

MAINE STATE LEGISLATURE

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203

L.D. 682

DATE: 5.20.05

(Filing No. S-220)

NATURAL RESOURCES

Reported by:

MINORITY

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 218, L.D. 682, Bill, "An Act To Create a 5-year Statute of Limitations for Environmental Violations"

Amend the bill by striking out the title and substituting the following:

'An Act To Create a Statute of Limitations for Certain Environmental Violations'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 38 MRSA §347-A, sub-§8 is enacted to read:

8. Limitations on air and wastewater discharge enforcement actions. The following limitations apply to air and wastewater discharge enforcement actions.

A. If a licensee has reported to the department a violation of chapter 4 or of rules adopted under chapter 4, an enforcement action for civil or administrative penalties brought by the department or the Attorney General for that violation must be initiated within the period of time that the licensee is required to retain records of that violation pursuant to rules adopted by the department.

B. If a licensee has reported to the department a violation of chapter 3, subchapter 1, article 2 or of rules adopted under chapter 3, subchapter 1, article 2, an enforcement action for civil or administrative penalties brought by the

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department or the Attorney General for that violation must
be initiated within the period of time that the licensee is
required to retain records of that violation pursuant to
rules adopted by the department.'

SUMMARY

This amendment is the minority report. It requires certain enforcement actions related to air emissions and wastewater discharges to be initiated by the Department of Environmental Protection or the Attorney General within the period of time that the licensee is required to retain records of that violation.

FISCAL NOTE REQUIRED
(See attached)



Approved: 05/19/05 *MAC*

122nd MAINE LEGISLATURE

LD 682

LR 0749(02)

An Act To Create a 5-year Statute of Limitations for Environmental Violations

Fiscal Note for Bill as Amended by Committee Amendment 'A'

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund	\$37,500	\$50,000	\$50,000	\$50,000
Revenue				
General Fund	(\$37,500)	(\$50,000)	(\$50,000)	(\$50,000)

Fiscal Detail and Notes

This legislation will result in a loss of approximately \$50,000 annually to the General Fund as a result of needing to bring enforcement actions within 3 years which is the period of time that wastewater discharge licensees are required to retain records. Fiscal year 2005-06 has been adjusted to reflect the bill not being an emergency.