

MAINE STATE LEGISLATURE

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Date: 05-30-07

(Filing No. S-170)

NATURAL RESOURCES

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STATE OF MAINE

SENATE

123RD LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 388, L.D. 1200, Bill, "An Act To Require the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving State Contracts"

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

'An Act To Authorize the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving Contracts with the Department'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 38 MRSA §349-B is enacted to read:

§349-B. Debarment from department contracts

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Repeat violation" means a violation of any legal requirement under this Title, or rules adopted under this Title, or of the terms or conditions of a license, permit or order issued by the board or the commissioner when a previous violation of any legal requirement under this Title, or rules adopted under this Title, or of the terms or conditions of a license, permit or order issued by the board or the commissioner was found.

2. Debarment. The commissioner may, after hearing, debar from participation in contracts with the department for 2 years any person found to have committed a repeat violation when either the time for filing an appeal of the determination of that violation has expired or the appeals process has been exhausted.'

COMMITTEE AMENDMENT

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SUMMARY

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This amendment replaces the bill. The amendment authorizes the Commissioner of Environmental Protection to debar from department contracts, rather than State contracts generally, as in the bill, for 2 years any person that commits a repeat violation of environmental laws.

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FISCAL NOTE REQUIRED

(See attached)



123rd MAINE LEGISLATURE

LD 1200

LR 2087(02)

An Act To Require the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving State Contracts

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

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

The contractors providing services to the Department of Environmental Protection can be highly specialized. Debarring them for two years could limit the contractors available to respond quickly to petroleum and hazardous materials spills. This potential for delay could increase the total cost to cleanup these sites. This fiscal note assumes that because the Commissioner of Environmental Protection is given some discretion to decide whether to debar, contractors with highly specialized or technical skills with no viable alternative competitors would not be debarred, reducing the potential for increased costs from the implementation of this bill. The department should be able to absorb the cost within existing resources.