

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 214

H.P. 166

House of Representatives, January 24, 1995

**An Act to Amend the Laws Regarding the Assessment of Penalties for
Environmental Violations.**

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

A handwritten signature in black ink, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MARSHALL of Eliot.
Cosponsored by Representatives: AHEARNE of Madawaska, DEXTER of Kingfield,
GOULD of Greenville, KNEELAND of Easton, RICE of South Bristol, TUTTLE of Sanford,
UNDERWOOD of Oxford.

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

4 **Sec. 1. 38 MRSA §349, sub-§2,** as amended by PL 1989, c. 820,
§10, is further amended to read:

6 **2. Civil penalties.** Any person who violates any provision
of the laws administered by the department; including, without
8 limitation, a violation of the terms or conditions of any order,
rule, license, permit, approval or decision of the board or
10 commissioner if the violation involves clear and incontrovertible
ongoing damage to the environment, or who disposes of more than
12 500 pounds or more than 100 cubic feet of litter for a commercial
purpose, in violation of Title 17, section 2264, is subject to a
14 civil penalty, payable to the State, of not less than \$100 nor
more than \$10,000 for each day of that violation or, if the
16 violation relates to hazardous waste, of not more than \$25,000
for each day of the violation.

18
20
22 **STATEMENT OF FACT**

24 This bill requires clear and incontrovertible ongoing damage
to the environment as a result of a violation of certain
26 environmental laws before a civil penalty may be imposed.