

§2498. Fines and penalties

1. Authorization. The department is authorized to impose one or more of the following sanctions when a violation of this chapter, or rules enacted pursuant to this chapter, occurs and the department determines that a sanction is necessary and appropriate to ensure compliance with state licensing rules or to protect the public health.

A. The department may impose penalties for violations of this chapter, or the rules adopted pursuant to this chapter, on any eating establishment, lodging place, recreational camp, youth camp, public pool or public spa or campground. The penalties may not be greater than \$100 for each violation. Each day that the violation remains uncorrected may be counted as a separate offense. Penalties may be imposed for each violation of the rules. [PL 2017, c. 322, §7 (AMD).]

B. The department may direct an eating establishment, lodging place, recreational camp, youth camp, public pool or public spa or campground to correct any violations in a manner and within a time frame that the department determines is appropriate to ensure compliance with state rules or to protect the public health. Failure to correct violations within the time frames constitutes a separate finable violation. [PL 2017, c. 322, §7 (AMD).]

C. The department may impose penalties up to \$5,000 on any person, corporation, firm or copartnership that operates any eating establishment, lodging place, recreational camp, youth camp, public pool or public spa or campground without an active, valid license, as determined by the department. Each day any such person, corporation, firm or copartnership operates without an active, valid license constitutes a separate offense. [PL 2021, c. 125, §14 (AMD).]

D. In the event of any violation of this section or any rule pursuant to this chapter, the Attorney General may seek to enjoin a further violation, in addition to any other remedy. [PL 1991, c. 528, Pt. J, §5 (NEW); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. J, §5 (NEW).]

E. A person, corporation, firm or copartnership that fails to pay a penalty imposed pursuant to this chapter:

(1) May be referred to the Attorney General for appropriate enforcement action; and

(2) In addition to all fines and penalties imposed pursuant to this chapter, is liable for any interest, costs and fees incurred by the department, including attorney's fees. [PL 2013, c. 264, §6 (NEW).]

[PL 2021, c. 125, §14 (AMD).]

2. Schedule of penalties. The department shall establish a schedule of penalties according to the nature and duration of the violation.

[PL 1991, c. 528, Pt. J, §5 (NEW); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. J, §5 (NEW).]

3. Enforcement and appeal. Enforcement and appeal of this section is as follows.

A. The department may impose any fine in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, providing the licensee the opportunity for an administrative hearing. [PL 1991, c. 528, Pt. J, §5 (NEW); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. J, §5 (NEW).]

B. Licensees that are fined pursuant to this chapter are required to pay the department the amount of the penalties. If a licensee has not paid any collectible fines by the time of its license renewal, the department may collect such fines by requiring their payment prior to the processing of any license renewal application. An appeal of the department's decision to fine a licensee stays the collection of any fine. Interest must accrue on fines at a rate described in Title 14, section 1602-B prior to the completion of any appeal. After the completion of any appeal process or after any

appeal period has passed, interest must accrue pursuant to Title 14, section 1602-C. [PL 2003, c. 460, §11 (AMD).]

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SECTION HISTORY

PL 1975, c. 496, §3 (NEW). PL 1983, c. 553, §22 (AMD). PL 1991, c. 528, §J5 (RPR). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §J5 (RPR). PL 2003, c. 460, §11 (AMD). PL 2003, c. 673, §X3 (AMD). RR 2005, c. 2, §17 (COR). PL 2005, c. 481, §1 (AMD). PL 2009, c. 211, Pt. A, §§10-12 (AMD). PL 2011, c. 193, Pt. B, §§4-6 (AMD). PL 2013, c. 264, §6 (AMD). PL 2017, c. 322, §7 (AMD). PL 2021, c. 125, §14 (AMD).

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