

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1965

H.P. 1472

House of Representatives, April 29, 2004

An Act Regarding Penalties Assessed by the Bureau of Forestry

Reported by Representative McKEE of Wayne for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Public Law 2003, chapter 422, Part B, section 2 and Resolve 2003, chapter 101, section 3.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

4 **Sec. 1. 12 MRSA §8870** is enacted to read:

6 **§8870. Penalties**

8 **1. Civil violation.** A person who violates a rule adopted
10 pursuant to section 8869, subsection 14 or a condition or term of
12 a permit, variance or decision issued by the director or the
14 commissioner in accordance with rules adopted pursuant to section
16 8869, subsection 14 commits a civil violation.

18 **2. Penalty.** Except as provided in subsection 3, the
20 following penalties apply to violations of this section.

22 **A.** A person who violates this section commits a civil
24 violation for which a fine of not less than \$100 and not
26 more than \$1,000 may be adjudged for each day of that
28 violation.

30 **B.** A person who violates this section after having
32 previously been adjudicated of a violation of this section
34 within the previous 5-year period commits a civil violation
36 for which a fine of not less than \$1,000 but not more than
38 \$2,000 may be adjudged for each day of that violation.

40 **3. Economic benefit.** If the economic benefit resulting
42 from the violation exceeds the applicable penalties under
44 subsection 2, the maximum fines may be increased. The maximum
46 fine may not exceed an amount equal to twice the economic benefit
48 resulting from the violation. The bureau shall consider as
economic benefit, without limitation, the costs avoided or the
enhanced value accrued at the time of the violation by the
violator as a result of not complying with the applicable legal
requirements.

4. Effective date. This section takes effect January 2,
2005.

SUMMARY

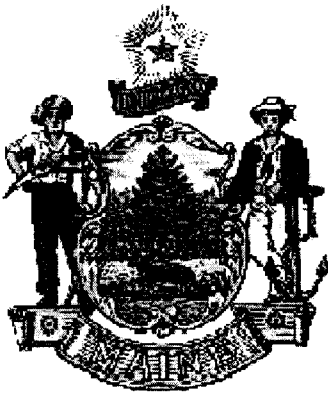
This bill is the report of the Joint Standing Committee on
Agriculture, Conservation and Forestry. It enacts a penalty for
a violation of rules adopted to substantially eliminate
liquidation harvesting. The penalty section becomes effective on
the date the Maine Forest Service rules become effective.

FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**

LD (Not Known)

An Act Regarding Penalties Assessed by the Bureau of Forestry



LR 2773(01)

Fiscal Note for Original Bill

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new civil violations