



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1937

H.P. 1245

House of Representatives, May 15, 2023

**An Act to Remove the Confidentiality of the Transportation of
Hazardous Materials by Railroad Companies**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Transportation suggested and ordered printed.

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

ROBERT B. HUNT

Clerk

Presented by Speaker TALBOT ROSS of Portland.
Cosponsored by Senator BENNETT of Oxford and
Representatives: HASENFUS of Readfield, MOONEN of Portland, Senator: GUERIN of
Penobscot.

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**, records provided by railroad companies describing hazardous materials
4 transported in the State, the routes of hazardous materials shipments and the frequency of
5 hazardous materials operations on those routes that are in the possession of a state or local
6 emergency management entity or law enforcement agency, fire department or other first
7 responder are not subject to public disclosure; and

8 **Whereas**, this legislation makes those records subject to public disclosure; and

9 **Whereas**, this legislation needs to take effect before the expiration of the 90-day
10 period because the potential for discharge of hazardous materials transported by a railroad
11 company poses a threat to public health, safety and welfare; and

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

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

17 **Sec. 1. 1 MRSA §402, sub-§3, ¶T**, as amended by PL 2017, c. 118, §1, is further
18 amended to read:

19 T. Records describing research for the development of processing techniques for
20 fisheries, aquaculture and seafood processing or the design and operation of a
21 depuration plant in the possession of the Department of Marine Resources; and

22 **Sec. 2. 1 MRSA §402, sub-§3, ¶U**, as amended by PL 2019, c. 667, Pt. B, §4, is
23 repealed.

24 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
25 takes effect when approved.

26 **SUMMARY**

27 This bill repeals the public exception for records related to the transportation of
28 hazardous materials by a railroad company.