

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1248

H. P. 1060

House of Representatives, March 9, 1955

Referred to the Committee on Business Legislation, sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Evans of Cornish.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to Deception as to Retail Prices of Motor Fuel.

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

Sec. 1. R. S., c. 100, § 200, repealed. Section 200 of chapter 100 of the revised statutes, is hereby repealed.

Sec. 2. R. S., c. 100, §§ 201-A - 201-M, additional. Chapter 100 of the revised statutes is hereby amended by adding thereto thirteen new sections to be numbered as follows:

Deception as to Price of Motor Fuel.

‘Sec. 201-A. License. No retail dealer shall engage in the business of selling motor fuel at retail without first procuring from the Secretary of State a license for each station, store, garage or other establishment at which his said business is to be conducted. Licenses issued under this section shall be issued upon written application to the Secretary of State, shall be issued only to persons who own the business to be licensed and who are the owners or lessees of the premises on which the business is to be conducted, shall be effective from the date of their issuance until the first day of January of the ensuing year and shall be renewed annually. A license fee of \$5 per pump shall be paid for the issuance of every such license and every renewal thereof.

Each licensee shall conspicuously display his license at the station, store, garage or other establishment to which it pertains. The requirements of this section with respect to licenses are hereby declared to be in addition to, and not in substitution for, license requirements contained in any other statute, ordinance, by-law, rule or regulation.

Sec. 201-B. Signs. Every retail dealer in motor fuel shall publicly display and maintain on each pump or other dispensing device from which motor fuel is sold by him, at least one sign and not more than 2 signs stating the price per gallon of the motor fuel sold by him from such pump or device. Said sign or signs shall be of a size not larger than 6 inches by 8 inches. The price shown on each of such signs shall include all taxes imposed with respect to the manufacture or sale of the motor fuel sold at such pump or device, and every such sign shall either contain a statement of the taxes included in said price, or, without specifying the amount thereof, shall state that such taxes are included in said price. All figures, including fractions, upon said signs, other than figures and fractions used in any price computing mechanism constituting a part of any such pump or dispensing device, shall be of the same size.

No signs stating or relating to the price of motor fuel, and no signs designed or calculated to cause the public to believe that they state or relate to the price of motor fuel, other than the signs referred to in the preceding paragraph and required to be displayed upon pumps and other dispensing devices, shall be posted or displayed on or about the premises where motor fuel is sold at retail, and within view of any public highway or reservation.

Sec. 201-C. Advertisement. Any advertisement of motor fuel by a retail dealer which states, refers to, or relates to the price of motor fuel shall state the per gallon price thereof, which price shall include all taxes so stated, referred to or related to, and there shall be included in such advertising matter a statement that such per gallon price includes such taxes or a statement of the amount of such taxes which are included in the stated per gallon price.

Sec. 201-D. Price posted. The price posted on any pump or other dispensing device from which motor fuel is sold, as required by section 201-B shall remain posted thereon and continue in effect thereat for a period of not less than 24 consecutive hours. No retail dealer shall sell motor fuel at any price other than the price so posted at the time of the sale. No premiums, rebates, allowances, concessions, prizes or other benefits shall be given directly or indirectly by any retail dealer so as to permit any purchaser to obtain motor fuel from such retail dealer at a net price lower than the posted price applicable at the time of the sale. In no transaction in which a retail dealer may fix or set a single price or charge for the sale of a quantity of motor fuel, together with some other commodity or service, shall such single price or charge be less than the aggregate of the charge in accordance with the posted price for the motor fuel involved in the transaction, plus the charge for such other commodity or service when the same is sold or rendered separately, rather than in combination with the sale of motor fuel.

Sec. 201-E. Brand name. All above-ground equipment for storing or dispensing motor fuel or lubricating oil operated by a retail dealer shall bear in a conspicuous place the brand name or trade-mark, and the name of the manufacturer of the product stored therein or sold or dispensed therefrom. If the motor fuel or lubricating oil stored in or sold or dispensed from above-ground equipment by a retail dealer has no brand name or trade-mark, such container or dispensing equipment shall have conspicuously displayed thereon the name of the manufacturer and the words "No Brand."

Sec. 201-F. Adulteration. No person shall sell or offer to sell as gasoline any motor fuel or other substance which has an end point higher than 437 degrees Fahrenheit, when tested according to such standard methods as prescribed in section 198.

No person shall adulterate or permit the adulteration of any motor fuel or lubricating oil offered for sale or sold under a brand name or trade-mark or distinguishing mark of the manufacturer or distributor of said products, or substitute or permit the substitution of any other motor fuel or lubricating oil therefor. No person shall sell or dispense, or offer to sell or dispense, from any pump, tank or other dispensing device or container any motor fuel or lubricating oil other than that indicated by the name, trade name, trade-mark, symbol, sign or other distinguishing mark of the manufacturer or distributor of said product, if any, appearing on said pump, tank or other dispensing device or container.

Every manufacturer or distributor of motor fuel or lubricating oil shall submit samples of said products when requested pursuant to section 199.

Sec. 201-G. Administration. The State Tax Assessor may adopt, amend, alter or repeal, and shall enforce all such reasonable orders, rules and regulations as may be necessary or suitable for the administration and enforcement of said sections 201-A to 201-M, inclusive, and may, in such administration and enforcement, at any time cause to be made by his agents or representatives an audit, examination or investigation of the books, records, papers, vouchers, accounts and documents of any retail dealer, who shall make them available at any time upon oral or written demand to the State Tax Assessor or any of his duly authorized agents or representatives.

Sec. 201-H. Records. Every retail dealer shall keep such records as may be prescribed by the orders, rules or regulations adopted by the State Tax Assessor under section 200-G and all such records shall be safely preserved by such retail dealer for a period of one year, and shall be offered for inspection at any time upon oral or written demand by the State Tax Assessor or any of his duly authorized agents or representatives.

Sec. 201-I. Penalty. Whoever, himself or by his agent or servant, violates any provision of sections 201-A to 201-G, inclusive, except 200-F shall be punished by a fine of not less than \$50 nor more than \$500. Whoever, himself or by his agent or servant, violates any provision of section 201-F shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year. Upon the second conviction of any licensee of any such violation, whether by himself or by his agent or servant, the State Tax Assessor may suspend the right of such licensee to engage in the business of selling motor fuel at retail for a period not exceeding 3 months, and upon the third or subsequent conviction of any licensee of any such violation, whether by himself or by his agent or servant, the State Tax Assessor may suspend such right for a period not exceeding one year.

Sec. 201-J. Jurisdiction. The Superior Court shall have jurisdiction in equity to enjoin the habitual, continued or repeated violation of any provision of sections 201-A to 201-H, inclusive, by any retail dealer. Petitions for such relief may be filed by any person injured or damaged by such violation.

Sec. 201-K. Application of law. Whenever the application of any provision of any other law of this State conflicts with the application of any provision of sections 201-A to 201-M, inclusive, said sections shall prevail.

Sec. 201-L. Invalidity. If any provisions of said sections 201-A to 201-M, inclusive, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of said sections, or the application of such provision to any person or circumstance other than that as to which it is held invalid, shall not be affected thereby.

Sec. 201-M. Title and definitions. Sections 201-A to 201-M, inclusive, shall be known and may be cited as the "Motor Fuel Sales Act." When used in sections 201-A to 201-M, inclusive:

The term "motor fuel" shall mean a light distillate of petroleum or allied substance with suitable volatility and other characteristics to be used as a fuel for operating internal combustion engines, whether or not it is mixed with other materials, or any other product or liquid when sold for use as a fuel, in any type of internal combustion engine furnishing power to operate a motor vehicle.

The term "retail dealer" shall mean any person operating a service station, filling station, store, garage or other place of business for the retail sale of motor fuel or the sale of or dispensing of motor fuel for delivery into the service tank or tanks of any motor vehicle which is propelled by an internal combustion motor other than such a motor vehicle belonging to the person owning or operating said place of business.'