

MAINE STATE LEGISLATURE

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

FIRST SUMMARY REPORT
TO THE
ONE HUNDRED AND FIFTH LEGISLATURE
VOLUME ONE

JANUARY, 1971



STATE OF MAINE
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AUGUSTA, MAINE 04330

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January 1, 1971

To the Members of the 105th Legislature:

By statute the Legislative Research Committee is required to make or cause to be made such studies and investigations as the Legislature directs. In addition, the Committee is empowered to and has liberally exercised its own initiative by undertaking studies of matters pertaining to important issues of public policy and questions of state-wide interest. The Committee's ultimate objective is to assist the Legislature by submitting factual information pertinent to the questions involved along with such findings and recommendations for action or nonaction as the Committee deems desirable.

The Legislative Research Committee has inquired at great length and with serious purpose into those matters referred to it and hereby has the pleasure of submitting to you the first portion of its report on activities of the past two years. This report designated as Volume I deals with eight assigned topics and contains the findings and recommendations pursuant thereto. Reports relative to other matters ordered for study by action of the Legislature or undertaken by motion will appear in subsequent publications.

On behalf of the membership, I wish to express at this time our individual and collective appreciation to many individuals, organizations and persons in the service of the State whose assistance to the Committee in its studies and deliberations has made it possible to obtain information respecting the many problems confronting the Committee and without whose cooperation conclusions could not have been reached.

The members of the Committee also wish to express their appreciation for being chosen to participate in these assignments and sincerely hope the following reports will prove of benefit to the Members of the Legislature as well as the citizens of Maine.

Respectfully submitted,

A handwritten signature in cursive script that reads "William E. Dennett".

WILLIAM E. DENNETT, Chairman
Legislative Research Committee

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON
QUALITY RATING OF GASOLINE
to the
ONE HUNDRED AND FIFTH LEGISLATURE

JANUARY, 1971

Legislative Research Committee

Publication 105-6

QUALITY RATING OF GASOLINE

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of Bill "An Act Establishing the Quality Rating of Gasoline", Legislative Document No. 1208, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report the results of its study at the next regular or special session of the Legislature.

SP 445	In Senate Chamber	House of Representatives
Bernard	Read and Passed	Read and Passed
Androscoggin	April 29, 1969	May 2, 1969
	Sent down for concurrence	In concurrence

SUBCOMMITTEE ON QUALITY RATING OF GASOLINE

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The Legislative Research Committee under joint order of the One Hundred and Fourth Legislature, Senate Paper 447, has studied the subject matter of Legislative Document 1208 "An Act Establishing the Quality Rating of Gasoline" as introduced and considered at the 1969 regular legislative session.

The Committee finds, as reported in 2 CCH Trade Regulation Reporter, ¶ 7969 at 12,938 (1970), that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U. S. C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule addressed to the subject of mandatory posting of research octane ratings, in a clear and conspicuous manner, on gasoline dispensing pumps by refiners and other marketers of gasoline products.

The Commission has initiated this proceeding having reason to believe that:

(1) Failure by refiners and other marketers of gasoline to identify the gasoline being dispensed through the pumps in terms of research octane ratings may constitute a deception, and an unfair trade practice in that it fails to provide the consumer with a criterion to which he can relate the gasoline with engine requirements of his automobile;

(2) The failure of refiners and other marketers to disclose the research octane ratings on the gasoline pumps is an unfair

practice in that it does not afford to the consumer information with any degree of preciseness as to the range of octane ratings available. In certain instances gasolines are being marketed by the descriptive grade name of "regular" which are in fact of a lower octane rating than the average acceptable range of "regular" brands normally marketed with resulting damage to the engines and in some instances the warranties on new cars are not being honored because the car owner unwittingly used a low octane gasoline which he assumed to be a "regular" blend;

(3) Refiners and other marketers of gasoline own and/or control the pumps through which gasoline is dispensed at the retail outlet;

(4) Many consumers are unaware that the engine requirements of their automobile may permit the use of a lower octane gasoline and are paying higher prices needlessly for gasolines of a higher octane rating; and, therefore,

(5) The practice of failing to disclose the research octane ratings of the gasoline being dispensed from the pump constitutes an unfair method of competition and an unfair or deceptive act or practice, in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission therefore proposes the following Trade Regulation Rule:

§ 422.1 The Rule

In connection with the sale of motor gasoline for general automotive use in commerce, as "commerce" is defined in the

Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair or deceptive act or practice for the refiners or other marketers who own and/or control the pumps through which motor gasoline is dispensed at the retail outlet to fail to clearly and conspicuously disclose, in a permanent manner on the pumps, the research octane rating or ratings of the motor gasoline being dispensed.

Note: For purposes of this Rule, "research octane rating" shall mean the research octane rating as described in The American Society for Testing Materials (ASTM) "Specifications for Gasoline" (D. 439-68T)

In view of these circumstances the Committee feels that any action at the State level in advance of the Federal Trade Commission's ultimate determination and ruling would be inappropriate at this time.