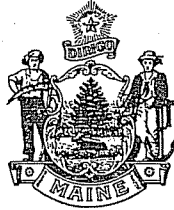


# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 270

H.P. 213

House of Representatives, January 27, 2009

### **An Act To Allow a Gasoline Retailer To Offer Discounts to Customers Who Pay by Cash or Similar Means**

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Reference to the Committee on Business, Research and Economic Development suggested  
and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MacDONALD of Boothbay.  
Cosponsored by Representative: PIEH of Bremen.

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

2 **Sec. 1. 10 MRSA §1452**, as enacted by PL 1975, c. 549, is amended to read:

3 **§1452. Legislative findings and purpose**

4 The Legislature finds and declares that the distribution and retail sale of motor fuels  
5 at reasonable prices and in adequate supply throughout the State vitally affects the public  
6 health, welfare and safety, and that increased competition at all levels of the motor fuel  
7 market and maintenance within that market of a significant proportion of businesses  
8 independent of major marketers and refiners will promote reasonable prices and better  
9 assure supplies to all areas of the State. It is therefore necessary to define and regulate the  
10 relationship between parties to franchise agreements involving the sale or distribution of  
11 motor fuels in the State and to prescribe other trade practices. The Legislature finds and  
12 declares that any provision in existing franchise agreements involving the sale or  
13 distribution of motor fuels in the State that prohibits retail dealers or distributors from  
14 offering a discount to a buyer based upon the method of payment by the buyer for  
15 gasoline constitutes an unreasonable restraint on competitive pricing and inhibits the fair  
16 and efficient functioning of a free market economy within the petroleum industry.

17 **Sec. 2. 10 MRSA §1454, sub-§1, ¶G** is enacted to read:

18 G. A franchise agreement may not prohibit a retail dealer or distributor from offering  
19 a discount to a buyer to induce the buyer to pay by cash, debit card, check or similar  
20 means rather than by credit card. A franchise agreement may not prohibit a retail  
21 dealer or distributor from offering a discount to a buyer based upon the method of  
22 payment by the buyer for gasoline. Any provision in such a franchise agreement  
23 prohibiting a retailer or distributor from offering such a discount is void and without  
24 effect as contrary to public policy.

25 **SUMMARY**

26 This bill establishes that motor fuel franchise agreements in Maine may not prohibit a  
27 retail dealer or distributor from offering a discount to a buyer to induce the buyer to pay  
28 by cash, debit card, check or similar means rather than by credit card. The bill also  
29 provides that any provision in such a franchise agreement prohibiting a retail dealer or  
30 distributor of motor fuels from offering such a discount is void and without effect as  
31 contrary to public policy.