

By Mr. Bulger, a petition (accompanied by bill, Senate, No. 805) of Daniel A. Taylor and William M. Bulger for legislation to provide for clean coasts and waters by prohibiting the spillage, seepage or other discharge of oil in any quantity whatsoever into any of the waters of the Commonwealth. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT PROVIDING FOR CLEAN COASTS AND WATER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The third paragraph of sub-section (10) of
 2 chapter 21, section 27 is amended by striking the first sentence
 3 and inserting in place thereof the following: The spillage,
 4 seepage or other discharge of oil in any quantity whatsoever
 5 into any of the waters of the commonwealth (including with-
 6 out limitation any discharge into any sewer or surface water
 7 drain, irrespective of whether such sewer or drain connects
 8 with any sewage treatment facility or into any offshore
 9 waters beyond the marine limits of the jurisdiction of the
 10 commonwealth which results in such oil coming into the
 11 waters of the commonwealth, is hereby prohibited. Any
 12 person (1) who owned, controlled, or leased the offshore or
 13 onshore facility, as hereafter defined, from which such oil
 14 spilled, seeped or was otherwise discharged or

15 (ii) who owned such oil or had any interest in such oil
 16 pursuant to an agreement to purchase or otherwise, shall, not-
 17 withstanding any other provision of law, be strictly liable
 18 therefor without proof of fault.

1 SECTION 2. The third paragraph of sub-section (10) of
 2 chapter 21, section 27 is further amended by striking the
 3 words "to his real and personal property" in the second

4 sentence of the third paragraph and inserting in place thereof
5 the following:

6 , directly or indirectly, howsoever occurring, including but
7 not limited to damage to person, to public or private real or
8 personal property, to businesses and on account of loss of
9 income.

1 SECTION 3. The third paragraph of sub-section (10) of chap
2 ter 21, section 27 is further amended by adding at the end
3 thereof the following:

4 As used herein, "offshore facility" means any facility of
5 any kind (including but not limited to fixed or moveable
6 platforms, wells, drilling barges, towers, pipelines, docking
7 facilities, refining facilities, storage facilities and pumping
8 facilities) located in, on, or under, any of the waters of the
9 commonwealth; "onshore facility" means any facility of any
10 kind which in any way handles oil (including, but not limited
11 to, wells, pipelines, docking facilities, refining facilities, pump-
12 ing facilities, and storage facilities, located within the com-
13 monwealth.

1 SECTION 4. The first sentence of the seventh paragraph of
2 sub-section (10) of chapter 21, section 27 is hereby amended
3 by inserting after the words "reimbursement from any other
4 person" the words "liable therefor as aforesaid", and by
5 striking the words "if such oil resulted from the negligence
6 of such other person" at the end of such first sentence. The
7 second sentence of such seventh paragraph is hereby amended
8 by striking the word "negligence" and inserting in place
9 thereof the word "liability".