

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1295

H.P. 929

House of Representatives, April 24, 1989

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

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

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Freeport.

Cosponsored by Representative JACQUES of Waterville, Senator CLARK of Cumberland and Senator KANY of Kennebec.

STATE OF MAINE

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

**An Act to Amend the Penalty for Violation of Natural Resource
Protection Laws.**



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

3 Sec. 1. 38 MRSA §444, as amended by PL 1985, c. 737, Pt. A,
5 §112, is repealed and the following enacted in its place:

7 §444. Enforcement; penalties; prohibition

9 1. Penalty. Except as provided in subsection 2, any person who violates any provisions of this article shall be penalized in accordance with section 349.

11 2. Willful or repeated violations. Any person who commits a willful violation of this article or who has previously been convicted of violating this article within the past 2 years shall be subject to a civil penalty payable to the State of the greater of:

13 A. Not less than \$100 nor more than \$10,000 for each day of that violation or, if the violation relates to hazardous waste, not more than \$25,000 for each day of the violation;
15 or

17 B. An amount equal to twice the beneficial value gained as a result of the violation.

19 3. Enforcement. The Attorney General, the district attorney or municipal officers or their designee may enforce ordinances adopted under this chapter.

21 4. Prohibition. No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in a shoreland area, as defined by section 435, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed.

23 Sec. 2. 38 MRSA §480-T is enacted to read:

25 §480-T. Penalties

27 1. Penalty for violation. Except as provided in subsection 2, any person who violates any provisions of this article, shall be penalized in accordance with section 349.

29 2. Penalty for willful or repeated violations. Any person who commits a willful violation of this article or who has previously been convicted of violating this article within the past 2 years, shall be subject to a civil penalty, payable to the State, of the greater of:

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- A. Not less than \$100 nor more than \$10,000 for each day or that violation or, if the violation relates to hazardous waste, not more than \$25,000 for each day of the violation;
or
- B. An amount equal to twice the beneficial value gained as a result of the violation.

STATEMENT OF FACT

Section 1 of this bill revises the penalty provisions for violations of municipal shoreline zoning laws. Under current law, the penalty for violating these laws ranges from \$100 to \$2,500 for specific violations and up to \$25,000 for persons who had previously been convicted of violating the same law. This bill raises the penalty to the greater of \$25,000 for each day in violation, or an amount equal to twice the beneficial value gained by violating the law.

Section 2 of this bill revises the penalty provisions for violations of natural resource protection laws. Under current law, the penalty for violating these laws ranges from \$100 to \$25,000 for each day in violation. This bill raises the penalty to the greater of that sum, or an amount equal to twice the beneficial value gained as a result of violating the law.