

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 2041**

H. P. 1959

House of Representatives, January 4, 1978

The Committee on Natural Resources suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24 and 1500 ordered printed.

EDWIN H. PERT, Clerk

Presented by: Mrs. Clark of Freeport

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

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**AN ACT to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program.**

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

**Sec. 1. 38 MRSA § 551, sub-§ 5, ¶ H** is enacted to read:

**H. All costs of investigating contamination of waters of the State which the department reasonably believes may be the result of a discharge of oil.**

**Sec. 2. 38 MRSA § 551, sub-§ 6, ¶ A**, as repealed and replaced by PL 1977, c. 375, §14, is amended to read:

**A. All disbursements made by the fund pursuant to subsection 5, paragraphs B, D and E and H** in connection with a prohibited discharge;

**Sec. 3. 38 MRSA §552, sub-§ 2, first sentence**, as repealed and replaced by PL 1977, c. 375, § 17, is amended to read:

Because it is the intent of this subchapter to provide the means for rapid and effective clean-up and to minimize direct damages as well as indirect damages and the proliferation of 3rd party claims, any person, vessel, licensee, agent or servant, including carriers destined for or leaving a licensee's facility while within state waters, who permits or suffers a prohibited discharge or other polluting condition to take place shall be liable to the State of Maine for all disbursements made by it pursuant to section 551, subsection 5, paragraphs B, D and E and H, or other damage incurred by the State.

## STATEMENT OF FACT

Section 1 makes it clear that the oil conveyance fund may be used to investigate contamination of waters that may be the result of the discharge of oil. This is implied but not clear in the existing statute.

Section 2 instructs the Board of Environmental Protection to recover any funds disbursed under the new provision of subsection 5.

Section 3 adds the new provision of subsection 5 to the negligence provisions of the existing statute.