

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1277

S. P. 413

In Senate, March 16, 1979

Referred to the Committee on Business Legislation. Sent down for concurrence and ordered printed.

Presented by Senator Teague of Somerset.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Redistribute Responsibility for Enforcement of Laws Prohibiting
Certain Unfair Trade Practices.**

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

Sec. 1. 10 MRSA § 1206 is repealed.

Sec. 2. 10 MRSA § 1660 is amended to read:

§ 1660. Enforcement

The Director of the Maine Agricultural Experiment Station shall analyze or cause to be analyzed such samples of internal combustion engine fuels, lubricating oils and other like products at such time and to such extent as the State Tax Assessor or Attorney General may determine. ~~It shall be the duty of the State Tax Assessor in person, or by deputy, to~~ **The Attorney General shall** enforce this chapter and for that purpose ~~the State Tax Assessor in person or by deputy shall~~ have full access ~~ingress and egress~~ at all reasonable hours to any place ~~or building wherein in which~~ internal combustion engine fuels, lubricating oils and other like products are stored, transported, sold, offered or exposed for sale. ~~He~~ **The Attorney General** may ~~in person or by deputy~~ open any case, package or other container, tank, pump, tank car or storage tank and enter upon any barge, vessel or other vehicle of transportation and may, upon tendering the market price, take

~~samples for analysis. The expense of such analysis and of the administration of this chapter shall be included in the expense of the administration of the tax on gasoline.~~

STATEMENT OF FACT

The purpose of this bill is to place with the Attorney General, rather than the State Tax Assessor, the responsibility for enforcing the Unfair Sales Act, Title 10, chapter 205, as it relates to cigarettes and for enforcing the prohibition against unfair trade practices designated in Title 10, chapter 307. The prohibited acts are of the type generally prosecuted by the Consumer Fraud and Anti-trust Division of the Department of Attorney General. The remaining amendments to Title 10, section 1660 are intended to simplify the language of the section and not to reduce in any way the authority of the enforcing entity.