

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1367

H.P. 945

House of Representatives, April 1, 1991

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

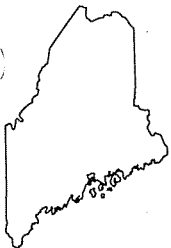
Presented by Representative AULT of Wayne.
Cosponsored by Representative COLES of Harpswell and Senator HOLLOWAY of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Establish an Environmental Training, Technical Assistance
and Education Program.**

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature has concluded that the purpose of the Department of Environmental Protection includes, among other things, the education of the public on natural resource use, requirements and issues; and

Whereas, the number of enforcement cases and the \$3,000,000 in penalties collected in fiscal year 1990-91 show the need for the Department of Environmental Protection to assist and educate businesses, municipalities and the public on the environmental laws of the State; and

Whereas, presently most monetary penalties resulting from violations of the State's environmental laws are conveyed to the General Fund; and

Whereas, dedication of a portion of these monetary penalties to an environmental training, technical assistance and education program will serve to provide information and assistance so as to improve compliance with the environmental laws of the State; and

Whereas, this training, technical assistance and education program will also support pollution prevention activities which in turn can reduce the costs of compliance with environmental laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §4173-A, as amended by PL 1987, c. 510, is repealed.

Sec. 2. 38 MRSA §342, sub-§13 is enacted to read:

13. Environmental training, technical assistance and education. The commissioner shall develop with the President of the Maine Technical College System and the Environmental Training, Technical Assistance and Education Program. The commissioner may establish an advisory committee, consisting of representatives of businesses, municipalities, environmental organizations and the general public, to advise the commissioner on the contents and priorities of the program. The purpose of this program is to provide technical assistance and training for businesses and municipalities. This program must provide

2 advanced training in the technical and legal aspects of
4 environmental protection and pollution prevention techniques and
6 coordinate and distribute information about environmental
8 training programs available in the State. The commissioner shall
10 provide for technical assistance and may enter into a written
12 agreement with a facility that includes conditions under which
14 information obtained through the technical assistance program
16 will not be used as the basis for enforcement. The program may
also provide for the development, distribution and implementation
of programs designed to broaden public awareness and
understanding of environmental issues and compliance with
environmental laws. The commissioner shall establish the Maine
Pollution Prevention Fund as a nonlapsing fund for the purpose of
carrying out the requirements of this subsection. The
commissioner may accept any funds, public and private, for the
purposes of this subsection.

18 Sec. 3. 38 MRSA c. 2, sub-c. IV is enacted to read:

20 SUBCHAPTER IV

22 MAINE POLLUTION PREVENTION FUND

24 §358. Maine Pollution Prevention Fund

26 1. Fund established. The Maine Pollution Prevention Fund,
28 referred to in this subchapter as the "fund," is established as a
30 nonlapsing fund for the purpose of strengthening environmental
32 protection in the State through proactive environmental training,
34 technical assistance and education in accordance with section
36 342, subsection 13. Administered by the commissioner, the fund
38 must provide for advanced training in the technical and legal
40 aspects of environmental protection and pollution prevention
techniques and the coordination and distribution of information
about environmental training programs available in the State. It
may also support the development, distribution and implementation
of programs designed to broaden public awareness and
understanding of environmental issues and compliance with
environmental laws. The common focus of the program must be on
actively preventing pollution rather than reactively abating it.

42 2. Fund sources. The fund may receive money from 3 sources
44 for the purposes of environmental training, education and
46 technical assistance. First, a portion of penalties collected as
48 a result of enforcement of the State's environmental laws may be
50 deposited in the fund. Up to a total of \$200,000 each fiscal
52 year may come from penalties. The 2nd source of financial
support may be grants and contributions made by federal agencies
and other entities, both public and private. The 3rd source of
funds may be from workshop registration fees and other similar
fees. The money in the fund must be deposited with the Treasurer
of State to the credit of the fund and may be

invested as provided by law. Interest on these investments is credited to the fund.

§359. Disbursements; purposes

1. Disbursements. Money in the fund may be disbursed by the commissioner to establish and support the Environmental Training, Technical Assistance and Education Program for municipal officials, businesses, environmental professionals and the general public to be administered by the department.

2. Mandatory purposes. This program shall:

A. Conduct and sponsor environmental training and educational seminars; and

B. Provide technical assistance in complying with the State's environmental laws and pollution prevention.

3. Authorized purposes. The program may also:

A. Develop a public outreach network;

B. Exchange, track and disseminate information; and

C. Support the development of curricula, special projects and other activities, including funding fellowships and internships at educational institutions, that increase understanding of the natural environment and an awareness of the problems impacting its quality.

Sec. 4. Allocation. The following funds are allocated from the Maine Pollution Prevention Fund to carry out the purposes of this Act.

	1991-92	1992-93
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Pollution Prevention Fund		
All Other	\$50,000	\$200,000
Provides for receipt of funds from enforcement activities and from grants by federal agencies and other entities, both public and private, to the Maine Pollution Prevention Fund dedicated account to be used for		

2 establishing and supporting
an environmental training,
4 technical assistance and
education program at the
Department of Environmental
6 Protection; and for
establishing regional
8 environmental education
centers.

10
12 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

14
16 **STATEMENT OF FACT**

18 This bill establishes the Environmental Training, Technical
Assistance and Education Program to be administered by the
Department of Environmental Protection and the Maine Pollution
20 Prevention Fund to support the program. The goal of the program
is to strengthen environmental protection in the State through
22 proactive environmental training, technical assistance and
education. Similar programs in other states have been found to
24 not only reduce violations of environmental laws, but also to
reduce the costs of compliance through pollution prevention. The
26 funds necessary for such a program have not been available in the
past. This bill establishes the Maine Pollution Prevention Fund
28 that may receive funds from a portion of the penalties collected
as a result of enforcement of the State's environmental laws and
30 from grants made by federal agencies and other entities, public
and private. The common focus of the program must be on actively
32 preventing pollution rather than reactively abating it. With
this strong pollution prevention focus, the regulated community
34 will not only be aided in compliance with environmental laws, but
will also have potential cost reductions due to reduced levels of
36 wastes generated.