



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1340

H.P. 957

House of Representatives, April 4, 2013

An Act To Ensure Maine's Preparedness for Hazardous Oil Spills

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TIPPING-SPITZ of Orono.
Cosponsored by Senator BOYLE of Cumberland and
Representatives: CAMPBELL of Orrington, DOAK of Columbia Falls, GIDEON of Freeport,
KUMIEGA of Deer Isle, MALABY of Hancock, WELSH of Rockport, Senators: LANGLEY
of Hancock, SAVIELLO of Franklin.

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

2 **Sec. 1. 38 MRSA §551, sub-§4**, as amended by PL 1997, c. 364, §§26 and 27, is
3 further amended to read:

4 **4. Funding.** The Maine Coastal and Inland Surface Oil Clean-up Fund is funded
5 pursuant to this subsection.

6 A. License fees are 3¢ per barrel of unrefined crude oil and all other refined oil,
7 including #6 fuel oil, #2 fuel oil, kerosene, gasoline, jet fuel and diesel fuel,
8 transferred by the licensee during the licensing period and must be paid monthly by
9 the licensee on the basis of records certified to the commissioner. License fees must
10 be paid to the department and upon receipt by it credited to the Maine Coastal and
11 Inland Surface Oil Clean-up Fund.

12 D. Any person required to register under section 545-B and who first transports oil in
13 Maine shall pay 3¢ per barrel for all crude and refined oil, including #6 fuel oil, #2
14 fuel oil, kerosene, gasoline, jet fuel, diesel fuel and liquid asphalt transported by the
15 registrant during the period of registration. Fees must be paid monthly by the
16 registrant on the basis of records certified to the commissioner. Fees must be paid to
17 the department and upon receipt by it credited to the Maine Coastal and Inland
18 Surface Oil Clean-up Fund. The registrant shall make available to the commissioner
19 and the commissioner's authorized representatives all documents relating to the oil
20 transported by the registrant during the period of registration. This paragraph does
21 not apply to waste oil transported into Maine in any motor vehicle that has a valid
22 license issued by the department for the transportation of waste oil pursuant to section
23 1319-O and is subject to fees established under section 1319-I.

24 E. When the commissioner projects that the fund balance will reach \$6,000,000, the
25 commissioner shall provide a 15-day notice that the per barrel fees assessed under
26 this subsection will be suspended. The \$6,000,000 fund limit may be exceeded to
27 accept transfer fees assessed or received after the 15-day notice has been issued.
28 Following any suspension of fees assessed under this subsection, the commissioner
29 shall provide a 15-day advance notice to licensees before fees are reimposed.

30 F. If the fund balance is reduced to \$2,000,000 or less, the commissioner may adopt
31 rules increasing the fees imposed under paragraph A and paragraph D by up to 50%
32 of the fee specified in paragraph A and paragraph D as necessary to avoid a shortfall
33 in the fund. The commissioner may use the emergency rule-making procedures
34 under Title 5, section 8054 if necessary to ensure that the fee increase is instituted in
35 time to avoid a shortfall. Any fee increase adopted pursuant to this paragraph
36 terminates and the fees imposed under paragraph A and paragraph D apply when the
37 fund balance reaches \$5,000,000.

38 SUMMARY

39 This bill amends the laws governing the Maine Coastal and Inland Surface Oil
40 Clean-up Fund to:

- 1 1. Require a person transporting crude oil by rail or highway to pay an assessment of
2 3¢ per barrel of crude oil being transported; currently, the assessment is imposed only on
3 a person transporting refined oil; and

- 4 2. Impose a surcharge of up to 50% of the assessment if the balance in the fund is
5 reduced to \$2,000,000 or less. The surcharge remains in place until the balance in the
6 fund reaches \$5,000,000.