

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE  
3, SECTION 164, SUBSECTION 6.**

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

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**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 3, 1981

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## CHAPTER 134

H. P. 659 — L. D. 762

### AN ACT to Require Primary Suppliers to Report Deliveries of Petroleum Products to the Office of Energy Resources.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Office of Energy Resources currently receives information relating to actual and anticipated deliveries of petroleum products submitted by primary suppliers in accordance with federal regulations; and

Whereas, the Office of Energy Resources relies upon the information to plan for and predict fuel shortages in order to avert or mitigate the threat to the health, safety and welfare of Maine citizens caused by the shortages; and

Whereas, federal regulations requiring primary suppliers to submit reports stating actual and anticipated deliveries of petroleum products may soon be repealed; and

Whereas, the State of Maine does not have the authority to require primary suppliers to report actual and anticipated deliveries of petroleum products; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 5 MRSA § 5010, sub-§ 1, as enacted by PL 1979, c. 372, § 2 is amended to read:

1. **Petroleum products.** "Petroleum products" ~~shall mean~~ means propane, gasoline, unleaded gasoline, **gasohol**, kerosene, #2 heating oil, diesel fuel, kerosene base jet fuel ~~and~~, **aviation gasoline**, #4, #5 and #6 residual oil for utility and nonutility uses, and **Bunker C oil**.

**Sec. 2.** 5 MRSA § 5010, sub-§ 2-A is enacted to read:

**2-A. Primary supplier.** "Primary supplier" means any refiner, marketer, distributor, firm or person who makes the first sale of any petroleum product to resellers or consumers in this State.

**Sec. 3.** 5 MRSA § 5010, sub-§ 3-A is enacted to read:

**3-A. Reporting of primary suppliers.** Each primary supplier of petroleum products shall make an accurate report on the 3rd Monday of each month to the Director of the Office of Energy Resources on a form provided by the director, unless the report is already being submitted in accordance with federal regulations.

This form shall require the following information:

- A. Actual deliveries of all petroleum products in this State during the preceding calendar month;**
- B. Anticipated deliveries of all petroleum products in this State during the following calendar month;**
- C. Allocation fractions for all petroleum products for the following month; and**
- D. A conspicuous statement of the penalties provided in subsection 4.**

**Sec. 4.** 5 MRSA § 5010, sub-§ 4, as repealed and replaced by PL 1979, c. 574, § 12, is amended to read:

**4. Penalty provisions.** Any owner or lessee of a primary storage facility or any primary supplier covered by this section who fails to provide the information required by this section or who knowingly or recklessly supplies false or misleading information shall be guilty of a violation of Title 17-A, section 453. Any owner or lessee of a primary storage facility who, in fact, supplies false or misleading information is subject to a civil penalty of \$2,500, payable to the State, to be recovered in a civil action.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved, except section 4, which shall take effect when federal regulations no longer require submission of that report.