

# 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)



# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

---

Legislative Document

No. 749

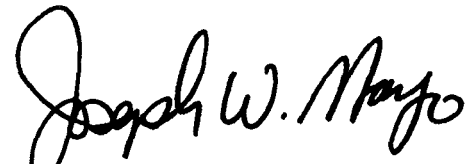
H.P. 542

House of Representatives, January 28, 1999

**An Act to Amend the Maine Land Use Regulation Commission Laws to Prohibit Fines on First-time Violators of Maine Land Use Regulation Commission Laws or Rules.**

---

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative KASPRZAK of Newport.  
Cosponsored by Representatives: GILLIS of Danforth, GOODWIN of Pembroke, JOY of Crystal, MENDROS of Lewiston, RICHARDSON of Greenville, SNOWE-MELLO of Poland, WHEELER of Bridgewater.

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

2                   **Sec. 1. 12 MRSA §685-C, sub-§8**, as amended by PL 1987, c. 816,  
4 Pt. KK, §12, is further amended to read:

6                   **8. Enforcement, inspection and penalties for violations.**  
Standards, rules and orders issued by the commission pursuant to  
8 this chapter shall have the force and effect of law. No A  
development may not be undertaken, except in conformance with  
10 this chapter, the standards, rules and orders enacted or issued  
pursuant to this chapter, and any real estate or personal  
12 property existing in violation of such ~~shall-be~~ is a nuisance.  
For the purposes of inspection and to assure compliance with  
14 standards, orders and permits issued or adopted by the  
commission, authorized commission staff, forest rangers and the  
16 state supervisor or consultant personnel may conduct such  
investigations, examinations, tests and site evaluations ~~deemed~~  
18 determined necessary to verify information presented to it, and  
may obtain access to any lands and structures regulated pursuant  
20 to this chapter.

22 Any person who violates any provision of this chapter, or the  
terms or conditions of any standards, rules, permits or orders  
24 adopted or issued pursuant to this chapter, is subject to a civil  
penalty, payable to the State, of not more than \$10,000 for each  
26 day of the violation. The commission may not fine first-time  
violators unless their conduct was willful. The commission shall  
28 work with the violators to correct any environmental damage that  
may have occurred and to ensure that no further environmental  
30 damage occurs.

32 In addition to the other penalties provided, the commission may,  
in the name of the State of Maine, institute any appropriate  
34 action, injunction or other proceeding to prevent, restrain,  
correct or abate any violation ~~hereof~~ of this subsection or of  
36 the orders or standards or rules ~~promulgated hereunder~~ adopted  
under this subsection. This action may include, but is not  
38 limited to, proceedings to revoke or suspend any commission  
permit or approval, taken either before the commission itself in  
40 accordance with Title 5, section 10004, before the Administrative  
Court in accordance with Title 4, sections 1152 to 1157, or,  
42 notwithstanding the provisions of Title 4, section 1151,  
subsection 2, or Title 5, section 10051, before the Superior  
44 Court as part of an enforcement action brought by the commission.

46 In addition to any such penalties or remedies provided in this  
subsection, the court may order restoration of any area affected  
48 by any action or inaction found to be in violation of any of the  
provisions of this chapter or of any order, standard, rule or  
50 permit of the commission, or any decree of the court, to the

2 condition of such area prior to the violation. When such  
restoration is not practicable, the court may order other actions  
4 to be taken by the person charged with the violation, which are  
in mitigation of the damage caused by the violation.

6 A person who willfully or knowingly falsifies any statement  
contained in a permit application or other information required  
8 to be submitted to the commission shall ~~be~~ is in violation of  
this chapter and subject to the penalties of this chapter.

10

12

### SUMMARY

14

The purpose of this bill is to prohibit the Maine Land Use  
Regulation Commission from fining a first-time violator of the  
16 commission rules and to require the commission to help the  
violator remedy the environmental damage that may have occurred.

16