

§8307. Penalties

1. Civil violation. A person who violates a rule adopted pursuant to section 8306 or a condition or term of an order, permit or notice issued by the director or the Commissioner of Agriculture, Conservation and Forestry in accordance with section 8305 commits a civil violation.

[PL 2019, c. 595, §2 (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, §2 (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, §2 (NEW).]

[PL 2019, c. 595, §2 (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, §2 (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, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 595, §2 (NEW).

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