

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1231

7 H.P. 874

House of Representatives, April 9, 1985

8 Reference to the Committee on Energy and Natural Resources suggested
9 and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Warren of Scarborough.

11 Cosponsored by Senator Trafton of Androscoggin, Representative Stetson
of Damariscotta and Senator Carpenter of Aroostook.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Affecting Enforcement of Maine's
18 Hazardous Waste Laws.
19

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

22 38 MRSA §1304, sub-§4-A, as amended by PL 1981,
23 c. 430, §§7 to 9, is further amended to read:

24 4-A. Right of entry. For the purposes of enforc-
25 ing any provision of this Act or of developing or en-
26 forcing any rule authorized by this Act, any duly au-
27 thorized representative or employee of the department
28 may, if he has probable cause to believe that a vio-
29 lation of this Act or any rule promulgated pursuant
30 to this Act has been committed and upon presentation
31 of appropriate credentials, at any reasonable time:

32 A. Enter any establishment or other place which
33 is not a residence, or any conveyance, where or
34 in which hazardous or solid waste, sludge or
35 septage is generated, handled or transported;

1 B. Inspect and obtain samples of any hazardous
2 or solid waste, sludge or septage, including sam-
3 ples from any conveyance in which hazardous or
4 solid waste, sludge or septage is being or has
5 been transported, as well as samples of any con-
6 tainers or labels; and

7 C. Inspect and copy any records, reports, infor-
8 mation or test results relating to hazardous or
9 solid waste, sludge or septage.

10 STATEMENT OF FACT

11 The purpose of this bill is to require that prob-
12 able cause exists before Department of Environmental
13 Protection employees may enter an establishment or
14 conveyance to investigate possible violations of law.

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