

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
103rd LEGISLATURE
SECOND SPECIAL SESSION

SENATE AMENDMENT "A" to H. P. 1322, L. D. 1868, Bill, "An Act Relating to Hearings Before Water and Air Environmental Improvement Commission."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Sec. 1. R. S., T. 38, §451, sub-§2, repealed and replaced. Subsection 2 of section 451 of Title 38 of the Revised Statutes, as repealed and replaced by section 11 of chapter 475 of the public laws of 1967, is repealed and following enacted in place thereof:

2. Hearing and order for violation. Whenever it appears to the commission after investigation that there is a violation of this subchapter, the commission shall:

A. Notify the alleged violator in writing setting forth any act done or omitted to be done which is claimed to be in violation of this subchapter and at the written request, within 10 days of receipt of said notice, of the alleged violator, the commission shall at a time and place set by the commission hold a hearing; or

B. Schedule a hearing thereon and shall notify the alleged violator in writing of the time and place of such hearing and shall set forth in said writing the act done or omitted to be done which is claimed to be in violation of this subchapter.

At any hearing resulting from paragraph A or B the alleged violator may appear in person or by attorney and answer the allegations of violation and file a statement of the facts, including the methods, practices and procedures, if any, adopted or used by the alleged violator to comply with this subchapter and present such evidence as may be pertinent and relevant to the alleged violation.

Sec. 2. R. S., T. 38, §451, amended. The next to the last paragraph of section 451 of Title 38 of the Revised Statutes, as repealed and replaced by section 11 of chapter 475 of the public laws of 1967, is repealed and the following enacted in place thereof:

After consideration of said evidence and argument or in the event of a failure of the alleged violator to request a hearing within 10 days under subsection 2, paragraph A, or in the event of a failure of the alleged violator to appear on the date set for a hearing, the commission shall, as soon thereafter as practicable, make findings of fact and, if it finds that a violation exists, it shall issue an order aimed at ending the violation.'

Proposed by Senator SEWALL of Penobscot.

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