

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2253

S.P. 971

In Senate, March 5, 2024

**An Act to Authorize a Stop-work Order Regarding an Activity That
Is Creating a Substantial Adverse Impact to a Protected Natural
Resource**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRENNER of Cumberland.
Cosponsored by Representative FAY of Raymond and
Senator: BENNETT of Oxford, Representatives: BELL of Yarmouth, BRIDGEO of Augusta,
DOUDERA of Camden, GRAMLICH of Old Orchard Beach, O'NEIL of Saco.

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

2 **Sec. 1. 38 MRSA §480-KK** is enacted to read:

3 **§480-KK. Stop-work order**

4 **1. Authority.** If the commissioner finds that an activity is being performed in a manner
5 that violates this Title, rules adopted pursuant to this Title or the terms or conditions of a
6 license or permit issued by the department and that the activity is creating a substantial
7 adverse impact to a protected natural resource, as determined by the department, the
8 commissioner may issue a stop-work order requiring the cessation of the activity in whole
9 or in part.

10 **2. Issuance.** A stop-work order under this section must be in writing and must identify:

11 A. The portion of the activity that must immediately cease;

12 B. The terms or conditions of the license or permit, the statute or the department rule
13 that the activity violates;

14 C. The protected natural resource being substantially adversely impacted by the
15 activity;

16 D. The duration for which the activity must be ceased; and

17 E. The conditions under which the activity may resume, which must include, at a
18 minimum, the corrective actions necessary to restore the protected natural resource or
19 remediate or abate the substantial adverse impacts to the protected natural resource
20 from the activity and to prevent any further adverse impacts to the protected natural
21 resource from the activity.

22 The commissioner shall deliver the stop-work order to the person responsible for the
23 activity or, if delivery cannot be made to that person, to that person's employee, contractor
24 or agent, or to the owner of the property on which the violation is occurring. The
25 commissioner shall also notify the municipality in which the activity is occurring. Upon
26 the issuance of a stop-work order, the activity subject to the stop-work order must
27 immediately cease.

28 **3. License or permit; duration of order.** If the activity subject to a stop-work order
29 under this section is occurring under a license or permit issued by the department, the
30 duration of the stop-work order may not exceed 2 weeks from the date of its issuance. If
31 the licensee or permittee does not achieve to the commissioner's satisfaction the conditions
32 under which the activity may resume, as set forth in the stop-work order, the commissioner
33 may reissue the stop-work order for an additional period necessary to achieve those
34 conditions, not to exceed 4 weeks.

35 **4. Penalty.** A person who violates a stop-work order under this section is subject to a
36 civil penalty of up to \$5,000 per day, per violation of the stop-work order, in addition to
37 any other penalties under section 349.

38 **5. No limitation on department's authority.** Nothing in this section limits the
39 department's authority to pursue other administrative or enforcement actions relating to the
40 activities described in a stop-work order under this section.

SUMMARY

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This bill authorizes the Department of Environmental Protection to issue a stop-work order whenever the Commissioner of Environmental Protection finds that an activity is being performed in a manner that violates state environmental protection laws or rules or the terms or conditions of a license or permit issued by the department and that the activity is creating a substantial adverse impact to a protected natural resource.