

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1062, L.D. 1551, Bill, "An Act to Supplement State Environmental Enforcement"

Amend the bill in the first line after the enacting clause (page 1, line 3 in L.D.) by inserting at the beginning the following: 'Sec. 1.'

Further amend the bill in that part designated "§8223." in subsection 1 in the 4th line from the end (page 1, line 29 in L.D.) by inserting after the following: "order" the following: 'except for the provisions of Title 17, section 2805.'

Further amend the bill in that part designated "§8224." by inserting after paragraph A the following:

'B. If the commissioner, director or chief administrative officer of the department or municipality that administers the law, standard, regulation, ordinance, requirement, condition, limitation or order allegedly being violated reviews the alleged violation and determines that no violation has occurred and in writing notifies the plaintiff of this determination prior to the end of the 60-day period.'

Further amend the bill in that part designated "§8224." by relettering the paragraphs to read consecutively.

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

'Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.'

1992-93

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JUDICIAL DEPARTMENT

**Courts - Supreme, Superior, District
and Administrative**

Positions	(0.5)
Personal Services	\$9,595

Provides funds for one part-time Assistant Clerk position to process increased filings throughout the court system.

FISCAL NOTE

1992-93

APPROPRIATIONS/ALLOCATIONS

General Fund	\$9,595
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The Judicial Department will require a General Fund appropriation of \$9,595 in fiscal year 1992-93 for a part-time Assistant Clerk position to handle the increase in the number of new cases filed throughout the court system related to enforcement actions for injunctive and declaratory relief for any alleged violation of laws protecting the environment and the State's natural resources. In addition, Superior Court judges will need to spend additional court time on hearings associated with these new cases. The additional workload on judges and associated administrative costs will be absorbed within the budgeted resources of the Judicial Department.

The Department of the Attorney General can absorb the costs associated with judicial or administrative enforcement proceedings within its budgeted resources. Any additional costs associated with investigating complaints will be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.

COMMITTEE AMENDMENT "A" to H.P. 1062, L.D. 1551

2 The additional local costs associated with citizen
enforcement actions represent a state mandate that must be
4 reimbursed pursuant to the Maine Revised Statutes, Title 30-A,
section 5684. The General Fund appropriations required to
reimburse these costs can not be estimated at this time.'

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STATEMENT OF FACT

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This amendment, which is the minority report of the Joint
Standing Committee on Energy and Natural Resources, exempts
nuisance complaints about agricultural activities from the
provisions that authorize a citizen to commence a civil action
under the bill. The amendment prohibits an action if the entity
that administers the law determines there is no violation. The
amendment also adds an appropriation section and a fiscal note.

Reported by the Minority of the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the
House
2/11/92 (Filing No. H-911)

COMMITTEE AMENDMENT