

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 809, L.D. 1121, Bill, "An Act to Create a Hazardous Highway Spills Fund"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Allow Municipalities To Be Reimbursed for Costs Incurred in Hazardous Waste Spills'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 38 MRSA §1318-A, as enacted by PL 1979, c. 730, §2, is amended to read:

§1318-A. Recovery by the State and municipalities for expenditures for removal of discharges

1. **Responsible party.** The responsible party or the person causing the discharge is liable for all acts and omissions of its servants and agents which are committed within the course and scope of their employment.

2. **State and municipalities to recover for expenditures for removal.** Any person who permits, causes or is responsible for a prohibited discharge shall reimburse the State and municipalities for all costs incurred, including personnel costs, in removing the discharge, including costs for ensuring public safety. Funds recovered under this section shall be deposited to the account from which they were expended. Requests for reimbursement, if not paid within 30 days of demand, shall be turned over to the Attorney General or, for municipal cost, to the District Attorney for collection.

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In any suit to enforce claims of the State or a municipality under this section, it is not necessary for the State or a municipality to plead or prove negligence in any form or manner on the part of the person causing, permitting or responsible for the discharge. The State or municipality need only plead and prove the fact of the prohibited discharge and that the discharge occurred while the hazardous matter was in the custody or control of the person causing, permitting or responsible for the discharge.

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Sec. 2. 38 MRSA §1318-B, sub-§2, as repealed and replaced by PL 1981, c. 184, §2, is amended to read:

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2. Preservation of public order. The local public safety agency shall exercise authority for preservation of public order and safety and shall coordinate the response to the spill and shall be reimbursed under section 1318-A. The Department of Public Safety shall exercise this authority in those areas of the State without a local public safety agency, or in any situation in which a local public safety agency requests assistance from the Department of Public Safety.'

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STATEMENT OF FACT

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This amendment allows municipalities to be reimbursed for costs incurred during a cleanup of a hazardous materials discharge, including the costs for ensuring public safety.

Reported by the Committee on Energy and Natural Resources
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