

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1014

6
7 S.P. 339

In Senate, March 4, 1983

8 Submitted by the Office of Energy Resources pursuant to Joint Rule 24.
9 Referred to the Committee on Energy and Natural Resources. Sent down
for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Pearson of Penobscot.

11 Cosponsors: Representative Dexter of Kingfield, Representative Nadeau
of Lewiston and Representative McGowan of Pittsfield.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Allocate Oil Company Overcharge
18 Refunds in the Energy Resources Development
19 Fund.
20

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

23 5 MRSA §5006, sub-§1-A is enacted to read:

24 1-A. Oil overcharge refunds. Any funds received
25 by the State as the result of the adoption of consent
26 orders by the Federal Government and affected compa-
27 nies, remedial orders issued by the United States
28 Department of Energy or litigation initiated by the
29 Federal Government or by the State relative to
30 alleged or actual violations of the United States
31 Department of Energy petroleum price and allocation
32 regulations, for the period March 6, 1973 through
33 January 27, 1981, shall be deposited into the Maine
34 Energy Resources Development Fund. For each payment

1 to the State, representing restitution for an alleged
2 or actual overcharge for each company, the Office of
3 Energy Resources shall determine, on the basis of
4 data contained in the Energy Information Administra-
5 tion-25 forms for the applicable period, the percent-
6 age of the total product supplied to end use consum-
7 ers within the State during any part of the period
8 that is represented by motor fuels, defined as gaso-
9 line, diesel and aviation fuel and by heating fuels,
10 defined as heating oil, kerosene, residual oil and
11 propane. That percentage of refund which corre-
12 sponds to motor fuel deliveries shall be transferred
13 to the Department of Transportation to be expended
14 for road and bridge repair, public transportation or
15 airport improvements. In addition, the Director of
16 the Office of Energy Resources shall hold no more
17 than 10% of the motor fuel related funds to assist
18 ongoing ride-share efforts. That percentage of
19 refund which corresponds to heating fuel deliveries
20 will be used by the Office of Energy Resources to
21 finance an energy conservation loan program for resi-
22 dential and small commercial energy users. The funds
23 may be used to make direct loans, to subsidize inter-
24 est rates on approved loans and to guarantee loans.
25 This program shall be complementary to the program
26 authorized under Title 35, section 93, and any other
27 related program offered by state agencies, utilities
28 and private lending institutions. To the extent that
29 the office determines that product sales by any com-
30 pany occurred in a specific region or locality and
31 not throughout the State, the activities to be car-
32 ried out by the Department of Transportation or the
33 Office of Energy Resources, as described in this sub-
34 section, shall be limited in their application to
35 such a region or locality to the extent of the refund
36 from the relevant company. If the use of any funds
37 received under this section is subject to guidelines
38 set by the United States Department of Energy, Con-
39 gress or by court order, those guidelines shall
40 supersede the uses established in this section
41 wherever there is a conflict.

42 STATEMENT OF FACT

43 Like other states, Maine may receive substantial
44 funds as the result of settlements reached between
45 the Federal Government and major oil companies.

1 These settlements relate to alleged consumer over-
2 charges by major oil companies during the period of
3 federal price controls during the period 1973-1981.

4 This bill establishes a mechanism by which these
5 funds would be deposited directly into the Maine
6 Energy Resources Development Fund. The funds would
7 then be expended in such a way as to reflect the pat-
8 tern of oil sales in Maine by the companies involved.
9 In this way, the State can come closest to providing
10 restitution to individual consumers who may have been
11 injured by the alleged overcharges. The percentage
12 of funds which correspond to the percentage of oil
13 sold by a given company for transportation purposes
14 will be used for road and bridge repair. That por-
15 tion of funds corresponding to heating oil sales will
16 be used to provide residential and commercial loans
17 for energy conservation projects.

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