

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 300, L.D. 404, "Resolve, That State Agencies Develop a Refund-for-Compliance Policy"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Sec. 1. State agencies to develop policy. Resolved: That the Department of Environmental Protection, the Maine Land Use Regulation Commission, the Department of Labor and the Bureau of Insurance shall develop a refund mechanism that provides for the following:

1. If a business has been fined, the agency shall develop a mutually agreed-upon schedule in which the business may be brought into compliance;

2. If the mutually agreed-upon schedule for compliance is met and no new fines have been assessed for a violation of the same law or laws, the agency shall return 90% of the fine to the business, without any restrictions on the use of the returned money; and

3. If the agency finds a business to be knowingly or intentionally in violation of an enforceable provision, the agency is exempt from the provisions of this resolve. A finding that a violation was made knowingly or intentionally must contain a written description of the facts upon which the agency based its finding. The finding must be provided to the business upon request.

COMMITTEE AMENDMENT "A" to H.P. 300, L.D. 404

The Department of Environmental Protection, the Maine Land Use Regulation Commission, the Department of Labor and the Bureau of Insurance shall submit the necessary implementing legislation to carry out this resolve by December 15, 1995 to the appropriate joint standing committee of the Legislature.'

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

FISCAL NOTE

The additional costs to develop policies and submit legislation can be absorbed by the Department of Environmental Protection, the Department of Conservation, the Department of Labor and the Bureau of Insurance within the Department of Professional and Financial Regulation utilizing existing budgeted resources.

These same departments and agencies will incur significant additional costs to return certain fines. These costs may occur as either expenditures or revenue reductions. The ultimate effect of this resolve will depend on future implementing legislation and can not be determined at this time.'

STATEMENT OF FACT

This amendment replaces the original resolve. In this amendment, the Department of Environmental Protection, the Maine Land Use Regulation Commission, the Department of Labor and the Bureau of Insurance are specified for the refund program. This amendment also restricts the program to businesses and adds the necessary fiscal note to the resolve.