

# MAINE STATE LEGISLATURE

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(AFTER DEADLINE)  
SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2045

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H.P. 1495                      House of Representatives, January 13, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Energy and Natural  
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative HOLT of Bath.

Cosponsored by Representatives HOLLOWAY of Edgecomb and  
CURRAN of Westbrook.

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STATE OF MAINE

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

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1                                      AN ACT to Amend the Maine Low-Level  
2                                      Radioactive Waste Authority Liability  
3                                      Provisions.  
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5                      Be it enacted by the People of the State of Maine as  
6                      follows:

7                      Sec. 1.     38 MRSA §1540, as enacted by PL 1987,  
8                      c. 530, §4, is repealed.

9                      Sec. 2.     38 MRSA §1540-A is enacted to read:

1 §1540-A. Liability

2 1. Strict liability. Notwithstanding any  
3 provision of law to the contrary, any person other  
4 than the authority engaged in low-level radioactive  
5 waste disposal activities provided in this chapter is  
6 subject to liability without fault for property  
7 damage, bodily injury or death resulting from those  
8 activities. Any defendant in an action under this  
9 subsection may be jointly and severally liable for  
10 actual damages only.

11 2. Insurance. The authority shall require any of  
12 its contractors to purchase insurance or other  
13 financial protection against the site failure  
14 sufficient to cover any foreseeable problems during  
15 the life of the facility plus a reasonable reserve for  
16 unforeseen contingencies.

17 STATEMENT OF FACT

18 The purpose of this bill is to eliminate the  
19 problems with liability for the Maine Low-Level  
20 Radioactive Waste Authority.

21 4642123087