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Date: (Filing No. H- )

**ENVIRONMENT AND NATURAL RESOURCES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1328, L.D. 2066, “An Act to Clarify Liability Under the Uncontrolled Hazardous Substance Site Law and to Waive a Fee Regarding Voluntary Response Action Plans”

Amend the bill in section 3 in subsection 1-C by striking out all of paragraph A (page 3, lines 11 to 19 in L.D.) and inserting the following:

'A. The exemption from liability provided by this subsection is not available to a person if the commissioner determines that:

- (1) The 3rd party that performed the land application of sludge or sludge-derived products has failed to follow applicable requirements of the department license for land application of sludge or sludge-derived products. For the purposes of this subparagraph, the land application of sludge or sludge-derived products is presumed to have been performed in accordance with the applicable requirements of the department license unless the commissioner can establish that the land application did not comply with the license requirements;
- (2) The person has failed to comply with an information request or administrative subpoena issued by the department under this chapter; or
- (3) The person has impeded or is impeding, through action or inaction, the performance of a response action, natural resources restoration or department investigation at the uncontrolled site.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment clarifies that, for the purposes of the limited exemption from liability for contamination of a site with perfluoroalkyl and polyfluoroalkyl substances, as provided in the bill, the land application by a 3rd party of sludge or sludge-derived products licensed by the Department of Environmental Protection that caused the contamination is presumed to have been performed in accordance with the applicable requirements of the license

**COMMITTEE AMENDMENT**

1 unless the Commissioner of Environmental Protection can establish that the land  
2 application did not comply with the license requirements.

3

**FISCAL NOTE REQUIRED**

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**(See attached)**