

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

S.P. 87 - L.D. 281

An Act To Create a 6-year Statute of Limitations for Environmental
Violations

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

Sec. 1. 38 MRSA §347-A, sub-§8, as enacted by PL 2007, c. 337, §1, is repealed.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;
- (3) The commissioner, with the prior approval of the Attorney General, files a complaint in District Court pursuant to section 342, subsection 7 and the Maine Rules of Civil Procedure, Rule 3; and
- (4) The Attorney General files a complaint in District Court or Superior Court.

C. The commencement of an enforcement action by any of the means set forth in paragraph B tolls the running of the 6-year limitation period for the purpose of bringing any other action pursuant to subsection 1, paragraph A.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor