

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 477

H.P. 357

House of Representatives, February 27, 1989

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

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Senator KANY of Kennebec, Representative JACQUES of Waterville and Representative DEXTER of Kingfield.

STATE OF MAINE

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

An Act to Publicize the Identities of Environmental Law Violators.



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

3 38 MRSA §349, sub-§7 is enacted to read:

5 7. Public acknowledgement. In addition to any other civil
7 or criminal penalty imposed by this section, the department or
9 court shall order any person who is found to have violated
11 chapter 13 or 13-B to publish an advertisement in a newspaper of
13 general circulation in the area of the person's principal place
15 of business in Maine. The advertisement must contain the
17 following:

13 A. A description of the actions constituting the
15 criminal or civil violation in terms readily
17 understandable to the general public;

17 B. The fine, jail term or other penalty assessed for
19 the violation;

19 C. The person's name and, if the person is a
21 corporation, partnership or other business
23 organization, the name of the business organization and
25 its chief executive officer;

25 D. The person's principal place of business in Maine;
27 and

27 E. The fact that the person was required by law to
29 publish an advertisement acknowledging violation of the
31 law.

31 A court may require publication of an advertisement acknowledging
33 and describing the violation of any other law administered by the
35 department or the terms or conditions of an order, rule, license,
37 permit approval or decision of the board.

39 **STATEMENT OF FACT**

41 The purpose of this bill is to require violators of Maine
43 environmental laws regarding solid and hazardous wastes to
45 publish an advertisement which acknowledges and describes the
47 violation committed and the penalty assessed. This public
49 acknowledgement requirement is meant to be a deterrent which
discourages businesses from viewing sanctions for environmental
violations merely as a cost of doing business. Environmental
agencies in the states of California and West Virginia have used
this type of sanction.

1 The bill also gives courts express authority to require
similar public acknowledgement by persons who violate other laws
3 administered by the Department of Environmental Protection.