

**Title 38: WATERS AND NAVIGATION**  
**Chapter 14: LIABILITY OF PERSONS MITIGATING THE**  
**EFFECTS OF DISCHARGE OF HAZARDOUS MATERIALS**

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MRS Title 38, Chapter 14: LIABILITY OF PERSONS MITIGATING  
THE EFFECTS OF DISCHARGE OF HAZARDOUS MATERIALS

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**Maine Revised Statutes**  
**Title 38: WATERS AND NAVIGATION**  
**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. [1983, c. 111, (NEW).]

**1. Discharge.** "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, disposing, emptying or dumping onto the land or into the water or ambient air.

[ 1983, c. 432, §10 (RPR) .]

**2. Hazardous material.** "Hazardous material" includes:

A. Hazardous waste, as defined in section 1303; [1983, c. 432, §11 (NEW).]

B. Hazardous matter, as defined in section 1317; [1983, c. 432, §11 (NEW).]

C. Hazardous material, as defined in Title 25, section 2102; and [1999, c. 57, Pt. B, §8 (AMD).]

D. [1999, c. 57, Pt. B, §9 (RP).]

E. Other substances identified as hazardous by any state or federal agency. [1983, c. 432, §11 (NEW).]

[ 1999, c. 57, Pt. B, §§8, 9 (AMD) .]

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

[ 1983, c. 111, (NEW) .]

SECTION HISTORY

1983, c. 111, (NEW). 1983, c. 432, §§10,11 (AMD). 1999, c. 57, §§B8,9 (AMD).

**§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. [1983, c. 111, (NEW).]

*§1402. Definitions*

*(As reallocated by PL 1983, c. 345, §2 is repealed by PL 1983, c. 500, §4)*

SECTION HISTORY

1983, c. 111, (NEW). 1983, c. 345, §2 (RAL). 1983, c. 500, §4 (RP).

**§1403. EXCEPTIONS**

The immunities provided in section 1402 do not apply to any person: [1983, c. 111, (NEW).]

**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

[ 1983, c. 111, (NEW) .]

**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.

[ 1983, c. 111, (NEW) .]

SECTION HISTORY

1983, c. 111, (NEW). 1983, c. 432, §12 (AMD).

## **§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. [ 1983, c. 111, (NEW) .]

SECTION HISTORY

1983, c. 111, (NEW).

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