

§4705-A. Administrative penalty

1. Violation of this Title. The commission may impose an administrative penalty on a gas utility that violates any provision of this Title relating to safety of gas facilities 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, §2 (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, §2 (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, §38 (NEW).]

B. The degree of the gas utility's culpability; [PL 2003, c. 505, §38 (NEW).]

C. The gas utility's history of prior offenses; [PL 2003, c. 505, §38 (NEW).]

D. The gas utility's ability to pay; [PL 2003, c. 505, §38 (NEW).]

E. Any good faith by the gas utility in attempting to achieve compliance; [PL 2003, c. 505, §38 (NEW).]

F. The effect on the gas utility's ability to continue in business; and [PL 2003, c. 505, §38 (NEW).]

G. Such other matters as justice may require. [PL 2003, c. 505, §38 (NEW).]

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

A. Deducted from any sums owing by the State to the gas utility; or [PL 2003, c. 505, §38 (NEW).]

B. Recovered in a civil action in the state courts. [PL 2003, c. 505, §38 (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, §38 (NEW).]

SECTION HISTORY

PL 2003, c. 505, §38 (NEW). PL 2013, c. 495, §2 (AMD).

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