

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)

L.D. 1944

DATE: 2-6-98

(Filing No. H-786)

MAJORITY
NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1391, L.D. 1944, Bill, "An Act to Encourage the Use of Environmental Fines for Environmental Benefits"

Amend the bill in section 1 in subsection 2-A in paragraph B in subparagraph (1) in the first line (page 2, line 4 in L.D.) by inserting after the following: "violations" the following: 'of the same or a substantially similar law administered by the department'

Further amend the bill in section 1 in subsection 2-A in paragraph B in subparagraph (3) in the first line (page 2, line 8 in L.D.) by inserting after the following: "planned" the following: 'and budgeted for'

Further amend the bill in section 1 in subsection 2-A in paragraph B by striking out all of subparagraph (4) (page 2, lines 10 and 11 in L.D.) and inserting in its place the following:

'(4) To offset any calculable economic benefit of noncompliance;'

Further amend the bill in section 1 in subsection 2-A by striking out all of paragraph C (page 2, lines 24 to 28 in L.D.)

Further amend the bill by inserting at the end before the summary the following:

COMMITTEE AMENDMENT

FISCAL NOTE

2
4
6
8

The statutory establishment of supplemental environmental projects as an alternative to certain environmental fines may result in insignificant reductions of General Fund revenue and dedicated revenue collected as fines by the Department of Environmental Protection.'

10

SUMMARY

12
14
16
18
20
22
24

This amendment clarifies that supplemental environmental projects may not be used as part of a civil enforcement action settlement for repeat violations by the same person of the same or a substantially similar law administered by the Department of Environmental Protection. The amendment also specifies that a project that the violator had previously planned and budgeted for may not be used as a supplemental environmental project. The amendment also clarifies that supplemental environmental projects may not be used to offset any calculable economic benefit of noncompliance. Finally, the amendment strikes reference to rules and any other terms and conditions that may be adopted by the Commissioner of Environmental Protection or the Attorney General.

The amendment also adds a fiscal note to the bill.