

MAINE STATE LEGISLATURE

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STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

JULY 1989

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Staff: Gro Flatebo, Legislative Analyst
Tim Glidden, Principal Analyst
Office of Policy & Legal Analysis
Room 101, State House Sta. 13
Augusta, ME 04333
(207) 289-1670

MARTHA E. FREEMAN, DIRECTOR
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STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 289-1670

ANNIKA E. LANE
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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

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COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-307

SUMMARY

This bill, as amended, builds on the federal Community Right-to-Know law (Public Law 99-499) in several important ways. Section 2 and 3 reallocate the current State Emergency Response Commission from Title 22 to Title 37-B. The membership on the State Emergency Response Commission is expanded to include emergency responders, organized labor, environmental groups and private industry. The commission is also given the authority to advise the director of the Maine Emergency Management Agency on fees and to rule on trade secrets in cooperation with the Environmental Protection Agency.

This bill also establishes Local Emergency Planning Committees and details their charge. A formal method of modifying the committee is included. Federal requirements for local emergency response plans are adopted and a formal mechanism for public notice and comment on the plans is established.

In addition to requirements under federal law, this amendment proposes to require facilities to have emergency response plans developed. An annual test of the plan must be conducted. Through mutual aid agreements, equipment and personnel may be borrowed from various facilities to help respond to spills.

An emergency notification requirement for leaks and spills of hazardous materials is proposed that builds on requirements under federal law. A follow-up report is required within 14 days of the occurrence.

Trade secrets are exempted from some of the reporting requirements under this subchapter and a mechanism to determine what constitutes a trade secret is established.

To finance activities of the Local Emergency Response Committees, provide training grants and programs and to fund a position within the Maine Emergency Management Agency, a fee system is instituted based on the amount of hazardous materials a facility stores. A \$5000 per facility cap on fees is established and small retailers of gasoline and other petroleum products are exempted.

Civil and criminal penalties are enacted and a citizen suit provision, similar to that found in federal law is included. Finally, an appropriation section is included to allocate fees collected under this subchapter.