

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2036

H.P. 1420

House of Representatives, December 21, 2007

An Act To Clarify Governmental Liability with Respect to Transfer Stations

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Farmington.

Cosponsored by Representative: SIMPSON of Auburn, Senator: HOBBS of York.

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

2 **Sec. 1. 14 MRSA §8102, sub-§5** is enacted to read:

3 **5. Transfer station. "Transfer station" means any solid waste facility constructed**
4 **and managed for the transfer of solid waste.**

5 **Sec. 2. 14 MRSA §8104-A, sub-§5** is enacted to read:

6 **5. Transfer station. A governmental entity is liable for its negligent acts and**
7 **omissions in the construction, operation or maintenance of any transfer station.**

8 **SUMMARY**

9 This bill addresses an inconsistency in the Maine Tort Claims Act as applied in recent
10 Law Court decisions. This bill makes clear that a governmental entity is liable for its
11 negligent acts and omissions in the construction, operation or maintenance of any transfer
12 station. A definition of "transfer station" that tracks the Department of Environmental
13 Protection's rules is added.