

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

1 AN ACT to Correct a Typographical Error in
2 the Solid Waste Law.
3

4 **Emergency preamble.** Whereas, Acts of the Legis-
5 lature do not become effective until 90 days after
6 adjournment unless enacted as emergencies; and

7 Whereas, this bill reinstates a long standing
8 provision in the hazardous waste laws which was inad-
9 vertently changed in a late draft of the solid waste
10 bill which was passed as emergency legislation by the
11 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
14 hazardous waste laws; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

7 Be it enacted by the People of the State of Maine as
8 follows:

9 38 MRSA §1319-T, sub-§1, as enacted by PL 1987,
10 c. 517, §28, is amended to read:

11 1. Penalty provisions. Any person is guilty of a
12 ~~Class-E~~ Class C crime and may be punished accordingly
13 if that person, with respect to any substance or ma-
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
17 know has been so identified, knowingly:

18 A. Transports any such substance or material
19 without, in fact, having a proper license or per-
20 mit as may be required under this subchapter;

21 B. Transports any such substance or material to
22 a waste facility knowing or consciously
23 desregarding disregarding a risk that such facil-
24 ity does not have a proper license or permit as
25 may be required under this subchapter;

26 C. Handles any such substance or material with-
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 D. Handles any such substance or material at any
31 location knowing or consciously disregarding a
32 risk that such location does not have a proper
33 license or permit as may be required under this
34 subchapter for such treatment, storage or dispos-
35 al.

36 Notwithstanding Title 17-A, section 1301, subsection
37 1, paragraph A-1, or subsection 3, paragraph C, the
38 fine for such violation shall not exceed \$50,000 for

