

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 682

S.P. 218

In Senate, February 8, 2005

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

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 GLYNN of South Portland and
Senators: DAVIS of Piscataquis, DOW of Lincoln, SAVAGE of Knox, Representatives:
BOWLES of Sanford, CEBRA of Naples, JOY of Crystal, ROBINSON of Raymond,
SHIELDS of Auburn.

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

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

6 **8. Limitations on enforcement actions.** Notwithstanding
8 Title 14, section 752, any enforcement action for civil or
10 administrative penalties brought by the department or the
12 Attorney General for a violation of this Title, of rules adopted
under this Title or of the terms or conditions of a license,
permit or order issued by the department must be initiated within
5 years of the date of the violation.

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

16 **1. Criminal penalties.** Except as otherwise specifically
18 provided, a person who intentionally, knowingly, recklessly or
20 with criminal negligence violates a law administered by the
22 department, including, without limitation, a violation of the
24 terms or conditions of an order, rule, license, permit, approval
26 or decision of the board or commissioner, or who disposes of more
28 than 500 pounds or more than 100 cubic feet of litter for a
commercial purpose, in violation of Title 17, section 2264-A,
commits a Class E crime. Notwithstanding Title 17-A, section
1301, the fine for a violation of this subsection may not be less
than \$2,500 and not more than \$25,000 for each ~~day--of--the~~
violation, except that the minimum amount for knowing violations
is \$5,000 for each ~~day-of~~ violation.

30 This subsection does not apply to actions subject to the criminal
penalties set forth in section 1319-T.

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

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

