

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

**CHAPTER 714**

**H.P. 1731 - L.D. 2437**

**An Act Regarding Oil Storage  
Facilities and Groundwater  
Protection**

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

**Sec. 1. 32 MRSA §10015, sub-§6** is enacted to read:

6. **Limitation of actions.** An action by the board against a certified person for any violation of this chapter relating to a tank or equipment installed on or after September 16, 1991 must be commenced within 3 years after the violation is discovered, but the action may not be commenced more than 15 years after installation of the storage tank or equipment that is the subject of the violation.

**Sec. 2. Aboveground oil storage tanks; review.** The Department of Environmental Protection shall convene a task force by September 1, 2000 to review the current framework for regulating aboveground oil storage tanks. The task force must include, at a minimum, members representing the department; the Department of Public Safety, the Office of the State Fire Marshal; the Oil and Solid Fuel Board; and the regulated community. The task force shall evaluate and make recommendations on the following: whether the resources to properly regulate aboveground oil storage tanks exist; whether the correct agencies are in charge of regulating aboveground oil storage tanks; and whether the requirements relating to aboveground oil storage tanks are adequate. The task force shall submit an initial report on field-constructed bulk storage tanks by March 1, 2001 and a final report on aboveground oil storage tanks by January 2, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

**Sec. 3. Groundwater clean-up insurance; review.** The Department of Environmental Protection shall review the insurance coverage available for cleanup of prohibited discharges of oil. In conducting its review, the department shall consider the following issues: the appropriateness of deductible amounts required for coverage by the state insurance fund; the appropriateness of the sources of funding for the state insurance fund; the appropriateness of coverage under the state insurance program; the exclusion of certain entities having a connection with an oil refinery from eligibility for coverage under the fund; the availability of private liability insurance for underground oil storage facilities; and other alternative mechanisms for providing financial assurance. The department may

employ the services of a consultant in conducting its review. The department shall submit a report by May 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters with its findings and any recommendations.

**Sec. 4. Ground Water Oil Clean-up Fund; review.** The Department of Environmental Protection shall conduct a review of the Ground Water Oil Clean-up Fund, established in the Maine Revised Statutes, Title 38, section 569-B. In conducting its review, the department shall undertake a detailed budgetary analysis of the sources of funding for and the disbursement of money from the Ground Water Oil Clean-up Fund, including the use of money in the fund for department staff costs and for expenditures not directly related to the department's groundwater clean-up program and shall consider the following issues: whether certain disbursements from the fund should be paid for from other funds; whether income to the fund is sufficient to cover the need for disbursements from the fund; and the adequacy of the funding of clean-up activities. The department shall submit a report by December 15, 2000 to the joint standing committee of the Legislature having jurisdiction over natural resources matters with its findings and recommendations, including recommendations on how to accelerate clean-up activities and improve progress on addressing the backlog of remediation projects and any changes to the fund necessary to accomplish this task. Prior to submitting its final report, the department shall submit a draft to the Fund Insurance Review Board for review.

**Sec. 5. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

**2000-01**

**ENVIRONMENTAL  
PROTECTION,  
DEPARTMENT OF**

**Remediation and Waste  
Management**

All Other	\$95,000
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Allocates additional funds for the Ground Water Oil Clean-up Fund to cover certain facilitation and study costs.

See title page for effective date.