

CHAPTER 256

HAZARDOUS MATERIALS CONTROL

§2101. Policy

It is declared to be the policy of the State to protect its citizens adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce. [PL 1977, c. 622 (NEW).]

SECTION HISTORY

PL 1977, c. 622 (NEW).

§2102. Definitions

(REPEALED)

SECTION HISTORY

PL 1977, c. 622 (NEW). PL 1983, c. 736, §1 (RP).

§2102-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 736, §2 (NEW).]

1. Commerce. "Commerce" means trade, traffic, commerce or transportation within or through the jurisdiction of the State. "Commerce" does not mean movement of hazardous materials by a farmer for the farmer's own use to and from the farm or field within a 20-mile radius. [RR 2023, c. 1, §55 (COR).]

2. Hazardous material. "Hazardous material" means a substance or material which has been determined by the United States Secretary of Transportation to be capable of posing an unreasonable risk to health, safety and property when transported in commerce, and which has been so designated in 49 Code of Federal Regulations, Part 172. [PL 1983, c. 736, §2 (NEW).]

3. Person. "Person" means an individual, firm copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee or personal representative thereof. [PL 1983, c. 736, §2 (NEW).]

4. Transport or transportation. "Transport" or "transportation" means any movement of hazardous material by any mode and any loading, unloading or storage incidental thereto. [PL 1983, c. 736, §2 (NEW).]

SECTION HISTORY

PL 1983, c. 736, §2 (NEW). RR 2023, c. 1, §55 (COR).

§2103. Designation of hazardous materials

(REPEALED)

SECTION HISTORY

PL 1977, c. 622 (NEW). PL 1983, c. 736, §3 (RP).

§2103-A. Adoption of rules

The Commissioner of Public Safety shall adopt state rules to adopt by reference the federal regulations as found in 49 Code of Federal Regulations, Parts 107, 171, 172, 173, 174, 177, 178, 179, 180, 387 and 397, as amended, and subsequently shall adopt state rules to adopt by reference every subsequent amendment to those federal regulations. Except as provided in this section, the Maine Administrative Procedure Act, Title 5, chapter 375, does not apply to those adoptions. [PL 1997, c. 653, §1 (AMD).]

1. Content of state rules. Any state rule adopted under this section must contain instructions for obtaining a copy or a certified copy of referenced federal regulations or amendments from the appropriate federal agency. [PL 2003, c. 633, §1 (AMD).]

2. Filing, publication and availability of rules. For every state rule adopted under this section:

A. The commissioner shall file with the Secretary of State:

- (1) A certified copy of the state rule adopting by reference that federal regulation or a subsequent amendment;
- (2) A published copy of the federal regulation or amendment as printed in the Federal Register; and
- (3) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulations in question; [PL 1989, c. 754, Pt. C, §1 (NEW).]

B. The commissioner shall supply, without cost or at actual cost, copies of each state rule to any person who has filed with the agency within the past year a written request to be supplied with all copies of the agency's rules, and to any other person on request. The commissioner shall also make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations, but requests for purchase of copies or certified copies of the federal regulations may be directed to the appropriate federal agency; [PL 1989, c. 754, Pt. C, §1 (NEW).]

C. The Secretary of State shall publish, pursuant to the procedures set forth in Title 5, section 8053, subsection 5, a notice containing the following information:

- (1) A statement that the state rule has been adopted and its effective date;
- (2) A brief description of the substance of the state rule and the referenced federal regulations or amendments; and
- (3) The addresses where copies of the state rule and the federal regulations and amendments may be obtained; and [PL 1989, c. 754, Pt. C, §1 (NEW).]

D. The Secretary of State shall maintain and make available at the Secretary of State's office, for inspection at no charge and for copying or purchase at actual cost, current copies of those state rules as filed in accordance with paragraph A and include them within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B. The Secretary of State shall also make available at the Secretary of State's office, for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations and amendments, but requests for purchase of copies or certified copies of the federal regulations or amendments may be directed to the appropriate federal agency. [PL 1989, c. 754, Pt. C, §1 (NEW).]
[PL 1989, c. 754, Pt. C, §1 (NEW).]

3. Effective date; emergency rules. A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State under subsection 2, paragraph A, except that, if the commissioner finds that immediate adoption of the rule is necessary to avoid an immediate threat to public health, safety or general welfare, the commissioner may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately.

[PL 1989, c. 754, Pt. C, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 736, §4 (NEW). PL 1987, c. 789, §1 (AMD). PL 1989, c. 754, §C1 (AMD). PL 1997, c. 653, §1 (AMD). PL 2003, c. 633, §1 (AMD).

§2104. Handling of hazardous materials

(REPEALED)

SECTION HISTORY

PL 1977, c. 622 (NEW). PL 1983, c. 474, §§1,2 (AMD). PL 1983, c. 736, §5 (RP).

§2104-A. Reporting system

In addition to the reporting requirements of 49 Code of Federal Regulations, Part 171, any person who transports a hazardous material within this State involved in an accident resulting in death, serious illness or serious personal injury, or resulting in a discharge of a hazardous material, shall report the accident, as provided for hazardous matter, Title 38, section 1318-B. [PL 1983, c. 736, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 736, §6 (NEW).

§2105. Reporting system

(REPEALED)

SECTION HISTORY

PL 1977, c. 622 (NEW). PL 1983, c. 736, §7 (RP).

§2105-A. Enforcement

It is the responsibility of the State Police, sheriffs and their deputies and all other police officers to investigate any alleged violations of this chapter and any rules adopted by reference thereto. Prior to taking enforcement action, a law enforcement officer shall have met minimum training requirements established by the Criminal Justice Academy with respect to hazardous materials. [PL 1983, c. 736, §8 (NEW).]

SECTION HISTORY

PL 1983, c. 736, §8 (NEW).

§2106. Exemptions

(REPEALED)

SECTION HISTORY

PL 1977, c. 622 (NEW). PL 1983, c. 736, §9 (RP).

§2106-A. Penalties

A person who violates this chapter or a rule adopted pursuant to this chapter commits a Class D crime, except that if the violation is discovered during a routine compliance review as defined in 49 Code of Federal Regulations, Part 385.3, the violation is a civil violation. [PL 2013, c. 112, §1 (NEW).]

A civil violation under this section is subject to a fine, which must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program. [PL 2013, c. 112, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 736, §10 (NEW). PL 1983, c. 862, §73 (AMD). PL 2013, c. 112, §1 (RPR).

§2107. Penalty

(REPEALED)

SECTION HISTORY

PL 1977, c. 622 (NEW). PL 1983, c. 736, §11 (RP).

§2108. Advisory board

(REPEALED)

SECTION HISTORY

PL 1977, c. 622 (NEW). PL 1979, c. 672, §A63 (RP). PL 1979, c. 730, §1 (RP).

§2109. Notification

(REPEALED)

SECTION HISTORY

PL 1983, c. 88, §5 (NEW). PL 1983, c. 736, §12 (RP).

§2110. Financial responsibility

1. Requirement. A person who transports a division 1.1, 1.2 or 1.3 explosive intrastate in a vehicle with a gross vehicle weight rating of less than 10,000 pounds shall maintain a financial responsibility policy of liability insurance or a surety bond in an amount of not less than \$1,000,000. The Commissioner of Public Safety may not adopt a rule requiring a person transporting a division 1.1, 1.2 or 1.3 explosive intrastate in a vehicle with a gross vehicle weight rating of less than 10,000 pounds to maintain a financial responsibility policy of liability insurance or a surety bond in excess of \$1,000,000.

For purposes of this section, division 1.1, 1.2 and 1.3 explosives have the same meanings as found in 49 Code of Federal Regulations, Part 173.50.

[PL 1995, c. 67, §1 (NEW).]

2. Exception. This section does not apply to a farmer who transports a division 1.1, 1.2 or 1.3 explosive for the farmer's own use to and from the farm or field within a 20-mile radius.

[PL 1995, c. 67, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 67, §1 (NEW).

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