

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 94, L.D. 248, Bill, "An Act to Clarify the Procedures by Which Fees Are Collected under the Petroleum Market Share Act"

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

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

Whereas, the Petroleum Market Share Act needs to be amended to clarify the scope of data to be provided to the Department of the Attorney General; and

Whereas, the modified reports need to be made immediately in order for the Attorney General to fulfill reporting obligations within the time frame contemplated by the Legislature; 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Sec. 1. 10 MRSA §1673, sub-§1, as enacted by PL 1991, c. 836, §3, is repealed and the following enacted in its place:

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1. Reporting by wholesaler. A wholesaler shall provide reports to the Department of the Attorney General in a manner, frequency, time and form specified by the Attorney General, but at no greater frequency than 4 times per year, setting forth:

A. The total gallons of home heating oil and motor fuel oil sold by the wholesaler to each retail outlet or retailer;

B. The total gallons of home heating oil and motor fuel oil supplied by the wholesaler to each retail outlet controlled by the wholesaler during any portion of the reporting period; and

C. The total gallons of home heating oil and motor fuel oil sold by the wholesaler from a bulk storage facility or depot directly to any end user for consumption in the State.

Sec. 2. 10 MRSA §1673, sub-§2, ¶C is enacted to read:

C. A refiner shall provide reports to the Department of the Attorney General in a manner, frequency, time and form specified by the Attorney General, but at no greater frequency than 4 times per year, setting forth the total gallons of home heating oil and motor fuel oil supplied by the refiner to each retail outlet controlled by the refiner during any portion of the reporting period and the total gallons of home heating oil and motor fuel oil sold by the refiner from a bulk storage facility or depot directly to any end user for consumption in the State.

Sec. 3. 10 MRSA §1681, as enacted by PL 1991, c. 836, §3, is amended to read:

§1681. Fees

Annually by September 1st, ~~a-wholesaler~~ every person who operates or causes to be operated an oil terminal facility within the State, as defined in Title 38, section 542, subsection 7, and every person who is required to register with the Commissioner of Environmental Protection pursuant to Title 38, section 545-B, shall pay to the Attorney General a fee for each 10,000 gallons of home heating oil and motor fuel oil ~~sold-to-retail-outlets-or-retailers~~ transported into the State during the previous 12-month period ending June 1st. Home heating oil or motor fuel oil that is subsequently exported from the State is excluded from computation, except that home heating oil sold to a retailer or retail outlet located outside the State that sells home heating oil at retail within the State is not excluded. The fee that must be paid by September 1, 1992 is 45¢ for each 10,000 gallons or portion thereof. The fee for each subsequent year is 40¢ for

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each 10,000 gallons or portion thereof. The fees must be deposited in a dedicated, nonlapsing account, known as the Petroleum Marketing Fund. The Attorney General shall administer the fund. This section is repealed October 1, 1994.

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

FISCAL NOTE

The Department of the Attorney General will incur some minor additional costs to collect additional data for analysis of retail fuel markets. These costs can be absorbed within the department's existing budgeted resources.

The clarification of fee collections will not significantly affect the amount of budgeted dedicated revenue to the Petroleum Marketing Fund.'

STATEMENT OF FACT

This amendment replaces the bill. It clarifies that the remittance of fees under the Petroleum Market Share Act is due from those who first bring motor fuel oil or home heating oil into the State, avoiding the possibility of assessing the fees more than once on the same gallon of product.

The amendment further clarifies that fees are not imposed on products initially brought into the State but thereafter transshipped to jurisdictions outside the State, except for home heating oil sold to retailers or retail outlets located outside the State that sell products within the State.

Finally, the amendment enhances the ability of the Attorney General to collect the data necessary for meaningful analysis of the competitive health of retail fuel markets in the State.

Reported by Senator Cianchette for the Committee on Business Legislation. Reproduced and Distributed Pursuant to Senate Rule 12.
(3/8/93) (Filing No. S-41)