1	L.D. 1891
2	Date: (Filing No. H-)
3 4	INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS
5	Reproduced and distributed under the direction of the Clerk of the House.
6	STATE OF MAINE
7	HOUSE OF REPRESENTATIVES
8	129TH LEGISLATURE
9	SECOND REGULAR SESSION
10 11 12	COMMITTEE AMENDMENT "" to H.P. 1357, L.D. 1891, Bill, "An Act To Protect Maine Propane Consumers upon the Termination of an Agreement between a Dealer and a Consumer"
13 14	Amend the bill by striking out everything after the enacting clause and inserting the following:
15	'Sec. 1. 32 MRSA §1697 is enacted to read:
16	§1697. Compensation for propane upon termination of agreement
17 18 19 20 21 22 23 24 25 26	1. Consumer-owned tank. Upon the termination of an agreement between a propane dealer and a consumer, when the consumer has paid for the propane that remains in the tank at the time of termination and when the consumer owns the tank in which the propane is stored, the propane dealer shall allow the consumer to continue to use the propane remaining in the tank at the time of termination of the agreement. The consumer may request that the propane dealer pump out the propane remaining in the tank at the time of termination of the agreement. If such a request is made, the propane dealer shall pump out the remaining propane from the consumer's tank and shall compensate the consumer at a rate equal to the market price of the propane on the date that the agreement is terminated or the price that the consumer paid for the propane, whichever is less.
27 28 29 30 31 32	 2. Dealer-owned tank. Upon the termination of an agreement between a propane dealer and a consumer, when the consumer has paid for the propane that remains in the tank at the time of termination and when the propane dealer owns the tank in which the propane is stored, the propane dealer shall provide the consumer the choice of the following options: A. The consumer may continue to use the propane remaining in the tank at the time
33 34 35 36	of termination of the agreement for a period of time not to exceed 90 days from the date of termination of the agreement. If there is propane remaining in the tank after more than 90 days have passed following the date of termination of the agreement, the propane dealer, upon reasonable advance notice to the consumer, may pump out

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1 the propane remaining in the tank and remove the tank. In such circumstances the 2 propane dealer shall compensate the consumer for the remaining propane at a rate 3 equal to the market price of the propane on the date that the agreement is terminated 4 or at the price that the consumer paid for the propane, whichever is less; or

5 B. The consumer may request that the propane dealer pump out the propane 6 remaining in the tank at the time of termination of the agreement. If such a request is 7 made, the propane dealer shall pump out the remaining propane from the tank and 8 remove the tank and shall compensate the consumer at a rate equal to the market 9 price of the propane on the date that the agreement is terminated or the price that the 10 consumer paid for the propane, whichever is less.

3. Fees for services. Nothing in this section prevents a propane dealer from
 charging a reasonable fee to a consumer to remove a tank that the propane dealer owns or
 from charging a reasonable fee to a consumer to pump out propane remaining in a tank
 owned by the consumer or the propane dealer upon the termination of an agreement.'

15 Amend the bill by relettering or renumbering any nonconsecutive Part letter or 16 section number to read consecutively.

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SUMMARY

18 This amendment replaces the bill. It provides that, upon the termination of an agreement between a propane dealer and a consumer, when the consumer has paid for the 19 propane in the tank and when the consumer owns the propane tank, the propane dealer 20 must allow the consumer to use the remaining propane. At the request of the consumer, 21 the propane dealer must pump out the remaining propane from the consumer's tank and 22 must compensate the consumer at a rate equal to the market price of the propane on the 23 24 date that the agreement is terminated or the price that the consumer paid for the propane, whichever is less. 25

26 The amendment also provides that, upon the termination of an agreement between a propane dealer and a consumer, when the consumer has paid for the propane in the tank 27 and when the propane dealer owns the propane tank, the propane dealer must provide the 28 consumer with the option of either using the remaining propane within 90 days of 29 termination of the agreement or receiving compensation from the dealer for the propane 30 remaining in the tank at a rate equal to the market price of the propane on the date that the 31 agreement is terminated or the price that the consumer paid for the propane, whichever is 32 33 less. If there is propane remaining in the tank after more than 90 days have passed following the date of termination of the agreement, the propane dealer, upon reasonable 34 advance notice to the consumer, may pump out the propane remaining in the tank and 35 remove the tank. The propane dealer must compensate the consumer for the remaining 36 propane at a rate equal to the market price of the propane on the date that the agreement is 37 terminated or at the price that the consumer paid for the propane, whichever is less. 38

The amendment includes language making clear that a propane dealer is not prevented from charging a reasonable fee to a consumer to remove a tank that the propane dealer owns or from charging a reasonable fee to a consumer to pump out propane remaining in a tank owned by the consumer or the propane dealer upon the termination of an agreement.

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