

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

3me
ROFS

Date: 6-3-11

MINORITY

(Filing No. S-239)

JUDICIARY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 87, L.D. 281, 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 6-year Statute of Limitations for Environmental Violations'

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

Sec. 1. 38 MRSA §347-A, sub-§8, as enacted by PL 2007, c. 337, §1, is repealed.

Sec. 2. 38 MRSA §347-A, sub-§9 is enacted to read:

9. Limitations on enforcement actions. This subsection applies to enforcement actions for civil penalties.

A. An enforcement action must be commenced by the commissioner or the Attorney General within 6 years of the following, whichever occurs latest:

(1) The discovery by the commissioner or the Attorney General of an act or omission giving rise to a violation;

(2) The identification by the commissioner or the Attorney General of the person responsible for the violation; and

(3) The last day of an ongoing violation.

B. For purposes of this subsection, an enforcement action is commenced when any of the following occurs:

(1) The commissioner proposes an administrative consent agreement in writing to the violator pursuant to subsection 4;

(2) The commissioner schedules an enforcement hearing on the alleged violation pursuant to subsection 2;

COMMITTEE AMENDMENT



125th MAINE LEGISLATURE

LD 281

LR 654(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "A" S - 239

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor revenue decrease - General Fund

Fiscal Detail and Notes

Requiring enforcement actions for violations of environmental laws to be commenced by the Department of Environmental Protection or the Attorney General within six years of the date of the violation subject to the discovery rule and tolling provisions of the bill is not expected to have a significant impact on fine and penalty revenues to the General Fund.