

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

(Filing No. H-1093)

HOUSE AMENDMENT "A" to H.P. 1959, L.D. 2041, Bill, "AN ACT to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program."

Amend the bill by striking out all of the title and inserting in its place the following:

'AN ACT to Authorize the Department of Environmental Protection to Recover Extraordinary Costs of Pollution Investigations.'

Further amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'38 MRSA §349, sub-§5, is enacted to read:

5. Recovery of costs. Any person who is found to have discharged, directly or indirectly, any pollutant or emitted any air contaminant without a license as required by the laws administered by the Department of Environmental Protection shall be liable for any costs and expenses actually incurred in retaining consultants or other assistants outside of the Department of Environmental Protection to aid in investigating and establishing the violation. These costs and expenses shall be recovered by the Attorney General for the account from which the moneys were expended in an action brought in the name of the State.'

Statement of Fact

The purpose of this amendment is aimed at unauthorized discharges or emissions which are often difficult to establish and locate, since the discharger or emitter has not submitted to the jurisdiction of the Department of Environmental Protection. In cases where a licensed source is violating any law or permit condition, present statutory provisions provide for license revocation or imposition of conditions. In other cases, however, where no license exists, the department may have to incur out-of-pocket expenses in hiring expert consultants or others and should be reimbursed for these costs.

Filed by Mrs. Huber of Falmouth.

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