

Proposed Administrative Consent Agreement
Background Summary
February 2026 Update

Subject: Stephen Antonson
9 Mechanic Street
Rockport, Maine 04856

Date of Incident(s): Autumn 2021 and Autumn 2023

Background Narrative: On October 13, 2022, The BPC was contacted by a Maine Forest Service Entomologist regarding observations of declining tree health and evidence of large drill holes and possible herbicide application to trees at the Graham property located at 11 Mechanic Street in Rockport, Maine. This evidence included leaf curling, bore holes, and impact limited to a distinct corridor of trees directly in line with the deck of the Antonson residence. On October 29, 2021, Board representatives conducted a site inspection at 11 Mechanic Street and collected samples of the liquid present in the bore holes of the affected trees. The samples were positive for Imazapic and Triclopyr. On October 23, 2023, the Chair of the Rockport Parks and Beautification contacted the BPC to report additional tree decline at the Graham property visible from Rockport Harbor. A Board representative returned to the property on October 23, 2023, and observed a distinct circular disturbance around the base of each newly affected tree. Three soil samples were collected for combined analysis and tested positive for Triclopyr at 360ppm. While Antonson denies any involvement in the herbicide applications to the trees at 11 Mechanic Street in Rockport, the Board finds that the positioning of the affected trees in addition to prior correspondence from the Antonson's to the Graham's requesting tree removal indicate that Antonson would have been the only one to benefit from the application of herbicides to the affected area.

Summary of Violations: CMR 01-026 Chapter 20 Section 6(D)2: No person may apply a pesticide to the property of another unless prior authorization for the pesticide application has been obtained from the owner, manager, or legal occupant of that property.

Rationale for Settlement: Antonson did not have authorization to apply pesticides at 11 Mechanic Street in Rockport. Imazapic and Triclopyr active ingredients detected in the samples from 2021 and Triclopyr detected in the samples from 2023 indicate that at least two applications of pesticides were made to trees at the 11 Mechanic Street location without authorization.

- **2026 Update:** A previous version of the Consent Agreement was presented to the Board on March 14, 2025. The Board voted unanimously to disapprove the Agreement due, in part, to language in the Agreement stating that Antonson did not admit to the violations and disputed the facts and conclusions of the BPC. In the subsequent discussions between BPC and Antonson's legal counsel, they agreed to update the Agreement with language indicating that, even though he continues to dispute the Board's conclusions and not admit guilt, "Antonson acknowledges that a court could find that he committed the violations and he agrees to enter into this Consent Agreement for the purpose of resolving

the alleged violations..." Additionally, Antonson submitted a check to BPC with full payment of the proposed \$3,000 fine.

Board staff believes that this updated language and submission of the maximum penalty amount allowed at the time of the violation provide the public with a reasonably agreeable resolution to this matter, given the constraints of state regulations at the time the violation was committed, as well as considerations of BPC staff resources spent on this matter. Furthermore, the updated Agreement does not shield Mr. Antonson from possible civil action.

Board staff believes that recent state legislation that greatly increased fines for committing similar violations should help deter anyone else from this manner of pesticide misuse.

Attachments: Proposed Consent Agreement, Updated 2026

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL

In the Matter of:) ADMINISTRATIVE CONSENT
Stephen Antonson) AGREEMENT
9 Mechanic Street) AND
Rockport, Maine 04856) FINDINGS OF FACT

This Agreement by and between Stephen Antonson (hereinafter referred to as "Antonson") and the State of Maine Board of Pesticides Control (hereinafter referred to as the "Board"), as approved by the Office of the Attorney General ("OAG"), is entered into pursuant to 22 M.R.S. § 1471 M(2)(D), and in accordance with the Enforcement Protocol, as amended by the Board on December 13, 2013.

The Board of Pesticides Control alleges as follows:

- 1) That Antonson owns the residence located at 9 Mechanic Street in Rockport, Maine.
- 2) That 9 Mechanic Street is located near Rockport Harbor. The residence does not have ocean frontage, and there is no direct view of the ocean due to trees growing on the property of Ruth Graham, located at 11 Mechanic Street in Rockport, Maine.
- 3) That, prior to 2021, Antonson approached Ruth Graham on multiple occasions about purchasing harbor frontage or removing trees that impede the harbor view from 9 Mechanic Street.
- 4) That Graham stated she would not sell harbor frontage or remove trees from her property in response to the inquiries described in paragraph three.
- 5) That on October 12, 2021, Ruth Graham contacted the Maine Forest Service requesting a second opinion relative to multiple trees on her property that were declining unexpectedly. Graham had previously contacted an arborist company that was unable to determine the cause of decline.
- 6) That on October 13, 2021, an entomologist from the Maine Forest Service conducted a field visit to observe the declining trees. The entomologist observed:
 - a) disturbances of the ground cover around the base of the affected trees;
 - b) leaf curling on herbaceous plants remaining at the base of the affected trees;
 - c) a series of perfectly round one-inch holes bored into the root collar of the affected trees;

- d) that the affected trees were directly within a narrow corridor that would allow a view of the harbor from the deck attached to the Antonson residence; and
- e) that the combination of observations relating to the declining trees was indicative of herbicide use.

7) That on October 13, 2021, the entomologist contacted the Board to relay his observations because he believed that matter fell within the Board's regulatory purview.

8) That representatives from the Board conducted site inspections at the Graham property on October 14 and 29, 2021.

9) That during the October 29, 2021, site inspection, Board representatives collected liquid present in some of the bore holes drilled in the affected trees.

10) That the liquid described in paragraph nine was sent to the University of Montana Analytical Laboratory for analysis.

11) That on December 8, 2021, the University of Montana Analytical Laboratory submitted a report to the Board indicating the pesticide active ingredient imazapic was detected at 660 parts per billion and the pesticide active ingredient triclopyr was detected at 8,200,000 parts per billion in the bore hole liquid.

12) That on October 17, 2023, Douglas Cole, Chair of the Rockport Parks and Beautification Committee, contacted the Board to report that additional tree decline on the Graham property had been observed from Rockport Harbor.

13) That in response to the concern expressed by Cole, a Board inspector returned to the Graham's property on October 23, 2023, to assess and document site conditions.

14) That during the course of the inspection described in Paragraph 13, the inspector documented additional tree mortality that was not observed in 2021.

15) That the inspector observed and documented that the recent tree mortality aligned with harbor view sight lines from the Antonson property.

16) That the inspector observed and documented a distinct circle surrounding each recently affected tree in which the ground cover was dead.

17) That the inspector collected three soil samples from the base of newly affected trees.

18) That laboratory analysis of the (combined) soil samples described in Paragraph 17 disclosed the presence of triclopyr at a concentration of 360 parts per million.

19) That the visual and laboratory evidence described in this agreement demonstrate that the decline observed in trees on the Graham property was caused by the deliberate application of

herbicides to the root collar and/or root zone of the affected trees.

- 20) That Antonson had motive to apply the herbicides to the trees on the Graham property in order to improve the ocean view from their property.
- 21) That the circumstances described in this agreement support a Board finding that Antonson either applied or caused the application of herbicides to the affected trees.
- 22) That 01-026 C.M.R. ch. 20, § 6 (2024) requires prior authorization from the legal occupant before pesticides may be applied on the property of another.
- 23) That Antonson did not have prior authorization to apply herbicides to the affected trees on the Graham property.
- 24) The Board believes the facts alleged in Paragraphs 1 through 23 above constitute multiple violations of 01-026 C.M.R. ch. 20, § 6 of the Board's rules.
- 25) Antonson does not admit the alleged violations, and he disputes the facts and conclusions alleged by the Board in Paragraphs 1 through 24 above. However, Antonson acknowledges that a court could find that he committed the violations and he agrees to enter into this Consent Agreement for the purpose of resolving the alleged violations, and to an assessment of the maximum penalties under the law in effect at the time of the alleged violation.
- 26) That Antonson expressly waives the following with respect to the above violations:
 - A. Notice of or opportunity for hearing;
 - B. Any and all further procedural steps before the Board; and
 - C. The making of any further findings of fact before the Board.
- 27) That this Agreement shall not become effective unless and until the Board accepts it.
- 28) That in consideration for the release by the Board of the causes of action which the Board may have against Antonson resulting from the alleged violations referred to in Paragraph 24, Antonson agrees to pay a penalty to the State of Maine in the sum of \$3,000.00. (Please make checks payable to Treasurer, State of Maine.)
- 29) The Board and OAG grant a release of their causes of actions against Antonson for the specific violations cited in the immediately preceding paragraph (Paragraph 28) on the express condition that all actions listed in Paragraph 28 of this Agreement are completed in accordance with the express terms and conditions of this Agreement and to the satisfaction of the Board and the OAG. The release shall not become effective until Antonson has completed the obligations pursuant to Paragraph 28.

30) Any non-compliance with any term or condition of this Agreement, as determined by the Board and OAG in their sole discretion, voids the release set forth in Paragraph 29 of this Agreement and may lead to an enforcement, suspension/revocation, equitable, and/or civil violation action pursuant to Titles 7 and 22 of the Maine Revised Statutes.

31) Nothing in this Agreement shall be construed to be a relinquishment of the Board's or OAG's powers under Titles 7 and 22 of the Maine Revised Statutes against Antonson for any other violations other than those expressly listed in this Agreement.

32) This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by the parties and indorsed on this Agreement.

33) The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

34) Provided this Agreement is accepted by the Board, by signing and executing this Agreement, Antonson knowingly, intentionally, permanently, and irrevocably waives any and all defenses he has or may have with respect to the enforcement of this Agreement, including the enforcement of this Agreement as a final administrative order and a money judgment pursuant to 14 M.R.S. § 3138.

IN WITNESS WHEREOF, the parties have executed this Agreement of four pages.

STEPHEN ANTONSON

s. antonson

Date: 2/2/26

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
Alexander Peacock, Director

APPROVED:
By: _____ Date: _____
Carey Gustanski, Assistant Attorney General