

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

- A. The total gallons of home heating oil and motor fuel oil sold by the wholesaler to each retail outlet or retailer;
- B. The total gallons of home heating oil and motor fuel oil supplied by the wholesaler to each retail outlet controlled by the wholesaler during any portion of the reporting period; and
- C. The total gallons of home heating oil and motor fuel oil sold by the wholesaler from a bulk storage facility or depot directly to any end user for consumption in the State.

Sec. 2. 10 MRSA §1673, sub-§3, as enacted by PL 1991, c. 836, §3, is amended to read:

3. Repeal. This section is repealed ~~October 1, 1994~~ September 1, 1996.

Sec. 3. 10 MRSA §1681, as amended by PL 1993, c. 415, Pt. F, §1, is further amended to read:

§1681. Fees

Annually by September 1st, ~~every~~ a person who operates or causes to be operated an oil terminal facility within the State, as defined in Title 38, section 542, subsection 7, and ~~every~~ a person who is required to register with the Commissioner of Environmental Protection pursuant to Title 38, section 545-B, shall pay to the Attorney General a fee for each 10,000 gallons of home heating oil and motor fuel oil transported into the State during the previous 12-month period ending June 1st. Home heating oil or motor fuel oil that is subsequently exported from the State is excluded from computation, except that home heating oil sold to a retailer or retail outlet located outside the State that sells home heating oil at retail within the State is not excluded. The fee that must be paid by September 1, 1992 is 45¢ for each 10,000 gallons or portion thereof. The fee that must be paid by September 1, 1993 is 75.15¢ for each 10,000 gallons or portion thereof. The fee for each subsequent year is ~~75.15¢~~ 40¢ for each 10,000 gallons or portion thereof. The fees must be deposited in a dedicated, nonlapsing account, known as the Petroleum Marketing Fund. The Attorney General shall administer the fund. This section is repealed ~~October 1, 1994~~ September 1, 1996.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1994-95

**ATTORNEY GENERAL,
DEPARTMENT OF THE**

**Administration - Attorney
General**

Personal Services	(\$29,695)
All Other	(4,671)
Deallocation of funds no longer available due to a reduction in dedicated revenue. Funding is reduced by eliminating partial funding of an Assistant Attorney General position and certain general operating expenses.	

**DEPARTMENT OF THE
ATTORNEY GENERAL
TOTAL**

(\$34,366)

See title page for effective date.

CHAPTER 614

H.P. 1239 - L.D. 1666

**An Act to Permit Electric Utilities
Greater Flexibility in Adjusting
Electric Utility Prices to Meet
Changing Market Conditions**

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

Sec. 1. 35-A MRSA §3195, sub-§6 is enacted to read:

6. Rate flexibility. Notwithstanding sections 307 and 703, the commission, in an adjudicatory proceeding, may authorize an electric utility to implement a program under which:

- A. The utility may change its schedule of rates with limited notice to the commission; and
- B. The utility may enter into contracts for the sale of electricity, transmission and distribution services and related management services with limited or no prior express approval by the commission.

The commission shall render its decision in any adjudicatory proceeding held for the purposes of authorizing a utility to implement a program consistent with this subsection within 9 months of the initiation of the proceeding. In the adjudicatory proceeding, the commission shall establish the terms and conditions under which a program is authorized

under this subsection. As part of a program adopted under this subsection, the commission may waive the requirements of section 3101. Any program authorized under this subsection must be consistent with section 3191. The authority granted to the commission under this subsection is in addition to the authority of the commission granted under other provisions of this Title and nothing in this subsection may be construed to limit the authority of the commission under any other provision of this Title.

See title page for effective date.

CHAPTER 615

S.P. 612 - L.D. 1710

An Act to Simplify the State's Liquor Tax

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

Sec. 1. 28-A MRSA §64, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Inventory. The commission may keep and have on hand a stock of spirits and fortified wine for sale, the value of which, when priced for resale, ~~shall~~ must be computed on ~~less carload price quotations the delivered case cost F.O.B. liquor warehouse filed by liquor vendors. The inventory value shall~~ must be based upon actual cost for which payment may be due and ~~shall may~~ not at any time exceed the amount of working capital authorized. Spirits ~~shall~~ and fortified wine may not be considered in the inventory until payment has been made for them.

Sec. 2. 28-A MRSA §352, sub-§1, ¶D, as enacted by PL 1991, c. 791, §1, is amended to read:

D. In addition to the methods of payment permitted in paragraph C, an agency liquor store, when approved by the commission, may pay for liquor purchased from the commission ~~within 10 days if the agent has deposited cash in escrow with the commission to cover those purchases by mailing a check for payment to the commission when notified of the amount due or upon receiving a liquor delivery. Payments that are mailed must be received or postmarked within 3 days of receipt of a liquor delivery or notification of the amount due.~~

Sec. 3. 28-A MRSA §352, sub-§2, as repealed and replaced by PL 1991, c. 791, §1, is amended to read:

2. Checks not honored on presentation; consequences. If any check is not honored on presen-

tation or if an agency liquor store fails to pay for liquor ~~in the allotted 10 day period as prescribed in subsection 1,~~ the ~~commission bureau~~ shall withhold any license not issued or immediately take back the license if already issued, voiding that license until such time as the check or invoice is paid in full, together with the cost of the check failure or collection procedure. The ~~commission or bureau~~ may order that person to make all payments to the commission by cash, certified check or money order for a period not to exceed one year.

Sec. 4. 28-A MRSA §708, sub-§5 is enacted to read:

5. Combination packages. Notwithstanding subsection 3, agency liquor store licensees may offer for sale any package or combination of packages of spirits that the commission has approved for sale in state liquor stores.

Sec. 5. 28-A MRSA §1651, sub-§1, as amended by PL 1991, c. 819, §1, is further amended to read:

1. State liquor tax. Except as provided in subsection 2, the commission shall determine and set the price at which to sell all spirits ~~which and fortified wine that~~ will produce a state liquor tax of not less than ~~75%~~ 65% based on the ~~less carload delivered case cost~~ F.O.B. liquor warehouse.

~~A. In all cases the commission may round off costs to the next highest 5¢.~~

~~B. Any increased federal taxes levied on or after November 1, 1941, shall be added to the established price without markup.~~

C. The commission shall add any cost to the State, related to handling containers returned for refund pursuant to Title 32, section 1863-A, to the established price without markup.

Sec. 6. 28-A MRSA §1651, sub-§2, ¶¶B and D, as enacted by PL 1987, c. 45, Pt. A, §4, are repealed.

See title page for effective date.

CHAPTER 616

S.P. 615 - L.D. 1713

An Act to Clarify Maine Corporate Laws

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