

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

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

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

**Sec. 7. 20-A MRSA §7302, sub-§3**, as amended by PL 1997, c. 736, §1, is repealed.

See title page for effective date.

---



---

## CHAPTER 154

H.P. 517 - L.D. 722

### An Act Deleting Gender-specific and Archaic Language from Certain Laws Concerning the Office of the Attorney General

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

**Sec. 1. 5 MRSA §196**, as amended by PL 1989, c. 410, §14, is further amended to read:

**§196. Deputies and assistants; appointment and duties**

The Attorney General may appoint one or more deputy attorneys general, assistant attorneys general and staff attorneys who ~~shall~~ serve ~~during~~ at the pleasure of the Attorney General or until their successors are duly appointed and qualified. They may perform all the duties required of the Attorney General and ~~such~~ other duties as the Attorney General may ~~delegate~~ delegates to them. The Attorney General may appoint ~~such~~ research assistants with ~~such~~ any powers and duties as the Attorney General may ~~delegate~~ delegates. Research assistants may perform ~~such~~ duties as may be delegated to them by the Attorney General, including ~~such~~ activities as ~~are~~ authorized by Title 4, section 807. Notwithstanding any other provisions of law, the ~~compensation~~ compensations of research assistants, law office manager and deputy attorneys general ~~shall be~~ are fixed by the Attorney General. The compensations of the staff attorneys, assistant attorneys general and secretary to the Attorney General ~~shall be~~ are fixed by the Attorney General with the approval of the Governor, but such compensations ~~shall~~ may not in the aggregate exceed the amount appropriated ~~therefor~~ for those positions and ~~shall~~ may not result in an increased request to future Legislatures.

Notwithstanding any other provision of law, whenever the written approval of the Attorney General is required by statute or court rule and the Attorney General either is unavailable to act upon the matter or has determined that it would be legally or ethically improper for ~~him~~ the Attorney General to do so, the

required approval may be given by a deputy attorney general specifically authorized in writing by the Attorney General to act on ~~his~~ the Attorney General's behalf in these situations.

See title page for effective date.

---



---

## CHAPTER 155

S.P. 194 - L.D. 585

### An Act To Reauthorize the Petroleum Market Share Act

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

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order to prevent the repeal of certain portions of the Petroleum Market Share Act; 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. 3 MRSA §959, sub-§1, ¶C**, as amended by PL 2003, c. 600, §1, is further amended to read:

C. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Development Foundation in 2005;
- (5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, in 2007;
- (19) Department of Economic and Community Development in 2005;
- (23) Maine State Housing Authority in 2007;
- (32) Finance Authority of Maine in 2009;

~~(33) Petroleum Advisory Committee in 2009;~~

(36) Board of Dental Examiners in 2011;

(37) Board of Osteopathic Licensure in 2011;

(38) Board of Licensure in Medicine in 2011;

(41) State Board of Nursing in 2011;

(42) State Board of Optometry in 2011;

(45) State Board of Registration for Professional Engineers in 2011; and

(50) Maine Science and Technology Foundation in 2007.

**Sec. 2. 5 MRSA §12004-I, sub-§2-D**, as renumbered by RR 1991, c. 2, §11, is repealed.

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

B. ~~Within 60 days of the effective date of this chapter, and every 60 days thereafter, a~~ A refiner shall file annually with the Department of the Attorney General a list showing any changes in the number and location of retail outlets controlled by the refiner during the preceding 60 days year.

**Sec. 4. 10 MRSA §1673, sub-§2, ¶C**, as enacted by PL 1993, c. 46, §2, is amended to read:

C. A refiner or its affiliate shall provide reports annually to the Department of the Attorney General in a manner, frequency, time and form specified by rule by the Attorney General, but at no greater frequency than 4 times per year, setting forth the total gallons of home heating oil and motor fuel oil supplied by the refiner to each retail outlet controlled by the refiner under its control during any portion of the reporting period and the total gallons of home heating oil and motor fuel oil sold by the refiner or its affiliate from a bulk storage facility or depot directly to any end user for consumption in the State.

**Sec. 5. 10 MRSA §1673, sub-§3**, as amended by PL 1999, c. 151, §1, is repealed.

**Sec. 6. 10 MRSA §1677**, as enacted by PL 1991, c. 836, §3, is amended to read:

**§1677. Report by Attorney General to Legislature**

Annually by December 31st, the Attorney General shall make a report to the Legislature describing

the concentration of retail outlets in the State or in sections of the State without disclosing the name of any particular retailer or retail outlet. The Attorney General shall include in the annual report a recommendation to the Legislature as to whether additional legislation is needed to further limit or curtail the activity of refiners operating retail outlets. In formulating a legislative recommendation, the Attorney General shall consult with industry stakeholders; notwithstanding this consultation requirement, the substance of the recommendation is a matter for the Attorney General's sole discretion.

**Sec. 7. 10 MRSA §1678**, as amended by PL 2001, c. 352, §6, is repealed.

**Sec. 8. 10 MRSA §1681**, as amended by PL 1999, c. 151, §2, is further amended to read:

**§1681. Fees**

Annually by September 1st, 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 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, 1996 and for each subsequent year is 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 September 1, 2005.~~

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

Effective May 20, 2005.

---



---

**CHAPTER 156**

**H.P. 938 - L.D. 1355**

**An Act To Prohibit Unfair Charges  
in Mobile Home Parks**

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