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.

Presented by Representative TUCKER of Brunswick.
Cosponsored by Senator BRENNER of Cumberland.
Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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

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

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

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

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

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

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

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

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

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

Sec. 2. 10 MRSA §1020, sub-§6-A, as repealed and replaced by PL 2011, c. 211, §5 and affected by §27, is repealed.

Sec. 3. 10 MRSA §1020-B, as amended by PL 2011, c. 211, §13, is repealed.

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

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

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

§1020-D. Repeal
This subchapter is repealed September 30, 2021.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

FINANCE AUTHORITY OF MAINE

Waste Motor Oil Disposal Site Remediation Program Z060
Initiative: Eliminates the allocation in fiscal years 2021-22 and 2022-23 due to the repeal of the premium on motor vehicle oil sold or distributed in the State.

**OTHER SPECIAL REVENUE FUNDS**

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<th>2021-22</th>
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<td>All Other</td>
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**OTHER SPECIAL REVENUE FUNDS TOTAL**

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

**SUMMARY**

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