

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 904

S. P. 311

In Senate, February 19, 1971

Referred to Committee on Natural Resources. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Violette of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT to Clarify the Regulation-making Power of the Environmental
Improvement Commission.**

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

Sec. 1. R. S., T. 38, § 361, amended. Section 361 of Title 38 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraph to read as follows:

The commission may, in accordance with the Administrative Code, adopt, amend and repeal such reasonable regulations as it deems necessary to carry out this Title or any other laws which it is charged with the duty of administering.

Sec. 2. R. S., T. 38, § 414, sub-§ 3, amended. The last paragraph of subsection 3 of section 414 of Title 38 of the Revised Statutes, as repealed and replaced by section 10 of chapter 499 of the public laws of 1969, is repealed as follows:

~~The commission may make reasonable rules and regulations relating to the conduct of hearings held under this section~~

Sec. 3. R. S., T. 38, § 453, amended. The first sentence of section 453 of Title 38 of the Revised Statutes is amended to read as follows:

Any person, corporation or other legal entity, who shall violate any of this subchapter, except sections 416 and 417, or who shall fail, neglect or refuse to obey any order or regulation of the commission lawfully issued pursuant hereto, shall be punished by a fine of not less than \$200 nor more than \$1000 for each day of such violation, failure, neglect or refusal after the expiration of any time limit set by the commission.

Sec. 4. R. S., T. 38, § 454, amended. Section 454 of Title 38 of the Revised Statutes is amended to read as follows:

§ 454. Injunctions

In the event of the violation of any of the provisions of this subchapter, or of any order, **regulation** or decision of the commission or decree of the court as the case may be, the Attorney General may institute injunction proceedings to enjoin the further violation thereof.

Sec. 5. R. S., T. 38, § 484, amended. The first sentence of the 3rd paragraph from the end of section 484 of Title 38 of the Revised Statutes, as enacted by section 2 of chapter 571 of the public laws of 1969, is repealed as follows:

~~The commission shall adopt, and may amend and repeal rules for the conduct of hearings held under this section in the same manner as provided for the adoption, amendment and repeal of rules of practice before it~~

Sec. 6. R. S., T. 38, §§ 595 and 596, amended. Sections 595 and 596 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 474 of the public laws of 1969, are amended to read as follows:

§ 595. Enforcement of orders and regulations

All orders and regulations of the commission shall be enforced by the Attorney General. If any order or regulation of the commission is not complied with within the time period specified, the commission shall immediately notify the Attorney General of this fact. Thereafter the Attorney General shall commence an action in the Superior Court of any county where the violation of the commission's order or regulation has occurred, seeking injunctive relief to prohibit further violation thereof.

§ 596. Violations of orders and regulations; penalties

Any person who violates any order or regulation of the commission shall be subject to the penalties set forth in section 453.

STATEMENT OF FACT

The intent of this bill is to confer broad regulation-making power on the Environmental Improvement Commission. Presently there are 2 specific references to regulation-making in the statutes, which this bill repeals in favor of the more comprehensive language to be placed in the section of the statutes dealing with the powers and duties of the commission. The bill also makes violation of the regulations subject to the general civil remedies and criminal penalties sections of the environmental laws.