

Accompanying the sixth recommendation of the Executive Office of Consumer Affairs (House, No. 40). Government Regulations.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT GOVERNING THE PENALTIES FOR VIOLATION OF NATURAL GAS REGULATIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 105A of Chapter 164 of the General Laws  
2 is hereby amended by adding the following two paragraphs:

3 Any person, firm or corporation who violates any provision of  
4 any code adopted by the department pertaining to the safety of  
5 pipeline facilities and the transportation of gas, or of any  
6 regulation or rule thereunder, at a time when the department has  
7 submitted and has in effect the annual certification to the  
8 Secretary of the Department of Transportation provided for in  
9 section 5A of the Natural Gas Pipeline Safety Act of 1968 (49 USC  
10 Sec. 1674) shall be subject to a civil penalty not to exceed one  
11 thousand dollars for each violation for each day that the violation  
12 persists. However, the maximum civil penalty shall not exceed two  
13 hundred thousand dollars for any related series of violations.

14 Any such civil penalty shall be determined by the department. In  
15 determining the amount of the penalty, the appropriateness of the  
16 penalty to the size of the business of the person, firm, or  
17 corporation charged, the gravity of the violation, and the good  
18 faith of the person, firm or corporation charged in attempting to  
19 achieve compliance, after notification of a violation, shall be  
20 considered. The amount of the penalty, when finally determined,  
21 may be deducted from any sums owing by the state to the person,  
22 firm or corporation charged or may be recovered in a civil action in  
23 the courts of this state.

1 SECTION 2. Section 40 of Chapter 82 of the General Laws, as  
2 most recently amended by Chapter 353 of the Acts of 1983, is here-  
3 by further amended by striking out the last paragraph and inserting  
4 in place thereof the following paragraph: —

5 “Any person, contractor or company found by the Department  
6 of Public Utilities, after a hearing to have violated any provision of  
7 this section shall be punished by a fine of two hundred dollars for  
8 the first offense and not less than five hundred nor more than one  
9 thousand dollars for any subsequent offense.”