

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

up-grade of hardware and software to improve liquor license tracking.

See title page for effective date.

CHAPTER 731

H.P. 1323 - L.D. 1785

An Act Concerning Alewives

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

Sec. 1. 12 MRSA §6131, sub-§3, as repealed and replaced by PL 1981, c. 433, §3, is amended to read:

3. Closed period in rivers and streams not under lease agreement. In any river or stream not managed under a lease agreement, there is a ~~24-hour~~ 72-hour closed period on the taking of alewives and obstruction of the watercourse to allow the free passage of fish from 6 a.m. on ~~Saturday~~ Thursday to 6 a.m. the following Sunday.

See title page for effective date.

CHAPTER 732

H.P. 1302 - L.D. 1757

An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control

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

Whereas, this legislation amends the municipal landfill closure and remediation program; and

Whereas, the changes will improve the use of landfill closure money and will give municipalities a better understanding of their obligations and enable them to more readily complete those obligations; and

Whereas, the amendment makes numerous changes in solid and hazardous waste management programs, which would be of benefit to the people of the State if effective immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 38 MRSA §348, sub-§4 is enacted to read:

4. Settlement. A person who has resolved that person's liability to the State in an administrative or judicially approved settlement and is implementing or has fully implemented that settlement pursuant to its terms is not liable for claims by other potentially liable persons regarding response actions, response costs or damages, including without limitation natural resource damages, addressed in the settlement. The settlement does not discharge any other potentially liable persons unless its terms so provide. The protection afforded by this subsection includes protection against contribution claims and all other types of claims under state law that may be asserted against the settling party for recovery of response costs or damages incurred or paid by another potentially liable person, if those actions, costs or damages are addressed in the settlement, but does not include protection against claims based on contractual indemnification or other express contractual agreements to pay the costs or damages. A potentially liable person who commences an action against a person who is protected from suits under this subsection is liable to the person against whom the claim is brought for all reasonable costs of defending against the claim, including all reasonable attorney's and expert witness fees. This section is not intended to create a right to contribution or other cause of action or to make a person liable to pay a portion of another person's response costs, damages or civil penalties.

Sec. A-2. 38 MRSA §564, sub-§2-A, ¶H, as amended by PL 1993, c. 355, §14, is further amended to read:

H. Reporting to the commissioner any of the following indications of a possible leak or discharge of oil:

- (1) Unexplained differences in daily inventory reconciliation values that, over a 30-day period, exceed 1.0% of the product ~~delivered~~ throughput;
- (2) Unexplained losses detected through statistical analysis of inventory records;
- (3) Detection of product in a monitoring well or by other leak detection methods;