

§1319-T. Criminal provisions

In addition to being subject to civil penalties as provided by section 349, subsection 2 and to criminal penalties as provided in section 349, subsection 3, conduct described in subsections 1 and 2 is subject to criminal penalties as follows. [PL 1991, c. 548, Pt. A, §32 (AMD).]

1. Penalty provisions. Any person is guilty of a Class C crime and may be punished accordingly if that person, with respect to any substance or material that has been identified as hazardous waste by the board and that the person believes may be harmful to human health or knows or has reason to know has been so identified, knowingly:

- A. Transports any such substance or material without, in fact, having a proper license or permit as may be required under this subchapter; [PL 1987, c. 517, §28 (NEW).]
- B. Transports any such substance or material to a waste facility knowing or consciously disregarding a risk that such facility does not have a proper license or permit as may be required under this subchapter; [PL 1987, c. 545 (AMD).]
- C. Handles any such substance or material without, in fact, having obtained a proper license or permit to do so as may be required under this subchapter; or [PL 1987, c. 517, §28 (NEW).]
- D. Handles any such substance or material at any location knowing or consciously disregarding a risk that such location does not have a proper license or permit as may be required under this subchapter for such treatment, storage or disposal. [PL 1987, c. 517, §28 (NEW).]

Notwithstanding Title 17-A, section 1704, subsection 3 or Title 17-A, section 1705, subsection 4, the fine for such violation may not exceed \$50,000 for each day of such violation. In a prosecution under paragraph B or D, the conscious disregard of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to the person, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation. [PL 2019, c. 113, Pt. C, §119 (AMD).]

2. Class D crimes. A person is guilty of a Class D crime if, with respect to any substance or material that, in fact, has been identified as hazardous waste by the board and that the person knows or has reason to believe has been so identified or may be harmful to human health, that person knowingly:

- A. Establishes, constructs, alters or operates any waste facility for any such substance or material without, in fact, having obtained a proper license or permit as may be required under this subchapter; [PL 1987, c. 517, §28 (NEW).]
- B. Handles or transports any substance or material identified as hazardous waste by the board in any manner that violates the terms of any condition, order, rule, license, permit, approval or decision of the board or commissioner with respect to the handling or transporting of that substance or material; or [PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §265 (AMD).]
- C. Gives custody or possession of any such substance or material to any other person whom that person knows or has reason to believe:
 - (1) Does not have a license or permit to transport or handle such substance or material as may be required under this subchapter; or
 - (2) Will transport or handle such substance or material in violation of this subchapter or rules adopted under it. [PL 1991, c. 548, Pt. A, §32 (AMD).]

A person who violates the provisions of this subsection may be punished accordingly, except that, notwithstanding Title 17-A, section 1704, subsection 4, or Title 17-A, section 1705, subsection 5, the fine for such violation may not exceed \$25,000 for each day of the violation. [PL 2019, c. 113, Pt. C, §119 (AMD).]

SECTION HISTORY

PL 1987, c. 517, §28 (NEW). PL 1987, c. 545 (AMD). PL 1989, c. 502, §B51 (AMD). PL 1989, c. 890, §§A40,B265 (AMD). PL 1991, c. 548, §A32 (AMD). PL 2019, c. 113, Pt. C, §119 (AMD).

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