

**§546. Regulatory powers of department****1. Procedure for adopting rules and regulations.**

[PL 1977, c. 300, §36 (RP).]

**2. Emergency rules and regulations without hearing.**

[PL 1977, c. 300, §36 (RP).]

**3. Enforcement of rules and regulations.**

[PL 1977, c. 300, §36 (RP).]

**4. Extent of regulatory powers.** The department shall adopt rules including but not limited to rules governing the following matters:

A. Operating and inspection requirements for facilities, vessels, personnel and other matters relating to licensee operations under this subchapter, including annual inspections of oil terminal facilities; [PL 1991, c. 454, §2 (AMD).]

B. Procedures and methods of reporting discharges and other occurrences prohibited by this subchapter; [PL 1989, c. 546, §9 (AMD).]

C. Procedures, methods, means and equipment to be used by persons subject to regulation by this subchapter; [PL 2019, c. 678, §5 (AMD); PL 2019, c. 678, §7 (AFF).]

D. Procedures, methods, means and equipment to be used in the removal of oil and petroleum pollutants; [PL 1989, c. 546, §9 (AMD).]

E. Development and implementation of criteria and plans to meet oil and petroleum pollution occurrences of various degrees and kinds, including the state marine oil spill contingency plan required under section 546-A. Those plans must include provision for annual drills, sometimes unannounced, to determine the adequacy of response plans and the preparedness of the response teams; [PL 1991, c. 454, §3 (AMD).]

E-1. Standards for establishing liability insurance for liabilities under section 552; [PL 2019, c. 678, §5 (NEW); PL 2019, c. 678, §7 (AFF).]

E-2. Development and implementation of criteria and plans for cleaning and securing a facility that is out of service but not subject to facility closure requirements under section 552-B; [PL 2019, c. 678, §5 (NEW); PL 2019, c. 678, §7 (AFF).]

E-3. Development and implementation of criteria and plans for facility closure required under section 552-B, including standards, procedures and reporting requirements for removal of tanks and related appurtenances and remediation of the facility site; [PL 2019, c. 678, §5 (NEW); PL 2019, c. 678, §7 (AFF).]

E-4. Standards for establishing financial ability adequate to guarantee the performance of licensee obligations under section 552-B; [PL 2019, c. 678, §5 (NEW); PL 2019, c. 678, §7 (AFF).]

F. The establishment from time to time of control districts comprising sections of the Maine coast and the establishment of rules to meet the particular requirements of each such district; [PL 2019, c. 678, §5 (AMD); PL 2019, c. 678, §7 (AFF).]

G. Requirements for the safety and operation of vessels, barges, tugs, motor vehicles, motorized equipment and other equipment relating to the use and operation of terminals, facilities and refineries and the approach and departure from terminals, facilities and refineries; [PL 1989, c. 546, §9 (AMD).]

H. Such other rules as the exigencies of any condition may require or such as may reasonably be necessary to carry out the intent of this subchapter; and [PL 2019, c. 678, §5 (AMD); PL 2019, c. 678, §7 (AFF).]

I. [PL 1985, c. 496, Pt. A, §10 (RP).]

J. [PL 1985, c. 496, Pt. A, §10 (RP).]

K. Operation and inspection requirements for interstate and intrastate oil pipelines excluding natural gas and artificial gas pipelines. [PL 1989, c. 546, §9 (NEW).]  
[PL 2019, c. 678, §5 (AMD); PL 2019, c. 678, §7 (AFF).]

**5. Facility response plans.** Every facility subject to licensing under this section shall file with the department a copy of any oil discharge response plan submitted to the President of the United States under the federal Oil Pollution Act of 1990, Public Law 101-380, Section 4202, 104 Stat. 484, or a statement that a plan is not required under federal law.  
[PL 1991, c. 454, §4 (NEW).]

**6. Vessel response plans.** Every tank vessel, as defined under 46 United States Code, Section 2101, entering state waters shall have available for inspection by the commissioner or an agent of the commissioner a copy of any oil discharge response plan required to be submitted to the President of the United States under the federal Oil Pollution Act of 1990, Public Law 101-380, Section 4202, 104 Stat. 484.  
[PL 2021, c. 293, Pt. B, §12 (AMD).]

#### SECTION HISTORY

PL 1969, c. 572, §1 (NEW). PL 1971, c. 618, §12 (AMD). PL 1977, c. 300, §§35,36 (AMD). PL 1977, c. 375, §8 (AMD). PL 1983, c. 785, §13 (AMD). PL 1985, c. 496, §A10 (AMD). PL 1989, c. 546, §9 (AMD). PL 1989, c. 868, §1 (AMD). PL 1991, c. 454, §§2-4 (AMD). PL 1991, c. 698, §6 (AMD). PL 2019, c. 678, §5 (AMD). PL 2019, c. 678, §7 (AFF). PL 2021, c. 293, Pt. B, §12 (AMD).

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