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An Act To Ensure Propane Delivery during Emergencies

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

Whereas, this legislation amends the law regarding the delivery of propane during certain emergency situations and must take effect before the expiration of the 90-day period in order to facilitate the delivery of propane this winter; 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 §1658-A, sub-§2, as enacted by PL 1991, c. 770, §1, is amended to read:

2. Unlawful use of containers. ~~No~~Except as provided in subsection 3, a person except other than the owner; or a person authorized in writing by the owner to do so; may not fill or refill a liquefied petroleum gas container with a liquefied petroleum gas or any other gas or substance.

Sec. 2. 10 MRSA §1658-A, sub-§3 is enacted to read:

3. Propane fill or refill during emergencies. When the Governor has issued an emergency declaration relating to heating fuel shortages for the purpose of facilitating the granting of a waiver from the United States Department of Transportation, Federal Motor Carrier Safety Administration to allow relief from 49 Code of Federal Regulations, Parts 390 to 399, a person who is not the owner of a liquefied petroleum gas container may fill or refill that container with propane during the period for which the emergency is declared if the owner authorizes that person to fill or refill the container.

An owner that authorizes a person to fill or refill a container pursuant to this subsection is not liable for any injury or damage that results from an action of that person while that person is filling or refilling that container pursuant to this subsection. A person who fills or refills a container pursuant to this subsection is not liable for any injury or damage that results from the condition of the container.

Nothing in this subsection may be construed to require a person who is authorized by an owner to fill or refill a container pursuant to this subsection to fill or refill that container.

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

SUMMARY

This bill allows a person who is not the owner of a liquefied petroleum gas container to fill or refill that container with propane during the period for which the Governor has issued an emergency declaration relating to heating fuel shortages, if the owner of the container authorizes that person to fill or refill the container. The bill does not require a person who is authorized by an owner to fill or refill a liquefied petroleum gas container to fill or refill that container. The bill provides a limitation of liability for the liquefied petroleum gas container owner and the person who fills or refills the container.