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)

46

48

than November 1, 1996.

2	DATE: 2/17/94 (Filing No. H-745)
4	DAIL: 2/11/94 (FIIING NO. H-745)
6	ENERGY & NATURAL RESOURCES
8	
10	Reproduced and distributed under the direction of the Clerk of the House.
12	STATE OF MAINE
14	HOUSE OF REPRESENTATIVES 116TH LEGISLATURE
16	SECOND REGULAR SESSION
18	COMMITTEE AMENDMENT "A" to H.P. 435, L.D. 554, Bill, "Ar
20	Act to Establish Mediation to More Efficiently and Fairly Enforce the State's Environmental Laws"
22	
24	Amend the bill by striking out the title and substituting the following:
26	'An Act to Establish a Pilot Project to Mediate Certain Environmental Disputes'
28	
	Further amend the bill by striking out everything after the
30	enacting clause and before the statement of fact and inserting in its place the following:
32	
	'Sec. 1. Pilot project. The Department of Environmental
34	Protection shall undertake a pilot project to evaluate the use of mediation to assist in resolving disputes among numerous parties
36	involving the cleanup of designated and undesignated uncontrolled hazardous waste sites and the allocation of clean-up expenses
38	among responsible parties. The department may not mediate law enforcement matters without the approval of the Attorney
40	General. The pilot project must be completed by June 1, 1996.
42 .	Sec. 2. Report. The Department of Environmental Protection
44	shall report the status of the pilot project to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 1996 and shall
46	provide a final report evaluating the use of mediation no later

Page 1-LR1008(2)

COMMITTEE AMENDMENT " to H.P. 435, L.D. 554

Sec. 3. Use of alternative dispute resolution. This Act may not be construed to limit the ability of the Department of Environmental Protection to use alternative dispute resolution techniques when the department determines those techniques are appropriate, provided that the department obtains approval of the Attorney General to use alternative dispute resolution techniques to resolve disputes involving law enforcement matters.

б

FISCAL NOTE

This limited mediation process is likely to delay relatively minor amounts of budgeted General Fund revenue from fines for environmental violations.

The Department of Environmental Protection will incur some minor additional costs to establish and administer a pilot project to mediate certain environmental disputes and to report on that project to the Legislature. These costs can be absorbed within the department's existing budgeted resources.

The Department of the Attorney General will incur some minor additional costs to approve the mediation of certain environmental law enforcement matters. These costs can be absorbed within the department's existing budgeted resources.'

STATEMENT OF FACT

This amendment replaces the bill. It requires the Department of Environmental Protection to establish a pilot project to use mediation to resolve certain disputes relating to uncontrolled hazardous waste sites. Mediation could be used to resolve clean-up and cost allocation issues, but would not be used for law enforcement matters without approval of the Attorney General. The pilot project would operate until June 1, 1996, with interim reporting requirements and a final report due by November 1, 1996. The amendment also adds a fiscal note to the bill.