

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 263, L.D. 801, Bill, "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority"

Amend the bill in section 5 in section 17 by striking out all of the last paragraph (page 4, lines 14 to 27 in L.D.) and inserting in its place the following:

The authority may seek, in a civil action, injunctive relief and civil penalties pursuant to the Maine Revised Statutes, Title 38, section 1252, subsection 8 against an industrial user of the authority that violates any pretreatment standard or requirement administered by the authority.

Notwithstanding other civil or criminal penalties provided by and imposed under federal or state law, except penalties sought by the authority pursuant to Title 38, section 1252, subsection 8, the Lewiston-Auburn Water Pollution Control Board may assess administrative penalties of not more than \$1,000 per day for each violation by an industrial user of any pretreatment standard or requirement administered by the authority. In assessing any penalties under this paragraph, the board must conduct its proceedings in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV. A person aggrieved by any action by the board under this paragraph is entitled to judicial review in the Superior Court in the manner provided in Title 5, chapter 375, subchapter VII. The authority may by rule provide for assessment and collection of the administrative penalties as well as procedures for notification to industrial users of the penalties and enforcement of the administrative penalties provided that these rules are in accordance with the Maine Administrative Procedure Act as specified in this paragraph. The authority may not seek civil monetary penalties under Title 38, section 1252, subsection 8 if the board has assessed administrative penalties under this section. Nothing in this paragraph prohibits the authority from

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COMMITTEE AMENDMENT "A" to S.P. 263; L.D. 801

2 seeking injunctive relief pursuant to Title 38, section 1252,
3 subsection 8 in addition to administrative penalties imposed
4 pursuant to this paragraph.'

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

8 **FISCAL NOTE**

10 This bill establishes a new Class E crime. Sentences
11 imposed for Class E offenses must be served in a county jail.
12 The average cost per sentence for a Class E crime is \$4,188 based
13 upon an average length of stay of 67 days. Additional costs to
14 the counties for housing offenders sentenced under this new crime
15 will not require reimbursement by the State.

16 The additional workload and administrative costs associated
17 with the minimal number of new cases filed in the court system
18 can be absorbed within the budgeted resources of the Judicial
19 Department. The collection of additional fines may increase
20 General Fund revenues by a minor amount.'

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24 **STATEMENT OF FACT**

25 This amendment strikes that portion of the bill providing
26 for administrative penalties. Under the amendment, the
27 Lewiston-Auburn Water Pollution Control Authority is explicitly
28 authorized to seek injunctive relief and civil penalties under
29 the Maine Revised Statutes, Title 38, section 1252 against
30 industrial users who violate the authority's pretreatment
31 standards. The board of the authority is also authorized to
32 assess administrative penalties of up to \$1,000 per day for each
33 violation of any pretreatment standards or requirements
34 administered by the authority. The board is required to follow
35 the Maine Administrative Procedure Act in assessing any fines.
36

37 The amendment also adds a fiscal note to the bill.
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40

Reported by Senator Vose for the Committee on Utilities.
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