

**SENATE . . . . . No. 442**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Mark C. Montigny***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to oil spills.

PETITION OF:

NAME:

*Mark C. Montigny*

DISTRICT/ADDRESS:

*Second Bristol and Plymouth*

**SENATE . . . . . No. 442**

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 442) of Mark C. Montigny for legislation to establish the Fire Services Oil Spill Mitigation Trust Fund. Environment, Natural Resources and Agriculture.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 376 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
—————

An Act relative to oil spills.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1: Chapter 29 of the General Laws, as appearing in the 2012 Official Edition,  
2 is hereby amended by adding the following section after section 2EEEE:

3 Section 2FFFF. Department of Fire Services Oil Spill Mitigation Trust Fund

4 There shall be established and set up on the books of the commonwealth, a separate fund  
5 to be known as the Department of Fire Services Oil Spill Mitigation Trust Fund, consisting of  
6 any monies appropriated to the fund by the general court, any monies recovered pursuant to  
7 chapter 21K of the General Laws, any monies received from fees imposed pursuant to section 10  
8 of chapter 21K, any monies received from fines and any income derived from the investment of

9 monies transferred, appropriated or recovered by the fund, not to exceed \$250,000 in any fiscal  
10 year.

11           Amounts credited to the fund shall be available for expenditure, without prior  
12 appropriation, by the state fire marshal, as head of the department of fire services, who shall act  
13 as trustee, solely for the mitigation of oil spill emergency response incidents throughout the  
14 commonwealth and the reimbursement of all other reasonable related costs to oil spill emergency  
15 response member departments, cities, and towns responding to said incidents.

16           The department of fire services may incur expenses and the comptroller may certify  
17 amounts for payment in anticipation of expected receipts. Monies deposited in the trust fund that  
18 are unexpended at the end of the fiscal year, provided that said monies do not exceed \$250,000,  
19 shall not revert to the General Fund, any funds in excess of \$250,000 shall revert to the General  
20 Fund and be made available for appropriation. No expenditures from said fund shall be  
21 authorized that would cause said fund to be deficient at the end of any fiscal year.

22           SECTION 2: Section 1 of Chapter 21K of the General Laws, as appearing in the 2010  
23 Official Edition, is hereby amended by adding the following text after the period on line 71:

24           “Oil spill emergency response”, an emergency mitigation response relating to oil spills  
25 from land vessels delivering oil to residential or commercial customers within the  
26 commonwealth.

27           SECTION 3: Section 5 of Chapter 21K of the General Laws, as appearing in the 2010  
28 Official Edition, is hereby amended by striking subsection (l) and inserting in place thereof the  
29 following subsection:

30 (1) Notwithstanding the provisions of any general or special law to the contrary, all  
31 monies collected by the commonwealth under this chapter, relating to oil spill emergency  
32 responses, by reimbursement, settlement, judgment or otherwise shall be deposited into the  
33 Department of Fire Services Oil Spill Mitigation Trust Fund. All other monies collected by the  
34 commonwealth under this chapter by reimbursement, settlement, judgment or otherwise shall be  
35 deposited into the Department of Fire Services Hazardous Materials Emergency Mitigation  
36 Response Recovery Trust Fund.

37 SECTION 4: Chapter 21K of the General Laws, as appearing in the 2010 Official  
38 Edition, is hereby amended by adding the following section after section 9:

39 Section 10. Oil Spill Response and Prevention Fee.

40 (1) A uniform oil spill response and prevention fee in an amount not exceeding 5 cents  
41 for each barrel of petroleum product delivered to a residential or commercial property within the  
42 commonwealth shall be imposed upon the person making the final delivery. The fee shall be  
43 remitted to the department of revenue on the thirtieth day of each month based upon the number  
44 of barrels of petroleum products received during the preceding month.

45 (2) All fees collected pursuant to this section shall be deposited in the Department of Fire  
46 Services Oil Spill Mitigation Trust Fund. The state treasurer shall not deposit or transfer  
47 revenues generated pursuant to subsection (1) to the General Fund or any other fund other than  
48 the Department of Fire Services Oil Spill Mitigation Trust Fund.