

# MAINE STATE LEGISLATURE

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L.D. 864  
(Filing No. H-137 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
113TH LEGISLATURE  
FIRST REGULAR SESSION

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HOUSE AMENDMENT "A" to H.P. 641, L.D. 864,  
Bill, "AN ACT to Amend the Laws Relating to and Ad-  
ministered by the Department of Environmental Protec-  
tion."

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Amend the Bill by striking out all of section 21  
and inserting in its place the following:

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'Sec. 21. 38 MRSA §1304, sub-§12, ¶A, as enacted  
by PL 1985, c. 746, §29, is amended to read:

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A. Whenever, after investigation, the commis-  
sioner determines that there is or has been an  
unauthorized discharge of hazardous waste, con-  
stituents of hazardous waste, or waste oil into  
the environment which where there is a reasonable  
basis to believe that the discharge is endanger-  
ing or causing damage to public health or the en-  
vironment or that any person has violated or is  
in violation of any requirement of this subchap-  
ter, including rules adopted thereunder, relating  
to hazardous waste which-is-endangering-or--caus-  
ing-damage-to-public-health-or-the-environment or  
waste oil activities, he may issue an order re-  
quiring compliance immediately or within a speci-  
fied time period or requiring corrective action  
or other response measures as necessary to remove  
the--dangers--to protect the public health and  
safety of the environment.

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The commissioner may require assurance of finan-  
cial ability for completing corrective action and  
may require, where necessary, that corrective ac-  
tion be taken beyond a facility or site to remove  
the danger to the public health or the environ-  
ment unless the person to whom the order is di-  
rected demonstrates to the commissioner that, de-

