

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1415

H. P. 1148

House of Representatives, March 22, 1979

Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Davies of Orono.

Cosponsor: Mr. Michael of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Extending Public Utilities Commission Regulatory Authority to Residential Fuel Oil Dealers.

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

Sec. 1. 35 MRSA § 15, sub-§ 13, is amended to read:

13. Public utility. "Public utility" includes every common carrier, gas company, natural gas pipeline company, **residential heating fuel oil company**, electrical company, telephone company, telegraph company, water company, public heating company, wharfinger and warehouseman, as those terms are defined in this section, and each thereof is declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission, and to chapters 1 to 17.

Sec. 2. 35 MRSA § 15, sub-§ 15-A, is enacted to read:

15-A. Residential heating fuel, petroleum products for residential heating fuel. "Residential heating fuel" and "petroleum products for residential heating fuel," mean and include number 2 fuel oil, kerosene, butane, propane and any other petroleum derivative that may be used to heat the interior of a dwelling house or other structure owned, rented or used by one or more individuals as a residential housing unit.

Sec. 3. 35 MRSA § 15, sub-§ 15-B is enacted to read:

15-B. Residential heating fuel company. “Residential heating fuel company” includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any business or facility that sells residential heating fuel and petroleum products for residential heating fuel, but shall not include any of the aforesaid corporations, person, their lessees, trustees, receivers or trustees appointed by any court whatsoever who sell less than 1,000,000 gallons of residential heating fuel annually.

Sec. 4. 35 MRSA § 314, first sentence, as enacted by PL 1975, c. 548 is amended to read:

The Public Utilities Commission shall adopt and promulgate reasonable regulations after hearing concerning the termination or disconnection of any residential customer’s service by an electric, gas, residential heating fuel, water or telephone utility of the State.

Sec. 5. 35 MRSA, c. 185 is enacted to read:

CHAPTER 185

RESIDENTIAL HEATING FUEL COMPANIES

§ 2601. Declaration of policy

It is declared that the business of delivering residential heating fuel within the State is affected with the public interest and that the health, safety and welfare of the inhabitants of the State require regulation in the matters relating to the delivery of residential fuel oil.

§ 2602. Refusal to sell

No residential heating fuel company serving a particular geographic area of the State shall refuse to sell residential heating fuel on the grounds that the customer’s Storage facilities are unsuitable or insufficient, or that the quantity ordered is insufficient or that the customer is inconveniently located, unless and until the company locates another residential heating fuel company willing and able to sell and deliver the residential heating fuel requested by the customer.

§ 2603. Off-route surcharge

No residential heating fuel company shall charge an additional fee for delivering residential heating fuel outside their normal delivery route.

§ 2604. Availability of credit

No residential heating fuel company shall discriminate against any person in the extension of credit based on race, color, sex, physical or mental handicap, receipt of public assistance or other governmental benefits, religion, ancestry or national origin.

§ 2605. Exclusion of rates

Notwithstanding any other section in this Title, the Public Utilities Commission shall not have jurisdiction over the rates charged by residential heating fuel companies.

STATEMENT OF FACT

The purpose of this bill is to expand the jurisdiction of the Public Utilities Commission to cover fuel (heating) oil dealers who make retail sales to residential customers. Under present law no agency is authorized to promulgate regulations concerning such key areas as the availability of credit, surcharges for off-route deliveries, emergency deliveries, large minimum delivery requirements, publication of delivery schedules and termination of service without notice and an opportunity to be heard.

The jurisdiction of the commission will be limited to residential heating fuel dealers who sell less than 1,000,000 gallons of residential heating fuel annually. The Public Utilities Commission is specifically prohibited by this bill from regulating the rates charged by residential heating fuel companies.