

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 403

S.P. 127

In Senate, January 25, 2005

### **An Act To Repeal the Minimum Penalty for Environmental Violations**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SNOWE-MELLO of Androscoggin.  
Cosponsored by Representative JOY of Crystal and  
Senators: DAVIS of Piscataquis, PLOWMAN of Penobscot, Representatives: BERUBE of  
Lisbon, DUPREY of Hampden, FLETCHER of Winslow, SAVIELLO of Wilton, VAUGHAN  
of Durham.

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

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**Sec. 1. 38 MRSA §349, sub-§2,** as amended by PL 2003, c. 452,  
4 Pt. W, §3 and affected by Pt. X, §2, is further amended to read:

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**2. Civil penalties.** Except as otherwise specifically  
provided, a person who violates a law administered by the  
8 department, including, without limitation, a violation of the  
terms or conditions of an order, rule, license, permit, approval  
10 or decision of the board or commissioner, or who disposes of more  
than 500 pounds or more than 100 cubic feet of litter for a  
12 commercial purpose, in violation of Title 17, section 2265-A, is  
subject to a civil penalty, payable to the State, of ~~not less~~  
14 ~~than--\$100--and~~ not more than \$10,000 for each day of that  
violation or, if the violation relates to hazardous waste, of not  
16 more than \$25,000 for each day of the violation. This penalty is  
recoverable in a civil action.

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**SUMMARY**

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Under current law, a person who violates a law administered  
by the Department of Environmental Protection is subject to a  
24 civil penalty of not less than \$100 for each day of that  
violation. This bill removes the minimum penalty of \$100 per day.