

MAINE STATE LEGISLATURE

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JANUARY 13, 1988**

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2013

H.P. 1478 House of Representatives, January 11, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

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

EDWIN H. PERT, Clerk
Presented by Representative WEYMOUTH of West Gardiner.
Cosponsored by Representative HOGLUND of Portland.

STATE OF MAINE

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

1 **AN ACT to Clarify the Hazardous Waste Lien Law.**
2

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

5 38 MRSA §1371, sub-§2, ¶A, as enacted by PL
6 1987, c. 419, §14, and as repealed and replaced by PL
7 1987, c. 540, is amended to read:

1 A. Any lien filed pursuant to this section on
2 real estate which encompasses an uncontrolled
3 hazardous substance site shall have precedence
4 over all encumbrances on the real estate recorded
5 after the effective date of this section. The
6 term, "real estate" in this paragraph includes all
7 real estate of a responsible party which has been
8 included in the property description of the
9 affected real estate within the 3-year period
10 preceding the date of filing of the lien or on or
11 after the effective date of this section,
12 ~~whichever-period-is-shorter.~~

13 STATEMENT OF FACT

14 This bill removes the so-called "3-year look-back"
15 provision from the new superlien law. The provision
16 penalized bona fide innocent purchasers of subdivided
17 property who had no responsibility for the existence
18 of hazardous wastes on the property.

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