MAINE STATE LEGISLATURE

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(Governor's Bill) (EMERGENCY) FIRST SPECIAL SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1890

H.P. 1392 House of Representatives, October 2, 1987 Received by the Clerk of the House on October 1, 1987. Referred to the Committee on Energy and Natural Resources and 1,650 ordered printed pursuant to Joint Rule 14. EDWIN H. PERT, Clerk

Presented by Representative MURPHY of Berwick. Cosponsored by Senator USHER of Cumberland, Representatives HOLLOWAY of Edgecomb and MICHAUD of East

Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to	Correct a	Typographical	Error	iņ
	the Solid	Waste Law.		

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this bill reinstates a long standing

provision in the hazardous waste laws which was inadvertently changed in a late draft of the solid waste bill which was passed as emergency legislation by the First Regular Session of the 113th Legislature; and

12 Whereas, continued existence of this error could 13 severely hamper the administration of the State's

hazardous waste laws; and 14

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- Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of 2 the Constitution of Maine and require the following 3 4 legislation as immediately necessary for the preser-5 vation of the public peace, health and safety; therefore,
- 7 it enacted by the People of the State of Maine as 8 follows:
- 38 MRSA §1319-T, sub-§1, as enacted by PL 1987, c. 517, §28, is amended to read:

- and the property of 1. Penalty provisions. Any person is guilty of a 11 Class C crime and may be punished accordingly if that person, with respect to any substance or ma-12 13 14 terial which has been identified as hazardous waste 15 by the board and which such person believes may be 16 harmful to human health or knows or has reason to
- A. Transports any such substance or material without, in fact, having a proper license or per-18 19

know has been so identified, knowingly:

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- mit as may be required under this subchapter; B. Transports any such substance or material to 21 a waste facility knowing or consciously 22
- desregarding disregarding a risk that such facil-23 ity does not have a proper license or permit as may be required under this subchapter; 25
- 26 Handles any such substance or material 27 out, in fact, having obtained a proper license or 28. permit to do so as may be required under this 29 subchapter; or
- 30 Handles any such substance or material at any D. 31 location knowing or consciously disregarding 32 risk that such location does not have a proper 33 license or permit as may be required under this subchapter for such treatment, storage or dispos-34 35 al.
- 36 Notwithstanding Title 17-A, section 1301, subsection 1, paragraph A-1, or subsection 3, paragraph C, the 37 38 fine for such violation shall not exceed \$50,000 for

	1 2 3 4 5 6 7	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.
	8 9 10	Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.
	11	STATEMENT OF FACT
	12 13 14 15 16 17 18 19	These provisions were transferred, almost verbatim, from Title 38, section 1306-A, subsection 1, to the solid waste bill at the end of the First Regular Session of the 113th Legislature. Activities which had always been a Class C crime were inadvertently changed to Class E crimes by this error. The intent of this bill is to correct this typographical error and restore the penalty provisions to what they had always been.
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