

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1907

H.P. 1223

House of Representatives, May 9, 2023

**An Act to Increase the Transfer Fees on Petroleum Products and
Direct the Proceeds to Efficiency Programs for Low-income Energy
Consumers and Financial Assistance to Low-income Utility
Ratepayers and Prevent Profiteering in and Hoarding of Fuel**

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Scarborough.

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

2 **Sec. 1. 10 MRSA §1105-A** is enacted to read:

3 **§1105-A. Profiteering in and hoarding of fuel**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Emergency" means the existence in a community of general distress because of a
7 shortage of fuel or threatened distress because of a probable shortage of fuel.

8 B. "Hoard" means to withhold fuel from sale or delivery at a reasonable price during
9 an emergency by a person dealing in fuel.

10 C. "Profiteer" means to hold for sale or sell fuel at an excessive profit or charge an
11 excessive rate or place unreasonable restrictions or conditions upon the sale, delivery
12 or transportation of fuel.

13 **2. Fuel emergency.** The provisions of this section may be enforced whenever the
14 Governor by public proclamation declares that an emergency exists until the Governor by
15 public proclamation declares the emergency to be over.

16 A. A person may not:

17 (1) Hoard fuel or profiteer in fuel;

18 (2) Interfere in any way with the prompt sale, distribution or transportation of fuel;
19 or

20 (3) Knowingly give false, deceiving or misleading information, knowingly engage
21 in a transaction that is calculated to create false, deceiving or misleading
22 information or knowingly incorporate or permit to remain in the person's books,
23 accounts or other printed or written record information that is calculated to create
24 or convey false, deceiving or misleading information essential to the ascertainment
25 of the facts concerning the person's dealings and profit in fuel.

26 B. A person dealing in fuel shall make and keep accurate and complete written records
27 of all transactions concerning fuel, including as to each purchase and sale the date,
28 kind, quantity and price of fuel, the name and address of the seller and buyer and the
29 identity of the agency of delivery of the fuel.

30 C. A person that violates this subsection is subject to a fine of not more than \$20,000
31 and imprisonment of not more than 2 years, or both.

32 **Sec. 2. 36 MRSA c. 467** is enacted to read:

33 **CHAPTER 467**

34 **PETROLEUM PRODUCT TRANSFER FEE**

35 **§3331. Fee assessed**

36 **1. Transfer fee.** A fee is assessed on the first transfer of products listed in this
37 subsection by oil terminal facility licensees required to register with the Commissioner of

1 Environmental Protection under Title 38, section 545-B that first transports oil into the
2 State. These fees must be paid monthly on the basis of records certified to the
3 Commissioner of Environmental Protection. License fees must be paid to the Department
4 of Environmental Protection and upon receipt be credited as provided in section 3332.

5 **2. Fee amounts.** A fee of 50 cents is assessed per:

6 A. Barrel of unrefined crude oil and liquid asphalt;

7 B. Barrel of #6 fuel oil;

8 C. Barrel of #2 fuel oil, kerosene, jet fuel, diesel fuel and other refined products and
9 their by-products not otherwise specified in this subsection, excluding liquid asphalt;
10 and

11 D. Barrel of gasoline.

12 This section does not apply to waste oil transported into the State in a motor vehicle
13 that has a valid license issued by the Department of Environmental Protection for the
14 transportation of waste oil pursuant to Title 38, section 1319-O, subsection 1, paragraph C
15 and is subject to fees established under Title 38, section 1319-I.

16 **§3332. Use of fee proceeds**

17 **1. Distribution of proceeds.** Money collected from fees assessed under section 3331
18 must be transferred as follows:

19 A. Twenty-five percent to the Efficiency Maine Trust, to be used only for energy
20 efficiency programs for low-income consumers; and

21 B. Seventy-five percent to the Public Utilities Commission, to be used only for
22 providing financial assistance to low-income ratepayers.

23 **SUMMARY**

24 This bill imposes fees for the transfer of petroleum products and directs the proceeds
25 of the fees to the Efficiency Maine Trust to be used for energy efficiency programs for low-
26 income consumers and to the Public Utilities Commission to be used for financial
27 assistance to low-income ratepayers. The bill prohibits profiteering in and hoarding of fuel
28 during emergencies.