

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2526

H.P. 1799

House of Representatives, January 28, 2000

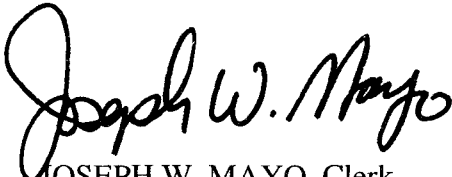
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**An Act to Establish Minimum Environmental Compliance Standards for  
Subsidized Employers.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative NORBERT of Portland.  
Cosponsored by Senator KONTOS of Cumberland and  
Representatives: COLWELL of Gardiner, DUPLESSIE of Westbrook, GAGNON of  
Waterville, MARTIN of Eagle Lake, Speaker ROWE of Portland, SAMSON of Jay,  
STANLEY of Medway, TOWNSEND of Portland.

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

4 **Sec. 1. 5 MRSA c. 383, sub-c. II, art. 2-A is enacted to read:**

6 **ARTICLE 2-A**

8 **COMPLIANCE WITH ENVIRONMENTAL STANDARDS FOR**  
10 **SUBSIDIZED EMPLOYERS**

12 **§13063-F. Compliance with environmental standards for**  
14 **subsidized employers**

16 **1. Definitions.** As used in this article, unless the  
18 context otherwise indicates, the following terms have the  
20 following meanings.

22 **A. "Commissioner"** means the Commissioner of Environmental  
24 Protection.

26 **B. "Public assistance payment"** means any grant payment or  
28 tax credit, reimbursement or forgiveness made pursuant to:

30 **(1) An economic development incentive as defined in**  
32 **section 13070-J, subsection 1, paragraph D;**

34 **(2) A shipbuilding facility credit as described in**  
36 **Title 36, sections 6850 to 6858; or**

38 **(3) Additional programs as determined by the Economic**  
40 **Development Incentive Commission under section 13070-L.**

42 **C. "Subsidized employer"** means any employer required to  
44 file an annual report under section 13070-J, subsection 3.

46 **2. Restrictions on public assistance payments.** Only  
48 subsidized employers certified as being in full compliance with  
50 environmental laws may qualify for or receive public assistance  
payments.

**3. Certification.** By January 15th of each year, the  
commissioner shall certify those subsidized employers that are in  
full compliance with environmental laws at all of their  
facilities located in the State.

**4. Report.** By January 30th of each year, the Department of  
Environmental Protection shall publish a report listing all  
subsidized employers, indicating whether each has been certified  
and stating the reasons why any subsidized employer has been  
denied certification.

2 The report is a public document, available upon request. Copies  
3 must be provided to: the Governor; the Legislature; the  
4 Department of Economic and Community Development; the Department  
5 of Administrative and Financial Services, Bureau of Revenue  
6 Services; the Department of Labor; the Economic Development  
7 Incentive Commission; and each municipality in which a subsidized  
8 employer is located.

10 5. Monthly review. A subsidized employer denied  
11 certification is entitled to a monthly review of its  
12 environmental compliance record by the commissioner and may be  
13 certified at such time that it has attained full compliance with  
14 environmental laws for 3 consecutive months.

16 6. Waiver. A subsidized employer denied certification may  
17 file an application for a waiver to the commissioner. The  
18 commissioner may grant a waiver only if the applicant has clearly  
19 demonstrated that:

20 A. Its environmental violations are neither chronic nor  
21 severe enough to cause, or substantially increase the risk  
22 of, harm to human health, to wildlife or to the environment;  
23 or

24 B. The affected public assistance payments will be used to  
25 upgrade pollution control equipment needed to bring the  
26 subsidized employer into full compliance with environmental  
27 laws.

28 7. Time limits. Public assistance payments suspended for  
29 more than 12 months due to noncertification of the intended  
30 recipient are forfeited by that recipient and transferred by the  
31 Department of Administrative and Financial Services, Bureau of  
32 Revenue Services to the Environmental Compliance Fund.

33 8. Three major violations. Employers that have committed 3  
34 or more major violations of environmental laws, as defined by  
35 rule, within the past 3 years may not be eligible for and may not  
36 receive public assistance payments for a period of 5 years from  
37 the date of the most recent major violation unless the  
38 commissioner grants a waiver under subsection 6, paragraph B.

39 9. Appeals. A subsidized employer may appeal any decision  
40 made under subsections 3, 5, 6 or 8 of this article to the Board  
41 of Environmental Protection and appeal any decision of the board  
42 to the courts as prescribed by chapter 375.

43 10. Intervention. A citizen has the right to intervene in  
44 an appeal under subsection 9.

2           11. Environmental Compliance Fund established. The  
3           Environmental Compliance Fund, referred to in this article as the  
4           "fund," is established for the implementation of this article.  
5           The Department of Administrative and Financial Services, Bureau  
6           of Revenue Services shall divert to the fund 1/2 of one percent  
7           of the reimbursement for taxes paid on certain business property,  
8           pursuant to Title 36, chapter 915. Money deposited in the fund  
9           must be made available to the Department of Environmental  
10           Protection for implementation of this article and, if sufficient,  
11           for increased monitoring and enforcement activities.

12  
13           12. Rulemaking. The Department of Environmental Protection  
14           shall adopt rules to ensure effective administration of this  
15           article. Rules adopted pursuant to this section are routine  
16           technical rules pursuant to chapter 375, subchapter II-A.

18

## SUMMARY

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21           This bill requires an employer receiving economic  
22           development incentives to demonstrate that it is in full  
23           compliance with federal, state and local environmental laws in  
24           order to continue receiving public assistance.