

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2063

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H.P. 1513                      House of Representatives, January 14, 1988  
Submitted by the Department of Agriculture, Food and  
Rural Resources pursuant to Joint Rule 24.

Reference to the Committee on Agriculture suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative BRAGG of Sidney.

Cosponsored by Senators TUTTLE of York, BLACK of  
Cumberland and Representative NUTTING of Leeds.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

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1                                      AN ACT to Establish Appropriate and  
2                                      Effective Penalty Levels for Violation of the  
3                                      Pesticide Control Laws.  
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5                      Be it enacted by the People of the State of Maine as  
6                      follows:

7                      Sec. 1.        7    MRSA §616, sub-§1, as repealed and  
8                      replaced by PL 1977, c. 696, §65, is repealed.

9                      Sec. 2.        7    MRSA §616, sub-§1-A is enacted to  
10                     read:

1 1-A. Violations. Any person violating any  
2 provision of this subchapter or rules adopted under  
3 this subchapter commits a civil violation for which a  
4 civil penalty shall be assessed according to the  
5 following schedule:

6 A. For registrants and those persons who must be  
7 registrants under this subchapter, a penalty not  
8 to exceed \$2,500 for a first offense and not more  
9 than \$5,000 for subsequent offenses;

10 B. For commercial applicators, pesticide dealers  
11 and those persons who must be licensed in these  
12 capacities under Title 22, chapter 258-A, a  
13 penalty not to exceed \$1,500 for a first offense  
14 and not more than \$3,000 for subsequent offenses;  
15 and

16 C. For private applicators and any other persons  
17 who must be certified under Title 22, chapter  
18 258-A, a penalty not to exceed \$750 for a first  
19 offense and not more than \$1,500 for subsequent  
20 offenses.

21 Sec. 3. 22 MRSA §1471-J, as repealed and  
22 replaced by PL 1975, c. 770, §§91 and 92, is repealed  
23 and the following enacted in its place:

24 §1471-J. Penalties

25 Any person who violates any provision of this  
26 chapter or any order, rule, decision, certificate or  
27 license issued by the board or who does any act  
28 constituting a ground for revocation, except as  
29 provided in section 1471-D, subsection 8, paragraphs A  
30 and H, shall be assessed a civil penalty according to  
31 the following schedule:

32 1. Persons licensed under Title 7, chapter 103,  
33 subchapter II-A. For registrants and those persons  
34 who must be registrants under Title 7, chapter 103,  
35 subchapter II-A, a penalty not to exceed \$2,500 for a  
36 first offense and not more than \$5,000 for subsequent  
37 offenses;

1           2. Persons licensed under chapter 258-A. For  
2 commercial applicators, pesticide dealers and those  
3 persons who must be licensed in these capacities under  
4 chapter 258-A, a penalty not to exceed \$1,500 for a  
5 first offense and not more than \$3,000 for subsequent  
6 offenses; and

7           3. Private applicators. For private applicators  
8 under chapter 258-A and any other persons, a penalty  
9 not to exceed \$750 for a first offense and not more  
10 than \$1,500 for subsequent offenses.

11                               STATEMENT OF FACT

12           The current maximum penalty for an initial  
13 violation of the pesticide control laws is \$500. This  
14 contrasts with maximum penalties of \$10,000 for  
15 violation of the Department of Environmental  
16 Protection laws. Penalties for pesticide violations  
17 in all other New England states range from \$5,000 to  
18 \$10,000.

19           The present penalty structure was adopted over 20  
20 years ago and is no longer sufficient to serve as a  
21 deterrent. This is especially true for large firms,  
22 but it is also the case for small operators who are  
23 frequently paying up to \$300 for a single gallon of  
24 pesticide product.

25           This bill increases the penalties for violations  
26 of pesticide laws. Since the stated penalties are  
27 maximums, actual fines appropriate to the nature of  
28 each particular violation would still be levied.

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