

§2751-A. Administrative penalties

Except for any violation of subchapter 2-A or a violation of subchapter 7-A relating to the sale of firewood, the Commissioner of Agriculture, Conservation and Forestry, referred to in this section as "the commissioner," may assess administrative penalties, not to exceed \$5,000, for each violation of this chapter for which a specific penalty has not been prescribed. [PL 2025, c. 193, §4 (NEW).]

1. Amount of penalty. In determining the amount of the penalty to be assessed against a person under this section, the commissioner may consider one or more of the following:

- A. The degree of actual and potential impact on public health, safety and welfare resulting from the violation; [PL 2025, c. 193, §4 (NEW).]
- B. The presence of mitigating or aggravating circumstances; [PL 2025, c. 193, §4 (NEW).]
- C. Whether the person has been warned regarding a violation or found to be in violation of the same provision of law in the past; [PL 2025, c. 193, §4 (NEW).]
- D. The economic benefit, if any, gained by the violation; [PL 2025, c. 193, §4 (NEW).]
- E. The deterrent effect of the penalty; and [PL 2025, c. 193, §4 (NEW).]
- F. The financial condition of the person. [PL 2025, c. 193, §4 (NEW).]

[PL 2025, c. 193, §4 (NEW).]

2. Separate offenses; continuing violations; maximum total value of penalties. The commissioner may consider each violation a separate offense and, in the case of a continuing violation, the commissioner may consider each day's continuance a separate offense. The total value of penalties assessed against a person under this section may not exceed \$50,000.

[PL 2025, c. 193, §4 (NEW).]

3. Commissioner may recover costs of investigation. In addition to the administrative penalties authorized by this section, the commissioner may recover the costs of investigation, which must be credited to a special fund and be made available to the Department of Agriculture, Conservation and Forestry to offset these costs.

[PL 2025, c. 193, §4 (NEW).]

4. Enforcement of final administrative penalty. The commissioner may enforce a final administrative penalty by filing a civil action in any District Court or Superior Court.

[PL 2025, c. 193, §4 (NEW).]

5. Appeal. Any party aggrieved by a final decision of the commissioner may appeal de novo to the Superior Court within 30 days of the final decision of the commissioner.

[PL 2025, c. 193, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 193, §4 (NEW).

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