

# MAINE STATE LEGISLATURE

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(NEW TITLE)  
NEW DRAFT OF: H. P. 293, L. D. 369

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ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 707

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H. P. 587 House of Representatives, February 11, 1969  
Reported by Mr. York of Lincoln, from Committee on Public Utilities.  
Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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**AN ACT Relating to Remedies Against Gas Companies and Natural Gas  
Pipeline Companies for Violations of the Public Utilities Law.**

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., T. 35, § 357, amended.** The first sentence of section 357 of Title 35 of the Revised Statutes is amended to read as follows:

If any public utility shall willfully violate any provision of chapters 1 to 17 or shall do any act ~~herein~~ **therein** prohibited or shall fail or refuse to perform any duty enjoined upon it for which a penalty has been provided or shall fail or refuse to obey any lawful requirement or order made by the commission, for any such violation, failure or refusal such public utility shall forfeit and pay into the State Treasury not more than \$1,000 for each offense, to be recovered in a civil action in the name of the State.

**Sec. 2. R. S., T. 35, §§ 358-359, additional.** Title 35 of the Revised Statutes is amended by adding 2 new sections, 358 and 359, to read as follows:

**§ 358. Injunction relief against gas companies or natural gas pipeline companies**

Any gas company or natural gas pipeline company, operating or acting in violation of any statute or rule, regulation or order of the commission, may be restrained and enjoined from such operation or action upon complaint addressed to the Superior Court and brought by the commission. Whenever practicable, the commission shall give notice to any gas company

or natural gas pipeline company against whom an action for injunctive relief is contemplated and afford it an opportunity to present its views, and, except in the case of a knowing and willful violation, shall afford it reasonable opportunity to achieve compliance. Failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

§ 359. Civil penalty for gas companies or natural gas pipeline companies

Any gas company or any natural gas pipeline company that violates any provision of chapters 1 to 17 or chapter 181, relating to safety of pipeline facilities or transportation of gas or of any regulation issued thereunder, shall be subject to a civil penalty of not to exceed \$1,000 for violation for each day that the violation persists. However, the maximum civil penalty shall not exceed \$200,000 for any related series of violations.

Any civil penalty may be compromised by the commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the gas company or natural gas pipeline company charged, the gravity of the violation, and the good faith of the gas company or natural gas pipeline company charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the State to the gas company or natural gas pipeline company charged or may be recovered in a civil action in the state courts.