

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 898, L.D. 2317, Bill, "An Act to Govern Residential Propane Gas Suppliers"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 10 MRSA §1658-A is enacted to read:

§1658-A. Marking and filling containers owned by others

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Liquefied petroleum gas" means any material that is composed predominantly of any of the following hydrocarbons or mixtures of those hydrocarbons: propane, propylene, normal butane, isobutane and butylenes.

B. "Owner" means any person who holds a written bill of sale under which title to a liquefied petroleum gas container was transferred to that person, or any manufacturer of a liquefied petroleum gas container who has not sold or transferred ownership of the container by written bill of sale.

2. Unlawful use of containers. No person except the owner, or a person authorized in writing by the owner to do so, may fill or refill a liquefied petroleum gas container with a liquefied petroleum gas or any other gas or compound.

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3. Presumptive evidence of unlawful use. Actual or constructive possession of a liquefied petroleum gas container by any person other than the owner or a retail purchaser of liquefied petroleum gas without written consent is presumptive evidence of unlawful filling or refilling of the container.

Sec. 2. 10 MRSA §1661-C is enacted to read:

§1661-C. Notice of propane unit price

1. Notice. A retail seller of propane gas shall notify a customer or potential customer of the unit price of propane gas upon request, when an oral order for a single delivery is received and at the time of billing.

2. Unit. "Unit," for the purposes of this chapter, may include gallon, pound or cubic foot; but upon customer request a retail seller of propane gas shall convert prices quoted by the pound or cubic foot into per gallon prices.

Sec. 3. 10 MRSA §1662 is amended to read:

§1662. Penalties

~~Any A person,--firm-or-corporation-or-any-officer,--agent, servant-or-employee-thereof, who shall-violate~~ violates any of the provisions of this chapter shall-be, except section 1658-A, is punished by a fine of not more than \$100 for the first offense and by a fine of not more than \$200 for each subsequent offense, or by imprisonment for 90 days, or by both. A person who violates section 1658-A commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged. Each separate sale or attempt to sell in violation of this chapter shall-be deemed is a separate offense.

FISCAL NOTE

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines will increase General Fund revenue by a minor amount.'

R. of S.

STATEMENT OF FACT

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The original bill required suppliers of propane gas to establish price schedules based on estimated annual usage and to disclose all prices to potential and current consumers. The bill also prohibited suppliers from requiring that consumers use the suppliers' tanks but does not require a supplier to permit its tanks to be filled by another supplier. It also prohibited assessment by suppliers of storage tank removal charges.

This amendment replaces the bill with provisions that prohibit propane dealers from filling each others' tanks without permission and requires that sellers of propane disclose the unit price of propane to potential and current customers. The amendment also adds a fiscal note to the bill.

Reported by Senator Baldacci for the Committee on Business Legislation. Reproduced and Distributed Pursuant to Senate Rule 12.

(3/4/92)

(Filing No. S-584)

COMMITTEE AMENDMENT