

**§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 \$223,000 for each violation. Each day of violation constitutes a separate offense.

[PL 2021, c. 318, §18 (AMD).]

**2. Maximum administrative penalty.** The maximum administrative penalty may not exceed \$2,227,000 for any related series of violations.

[PL 2021, c. 318, §19 (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).]

[PL 2003, c. 505, §38 (NEW).]

**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).]

[PL 2003, c. 505, §38 (NEW).]

**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). PL 2021, c. 318, §§18, 19 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.