

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 274  
6

7 H.P. 233

House of Representatives, January 30, 1985

8 Reference to the Committee on Agriculture suggested and ordered  
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Carter of Winslow.

11 Cosponsored by Senator Erwin of Oxford and Senator McBreairty of  
Aroostook.

12 STATE OF MAINE  
13

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

17 AN ACT to Amend the Weights and Measures Law.  
18

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

21 Sec. 1. 10 MRSA §2654-A is enacted to read:

22 §2654-A. Retail vehicle tank metering devices

23 A repairman registered and otherwise regulated  
24 under this subchapter may test and calibrate retail  
25 vehicle tank metering devices for the delivery of pe-  
26 troleum products, provided that the state sealer has  
27 determined that the repairman is qualified, on the  
28 basis of his competency and his proper use of correct  
29 equipment, to perform those tests and calibrations.  
30 The state sealer shall note his determination of that  
31 qualification on the repairman's registration certif-  
32 icate and shall make a new determination of qualifi-  
33 cation each time the certificate is renewed.

1         Such a metering device which has been tested and,  
2 if necessary, calibrated by a repairman in accordance  
3 with this section shall not be tested or calibrated  
4 by the state sealer within the 12-month period fol-  
5 lowing the date of the testing and calibration unless  
6 testing or calibration by the state sealer is re-  
7 quested by the owner or operator of the device, ex-  
8 cept that the state sealer may test and, if neces-  
9 sary, calibrate any such device for the purpose of  
10 evaluating the competency of any repairman or for the  
11 purpose of investigation of a complaint. When the  
12 state sealer tests or calibrates such a device for  
13 those purposes, he shall not charge any fee if the  
14 device has been tested and, if necessary, calibrated  
15 within the previous 12 months and he finds the device  
16 to be correct.

17             Sec. 2. 10 MRSA §2701, 4th ¶ is amended to read:

18             The state sealer or sealers shall not charge a  
19 fee for testing or calibrating, weighing and measur-  
20 ing devices which have been calibrated or tested and  
21 approved within a period of 3 months from time of ap-  
22 proval, provided the same are found to be correct,  
23 except fees for testing or calibrating retail vehicle  
24 tank metering devices tested or calibrated by a  
25 repairman in accordance with section 2654-A shall be  
26 charged as provided in that section.

27   STATEMENT OF FACT

28             This bill clarifies the state's role in ensuring  
29 that consumers receive accurate measures of heating  
30 oil and gasoline, while encouraging the private  
31 sector to do as much of the ongoing meter adjusting  
32 as possible.

33             Where a qualified repairman tests and calibrates  
34 a tank truck meter, the bill limits state's testing  
35 and regulating activities to:

36             1. Response to requests for checks by truck own-  
37 ers or operators;

1           2.   Checking to investigate complaints; and

2           3.   Checking to evaluate the competency of a li-  
3   censed adjuster.

4           Under this bill, state inspectors will continue  
5   to check those trucks which have not been checked  
6   within the preceeding 12 months and to spot check  
7   trucks which have been tested by a licensed repair  
8   person. The frequency of these spot checks would ob-  
9   viously depend on the number of errors and  
10   miscalculations found.

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