

MAINE STATE LEGISLATURE

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C. R. 015

L.D. 709

(Filing No. S-46)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 251, L.D. 709, Bill, "An Act to Provide for Fiscal Year Accounting and Pretreatment Provisions for the Kennebec Sanitary Treatment District"

Amend the bill by striking out all of section 4 (page 1, lines 42 to 52 in L.D.).

Further amend the bill in section 5 in section 12 in the 3rd and 4th lines from the end (page 2, lines 12 and 13 in L.D.) by striking out the following: "~~twice the amount of the damages \$2,000 for each day of violation~~" and inserting in its place the following: 'twice the amount of damages'

Further amend the bill in section 5 by inserting at the end the following new paragraph:

'An industrial user who produces industrial waste and who violates any local, state or federal law, order, rule or regulation pertaining to the pretreatment of industrial waste may be enjoined from continuing in any such violation and may be assessed, in addition to any other penalties provided by law, a penalty of not more than \$2,000 a day for each violation. The district is authorized to seek the injunctive relief and to recover this penalty in a civil action in the District Court or Superior Court.'

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by inserting at the end before the statement of fact the following:

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2 FISCAL NOTE

4 The additional workload and administrative costs associated
6 with a minimal number of new cases filed in Superior Court as a
8 result of violations of industrial waste laws, orders, rules or
regulations will be absorbed within the budgeted resources of the
Judicial Department.'

10 STATEMENT OF FACT

12 This amendment clarifies the penalty provisions of the bill
14 so that they conform to federal requirements under the Federal
Water Pollution Control Act, 33 United States Code, Sections 1251
16 et seq. and rules adopted pursuant to that Act. This amendment
also strikes the \$2,000 a day penalty for violations of Private
18 and Special Law, 1971, chapter 45, section 12 concerning injury
to the property of the district. This amendment leaves the
20 provisions of section 12 of the charter that provide for
liability for double damages for anyone who violates the
22 provisions of section 12.

24 This amendment also adds a fiscal note to the bill.

Reported by Senator Cleveland for the Committee on Utilities.
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