

§804. Penalties

1. Rules enforced. All agents of the department, local health officers, sheriffs, state and local law enforcement officers and other officials designated by the department are authorized to enforce the rules of the department made pursuant to section 802 to the extent that enforcement is authorized in those rules.

[PL 2007, c. 598, §10 (AMD).]

2. Refusal to obey rules. Any person who neglects, violates or refuses to obey the rules or who willfully obstructs or hinders the execution of the rules may be ordered by the department, in writing, to cease and desist. This order may not be considered an adjudicatory proceeding within the meaning of the Maine Administrative Procedure Act. In the case of any person who refuses to obey a cease and desist order issued to enforce the rules adopted pursuant to section 802, the department may impose a fine, which may not be less than \$250 or greater than \$1,000 for each violation. Each day that the violation remains uncorrected may be counted as a separate offense. A fine may be imposed for each violation of the rules. If the imposition of a fine under this subsection does not result in compliance, the department may bring an action in District Court to obtain an injunction enforcing the cease and desist order or to request a civil fine not to exceed \$1,500, or both. Alternatively, the department may seek relief pursuant to section 810 or 812. The District Court has jurisdiction to determine the validity of the cease and desist order whenever an action for injunctive relief or civil penalty is brought before it under this subsection.

[PL 2021, c. 349, §8 (AMD).]

3. License suspension. A licensing agency under the department may immediately suspend a license pursuant to Title 5, section 10004, subsection 3 for a violation under this section. Notwithstanding Title 5, section 10004, subsection 3, a suspension under this subsection remains in effect until:

A. The licensing agency determines that the licensee's conduct no longer poses an imminent risk to public health or safety; or [PL 2021, c. 349, §9 (NEW).]

B. The District Court, after conducting a hearing at the licensee's request, finds that the licensee's conduct does not pose an imminent risk to public health or safety. The suspension remains in effect pending the District Court's review under this paragraph. [PL 2021, c. 349, §9 (NEW).]

[PL 2021, c. 349, §9 (NEW).]

SECTION HISTORY

PL 1989, c. 487, §11 (NEW). PL 2007, c. 598, §10 (AMD). PL 2021, c. 349, §§8, 9 (AMD).

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