

MAINE STATE LEGISLATURE

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(Emergency)
THIRD SPECIAL SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2689

S.P. 1029 In Senate, September 15, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 26.

Received by the Secretary of the Senate on September 12,
1988. Referred to the Committee on Business Legislation and
1,400 ordered printed pursuant to Joint Rule 14.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator CLARK of Cumberland.

Cosponsored by Representative TUPPER of Orrington, Senator
CAHILL of Sagadahoc, Representative TARDY of Palmyra.

STATE OF MAINE

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

1 **RESOLVE, Directing the Attorney General to**
2 **Study the Trade Practices of the Motor Fuel**
3 **Sales Industry.**
4

5 **Emergency preamble. Whereas, Acts and resolves**
6 **of the Legislature do not become effective until 90**
7 **days after adjournment unless enacted as emergencies;**
8 **and**

9 **Whereas, the competitive nature of the sale of**

1 motor fuels is in danger due to certain trade
2 practices; and

3 Whereas, it is necessary that the Attorney General
4 begin to conduct a study of such trade practices
5 immediately and make a report to the Legislature by
6 February of 1989; and

7 Whereas, in the judgment of the Legislature, these
8 facts create an emergency within the meaning of the
9 Constitution of Maine and require the following
10 legislation as immediately necessary for the
11 preservation of the public peace, health and safety;
12 now, therefore, be it

13 **Sec. 1. Legislative findings. Resolved:** That
14 the Legislature finds that a free and open competitive
15 marketplace for the sale of motor fuels is in the best
16 interests of the people of the State and that where
17 the potential exists for harm to the competitive
18 nature of this marketplace through the consolidation
19 of competitors by means clearly outside of state and
20 federal law, actions need to be taken by the Attorney
21 General to enforce the state and federal laws as may
22 be necessary to preserve the competitive nature of the
23 sale of motor fuels; and be it further

24 **Sec. 2. Study. Resolved:** That the Attorney
25 General shall undertake a study of the potential harm
26 to Maine consumers and to the competitive nature of
27 the free-market economy from the sale of motor fuels
28 through the consolidation of competitors. This study
29 shall examine such consolidation and sales practices
30 in light of the Maine Unfair Trade Practices Act and
31 other applicable state and federal anti-trust laws;
32 and be it further

33 **Sec. 3. Report. Resolved:** That the Attorney
34 General shall submit a report, including his findings
35 and any necessary implementing legislation to the
36 Joint Standing Committee on Business Legislation no
37 later than February 1, 1989.

38 **Emergency clause.** In view of the emergency
39 cited in the preamble, this resolve shall take effect

1 when approved.

2

STATEMENT OF FACT

3 The purpose of this resolve is to direct the
4 Attorney General to study the trade practices involved
5 in the consolidation of competitors in the motor fuel
6 sales industry.

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