

THAT THE PESTICIDE MAY NOT BE DISPOSED OF UNLAWFULLY, THE COURT MAY ORDER THE PESTICIDE DELIVERED TO ITS OWNER FOR REPACKAGING OR REPROCESSING.

(C) COSTS, FEES AND EXPENSES.

IF A DECREE OF CONDEMNATION IS ENTERED AGAINST THE PESTICIDE, COURT COSTS, FEES, STORAGE, AND OTHER PROPER EXPENSES SHALL BE AWARDED AGAINST ANY PERSON, INTERVENING AS CLAIMANT OF THE PESTICIDE.

REVISOR'S NOTE: This section presently appears as Art. 48, §137 of the Code. In subsection (a) the present reference to the "proper court in any county of the State or Baltimore City" is proposed for deletion and a reference to "the circuit court of any county" is added because these courts have jurisdiction in these cases. The present reference to Baltimore City is proposed for deletion because under Art. 1, §14, a reference to "county" includes Baltimore City. New language also is added to indicate that the petition used for condemnation proceedings is a libel of information. The only other changes made are in style.

SEC. 5-112. ENFORCEMENT.

(A) EXAMINATIONS OF PESTICIDES; NOTICE TO REGISTRANT.

THE SECRETARY SHALL EXAMINE PESTICIDES TO DETERMINE WHETHER THEY COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE. IF IT APPEARS FROM THE EXAMINATION THAT A PESTICIDE FAILS TO COMPLY WITH THE PROVISIONS OF THIS SUBTITLE, AND THE SECRETARY CONTEMPLATES INSTITUTING CRIMINAL PROCEEDINGS AGAINST ANY PERSON, HE SHALL GIVE APPROPRIATE NOTICE TO THE PERSON. ANY PERSON RECEIVING NOTICE SHALL BE GIVEN AN OPPORTUNITY TO PRESENT HIS VIEWS, ORALLY OR IN WRITING, WITH REGARD TO THE CONTEMPLATED PROCEEDINGS.

(B) REPORT OF VIOLATIONS FOR CRIMINAL PROSECUTION.

IF THE SECRETARY DETERMINES THAT THE PROVISIONS OF THE SUBTITLE HAVE BEEN VIOLATED BY THE PERSON, HE SHALL REFER THE FACTS TO THE STATE'S ATTORNEY FOR THE COUNTY IN WHICH THE VIOLATION HAS OCCURRED WITH A COPY OF THE RESULTS OF THE ANALYSIS OR THE EXAMINATION OF