

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)

(New Title)
New Draft of: H. P. 720, L. D. 965

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1723

H. P. 1315

House of Representatives, May 12, 1971

Reported by a Majority of the Committee on Natural Resources and printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Provide for Protection of the Environment.

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

R. S., T. 38, c. 13, additional. Title 38 of the Revised Statutes is amended by adding a new chapter 13 to read as follows:

CHAPTER 13

PROTECTION OF THE ENVIRONMENT

§ 1261. Private actions to protect the environment

Any person, municipality, partnership, corporation, association, organization or other legal entity may maintain an action for a permanent injunction to prevent or abate a public nuisance or any violation of laws, regulations passed pursuant thereto, or ordinances for the protection or enhancement of the environment, including but not limited to this Title. As a condition precedent to the maintenance of such action, any moving party, except the Attorney General, shall make a written, detailed demand upon the state or municipal agency having responsibility for the enforcement of any such law or regulation or ordinance of which there is a violation, to enforce such law, regulation or ordinance. If, within 30 days of receipt of such written, detailed demand, the municipal or state agency fails to proceed to enforce said law, regulation or ordinance, the moving party may proceed pursuant to this section. No municipal or state regulation shall constitute a defense to such nuisance or violation if the court determines that such regulation is unreasonable, void, or otherwise contrary to law. The rights and remedies given hereunder are in addition to any other rights and remedies parties may have.