

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 231

H.P. 179

House of Representatives, February 1, 1993

**An Act to Establish Uniform Procedures and Standards for
Administrative Consent Agreements.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MARSH of West Gardiner.
Cosponsored by Representative: TAYLOR of Cumberland, Senators: CIANCHETTE of
Somerset, HALL of Piscataquis.

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

2 **Sec. 1.** 38 MRSA §347-A, sub-§1, ¶A, as amended by PL 1989, c.
4 890, Pt. A, §31 and affected by §40, is further amended to read:

6 A. Resolve the violation through an administrative consent
8 agreement approved by the board and the Attorney General, in
 accordance with subsection 4;

10 **Sec. 2.** 38 MRSA §347-A, sub-§4, as enacted by PL 1989, c. 890,
12 Pt. A, §32 and affected by §40, is repealed and the following
 enacted in its place:

14 4. Administrative consent agreements. The board shall
16 adopt rules that establish criteria for the initiation and
 negotiation of administrative consent agreements, including the
18 procedures to be followed in the negotiation of administrative
 consent agreements, the criteria to be used in determining the
20 parties liable for the alleged violation and the criteria to be
 used in setting penalty amounts, up to the levels allowed under
22 section 349, subsection 2. Copies of the rule must be sent with
 any draft administrative consent agreement when the draft is sent
 to the person to whom the order is directed.

24 The public may make written comment to the board at the board's
26 discretion on any administrative consent agreements entered into
 by the commissioner and approved by the board.

28
30 **STATEMENT OF FACT**

32 This bill requires the Board of Environmental Protection to
34 adopt rules governing the initiation and negotiation of
 administrative consent agreements. The rules will ensure that
36 procedures and penalties are followed and assessed in a fair and
 consistent manner and that penalties are appropriate for the
 gravity of the violation committed.