

§2172. 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 food establishment or food salvage establishment. The penalties may not be greater than \$50 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 1991, c. 837, Pt. A, §49 (NEW).]

B. The department may direct a food establishment or food salvage establishment 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 frame constitutes a separate violation for which a fine may be imposed. [PL 1991, c. 837, Pt. A, §49 (NEW).]

C. A person, corporation, firm or copartnership may not operate a food establishment or food salvage establishment without first obtaining a license as required by this chapter. Violation of this paragraph is a civil violation for which a fine of not less than \$10 and not more than \$100 may be adjudged. Each day of operation without a license constitutes a separate offense. [PL 2003, c. 452, Pt. K, §16 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

C-1. A person, corporation, firm or copartnership may not operate a food establishment or food salvage establishment without first obtaining a license as required by this chapter after having previously violated paragraph C. Violation of this paragraph is a civil violation for which a fine of not less than \$100 may be adjudged. Each day of operation without a license constitutes a separate offense. [PL 2003, c. 452, Pt. K, §17 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. In the event of any violation of this section or any rule adopted pursuant to this chapter, the Attorney General may seek to enjoin a further violation, in addition to any other remedy. [PL 1991, c. 837, Pt. A, §49 (NEW).]

[PL 2003, c. 452, Pt. K, §§16, 17 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

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

[PL 1991, c. 837, Pt. A, §49 (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 Title 5, chapter 375, subchapter IV, if the department has provided the licensee with the opportunity for an administrative hearing. [PL 1991, c. 837, Pt. A, §49 (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 fine by the time of license renewal, the department may collect the fine by requiring 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 the fine. Interest accrues on a fine at the rate specified 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 accrues pursuant to Title 14, section 1602-C. [PL 2003, c. 460, §10 (AMD).]

[PL 2003, c. 460, §10 (AMD).]

SECTION HISTORY

PL 1991, c. 837, §A49 (NEW). PL 2003, c. 452, §§K16,17 (AMD). PL 2003, c. 452, §X2 (AFF).
PL 2003, c. 460, §10 (AMD).

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