

CHAPTER 409**QUARANTINES****§2301. Authority**

The commissioner, when he shall find that there exists within the State, or in any other state, territory, district or part thereof any dangerous plant disease or insect infestation with reference to which the Secretary of Agriculture of the United States has not determined that a quarantine is necessary and has not established such quarantine, is authorized to promulgate and to enforce by appropriate rules and regulations, adopted in a manner consistent with the Maine Administrative Procedure Act, a quarantine prohibiting or restricting the transportation within, into or through the State, or any portion thereof, of any class of nursery stock, plant, fruit, seed or other article of any character whatsoever, capable of carrying such plant disease or insect infestation. The commissioner is authorized to make, in a manner consistent with the Maine Administrative Procedure Act, rules and regulations for the seizure, inspection, disinfection, destruction, or other disposition of any nursery stock, plant, fruit, seed or other article of any character whatsoever, capable of carrying any plant disease or insect infestation, a quarantine with respect to which shall have been established by the Secretary of Agriculture of the United States or the commissioner, and which exists within, or has been transported to, into or, through this State in violation of such quarantine. [PL 1979, c. 731, §13 (AMD).]

SECTION HISTORY

PL 1977, c. 694, §135 (AMD). PL 1979, c. 731, §13 (AMD).

§2302. Notice

(REPEALED)

SECTION HISTORY

PL 1977, c. 694, §136 (RP).

§2303. Penalties

1. Civil violation. A person who violates a rule adopted pursuant to section 2301 commits a civil violation.

[PL 2019, c. 595, §1 (NEW).]

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

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$1,000 may be adjudged for each day of that violation. [PL 2019, c. 595, §1 (NEW).]

B. A person who violates this section after having been adjudicated of a violation of this section within the previous 5-year period commits a civil violation for which a fine of not less than \$1,000 and not more than \$2,000 may be adjudged for each day of that violation. [PL 2019, c. 595, §1 (NEW).]

[PL 2019, c. 595, §1 (NEW).]

3. Economic benefit. If the economic benefit resulting from a violation under subsection 1 exceeds the applicable penalties under subsection 2, the maximum fines may be increased. The maximum fine may not exceed an amount equal to twice the economic benefit resulting from the violation. The court 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.

[PL 2019, c. 595, §1 (NEW).]

4. Costs permitted. In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is substantially justified if the defense had a reasonable basis in law or fact at the time it was raised.

[PL 2019, c. 595, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 696, §94 (RPR). PL 2019, c. 595, §1 (RPR).

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