

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1655

S.P. 596

In Senate, January 11, 1994

An Act to Amend the Petroleum Market Share Act.

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

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

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3 **Sec. 1. 10 MRSA §1673, sub-§1**, as repealed and replaced by PL
4 1993, c. 46, §1, is amended to read:

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

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

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

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

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23 **Sec. 2. 10 MRSA §1673, sub-§3**, as enacted by PL 1991, c. 836,
24 §3, is repealed.

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26 **Sec. 3. 10 MRSA §1681**, as amended by PL 1993, c. 415, Pt. F,
27 §1, is further amended to read:

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29 **§1681. Fees**

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31 Annually by September 1st, every person who operates or
32 causes to be operated an oil terminal facility within the State,
33 as defined in Title 38, section 542, subsection 7, and every
34 person who is required to register with the Commissioner of
35 Environmental Protection pursuant to Title 38, section 545-B,
36 shall pay to the Attorney General a fee for each 10,000 gallons
37 of home heating oil and motor fuel oil transported into the State
38 during the previous 12-month period ending June 1st. Home
39 heating oil or motor fuel oil that is subsequently exported from
40 the State is excluded from computation, except that home heating
41 oil sold to a retailer or retail outlet located outside the State
42 that sells home heating oil at retail within the State is not
43 excluded. The fee that must be paid by September 1, 1992 is 45¢
44 for each 10,000 gallons or portion thereof. The fee for each
45 subsequent year is 75.15¢ for each 10,000 gallons or portion
46 thereof. The fees must be deposited in a dedicated, nonlapsing
47 account, known as the Petroleum Marketing Fund. The Attorney
48 General shall administer the fund. ~~This section is repealed~~
49 ~~October 1, 1994.~~

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STATEMENT OF FACT

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This bill eliminates the sunset provisions of the Petroleum Market Share Act. In addition, it requires wholesalers to provide reports under the Act on an annual basis only, and deprives the Attorney General of the ability to require by rule that reports be made as often as quarterly.

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This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.

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