MAINE STATE LEGISLATURE

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	SECOND REGULAR SESSION	
ONE	HUNDRED AND TWELFTH LEGISLA	ATURE
Legislative Docu	ment	No. 1
H.P. 1244	House of Representatives	s, December 30, 1
pursuant to Joint Received by the	the Department of Agriculture, Food a Rule 24. ne Clerk of the House on December 30, Agriculture and 1,600 ordered printed	1985. Referred
Cosponsored	EDV esentative Michael of Auburn. by Representative McCollister of Canto or Black of Cumberland.	VIN H. PERT, C
	STATE OF MAINE	
NI	IN THE YEAR OF OUR LORD NETEEN HUNDRED AND EIGHTY-S	SIX
	Increase the Penalty for Whe Provisions of the Pestic Control Laws.	
Be it enacted follows:	by the People of the State	e of Maine
	7 MRSA §616, sub-§1, as rep L 1977, c. 696, §65, is amo	
sions of the thereunder confellowing for	tions. Any person violating is subchapter or regulat mmits a civil violation for feitures may be adjudged. A assessed of not more than in.	cions adopt or which t a civil pena
A- Fer texteed \$5	he first violation, a forfe 88, and	eiture net
	each subsequent violation;	a forfeitu

Sec. 2. 22 MRSA §1471-J, as repealed and replaced by PL 1975, c. 770, §§91 and 92, is amended to read:

§1471-J. Penalties

 Any person who violates any provision of this chapter or any order, regulation, decision, certificate or license issued by the board or does any act constituting a ground for revocation except in section 1471-D, subsection 8, paragraphs A and H shall be punished by a fine of not more than \$500 for the first offense, and not less than \$500 for each subsequent offense commits a civil violation for which a civil penalty shall be assessed of not more than \$10,000 for each such violation. Each day that any person so operates shall be considered a separate offense.

17 STATEMENT OF FACT

The current maximum penalty for violation of the pesticide control laws is \$500. This contrasts with maximum penalties of \$10,000 for violation of Maine Land Use Regulation Commission or Department of Environmental Protection laws. Maximums for pesticide violation in all other states except one range from \$5,000 to \$10,000.

To large commercial spray firms the current \$500 maximum can amount to a "license to pollute." There are examples in the State of substantial violations of pesticide rules in which the \$500 fine was inappropriate to the magnitude of the offense.

This bill increases the maximum penalty for violation of state pesticide laws from \$500 to \$10,000. Since this is a maximum penalty, actual fines appropriate to the nature of each particular violation would still be levied.

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