

MAINE STATE LEGISLATURE

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EMERGENCY
(Governor's Bill)
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 762

H. P. 659

House of Representatives, February 10, 1981

Referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Brannigan of Portland.

Cosponsors: Representative Hall of Sangerville, Senator McBreairty of Aroostook and Senator Teague of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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primary suppliers to submit reports stating actual and anticipated deliveries of petroleum products may soon be repealed; and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.~~

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, as enacted by PL 1979, c. 372, § 2, is repealed.

Sec. 4. 5 MRSA § 5010, sub-§ 3-A is enacted to read:

3-A. Reporting. Reporting is as follows.

A. Each owner or lessee of primary storage facilities of petroleum products in the State shall make an accurate report on the first and 3rd Monday of each month to the Director of Energy Resources on a form provided by the director. This form shall require the following information:

- (1) The total inventory of each petroleum product stored in the State, as measured, within not more than 3 working days prior to the reporting date;
- (2) Quantities of each petroleum product delivery expected into the State within 15 days of the reporting date; and
- (3) A conspicuous statement of the penalties provided in subsection 4.

B. Each primary supplier of petroleum products shall make an accurate report on the 3rd Monday of each month to the Director 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:

- (1) Actual deliveries of all petroleum products in this State during the preceding calendar month;
- (2) Anticipated deliveries of all petroleum products in this State during the following calendar month;
- (3) Allocation fractions for all petroleum products for the following month; and

(4) A conspicuous statement of the penalties provided in subsection 4.

Sec. 5. 5 MRSA § 5010, sub-§ 4, as repealed and replaced by PL 1979, c. 574, § 12, is repealed and the following enacted in its place:

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 chapter or who knowingly or intentionally supplies information of a false or misleading nature, is guilty of a Class D crime.

Any owner or lessee of a primary storage facility or any primary supplier covered by this section, who supplies information of a false or misleading nature, commits a civil violation for which a forfeiture of not more than \$2,500 may be adjudged.

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

STATEMENT OF FACT

The purpose of this bill is to enact into Maine law petroleum reporting requirements currently authorized by federal regulations in the event that decontrol of the oil industry eliminates these regulations. The Office of Energy Resources relies upon existing monthly reports of petroleum deliveries to monitor consumption, to assist in energy planning, to predict supply short falls and to manage energy emergencies. By amending Title 5, section 5010, to require primary suppliers to submit monthly reports stating the amount of actual deliveries made during the previous month and the amount of anticipated deliveries scheduled for the following month, and by expanding the definition of petroleum products to include aviation gasoline, gasohol and Bunker C, the State will have the authority to require primary suppliers to continue providing information currently received and utilized by the Office of Energy Resources.