

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1161

H.P. 829

House of Representatives, April 12, 1989

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CARTER of Winslow.

Cosponsored by Representative McGOWAN of Canaan, Representative JACQUES of Waterville and Senator ERWIN of Oxford.

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STATE OF MAINE

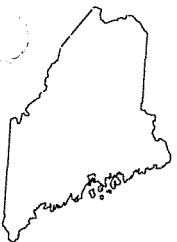
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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**An Act to Make Hydropower Project Operators Financially  
Responsible for Fish Kills.**

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

38 MRSA §349, sub-§2, as amended by PL 1983, c. 796, §18, is further amended to read:

2. Civil penalties. Any person who violates any provision of the laws administered by the department or terms or conditions of any order, regulation, license, permit, approval or decision of the board shall be subject to a civil penalty, payable to the State, of not less than \$100 nor more than \$10,000 for each day of that violation or, if the violation relates to hazardous waste, of not more than \$25,000 for each day of the violation. In addition, any person whose violation of the terms or conditions of any order, regulation, license, permit, approval or decision of the board pursuant to sections 630 through 637 results in a fish kill, shall be subject to a forfeiture, payable to the State, of the revenue attributable to the hydropower project on the day the fish kill occurred.

**STATEMENT OF FACT**

This bill amends the Maine Revised Statutes, Title 38, section 349, subsection 2, to impose an additional civil penalty on the operators of hydropower projects whose violations of the law result in fish kills.