

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 479

S.P. 147

In Senate, February 11, 1993

**An Act Concerning the Use of Fines Collected for Environmental Laws
Violations.**

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUTLAND of Cumberland.
Cosponsored by Senator: TITCOMB of Cumberland, Representatives: KONTOS of Windham,
MORRISON of Bangor.

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

4 Sec. 1. 38 MRSA §349-B is enacted to read:

6 **§349-B. Maine Environmental Remediation and Mitigation Fund**

8 The Maine Environmental Remediation and Mitigation Fund,
10 referred to in this section as the "fund," is established as a
12 nonlapsing fund administered by the commissioner. All fines
14 levied under sections 349 and 1319-T must be credited to the
16 fund. Money in the fund not currently needed to meet the
18 obligations of the commissioner under this section must be
20 deposited with the Treasurer of State to the credit of the fund
22 and may be invested as provided by law. Interest on these
24 investments must be credited to the fund.

26 The commissioner may, subject to the approval of the
28 Governor, apply for, accept on behalf of the State and deposit to
30 the fund funds, grants, bequests, gifts or contributions from any
32 person, corporation or governmental entity.

34 The commissioner shall make expenditures from the fund to
36 mitigate or remedy, to the extent practicable, the damages caused
38 by the violations for which the fines under section 349 or 1319-T
40 were levied. If surplus funds are available upon completion of
42 these mitigation or remediation efforts, the commissioner may
44 apply the surplus to the mitigation or remediation of
46 environmental damages resulting from other violations of the laws
48 administered by the commissioner. Allowable expenditures include
50 Personal Services, All Other and Capital Expenditures associated
with mitigation and remediation projects under this section.

The commissioner shall report annually, on or before January
15th, to the joint standing committee of the Legislature having
jurisdiction over natural resource matters on the status of the
fund and on any projects undertaken or completed in the previous
calendar year.

STATEMENT OF FACT

This bill creates the Maine Environmental Remediation and Mitigation Fund. Revenues for the fund are derived from the fines paid by violators of the State's environmental laws. The Commissioner of Environmental Protection is authorized to undertake clean-up projects to remedy the damages caused by these violators. If any surplus is available, the commissioner may apply those funds to other clean-up projects. An annual report to the Legislature is required.