

MAINE STATE LEGISLATURE

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BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 194, L.D. 585, Bill, "An Act To Reauthorize the Petroleum Market Share Act"

Amend the bill by inserting after section 2 the following:

Sec. 3. 10 MRSA §1673, sub-§2, ¶B, as enacted by PL 1991, c. 836, §3, is amended to read:

B. Within 60 days of the effective date of this chapter, and every 60 days thereafter, a A refiner shall file annually with the Department of the Attorney General a list showing any changes in the number and location of retail outlets controlled by the refiner during the preceding 60 days year.

Sec. 4. 10 MRSA §1673, sub-§2, ¶C, as enacted by PL 1993, c. 46, §2, is amended to read:

C. A refiner or its affiliate shall provide reports annually to the Department of the Attorney General in a manner, frequency, time and form specified by rule 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 under its control during any portion of the reporting period and the total gallons of home heating oil and motor fuel oil sold by the refiner or its affiliate from a bulk storage facility or depot directly to any end user for consumption in the State.'

COMMITTEE AMENDMENT

2 Further amend the bill by inserting after section 3 the
following:

4
6 'Sec. 4. 10 MRSA §1677, as enacted by PL 1991, c. 836, §3, is
amended to read:

8 **§1677. Report by Attorney General to Legislature**

10 Annually by December 31st, the Attorney General shall make a
12 report to the Legislature describing the concentration of retail
outlets in the State or in sections of the State without
disclosing the name of any particular retailer or retail outlet.
14 The Attorney General shall include in the annual report a
recommendation to the Legislature as to whether additional
16 legislation is needed to further limit or curtail the activity of
refiners operating retail outlets. In formulating a legislative
18 recommendation, the Attorney General shall consult with industry
stakeholders; notwithstanding this consultation requirement, the
20 substance of the recommendation is a matter for the Attorney
General's sole discretion.'

22
24 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

26
28 **SUMMARY**

30 This amendment retains provisions of the bill that remove
provisions of the Petroleum Market Share Act that otherwise would
32 repeal certain portions of that Act. It retains provisions of
the bill that remove provisions that establish and govern the
34 Petroleum Advisory Committee. It also reduces the frequency of
refiner reports from quarterly to annually and clarifies that the
36 required reports may be made by affiliates. The amendment also
provides that, although the Attorney General is required to
38 consult with industry stakeholders concerning any future proposed
legislative changes to the Act, the final decision regarding the
40 substance of any legislative recommendation is entirely within
the Attorney General's discretion.