## MAINE STATE LEGISLATURE

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| 2          | L.D. 2301  |
|------------|--|
|            | (Filing No. H-1051)  |
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| 6          | CITIA TINE ON MATNIE   |
| 8          | STATE OF MAINE<br>HOUSE OF REPRESENTATIVES<br>115TH LEGISLATURE  |
| 10         | SECOND REGULAR SESSION   |
| 12         | COMMITTEE AMENDMENT "H" to H.P. 1638, L.D. 2301, Bill, "Ar Act Concerning Septage"   |
|            |  |
| 16         | Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place   |
| 18 .       | the following:   |
| 20         | 'Sec. 1. 30-A MRSA $\S4452$ , sub- $\S1$ , as enacted by PL 1989, c. 104, Pt. A, $\S45$ and Pt. C; $\S10$ , is amended by amending the first   |
| <b>2</b> 2 | paragraph to read:   |
| 24         | 1. Enforcement. A municipal official, such as a municipal code enforcement officer, local plumbing inspector or building   |
| 26         | inspector, who is designated by ordinance or law with the responsibility to enforce a particular law or ordinance set forth  |
| 28         | in subsection-5 subsection 5 or 6, may:  |
| 30         | Sec. 2. 30-A MRSA §4452, sub-§2, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:   |
| 32         |  |
| 34         | 2. Liability for violations. Any person, including, but<br>not limited to, a landowner, the landowner's agent or a<br>contractor, who violates any of the laws or ordinances set forth |
| 36         | in subsection-5 subsection 5 or 6 is liable for the penalties set forth in subsection 3.   |
| 38         |  |
| 40         | Sec. 3. 30-A MRSA §4452, sub-§3, $\P G$ , as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:  |
| 42         | G. The penalties for violations of waste discharge licenses  |
|            | issued by the municipality pursuant to Title 38, section   |
| 44         | 413, subsection 8, <u>or violations of a septage land disposal</u><br>or storage site permit issued by the Department of   |
| 46         | Environmental Protection under Title 38 chapter 13   |

1, is are as prescribed in Title 38, section 349.

## Sec. 4. 30-A MRSA §4452, sub-§6 is enacted to read: . 2 Septage permits issued by the Department of Environmental Protection. A municipality may enforce the terms and conditions of a septage land disposal or storage site permit 6 issued by the Department of Environmental Protection pursuant to 8 Title 38, chapter 13, subchapter 1. Sec. 5. 38 MRSA §1305, sub-§8 is enacted to read: 10 Septage permits; municipal enforcement. Pursuant to 12 Title 30-A, section 4452, subsection 6, a municipality may enforce the terms and conditions of a septage land disposal or 14 storage site permit issued by the department under this 16 subchapter. Sec. 6. Application. Nothing in this Act may be construed to 18 require municipal enforcement of septage land disposal or storage site permits issued by the Department of Environmental Protection 20 or to limit the department's authority to enforce the terms and conditions of a septage land disposal or storage site permit 22 issued by the department.' 24 Further amend the bill by inserting at the end before the 26 statement of fact the following: FISCAL NOTE 28 . 30 Allowing municipalities to enforce the conditions of a septage permit issued by the Department of Environmental Protection could reduce General Fund revenue from the collection 32 of penalties for violations. This reduction in revenue is expected to be minor as very few municipalities will pursue 34 enforcement and the amount of penalties for these types of violations is typically small.' 36

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## STATEMENT OF FACT

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This amendment replaces the entire bill. This amendment is a permissive grant of authority to municipalities that allows municipalities to enforce the terms and conditions of septage land disposal or storage site permits issued by the Department of Environmental Protection. Nothing in this amendment requires municipal enforcement of septage land disposal or storage site permits issued by the Department of Environmental Protection and nothing prohibits the department from enforcing the terms and conditions of those permits.

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