

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Protect Heating Oil Consumers

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

Sec. 1. 10 MRSA §1110, sub-§§6 to 8 are enacted to read:

6. Report. A dealer shall file a quarterly report with the Attorney General listing all current guaranteed price home heating oil, kerosene or liquefied petroleum gas contracts under subsection 1 held by the dealer and providing evidence of compliance with subsection 2. A dealer shall pay a filing fee of \$5 to the Attorney General when filing a report under this subsection.

7. Fine. A dealer who violates a guaranteed price home heating oil, kerosene or liquefied petroleum gas contract for any reason, including failing to provide the home heating oil, kerosene or liquefied petroleum gas when due or failing to reimburse in a timely manner the contracting consumer the full amount of the contract in accordance with subsection 5, commits a civil violation for which a fine equal to the full amount of the contract plus an additional amount equal to 5% of the full amount of the contract must be adjudged. The Attorney General shall collect the fine and disburse an amount equal to the full amount of the violated contract to a consumer whose contract was violated. The Attorney General may retain the additional 5% for costs incurred in collecting the fine.

8. Rules. The Attorney General may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill requires a dealer of home heating oil, kerosene or liquefied petroleum gas to file a quarterly report with the Attorney General concerning all prepaid guaranteed price home heating oil, kerosene or liquefied petroleum gas contracts that the dealer holds and evidence that the dealer is in compliance with the security provisions under state law relating to those contracts. The bill also stipulates that a violation of a prepaid guaranteed price home heating oil, kerosene or liquefied petroleum gas contract is a civil violation with a fine to equal the amount of the contract plus an additional 5% to be collected by the Attorney General. The Attorney General shall disburse a portion of the fine to the consumers whose contracts were not honored.