

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1251

H.P. 799

House of Representatives, March 21, 2023

**An Act to Clarify Immunity from Liability for Municipalities
Engaged in Recycling Activities**

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative HASENFUS of Readfield.

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

2 **Sec. 1. 14 MRSA §159-B, sub-§1, ¶B,** as enacted by PL 1991, c. 487, §1, is
3 amended to read:

4 B. "Recycling activities" means collection or separation or both of materials on the
5 property of a municipality or in containers:

6 (1) Owned by a municipality or regional association as defined in Title 38, section
7 1303-C, subsection 24; and

8 (2) Located on the premises of the owner, lessee or occupant under an agreement
9 between the municipality or regional association and the owner, lessee or occupant
10 of the premises.

11 **Sec. 2. 14 MRSA §159-B, sub-§4-A** is enacted to read:

12 **4-A. Municipal immunity.** Except as provided in subsection 4, a municipality
13 performing recycling activities is performing a discretionary function pursuant to section
14 8104-B, subsection 3 and is immune from liability for personal injury, property damage or
15 death, including of a member of the public, caused by recycling activities of the
16 municipality on property owned by the municipality or on the premises of another person.

17 **SUMMARY**

18 This bill clarifies that municipalities are immune from liability for personal injury,
19 property damage or death, including of a member of the public, caused by recycling
20 activities of the municipality on property owned by the municipality or on the premises of
21 another person.