

# 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)

**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

---

J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

---

---

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

---

---

## CHAPTER 111

S.P. 126 - L.D. 313

AN ACT Concerning Persons  
Who Assist in Mitigating the  
Effects of Discharge of Hazardous  
Materials.

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

38 MRSA, c. 14 is enacted to read:

### CHAPTER 14

#### LIABILITY OF PERSONS MITIGATING THE

#### EFFECTS OF DISCHARGE OF HAZARDOUS

#### MATERIALS

##### §1401. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Discharge. "Discharge" includes leakage, seepage or other release.

2. Hazardous materials. "Hazardous materials" includes all materials and substances which are now or hereafter designated or defined as hazardous by any state or federal law or by the regulations of any state or federal government agency.

3. Person. "Person" includes any individual, partnership, corporation, association or other entity.

##### §1402. Immunity

Notwithstanding any provision of law, no person who provides assistance or advice in mitigating or attempting to mitigate the effects of an actual or threatened discharge of hazardous materials, or in preventing, cleaning up, or disposing of or in attempting to prevent, clean-up or dispose of any such discharge, may be subject to civil liabilities or penalties of any type.

§1403. Exceptions

The immunities provided in section 1402 do not apply to any person:

1. Persons causing the discharge. Whose act or omission caused in whole or in part the actual or threatened discharge and who would otherwise be liable therefore; or

2. Persons compensated for assistance. Who receives compensation other than reimbursement for out-of-pocket expenses for its services in rendering the assistance or advice.

§1404. Liability for gross negligence or reckless, wanton or intentional misconduct

Nothing in section 1402 limits or otherwise affects the liability of any person for damages resulting from that person's gross negligence, or from that person's reckless, wanton or intentional misconduct.

Effective September 23, 1983.

---



---

## CHAPTER 112

S.P. 149 - L.D. 440

AN ACT to Enable Administrative Court  
Judges to Sit in Superior Court.

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

4 MRSA §157-C, as enacted by PL 1979, c. 12, §2, is amended to read:

§157-C. Judge or Active Retired Judge of the District Court or Administrative Court to sit in Superior Court

A Judge or an Active Retired Judge of the District Court or Administrative Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the Superior Court in any county, and when so directed he shall have authority and jurisdiction therein as if he were a regular Justice of the Superior Court; and whenever the Chief Justice of the Supreme Judicial Court so directs, he may hear all matters and issue all orders, notices, decrees and