



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 671

H.P. 501

House of Representatives, February 17, 2011

An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative AYOTTE of Caswell.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: CURTIS of Madison, EDGECOMB of Caribou, GIFFORD of Lincoln,
Senator: THOMAS of Somerset.

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

2 **Sec. 1. 38 MRSA §568-B**, as amended by PL 2009, c. 319, §13, is further
3 amended to read:

4 **§568-B. Fund Insurance Review Board created**

5 **1. Fund Insurance Review Board.** The Fund Insurance Review Board, as
6 established by Title 5, section 12004-G, subsection 11-A, is created for the purposes of
7 hearing and deciding appeals from insurance claims-related decisions of the
8 commissioner as well as adopting rules and guidelines necessary to the furtherance of its
9 duties and responsibilities under this subchapter. The review board consists of ~~40~~ 9
10 members appointed for 3-year terms as follows:

11 A. Three persons representing the petroleum industry, appointed by the Governor,
12 one of whom is ~~nominated by the Maine Oil Dealers Association~~ a retailer who deals
13 in heating oil, one of whom is a retailer who ~~owns fewer than 5 retail outlets, as~~
14 ~~defined in Title 10, section 1672, subsection 6,~~ deals in motor fuels and one of whom
15 is a retailer who ~~owns 5 or more retail outlets, as defined in Title 10, section 1672~~
16 deals in both heating oil and motor fuels;

17 B. ~~Five~~ Three members of the public who are not employed in the petroleum
18 industry and who do not have a direct and substantial financial interest in the
19 petroleum industry to be appointed by the Governor;

20 C. The commissioner or the commissioner's designee; ~~and~~

21 D. The State Fire Marshal or the fire marshal's designee; ~~and~~

22 E. One member who is designated by a statewide association of energy dealers.

23 Members described in paragraphs A ~~and~~ B ~~and~~ E are entitled to reimbursement for direct
24 expenses of attendance at meetings of the review board or the appeals panel.

25 **2. Powers and duties of review board.** The Fund Insurance Review Board has the
26 following powers and duties:

27 A. To hear appeals from insurance claims-related decisions of the commissioner
28 pursuant to section 568-A, subsection 3-A;

29 B. To adopt rules in accordance with Title 5, chapter 375, subchapter ~~H~~ 2
30 establishing criteria for determining substantial compliance for aboveground oil
31 storage facilities;

32 C. To contract with the Finance Authority of Maine for such assistance in fulfilling
33 the board's duties as the board may require;

34 D. To monitor income and disbursements from the Ground Water Oil Clean-up Fund
35 under section 569-A and adjust fees pursuant to section 569-A, subsection 5,
36 paragraph E, as required to avoid a shortfall in the fund; ~~and~~

37 E. To consult with the Finance Authority of Maine at such times as are necessary,
38 but no less than annually, to review income and disbursements from the Waste Oil
39 Clean-up Fund under Title 10, section 1023-L. The board, at such times and in such

1 amounts as it determines necessary, and in consultation with the Finance Authority of
2 Maine, shall direct the transfer of funds from the Underground Oil Storage
3 Replacement Fund to the ~~Groundwater~~ Ground Water Oil Clean-up Fund;

4 F. To contract with a consultant, attorney or accountant to review the Ground Water
5 Oil Clean-up Fund or an individual cleanup at any time upon a decision by a majority
6 vote of the board;

7 G. To review the budget of a cleanup proposed by the department when the costs of
8 the cleanup are expected to be more than \$100,000;

9 H. To review and approve the annual budget of the Ground Water Oil Clean-up
10 Fund;

11 I. To oversee the annual report of the department under section 570-H; and

12 J. To review annually the department's clean-up standards and to adopt rules to make
13 changes in those standards.

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

15 **Sec. 2. 38 MRSA §569-A, sub-§8, ¶A,** as amended by PL 2005, c. 157, §1, is
16 further amended to read:

17 A. Administrative expenses, personal services and equipment costs of the department
18 related to the administration and enforcement of this subchapter, except that total
19 disbursements for personal services may not exceed \$3,700,000 per fiscal year
20 multiplied by an annual adjustment factor of 4% beginning in fiscal year 2005-06,
21 and except that total disbursements for administrative expenses may not exceed
22 \$2,000,000 per fiscal year;

23 **SUMMARY**

24 This bill changes the membership of the Fund Insurance Review Board, provides the
25 board additional powers and authorizes the board to review and approve the budget of the
26 Ground Water Oil Clean-up Fund.