

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1536

H.P. 1128

House of Representatives, May 3, 2011

An Act To Protect Heating Oil Consumers

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CORNELL du HOUX of Brunswick.
Cosponsored by Senator GERZOFKY of Cumberland and
Representatives: CLARKE of Bath, KENT of Woolwich, OLSEN of Phippsburg, PILON of
Saco, PRESCOTT of Topsham, PRIEST of Brunswick, WEBSTER of Freeport, Senator:
GOODALL of Sagadahoc.

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

2 **Sec. 1. 10 MRSA §1110, sub-§§6 to 8** are enacted to read:

3 **6. Report.** A dealer shall file a quarterly report with the Attorney General listing all
4 current guaranteed price home heating oil, kerosene or liquefied petroleum gas contracts
5 under subsection 1 held by the dealer and providing evidence of compliance with
6 subsection 2. A dealer shall pay a filing fee of \$5 to the Attorney General when filing a
7 report under this subsection.

8 **7. Fine.** A dealer who violates a guaranteed price home heating oil, kerosene or
9 liquefied petroleum gas contract for any reason, including failing to provide the home
10 heating oil, kerosene or liquefied petroleum gas when due or failing to reimburse in a
11 timely manner the contracting consumer the full amount of the contract in accordance
12 with subsection 5, commits a civil violation for which a fine equal to the full amount of
13 the contract plus an additional amount equal to 5% of the full amount of the contract must
14 be adjudged. The Attorney General shall collect the fine and disburse an amount equal to
15 the full amount of the violated contract to a consumer whose contract was violated. The
16 Attorney General may retain the additional 5% for costs incurred in collecting the fine.

17 **8. Rules.** The Attorney General may adopt rules to carry out the purposes of this
18 section. Rules adopted pursuant to this subsection are routine technical rules as defined
19 by Title 5, chapter 375, subchapter 2-A.

20 **SUMMARY**

21 This bill requires a dealer of home heating oil, kerosene or liquefied petroleum gas to
22 file a quarterly report with the Attorney General concerning all prepaid guaranteed price
23 home heating oil, kerosene or liquefied petroleum gas contracts that the dealer holds and
24 evidence that the dealer is in compliance with the security provisions under state law
25 relating to those contracts. The bill also stipulates that a violation of a prepaid guaranteed
26 price home heating oil, kerosene or liquefied petroleum gas contract is a civil violation
27 with a fine to equal the amount of the contract plus an additional 5% to be collected by
28 the Attorney General. The Attorney General shall disburse a portion of the fine to the
29 consumers whose contracts were not honored.