

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2155

H.P. 1648

House of Representatives, March 6, 2002

An Act Pertaining to Environmental Fines.

Reported by Representative COWGER for the Joint Standing Committee on Natural Resources pursuant to Joint Order 2001, H.P. 1606.

Reference to the Joint Standing Committee on Natural Resources suggested and printing ordered under Joint Rule 218.

A handwritten signature in cursive script that reads "Millicent M. MacFarland".

MILLICENT M. MacFARLAND, Clerk

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

2 **Sec. 1. 5 MRSA §13130, sub-§3**, as enacted by PL 1989, c. 903,
4 §6, is amended to read:

6 **3. Sources for trust.** Money obtained from the following
8 sources must be paid to the Treasurer of State for the benefit of
the trust:

10 A. Gifts, bequests and donations to the trust from private
12 individuals or corporations desiring to protect and improve
the marine environment through applied research;

14 B. Grants to the trust from private or public foundations
16 desiring to protect and improve the marine environment
through applied and basic research;

18 ~~C. Funds stipulated for deposit in the trust as part of the~~
20 ~~terms of settlement of legal actions against corporations,~~
~~partnerships or individuals for violations of environmental~~
22 ~~laws, rules or regulations;~~

24 D. Funds for research received under any federal oil spill
trust fund;

26 E. Revenues that may be from time to time realized through
28 public bond issues; and

30 F. Federal grants and loans.

32 Funds from penalties for environmental violations may not be
deposited into the trust.

34 **Sec. 2. 10 MRSA §1023-K, sub-§2**, as enacted by PL 1997, c.
36 500, §5, is amended to read:

38 **2. Sources of money.** The following money must be paid into
the fund:

40 A. All money appropriated for inclusion in the fund;

42 B. Subject to any pledge, contract or other obligation, all
44 interest, dividends or other pecuniary gains from investment
of money from the fund;

46 C. Subject to any pledge, contract or other obligation, any
48 money that the authority receives in repayment of advances
from the fund;

2 D. Any sums designated for deposit into the fund from any
source, public or private, including, but not limited to,
3 grants, ~~air-pollution-penalties~~ and bond issues; and

4
5 E. Any other money available to the authority and directed
6 by the authority to be paid into the fund.

7
8 Revenues from penalties assessed for environmental violations may
not be deposited into the fund.

9
10 **Sec. 3. 38 MRSA §551, first ¶**, as amended by PL 1995, c. 399,
11 §2 and affected by §21, is further amended to read:

12
13 The Maine Coastal and Inland Surface Oil Clean-up Fund is
14 established to be used by the department as a nonlapsing,
15 revolving fund for carrying out the purposes of this subchapter.
16 The fund is limited to \$6,000,000, the sum of which includes all
17 funds credited under this section. The Department of
18 Environmental Protection shall collect fees in accordance with
19 subsection 4. To this fund are credited all license fees,
20 ~~penalties~~, reimbursements and other fees and charges related to
21 this subchapter, and to this fund are charged any and all
22 expenses of the department related to this subchapter, including
23 administrative expenses, costs of removal of discharges of
24 pollutants, restoration of water supplies and 3rd-party damages
25 covered by this subchapter. Penalties assessed for violations of
26 this subchapter are payable to the General Fund and may not be
27 deposited into this fund.

28
29 **Sec. 4. 38 MRSA §569-A, first ¶**, as amended by PL 1995, c. 399,
30 §9, and affected by §21, is further amended to read:

31
32 The Ground Water Oil Clean-up Fund is established to be used
33 by the department as a nonlapsing, revolving fund for carrying
34 out the purposes of this subchapter. The balance in the fund is
35 limited to \$12,500,000. To this fund are credited all
36 registration fees, fees for late payment or failure to register,
37 ~~penalties~~, transfer fees, reimbursements, assessments and other
38 fees and charges related to this subchapter. Penalties assessed
39 for violations of this subchapter are payable to the General Fund
40 and may not be deposited into this fund. To this fund are
41 charged any and all expenses of the department related to this
42 subchapter, including administrative expenses, payment of
43 3rd-party damages covered by this subchapter, costs of removal of
44 discharges of oil and costs of cleanup of discharges from
45 aboveground and underground storage facilities, including, but
46 not limited to, restoration of water supplies and any obligations
47 of the State pursuant to Title 10, section 1024, subsection 1.
48 The fund may be used only for the purposes specified in this
49 subchapter and may not be diverted for any other use by the
50

2 department, the Governor or the Legislature. Any person who
3 proposes to enact or amend a law to allow use of the fund for a
4 purpose not specified in this subchapter must submit the proposal
5 to the Legislative Council and to the joint standing committee of
6 the Legislature having jurisdiction over natural resource matters
7 at least 30 days prior to any vote or public hearing on the
8 proposal. An appropriation or allocation of the fund for use
9 other than that specified in this subchapter is not authorized
10 unless the required submittals have been made in a timely manner
11 and the Legislature has approved the proposal by a 2/3 vote of
12 each body.

13 **Sec. 5. 38 MRSA §1319-D, first ¶,** as amended by PL 2001, c.
14 212, §6, is further amended to read:

15 The Maine Hazardous Waste Fund is established to be used by
16 the department as a nonlapsing, revolving fund for carrying out
17 the department's responsibilities under this subchapter and
18 subchapter III. All fees, ~~penalties,~~ interest and other charges
19 under this subchapter must be credited to this fund. Penalties
20 assessed for violations of this subchapter and subchapter III are
21 payable to the General Fund and may not be deposited into this
22 fund. This fund must be charged with the expenses of the
23 department related to this subchapter and subchapter III,
24 including costs of removal or abatement of discharges and costs
25 of the inspection or supervision of hazardous waste activities
26 and hazardous waste handlers.

27 **Sec. 6. Effective date.** That section of this Act that amends
28 the Maine Revised Statutes, Title 38, section 1319-D, first
29 paragraph takes effect July 1, 2003.
30

31 SUMMARY

32 This bill repeals all provisions in Maine law that
33 explicitly require or allow penalties from various environmental
34 violations to be dedicated to specific funds. Specifically, the
35 bill:

36 1. Repeals the provisions that require environmental
37 penalties to be deposited into the Maine Coast Environmental
38 Trust Fund;

39 2. Repeals the provisions that require air pollution
40 penalties to be deposited into the Clean Fuel Vehicle Fund;

41 3. Repeals the provisions that require penalties from oil
42 discharge violations to be deposited into the Maine Coastal and
43 Inland Surface Oil Clean-up Fund or the Ground Water Oil Clean-up
44 Fund.

2 Fund and specifies that such penalties must go the General Fund;
and

4 4. Repeals, on July 1, 2003, the provisions that require
penalties from hazardous waste violations to be deposited into
6 the Maine Hazardous Waste Fund and specifies that such penalties
must go to the General Fund.