

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

Legislative Document

No. 248

S.P. 94

In Senate, February 2, 1993

**An Act to Clarify the Procedures by Which Fees Are Collected under  
the Petroleum Market Share Act.**

(EMERGENCY)

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

**JOY J. O'BRIEN**  
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

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

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6           Whereas, the Legislature needs to clarify the procedures by  
which fees are collected in support of the Petroleum Market Share  
Act; and

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10           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  
12 necessary for the preservation of the public peace, health and  
safety; now, therefore,

14           **Be it enacted by the People of the State of Maine as follows:**

16           **Sec. 1. 10 MRSA §1681**, as enacted by PL 1991, c. 836, §3, is  
18 amended to read:

20           **§1681. Fees**

22           Annually by September 1st, a ~~wholesaler~~ person operating or  
24 causing to be operated within the State an oil terminal facility,  
as defined in Title 38, section 542, subsection 7, and a person  
26 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  
28 oil and motor fuel oil ~~sold to retail outlets or retailers~~  
transported into the State during the previous 12-month period  
30 ending June 1st, excluding home heating oil or motor fuel oil  
that is subsequently exported from the State, except that home  
32 heating oil sold to a retailer or retail outlet located outside  
the State that sells home heating oil at retail within the State  
34 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  
36 each subsequent year is 40¢ for each 10,000 gallons or portion  
thereof. The fees must be deposited in a dedicated, nonlapsing  
38 account, known as the Petroleum Marketing Fund. The Attorney  
General shall administer the fund. This section is repealed  
40 October 1, 1994.

42           **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.  
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**STATEMENT OF FACT**

This bill clarifies that the remittance of fees under the Petroleum Market Share Act arises from those who first bring motor fuels or home heating oil into the State, thereby avoiding the possibility of assessing the fees more than once on the same gallon.

This bill further clarifies that fees are not imposed on products initially brought into the State, but soon thereafter transshipped to jurisdictions outside of the State, except in the case of home heating oil sold to retailers or retail outlets located outside the State that sell products within the State.