

**§4516-A. Administrative penalty**

**1. Violation of this Title.** The commission may impose an administrative penalty on a natural gas pipeline utility that violates any provision of this Title relating to safety of pipeline facilities or transportation of gas or any rule issued under this Title in an amount not to exceed \$200,000 for each violation. Each day of violation constitutes a separate offense.

[PL 2013, c. 495, §1 (AMD).]

**2. Maximum administrative penalty.** The maximum administrative penalty may not exceed \$2,000,000 for any related series of violations.

[PL 2013, c. 495, §1 (AMD).]

**3. Determining amount of penalty.** In determining the amount of the penalty, the commission shall consider the following:

- A. The nature, circumstances and gravity of the violation; [PL 2003, c. 505, §35 (NEW).]
- B. The degree of the natural gas pipeline utility's culpability; [PL 2003, c. 505, §35 (NEW).]
- C. The natural gas pipeline utility's history of prior offenses; [PL 2003, c. 505, §35 (NEW).]
- D. The natural gas pipeline utility's ability to pay; [PL 2003, c. 505, §35 (NEW).]
- E. Any good faith by the natural gas pipeline utility in attempting to achieve compliance; [PL 2003, c. 505, §35 (NEW).]
- F. The effect on the natural gas pipeline utility's ability to continue in business; and [PL 2003, c. 505, §35 (NEW).]
- G. Such other matters as justice may require. [PL 2003, c. 505, §35 (NEW).]

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**4. Payment of penalty.** The amount of the administrative penalty may be:

A. Deducted from any sums owing by the State to the natural gas pipeline utility; or [PL 2003, c. 505, §35 (NEW).]

B. Recovered in a civil action in the state courts. [PL 2003, c. 505, §35 (NEW).]

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**5. Limitation on imposing penalty.** Any action that may result in the imposition of an administrative penalty pursuant to this section must be commenced within 5 years after the cause of action accrues.

[PL 2003, c. 505, §35 (NEW).]

**SECTION HISTORY**

PL 2003, c. 505, §35 (NEW). PL 2013, c. 495, §1 (AMD).

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