

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 1.

Amend the bill by striking out all of sections 9 to 11.

Amend the bill by striking out all of section 15.

Amend the bill by striking out all of sections 17 to 31 and inserting the following:

‘**Sec. 17. 38 MRSA §568-A, sub-§7**, as amended by PL 2003, c. 245, §10, is further amended to read:

**7. Repeal date.** This section is repealed December 31, ~~2010~~2015.

**Sec. 18. 38 MRSA §568-B, sub-§3**, as enacted by PL 2003, c. 245, §11, is amended to read:

**3. Repeal date.** This section is repealed December 31, ~~2010~~2015.

**Sec. 19. 38 MRSA §569-A, sub-§13**, as amended by PL 2003, c. 245, §13, is further amended to read:

**13. Repeal date.** This section is repealed December 31, ~~2010~~2015.

**Sec. 20. 38 MRSA §569-B, sub-§8**, as amended by PL 2003, c. 245, §14, is further amended to read:

**8. Effective date.** This section takes effect December 31, ~~2010~~2015.

**Sec. 21. 38 MRSA §570, first ¶**, as affected by PL 2003, c. 245, §§20 and 21 and amended by PL 2007, c. 292, §§35 and 36, is repealed and the following enacted in its place:

The intent of this subchapter is to provide the means for rapid and effective cleanup and to minimize direct and indirect damages and the proliferation of 3rd-party claims. Accordingly, each responsible party is jointly and severally liable for all disbursements made by the State pursuant to section 569-A, subsection 8, paragraphs B, D, E, H and J, or other damage incurred by the State, except for costs found by the commissioner to be eligible for coverage under section 568-A. The term "other damages," as used in this paragraph, includes interest computed at 15% a year from the date of expenditure and damage for injury to, destruction of, loss of or loss of use of natural resources, the reasonable costs of assessing natural resources damage and the costs of preparing and implementing a natural resources restoration plan. The commissioner shall demand reimbursement of costs and damages paid by the department from state or federal funds as provided under section 569-A, subsection 10 except for amounts that are eligible for coverage by the fund under this subchapter. Payment must be made promptly by the responsible party or parties upon whom the demand is made. If payment is not received by the State within 30 days of the demand, the Attorney General may file suit in the Superior Court or the department may file suit in District Court and, in addition to relief provided by other law, may seek punitive damages as provided in

section 568. Notwithstanding the time limits stated in this paragraph, neither a demand nor other recovery efforts against one responsible party may relieve any other responsible party of liability. This paragraph is repealed December 31, 2015.

**Sec. 22. 38 MRSA §570**, as affected by PL 2003, c. 245, §§20 and 21 and amended by PL 2007, c. 292, §§35 and 36, is further amended by adding after the first paragraph a new paragraph to read:

This paragraph takes effect December 31, 2015. The intent of this subchapter is to provide the means for rapid and effective cleanup and to minimize direct and indirect damages and the proliferation of 3rd-party claims. Accordingly, each responsible party is jointly and severally liable for all disbursements made by the State pursuant to section 569-B, subsection 5, paragraphs B, D, E and G or other damage incurred by the State, including interest computed at 15% a year from the date of expenditure, and damage for injury to, destruction of, loss of or loss of use of natural resources and the reasonable costs of assessing natural resources damage. The commissioner shall demand reimbursement of costs and payment of damages paid by the department from state or federal funds to be recovered under this section and payment must be made promptly by the responsible party or parties upon whom the demand is made. If payment is not received by the State within 30 days of the demand, the Attorney General may file suit in the Superior Court or the department may file suit in District Court and, in addition to relief provided by other law, may seek punitive damages as provided in section 568. Notwithstanding the time limits stated in this paragraph, neither a demand nor other recovery efforts against one responsible party may relieve any other responsible party of liability.

**Sec. 23. 38 MRSA §570-A, last ¶**, as amended by PL 2003, c. 245, §15, is further amended to read:

This section is repealed December 31, ~~2010~~2015.

**Sec. 24. 38 MRSA §570-B, last ¶**, as amended by PL 2003, c. 245, §16, is further amended to read:

This section is repealed December 31, ~~2010~~2015.

**Sec. 25. 38 MRSA §570-I, last ¶**, as amended by PL 2003, c. 245, §17, is further amended to read:

This section takes effect December 31, ~~2010~~2015.

**Sec. 26. 38 MRSA §570-J, last ¶**, as amended by PL 2003, c. 245, §18, is further amended to read:

This section is effective December 31, ~~2010~~2015.

**Sec. 27. PL 1991, c. 817, §28**, as amended by PL 2003, c. 245, §20, is repealed.

**Sec. 28. PL 1991, c. 817, §30**, as amended by PL 2003, c. 245, §21, is repealed.

**Sec. 29. Review and evaluation.** The Department of Environmental Protection, in consultation with interested parties, shall review and evaluate the current framework for funding investigations and the cleanup of tank-related oil discharges at voluntary response action program sites under the Maine Revised Statutes, Title 38, section 343-E and sites contaminated by discharges during the delivery of oil to an oil

storage facility. The department shall make recommendations for sustainable public or private funding of the investigation and cleanup of those sites. By January 15, 2010, the department shall submit to the Joint Standing Committee on Natural Resources a report detailing its findings and recommendations, and the committee may report out legislation to the Second Regular Session of the 124th Legislature relating to the report.

**Sec. 30. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Remediation and Waste Management 0247**

Initiative: Deallocates funds as a result of limiting eligibility for coverage and modifying other activities to reduce expenditures from the Ground Water Oil Clean-up Fund.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	(\$500,000)	(\$500,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	(\$500,000)	(\$500,000)

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment makes the following changes to the bill:

1. It extends the sunset date of the Ground Water Oil Clean-up Fund to December 31, 2015;
2. It strikes the provision in the bill that proposes to require oil delivery companies to train their drivers in proper procedures for spill prevention, reporting and containment;
3. It strikes the provision in the bill that proposes to make costs incurred to implement a voluntary response action plan ineligible for coverage by the fund;
4. It strikes the provision in the bill that authorizes disbursements from the fund for personnel and equipment costs incurred in responding to and the removal of a discharge of oil if the costs are not paid by a responsible party;
5. It amends the bill to remove the proposed language relating to recovery by the Department of Environmental Protection of fund disbursements. This amendment also makes a technical correction to the format of the law governing liability for fund disbursements. The amendment repeals the current and future versions of the law and the confusing effective date provisions. This amendment enacts the same language in a manner that clarifies the effective date of each provision of law;
6. It strikes the provisions in the bill relating to the abandonment of aboveground oil storage tanks;

7. It adds a requirement for the Department of Environmental Protection to review the current framework for funding investigations and the cleanup of tank-related oil discharges at voluntary response action program sites and sites contaminated by discharges during the delivery of oil to an oil storage facility; and

8. It adds an appropriations and allocations section.

The amendment retains the provisions in the bill that:

1. Amend definitions;

2. Require the Board of Environmental Protection to adopt rules requiring operators of underground oil storage tanks used to store motor fuel or used in the marketing and distribution of oil to others to complete a department training program;

3. Authorize the use of restrictive covenants and other land use controls to minimize the risk of human exposure to residual contamination on property that has suffered an oil discharge; and

4. Deny coverage to a motor carrier for a discharge during the off-loading or on-loading of oil from or to a motor vehicle used to transport oil.

**FISCAL NOTE REQUIRED**

**(See attached)**