

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

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Legislative Document

No. 1793

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S.P. 671

In Senate, January 18, 2018

### **An Act To Ensure Propane Delivery during Emergencies**

(AFTER DEADLINE)

(EMERGENCY)

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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, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.  
Cosponsored by Representative FAY of Raymond and  
Senators: President THIBODEAU of Waldo, VOLK of Cumberland, Representatives:  
BRYANT of Windham, COREY of Windham, MAREAN of Hollis.

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

3 **Whereas,** this legislation amends the law regarding the delivery of propane during  
4 certain emergency situations and must take effect before the expiration of the 90-day  
5 period in order to facilitate the delivery of propane this winter; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
7 the meaning of the Constitution of Maine and require the following legislation as  
8 immediately necessary for the preservation of the public peace, health and safety; now,  
9 therefore,

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

11 **Sec. 1. 10 MRSA §1658-A, sub-§2,** as enacted by PL 1991, c. 770, §1, is  
12 amended to read:

13 **2. Unlawful use of containers.** Except as provided in subsection 3, a person  
14 except other than the owner; or a person authorized in writing by the owner to do so; may  
15 not fill or refill a liquefied petroleum gas container with a liquefied petroleum gas or any  
16 other gas or substance.

17 **Sec. 2. 10 MRSA §1658-A, sub-§3** is enacted to read:

18 **3. Propane fill or refill during emergencies.** When the Governor has issued an  
19 emergency declaration relating to heating fuel shortages for the purpose of facilitating the  
20 granting of a waiver from the United States Department of Transportation, Federal Motor  
21 Carrier Safety Administration to allow relief from 49 Code of Federal Regulations, Parts  
22 390 to 399, a person who is not the owner of a liquefied petroleum gas container may fill  
23 or refill that container with propane during the period for which the emergency is  
24 declared if the owner authorizes that person to fill or refill the container.

25 An owner that authorizes a person to fill or refill a container pursuant to this subsection is  
26 not liable for any injury or damage that results from an action of that person while that  
27 person is filling or refilling that container pursuant to this subsection. A person who fills  
28 or refills a container pursuant to this subsection is not liable for any injury or damage that  
29 results from the condition of the container.

30 Nothing in this subsection may be construed to require a person who is authorized by an  
31 owner to fill or refill a container pursuant to this subsection to fill or refill that container.

32 **Emergency clause.** In view of the emergency cited in the preamble, this  
33 legislation takes effect when approved.

34 **SUMMARY**

35 This bill allows a person who is not the owner of a liquefied petroleum gas container  
36 to fill or refill that container with propane during the period for which the Governor has  
37 issued an emergency declaration relating to heating fuel shortages, if the owner of the

1 container authorizes that person to fill or refill the container. The bill does not require a  
2 person who is authorized by an owner to fill or refill a liquefied petroleum gas container  
3 to fill or refill that container. The bill provides a limitation of liability for the liquefied  
4 petroleum gas container owner and the person who fills or refills the container.