

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 404

H.P. 300

House of Representatives, February 6, 1995

Resolve, That State Agencies Develop a Refund-for-Compliance Policy.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JOY of Crystal.

Cosponsored by Representatives: BIGL of Bucksport, CHICK of Lebanon, CROSS of Dover-Foxcroft, JONES of Pittsfield, LIBBY of Kennebunk, LOOK of Jonesboro, McALEVEY of Waterboro, STEDMAN of Hartland, Senator: LORD of York.

Sec. 1. State agencies to develop policy. Resolved: That each
2 agency in State Government that uses monetary fines for the
enforcement of state or federal laws shall develop a refund
4 mechanism, which must provide for the following:

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

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

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

24 Each agency in State Government must submit the necessary
implementing legislation to carry out this resolve by December
26 15, 1995 to the appropriate joint standing committee of the
Legislature.

28
30 **STATEMENT OF FACT**

32 This resolve directs agencies that use fines in the
enforcement of state and federal laws to develop a mechanism by
34 which 90% of the fines may be returned to those businesses or
individuals that come into compliance.