

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1321

H. P. 960

House of Representatives, March 4, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Ault of Wayne.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT to Include Imprisonment Among Those Penalties
Provided for Violation of Environmental Protection Laws.**

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

R. S., T. 38, § 453, amended. The first paragraph 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 to 417, or who shall fail, neglect or refuse to obey any order 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, and, where such violation, failure, neglect or refusal is willful, may in addition to any fine be imprisoned for not more than 11 months. The term "person" as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, or any municipal official or employee, who as such officer, employee, member or official is under a duty to perform the act in respect of which the violation occurs.

When an appeal is taken from any ~~such~~ order of the commission, no fine shall be imposed for that period of time during which said appeal is pending.

STATEMENT OF FACT

The intent of this bill is to make violators of the state's environmental laws, including corporate and municipal officials who have a duty to act, subject to imprisonment.