

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1981

under any laws of the State, and this Act is cumulative to any such powers. This Act does and shall be construed to provide a complete, additional and alternative method for the doing of things authorized by it and shall be regarded as supplemental and additional to powers conferred by other laws.

§ 4306. Inconsistent provisions of other laws superseded

Insofar as the provisions of this Act are inconsistent with the provisions of any special act or any charter of any participating municipality, the provisions of this Act shall be controlling.

§ 4307. Severability

If any chapter, section, phrase or provision of this Act, or the application of any of these provisions to any person, project or circumstances, is adjudged invalid by any court of competent jurisdiction, that judgment shall be confined in its operation to the chapter, section, phrase, provision or application directly involved in the controversy in which the judgment has been rendered and does not affect or impair the validity of the remainder of this chapter or the application of the chapter to other persons, projects or circumstances.

Effective September 18, 1981

CHAPTER 423

H. P. 1479 — L. D. 1610

AN ACT to Amend the Unfair Sales Act.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, effective enforcement of the Unfair Sales Act prohibiting predatory pricing is vital to the preservation of a healthy and competitive sales economy in this State; and

Whereas, there is a clear potential for serious and imminent harm to sellers of motor fuel in particular, unless effective enforcement of the Unfair Sales Act is made possible by the following legislation; and

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

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

Sec. 1. 10 MRSA § 1208 is enacted to read:

§ 1208. Summons

1. Authority. Whenever the Attorney General reasonably believes that a violation of section 1204-A may be occurring in the sale of motor fuel, he may require by summons the attendance and testimony of witnesses and the production of books and papers before him relating to any and all costs of operation of any motor fuel retailer or wholesaler.

2. Penalty. Any person who fails to comply with a summons issued under this section is subject to a civil penalty of not more than \$5,000, payable to the State to be recovered in a civil action.

Sec. 2. 10 MRSA § 1209 is enacted to read:

§ 1209. Reports

1. Requirement. Whenever the price of motor fuel sold at a retail outlet operated or controlled by a wholesaler of motor fuel is less than the dealer tankwagon price charged for the same motor fuel to any independent retail outlet supplied by the wholesaler and located within one mile of the wholesaler's outlet, the wholesaler shall file a written report with the Attorney General setting forth the information specified in subsection 2. This section shall apply only when the price at the wholesaler's outlet is less, for one full business day, than the most recent dealer tankwagon price to the independent outlet, provided that such sale was made to the independent retail outlet within 30 days prior to the date the lower price was posted by the wholesaler. "Dealer tankwagon price" means the wholesaler's price for motor fuel delivered to the independent retail outlet.

2. Contents. The report required from the wholesaler shall contain the following information:

- A. The date on which the underpricing occurred;**
- B. The name and location of the wholesaler's retail outlet;**
- C. The wholesale cost of the motor fuel sold at that outlet;**
- D. The retail price the wholesaler charged on the date the underpricing occurred;**
- E. The name and location of the independent outlet which the wholesaler has underpriced;**
- F. The most recent dealer tankwagon price and date of sale to the independent retail outlet; and**

G. The retail price of the independent on the date the underpricing occurred.

The report shall be filed by postmarking it within 5 business days of the date on which the underpricing occurred.

3. **Penalty.** Any person who fails to file a report as required by this section shall be subject to a penalty of not more than \$500 a day for each day after the first 5 business days on which he fails to file a report by postmarking it. The penalty shall be payable to the State and recoverable in a civil action.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 5, 1981

CHAPTER 424

S. P. 420 — L. D. 1242

AN ACT Requiring an Annual Report on Safety Problems by Nuclear Power Plants.

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

35 MRSA c. 269, sub-c. II is enacted to read:

SUBCHAPTER II

SAFETY REPORTING

§ 3341. Reporting

The operator of any nuclear electric power generating plant in the State shall report annually by April 1st to the Maine State Library Bureau, with a copy sent to the Bureau of Civil Emergency Preparedness, on any unresolved safety problems at the plant. The report shall include a list and summary description of any safety-related incidents reported to the United States Nuclear Regulatory Commission during the previous calendar year, including a statement of the cause of the incident, its effects on human health and the environment, corrective measures which have been taken and the costs.

Effective September 18, 1981

CHAPTER 425

S. P. 489 — L. D. 1390