

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 2081

H.P. 1479

House of Representatives, February 27, 1986

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Allen of Washington.

Cosponsored by Senator Chalmers of Knox and Representative Mayo of
Thomaston.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SIX

AN ACT to Exempt the Town of Hope from
Liability for Certain Tax-acquired
Property.

Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

Whereas, the Town of Hope has acquired through
the tax-lien foreclosure process property formerly
owned by the Union Chemical Company, Inc.; and

Whereas, this property, because of operations
conducted by its former owner, poses a threat of en-
vironmental damage; and

Whereas, the Town of Hope may incur unlimited or
unforeseeable liability for environmental damage as a
result of its ownership of this property; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 **Immunity from liability.** Any other law notwith-
10 standing, the municipality of Hope shall have com-
11 plete immunity from any and all claims arising out of
12 or related to its ownership, maintenance or use of
13 real and personal property located in the municipali-
14 ty of Hope and acquired by the municipality through
15 the tax-lien foreclosure process from the Union Chem-
16 ical Corporation, Incorporated.

17 **Emergency clause.** In view of the emergency cited
18 in the preamble, this Act shall take effect when ap-
19 proved.

20 STATEMENT OF FACT

21 Through the tax-lien foreclosure process, the
22 Town of Hope has acquired property owned by Union
23 Chemical Company, Incorporated. This property has
24 been used as a site of manufacture of chemicals and
25 as a hazardous waste dump. The Department of Envi-
26 ronmental Protection currently is involved in the
27 cleanup of this dump site. Municipal officers of the
28 Town of Hope are greatly concerned by unforeseen and
29 possibly limitless liability that may be incurred due
30 to the nature of the dump and the danger of
31 pollutants leaching into groundwater.

32 This bill grants complete immunity to the Town of
33 Hope with respect to this property. In particular,
34 this bill exempts the Town of Hope from liability for
35 sudden and accidental discharge, dispersal, release
36 or escape of pollutants into the land, atmosphere or
37 water as well as for any slow leaching of pollutants.
38 This bill provides immunity for the Town of Hope in

1 areas where it might otherwise be liable under the
2 Maine Tort Claims Act and under any other laws, but
3 specifically limits this immunity to property former-
4 ly owned by the Union Chemical Company, Incorporated
5 and acquired by tax-lien foreclosure.

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