Fund to the**
31 **Uncontrolled Sites Fund.** Notwithstanding any provision of the Maine Revised
32 Statutes, Title 10, section 1020 to the contrary, as soon as practicable after the effective
33 date of this legislation, the Finance Authority of Maine shall transfer to the Uncontrolled
34 Sites Fund established under Title 38, section 1364, subsection 6 all amounts remaining in
35 the Waste Motor Oil Revenue Fund after payment of the authority's fund administration
36 expenses.

37 **Sec. 14. Appropriations and allocations.** The following appropriations and
38 allocations are made.

39 **FINANCE AUTHORITY OF MAINE**

40 **Waste Motor Oil Disposal Site Remediation Program Z060**

1 Initiative: Eliminates the allocation in fiscal years 2021-22 and 2022-23 due to the repeal
2 of the premium on motor vehicle oil sold or distributed in the State.

3	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
4	All Other	(\$5,000,000)	(\$5,000,000)
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$5,000,000)</u>	<u>(\$5,000,000)</u>

7 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
8 takes effect when approved, except that those sections of this Act that amend the Maine
9 Revised Statutes, Title 10, section 1053, subsection 6, paragraphs E and F; Title 36, section
10 112, subsection 8, paragraph A; and Title 36, section 144, subsection 2, paragraph A and
11 repeal Title 10, section 1053, subsection 6, paragraph G; Title 36, section 112, subsection
12 8, paragraph D; and Title 36, section 191, subsection 2, paragraph RR take effect September
13 30, 2021.

14 **SUMMARY**

15 This bill amends the Finance Authority of Maine's waste motor oil disposal site
16 remediation program by directing all remaining funds in the Waste Motor Oil Revenue
17 Fund to the Department of Environmental Protection's Uncontrolled Sites Fund and by
18 repealing the laws governing the program. Except for the statutory provision regarding the
19 premium imposed on the sale or distribution of motor vehicle oil, the laws governing the
20 program are repealed September 30, 2021. The premium imposed on the sale or distribution
21 of motor vehicle oil was previously terminated by operation of law, and the repeal of the
22 corresponding statutory provision is effective when the legislation is approved. The bill
23 also amends other sections of law by correcting cross-references and making technical
24 changes resulting from the repeal of the laws governing the program.