

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

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Legislative Document

No. 1888

H.P. 1306

House of Representatives, May 20, 1991

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.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Ensure Continuity in Liability for Ground Water  
Contamination.**

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(AFTER DEADLINE)

(EMERGENCY)

2       **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4       Whereas, Public Law 1991, chapter 9, which took effect March  
6       14, 1991, extended the compliance deadlines for municipally owned  
salt piles and for underground oil tanks owned by municipalities  
8       and schools; and

10       Whereas, it is essential to clarify that the extension of  
12       deadlines is not intended to limit or affect any liability for  
underground contamination attributable to such salt piles or  
14       underground tanks; and

16       Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
18       Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
20       safety; now, therefore,

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

24       **Sec. 1.** PL 1991, c. 9, Pt. II, §8 is enacted to read:

26       Sec. II-8. Liability. That section of this Part that repeals  
and replaces the Maine Revised Statutes, Title 38, section 451-A,  
28       subsection 1-A may not be construed to affect any liability that  
existed before the effective date of this Act on the part of an  
owner or operator of salt or sand-salt storage areas for ground  
water contamination attributable to that salt or sand-salt.

32       That section of this Part that repeals and replaces Title  
38, section 563-A, subsection 1-A may not be construed to affect  
any liability that existed before the effective date of this Act  
on the part of a municipality or school administrative district  
that operates, maintains or stores oil in an underground storage  
facility or tank for ground water contamination attributable to  
38       that facility or tank.

40       **Sec. 2. Retroactivity.** This Act applies retroactively to March  
42       14, 1991.

44       **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

46       **STATEMENT OF FACT**

48       Public Law 1991, chapter 9 extended the compliance deadlines  
50       for municipally owned salt piles and underground oil tanks owned

2 by municipalities and schools. This bill provides that the  
extension of deadlines may not be construed to affect any  
4 liability for ground water contamination existing prior to the  
effective date of that Act.