

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1697

H.P. 1132

House of Representatives, April 17, 2025

An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DOUDERA of Camden.
Cosponsored by Representatives: GRAMLICH of Old Orchard Beach, HEPLER of Woolwich,
PLUECKER of Warren.

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

2 **Sec. 1. 7 MRSA §616-A, sub-§2, ¶A**, as repealed and replaced by PL 2003, c. 452,
3 Pt. B, §6 and affected by Pt. X, §2, is amended to read:

4 A. A person may not violate this subchapter or a rule adopted pursuant to this
5 subchapter or Title 22, chapter 258-A or a rule adopted pursuant to Title 22, chapter
6 258-A. Except as provided in paragraph B, the following penalties apply to violations
7 of this paragraph.

8 (1) A person who violates this paragraph commits a civil violation for which a fine
9 ~~of not more than \$1,500~~ may be adjudged as follows.

10 (a) A fine of not more than \$25,000 may be adjudged except as provided in
11 division (b).

12 (b) A fine of not more than \$50,000 may be adjudged for an unauthorized
13 pesticide application in a case in which the preponderance of the evidence
14 demonstrates that the person who violated this paragraph benefited
15 substantially from the violation as determined by the board by routine technical
16 rule as described in Title 5, chapter 375, subchapter 2-A. Clear and convincing
17 evidence that only one person benefited substantially from an unauthorized
18 pesticide application constitutes prima facie evidence that the person is
19 responsible for the unauthorized pesticide application.

20 (2) A person who violates this paragraph and is subject to a fine under
21 subparagraph (1), division (a) after having previously violated this paragraph and
22 having been subject to a fine under subparagraph (1), division (a) within the
23 previous 4-year period commits a civil violation for which a fine of not more than
24 \$4,000 \$75,000 may be adjudged. A person who violates this paragraph and is
25 subject to a fine under subparagraph (1), division (b) after having previously
26 violated this paragraph and having been subject to a fine under subparagraph (1),
27 division (b) within the previous 4-year period commits a civil violation for which
28 a fine of not more than \$150,000 may be adjudged.

29 **Sec. 2. 7 MRSA §616-A, sub-§2, ¶B**, as amended by PL 2011, c. 510, §1, is further
30 amended to read:

31 B. A private applicator, as defined in Title 22, section 1471-C, may not violate a rule
32 regarding records maintained pursuant to section 606, subsection 2, paragraph G. The
33 following penalties apply to violations of this paragraph.

34 (1) A person who violates this paragraph commits a civil violation for which a fine
35 of not more than ~~\$500~~ \$1,000 may be adjudged.

36 (2) A person who violates this paragraph after having previously violated this
37 paragraph within the previous 4-year period commits a civil violation for which a
38 fine of not more than ~~\$1,000~~ \$2,000 may be adjudged.

39 **Sec. 3. Board of Pesticides Control to adopt rules.** The Department of
40 Agriculture, Conservation and Forestry, Board of Pesticides Control shall adopt routine
41 technical rules as described in the Maine Revised Statutes, Title 5, chapter 375, subchapter
42 2-A to:

1. Establish a penalty schedule for violations of the laws and rules governing pesticides to create transparency for future penalties assessed;
2. Provide the means by which separate civil suits may be brought against the same violator of the laws and rules governing pesticides if pesticide migration through soil or bedrock occurs affecting more than one property;
3. Provide for the restoration of affected property and replacement of vegetation as penalties for violations of the laws and rules governing pesticides in addition to monetary penalties; and
4. Designate pesticides with the active ingredient tebuthiuron as state restricted use pesticides.

SUMMARY

This bill increases the maximum fine that may be adjudged for a violation of the laws and rules governing pesticides from \$1,500 to \$25,000 except in a case for an unauthorized pesticide application in which the preponderance of the evidence demonstrates that the violator benefited substantially from the violation, in which case the maximum fine is \$50,000. Maximum fines for subsequent violations are increased to \$75,000 and \$150,000, respectively. The bill provides that clear and convincing evidence that only one person benefited substantially from an unauthorized pesticide application constitutes prima facie evidence that the person is responsible for the unauthorized pesticide application. The bill increases the maximum fine for a private applicator who violates rules regarding the maintenance of records from \$500 to \$1,000 and from \$1,000 to \$2,000 for subsequent violations.

The bill directs the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to adopt routine technical rules to:

1. Establish a penalty schedule for violations of the laws and rules governing pesticides to create transparency for future penalties assessed;
2. Provide the means by which separate civil suits may be brought against the same violator of the laws and rules governing pesticides if pesticide migration through soil or bedrock occurs affecting more than one property;
3. Provide for the restoration of affected property and replacement of vegetation as penalties for violations of the laws and rules governing pesticides in addition to monetary penalties; and
4. Designate pesticides with the active ingredient tebuthiuron as state restricted use pesticides.