

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
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3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
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5 Legislative Document

No. 313

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7 S.P. 126

In Senate, January 31, 1983

8 Reference to the Committee on Energy and Natural Resources, sent down  
9 for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Diamond of Cumberland.

Cosponsors: Senator Kany of Kennebec, Senator McBreairty of  
Aroostook and Representative Hall of Sangerville.

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12 STATE OF MAINE  
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14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

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17 AN ACT Concerning Persons  
18 Who Assist in Mitigating the  
19 Effects of Discharge of Hazardous  
20 Materials.  
21

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

24 38 MRSA, c. 14 is enacted to read:

25 CHAPTER 14

26 LIABILITY OF PERSONS MITIGATING THE

27 EFFECTS OF DISCHARGE OF HAZARDOUS

28 MATERIALS

29 §1401. Definitions

1        As used in this chapter, unless the context  
2 otherwise indicates, the following terms have the  
3 following meanings.

4        1. Discharge. "Discharge" includes leakage,  
5 seepage or other release.

6        2. Hazardous materials. "Hazardous materials"  
7 includes all materials and substances which are now  
8 or hereafter designated or defined as hazardous by  
9 any state or federal law or by the regulations of any  
10 state or federal government agency.

11        3. Person. "Person" includes any individual,  
12 partnership, corporation, association or other  
13 entity.

14        §1402. Immunity

15        Notwithstanding any provision of law, no person  
16 who provides assistance or advice in mitigating or  
17 attempting to mitigate the effects of an actual or  
18 threatened discharge of hazardous materials, or in  
19 preventing, cleaning up, or disposing of or in  
20 attempting to prevent, clean-up or dispose of any  
21 such discharge, may be subject to civil liabilities  
22 or penalties of any type.

23        §1403. Exceptions

24        The immunities provided in section 1402 do not  
25 apply to any person:

26        1. Persons causing the discharge. Whose act or  
27 omission caused in whole or in part the actual or  
28 threatened discharge and who would otherwise be lia-  
29 ble therefore; or

30        2. Persons compensated for assistance. Who  
31 receives compensation other than reimbursement for  
32 out-of-pocket expenses for its services in rendering  
33 the assistance or advice.

34        §1404. Liability for gross negligence or reckless,  
35 wanton or intentional misconduct

