

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-385)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1004, L.D. 1238, Bill, "AN ACT to Establish Strict Penalties for Hazardous Waste Dumping and to Provide Specific Definitions of Hazardous Waste."

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

'38 MRSA §1306-A, sub-§1, as enacted by PL 1979, c. 699, §14, is amended to read:

1. Class C Crimes. Any person who with respect to any substance or material which, in fact, has been identified as hazardous waste by the board and which such person knows or has reason to believe has been so identified or may be harmful to human health, knowingly;

A. Transports any such substance or material without, in fact, having a proper license or permit as may be required under this subchapter;

B. Transports any such substance or material to a waste facility knowing or consciously disregarding a risk that such facility does not have a proper license or permit as may be required under this subchapter;

C. Treats, stores or disposes of any such substance or material without, in fact, having obtained a proper license or permit to do so as may be required under this subchapter; or

D. Treats, stores or disposes of any such substance or material at any location knowing or consciously disregarding a risk that such location does not have a proper license or permit as may be required under this subchapter for such treatment, storage or disposal;

is guilty of a Class C crime and may be punished accordingly, except notwithstanding Title 17-A, section 1301, subsection 1, paragraph A-1, or subsection 3, paragraph C, the fine for such violation shall not exceed ~~\$25,000~~ \$50,000 for each day of such violation. In a prosecution under paragraph B or paragraph D, the conscious disregard of the risk, when viewed in light of the nature and purpose of the person 's conduct and the circumstances known to him, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.'

Statement of Fact

This amendment raises the maximum penalty for violation of hazardous waste requirements from \$25,000 to \$50,000 for each day of violation.

Reported by the Committee on Energy and Natural Resources.
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