

§2701-B. Action against improper manure handling

The Commissioner of Agriculture, Conservation and Forestry shall investigate complaints of improper manure handling, including, but not limited to, complaints of improper storage or spreading of manure. If the commissioner is able to identify the source or sources of the manure and has reason to believe that the manure is a nuisance and the nuisance is caused by the use of other than best management practices for manure handling, the commissioner shall: [PL 1993, c. 124, §2 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

1. Findings. Determine the changes needed in manure handling to comply with best management practices for manure handling; [PL 1993, c. 124, §2 (AMD).]

2. Conformance. Require the person responsible to abide by the necessary changes determined in subsection 1 and determine if the changes have been made; and [PL 1993, c. 124, §2 (AMD).]

3. Report. Give the written findings of the initial investigation and any determination of compliance to the complainant and the person responsible. [PL 1993, c. 124, §2 (AMD).]

If the person responsible does not adopt best management practices for manure handling, the commissioner shall send a copy of the written report to the Department of Environmental Protection and refer the matter in writing to the Attorney General. The Attorney General may institute an action to abate a nuisance and the court may order the abatement with costs as provided under this chapter. If the commissioner, upon investigation, finds that the person responsible for the manure is following best management practices for manure handling, the commissioner shall advise the complainant and the person responsible in writing. [PL 1993, c. 124, §2 (AMD).]

Failure to apply best management practices in accordance with this section constitutes a separate civil violation for which a fine of up to \$1,000, together with an additional fine of up to \$250 per day for every day that the violation continues, may be adjudged. [PL 2003, c. 283, §5 (NEW).]

The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act for the interpretation and implementation of this section, including a definition of "best management practices for manure handling." [PL 1993, c. 124, §2 (AMD).]

If the commissioner finds that improper manure handling may have affected water quality and the person responsible does not adopt best management practices for manure handling, the commissioner shall advise the Commissioner of Environmental Protection that a potential water quality violation exists and the Commissioner of Environmental Protection may respond as appropriate. [PL 1993, c. 124, §2 (AMD).]

SECTION HISTORY

PL 1989, c. 836, §2 (NEW). PL 1991, c. 548, §§A6,7 (AMD). PL 1993, c. 124, §2 (AMD). PL 2003, c. 283, §5 (AMD). PL 2011, c. 657, Pt. W, §6 (REV).

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