



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 319

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S.P. 140

In Senate, January 30, 2023

### An Act to Amend Maine's Underground Oil Storage Tank Laws

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator TIMBERLAKE of Androscoggin.  
Cosponsored by Representative CAMPBELL of Orrington and  
Senator: LYFORD of Penobscot.

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

2 **Sec. 1. 38 MRSA §564, sub-§5,** as repealed and replaced by PL 2011, c. 276, §1,  
3 is amended to read:

4 **5. Mandatory facility replacement.** Upon the expiration date of a manufacturer's  
5 warranty for a tank, the tank and its associated piping must be removed from service and  
6 properly abandoned in accordance with section 566-A, except that a double-walled tank  
7 may continue in service up to 10 years beyond the expiration of the warranty if:

8 A. During the year the warranty expires but on a date before the warranty expires, a  
9 precision test is conducted to determine the integrity of the tank. Results of the test  
10 conducted must be submitted to the commissioner by the facility owner; and

11 B. ~~During the 5th to 10th years~~ Beginning in the 5th year after the expiration of the  
12 warranty, a precision test is conducted annually to determine the integrity of the tank.  
13 Results of each test must be submitted to the commissioner by the facility owner.

14 This subsection does not apply until January 1, 2008 to a tank installed before December  
15 31, 1985 that has been retrofitted to meet the requirements of subsections 1-A and 1-B.

16 **SUMMARY**

17 Under current law, upon the expiration date of a manufacturer's warranty for certain  
18 underground oil storage tanks, the tank and its associated piping must be removed from  
19 service and properly abandoned, except that a double-walled underground oil storage tank  
20 may continue in service up to 10 years beyond the expiration of the warranty if certain  
21 testing is conducted to verify the integrity of the tank. This bill removes the 10-year  
22 limitation, thereby allowing such double-walled tanks to continue in service indefinitely as  
23 long as the same testing requirements are satisfied.