

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 877

(Transmitted from the Revisor of Statutes under Joint Order.)

H. P. 1525

House of Representatives, February 14, 1941.

Referred to the Committee on Judiciary and 650 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Sylvia of Danforth by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Creating a Fuel Administration Board.

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

Sec. 1. Board. There is hereby established the Fuel Administration Board to consist of 5 persons appointed by the governor, with the advice and consent of the council, who shall serve for the term of 5 years. In case of vacancy, the same shall be filled in the same manner for the unexpired term. It shall appoint such employees, including counsel as it deems necessary, prescribe their duties and powers and fix their compensation.

Sec. 2. Powers. Said board (1) shall have the power to supervise, regulate and control the receipt, storage, purchase, sale, use, distribution and delivery of fuel within the state, and the production within the state of fuel.

(2) Shall ascertain the kinds, quantity and location of fuel within the state, the needs of localities, and of consumers, public and private, and the available sources of supply within and without the state.

(3) May buy fuel and sell fuel for public or private consumption, as provided in this act, if the governor, by certificate filed in the office of the secretary of state, shall declare that the emergency is so acute that the exercise of such power is required.

(4) Shall ascertain, by such investigations and proofs as the emergency permits, what prices for fuel, in the several localities and under varying conditions, will yield to the seller a fair profit only, may fix, from time to time, on the basis of such a profit, the maximum price to be charged, collected or paid upon any sale of fuel, specifying the quantity, kind and grade of fuel, and the nature of the sale, whether to dealer or to consumer, to which the price applies, or in any case instead of so fixing the maximum price may fix a reasonable margin of profit to the seller, and, by such investigations and proofs as the emergency permits, ascertain the number of transactions of sale of or otherwise affecting the same shipment, lot, load or parcel, or part thereof, of any kind of fuel, which may be reasonably necessary in order to supply the actual consumers in any locality, and forbid other transactions therein.

(5) May supervise, control or compel the sale and distribution of fuel, as provided in this act.

(6) May supervise, control or compel the allotment, apportionment and rationing of fuel to localities, dealers and consumers.

(7) May prevent the waste of fuel.

(8) May limit or regulate the production, distribution and use of light, heat and power, however generated.

(9) Shall cooperate with any federal agency in the exercise of its powers in relation to the sale, transportation and delivery of fuel within this state, and may accept any designation or authority conferred upon him to carry out any policy of the United States relating to the sale and distribution of fuel within the state.

(10) May do all things necessary to secure to consumers an equitable distribution of available fuel at reasonable prices.

Sec. 3. Rules. The board may adopt all reasonable rules to enable it to carry out the provisions of this act.

Sec. 4. Investigations. The board may make examinations and examine witnesses for the purpose of enabling it to carry out the provisions of this act.

Any member of the board may administer the necessary oaths to witnesses appearing before it.

The board may subpoena witnesses, may require the attendance of witnesses before it and may require the production of books and papers pertinent to its investigations.

No person shall be excused from testifying or from producing any books or papers in any such investigation when ordered to do so by the board,

in writing, upon the ground that his testimony or books required of him would tend to incriminate him, but no person shall be prosecuted for or on account of any act, transaction, matter or thing concerning which under oath he shall have testified or produced documentary evidence.

Sec. 5. Reports. The board may

(1) Require every dealer in fuel to report to him at such times and concerning such period as he may direct, showing the name and address of each purchaser of fuel, the kind and quantity of fuel sold and the price received therefor, together with such other information as the administrator may request.

(2) Require every individual, firm or corporation which deals in fuel or acts as a distributor thereof to report to the administrator at such times and covering such period as he may direct, showing the amount and kind of fuel received, the price paid therefor, and the names of the persons from whom such fuel was purchased, together with such other information as the administrator may request.

Sec. 6. Sale and seizure of fuel. If fuel (1) be held, contracted for or arranged for by any person in a quantity in excess of reasonable requirements for use and consumption by himself and dependents for a reasonable time; or (2) be held, contracted for or arranged for by any manufacturer, wholesaler, retailer or other person, in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time; or (3) be withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price, the state fuel administrator, by order, may require the sale of such fuel or of such excess requirements, within a reasonable time to be specified in the order.

If such order be not complied with, the state fuel administrator may seize such fuel and forthwith sell the same for the owner for cash and immediately shall pay to him the proceeds of such sale less expenses of seizure and sale. If the compensation paid be unsatisfactory to the owner of such fuel, he shall be entitled to file his claim in the court of claims for such further sum as added to the amount so paid shall amount to just compensation for such fuel. The court may make such award upon such claim as it deems just and proper and render judgment therefor against the state, provided that such claim be filed within 3 months from the time it accrues. Claims filed under this section shall have preference over all other claims pending in such court. If the administrator shall have fixed the maximum price or the margin of profit, which would have applied to a sale of such fuel by the owner, such price or a price resulting in such a

profit shall be presumptive evidence in the court of claims of the value of the fuel seized.

Sec. 7. Licenses. Before engaging in or carrying on the business of merchandising fuel, each person shall secure and hold a license therefor from said board. The board may issue such licenses and prescribe proper regulations for the issuance of such licenses and for requirements for systems of accounts.

Such licenses shall be in such form and shall contain such terms and conditions as the board deems necessary to protect the ultimate consumer and to secure equitable distribution of fuel. Any such license may be revoked only after hearing.

Sec. 8. Appropriation; revolving fund. For the purpose of carrying out the provisions of this act, there is hereby appropriated the sum of \$1,000,000 or so much thereof as may be needed. All receipts of the board on account of fuel purchased and sold under the provisions of subsection 3 of section 2 of this act shall be paid over to the treasurer of state and shall constitute a special revolving fund for the discharge of any liability which is authorized therein.

For the purpose of paying for fuel purchased by the board under said subsection 3, the treasurer of state, on the warrant of the controller, shall advance moneys to it from time to time on his requisition.

Sec. 9. Penalties for violation. Whoever violates the provisions of this act shall be punished by a fine not exceeding \$100, or by imprisonment for a term of not exceeding 90 days.

Sec. 10. Compensation. For each day engaged in the actual performance of his duties under this act, each member of the board shall receive the sum of \$10 and in addition thereto his actual necessary expenses.

Sec. 11. Definition. As used in this act:

1. The term "fuel" includes coal, coke, charcoal, firewood, fuel oil and manufactured fuel products, but shall not include gas or electricity.
2. The term "persons" includes individuals, partnerships, associations and corporations.
3. The term "board" means the "Fuel Administration Board".

Sec. 12. Repealing clause. All acts or parts of acts inconsistent herewith, are hereby repealed or amended to conform with the provisions hereof.