

§722. Penalties

1. Civil violation. A person may not violate this subchapter or impede, hinder or otherwise prevent the commissioner or the commissioner's duly authorized agent from performing the commissioner's duties in connection with this subchapter. The following penalties apply to violations of this subsection.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$200 may be adjudged. [PL 2003, c. 452, Pt. B, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who violates this subsection after having previously violated this subsection commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged. [PL 2003, c. 452, Pt. B, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. B, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Trade secret violation. A person may not use to that person's own advantage or reveal to other than the commissioner or officers of the department or to the courts when relevant in any judicial proceeding information acquired under the authority of this subchapter concerning a method, record, formulation or process that as a trade secret is entitled to protection. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged. This prohibition does not prohibit the commissioner or the commissioner's duly authorized agent from exchanging information of a regulatory nature with duly appointed officials of the United States Government or of other states who are similarly prohibited by law from revealing this information.

[PL 2003, c. 452, Pt. B, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Application. This subchapter may not be construed as requiring the commissioner or the commissioner's agent to cause suit to be brought or institute seizure proceedings or issue a withdrawal from distribution order as a result of minor violations of this subchapter or when the commissioner believes that the public interest will best be served by suitable notice of warning in writing.

[PL 2003, c. 452, Pt. B, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Process. The authorities to whom a violation is reported shall cause appropriate proceedings to be instituted in a court of competent jurisdiction without delay. Before the commissioner reports a violation for suit to be brought, the distributor must have an opportunity to present the distributor's view to the commissioner.

[PL 2003, c. 452, Pt. B, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Injunction. The commissioner is authorized to apply for and the court to grant a temporary or permanent injunction restraining a person from violating or continuing to violate this subchapter or any rule or regulation adopted under this subchapter notwithstanding the existence of other remedies at law. This injunction must be issued without bond.

[PL 2003, c. 452, Pt. B, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Review. A person adversely affected by an act, order or ruling made pursuant to this subchapter may bring action within 45 days after that act, order or ruling in the Superior Court in the county of the enforcement official's office for judicial review of the actions. The form of the proceeding must be any that may be provided by statute of the State to review decisions of administrative agencies or, in the absence or inadequacy of such a form, any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunctions.

[PL 2003, c. 452, Pt. B, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1971, c. 77, §1 (NEW). PL 1977, c. 696, §§70,71 (AMD). PL 1979, c. 541, §A53 (AMD). PL 1979, c. 731, §19 (AMD). PL 2001, c. 421, §B7 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2003, c. 452, §B10 (RPR). PL 2003, c. 452, §X2 (AFF).

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