



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
OFFICE OF THE COMMISSIONER
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY**

IN SUPPORT OF LD 1697

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

April 29, 2025

Senator Talbot Ross, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry, I am Alex Peacock, Director of the Board of Pesticides Control (BPC) in the Department of Agriculture, Conservation, and Forestry (DACF). I am speaking today in support of LD 1697, *An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use*.

The current monetary penalties in statute for pesticide law violations, unchanged for over twenty years, have lost their potency as deterrents. Indeed, some applicators have come to view the current penalty structure as "the cost of doing business." BPC supports increasing statutory monetary penalties for pesticide law violations.

We strongly support Sections 1 and 2 of LD 1697. We do want to point out certain considerations regarding Section 3's directives.

Penalty Schedule for Violations

The bill directs the BPC to "[e]stablish a penalty schedule for violations of the laws and rules governing pesticides to create transparency for future penalties assessed." Given the proposed increase in penalties, we wanted to describe our existing comprehensive evaluation process.

When determining fines under 7 M.R.S. § 616-A, we consider:

1. Prior violations made by the same party;
2. The degree of harm to the public and the environment;
3. The degree of environmental damage that has not been abated or corrected;
4. The extent to which the violation continued following the board's notice to the violator;
5. The importance of deterring the same person or others from future violations; and
6. The cause and circumstances of the violation, including:
 - a. The foreseeability of the violation;
 - b. The standard of care exercised by the violator; and
 - c. Whether or not the violator reported the incident to the board.

HARLOW BUILDING
18 ELKINS LANE
AUGUSTA, MAINE



PHONE: (207) 287-3200
FAX: (207) 287-2400
WEB: WWW.MAINE.GOV/DACF

These criteria form the foundation for our penalty assessment process in Maine. Consent agreements and fines have been our primary enforcement tools, and we agree that the enhanced penalties proposed in LD 1697, combined with our transparent assessment matrix, will strengthen our ability to enforce Maine's pesticide regulations effectively and prevent future violations.

Civil Suits and Non-Monetary Penalties

The bill also directs BPC to adopt rules that would “[p]rovide the means by which separate civil suits may be brought,” as well as to “[p]rovide 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.” BPC cannot initiate civil suits after our enforcement actions. However, affected parties can and do use our reports and enforcement actions to pursue their own civil remedies. This is a regular occurrence, and we don’t believe BPC rules have a role to play in or can add value to those processes. Relatedly, we already have the option of including non-monetary penalties in consent agreements, and such penalties are regularly incorporated into civil actions pursued by private parties.

Tebuthiuron

Finally, we understand that this bill was motivated in part by a noteworthy case that occurred in Camden. This case was exceptional in that it required mitigation through private civil action. Nevertheless, BPC is already moving to classify tebuthiuron as a restricted-use pesticide in Maine, limiting access to certified applicators only.

In short, while we believe the rulemaking directives of Section 3 of the bill may be redundant or unnecessary, we strongly agree that Sections 1 and 2, which update and strengthen the existing structure for statutory penalties, are needed.

Thank you, and I welcome any questions now or during the work session.