

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

June 2012

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CAROLYN RUSSO, LEGISLATIVE ANALYST
NATALIE HAYNES, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

* REPLACED LATE IN THE SESSION BY REP. ANDRE E. CUSHING III

STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 1895

**An Act To Protect Consumers by Strengthening the Laws Governing
Prepaid Home Heating Oil Contracts**

**PUBLIC 574
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill is reported out by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to Resolve 2011, chapter 79. It requires a dealer who offers prepaid contracts for home heating oil, kerosene or liquefied petroleum gas to residents of this State to register the dealer's intent to offer such contracts with the Commissioner of Professional and Financial Regulation by June 30th of each year and pay a fee of \$100 to be used by the commissioner in administering the laws regarding such contracts. It requires such a dealer to file a report with the commissioner by October 31st of each year demonstrating compliance.

The bill requires that the annual report be made on a form provided by the commissioner and that the form conspicuously bear notice that a false statement made on the form is punishable as a Class D crime. The report must be signed by the dealer, or, if the dealer is a corporation, the report must be signed by either the president or an officer of the corporation and include a list of all of the members of the board of directors of the corporation. There is no fee for the annual report. The bill also requires the commissioner to refer to the Attorney General for prosecution any registered dealer who fails to provide the required report or who makes a false statement on the required report. The bill provides that a violation of any of the requirements of the Maine Revised Statutes, Title 10, section 1110 is a violation of the Maine Unfair Trade Practices Act. The bill includes an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 574 requires a dealer who offers prepaid contracts for home heating oil, kerosene or liquefied petroleum gas to residents of this State to register the dealer's intent to offer such contracts with the Commissioner of Professional and Financial Regulation by June 30th of each year and pay a fee of \$100 to be used by the commissioner in administering the laws regarding such contracts. It requires such a dealer to file a report with the commissioner by October 31st of each year demonstrating compliance.

The law requires the annual report be made on a form provided by the commissioner and that the form conspicuously bear notice that a false statement made on the form is punishable as a Class D crime. The report must be signed by the dealer, or, if the dealer is a corporation, the report must be signed by either the president or an officer of the corporation and include a list of all of the members of the board of directors of the corporation. There is no fee for the annual report. It also requires the commissioner to refer to the Attorney General for prosecution any registered dealer who fails to provide the required report or who makes a false statement on the required report. The law provides that a violation of any of the requirements of the Maine Revised Statutes, Title 10, section 1110 is a violation of the Maine Unfair Trade Practices Act.

Public Law 2011, chapter 574 was enacted as an emergency measure effective March 30, 2012.