



2021-2022

Heating Season OCTOBER 15 – APRIL 30

The Attorney General has Rules regulating the sale of heating fuel in Maine from October 15 – April 30.
www.maine.gov/sos/cec/rules/26/chaps26.htm)

These Rules specifically hold sellers of home heating oil, propane, natural gas, electricity and firewood to higher standards during this time even if the customer owes the dealer money.

The Attorney General considers it an unfair trade practice to refuse to supply a heating fuel, if it is the customer's primary source of heat, during the winter months. Failure to follow these laws and regulations may be an unfair trade practice in violation of 5 M.R.S. § 207. Intentional violations of the law can result in a civil penalty of up to \$10,000.

No additional charges are permitted except for what is outlined here. The Attorney General has an easy to understand Consumer Law Guide on this issue (www.maine.gov/tools/whatsnew/attach.php?id=27939&an=1).

Questions? Contact:

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Office of the Attorney General

SUMMARY FOR HEAP VENDOR TRAINING

"**Established delivery area**" means the geographic area bounded by a retail dealer's delivery routes used to service established customers.

"**Market price of heating oil**" means the highest price per gallon of heating oil a dealer customarily charges his buyers in an established delivery area.

"**Established Customer**" means any consumers whose two previous purchases were from any oil dealer serving that customer's area

"**Unscheduled delivery**" means a delivery which causes the dealer to dispatch a truck along a delivery route he would not have otherwise taken during the day's regular working hours.

You cannot refuse a delivery if:

The customer owes you money;
They have a guaranteed payment for the delivery (cash, LIHEAP, etc.);
You regularly serve that area; and
They request at least 20 gallons.

You can:

Charge an emergency delivery fee if you tell the customer in advance.
Charge a delivery surcharge in certain circumstances.
Require the customer to pay in the office rather than COD.

Unscheduled (Emergency) Deliveries

You are delivering on a day not normally scheduled for that area.
There is no cap on an emergency delivery fee, but you must tell the customer of the fee in advance.
You can also impose a minimum delivery requirement.
Remember, if this is an established customer, you cannot treat them differently. If you do not charge established customers a delivery surcharge, minimum delivery requirement, or different price; treat this customer the same.

Delivery Surcharges are only allowed if:

- They order less than 50% of their tank's capacity or 100 gallons, whichever is less.
- The surcharge **cannot** be more than \$20.00.
- You inform the customer of this charge in advance of delivery.

Prepaid Contracts

- You must first obtain financial protection to ensure you can deliver the product at the guaranteed price, which include contracts with suppliers with specific language, surety bonds equal to at least 50% paid by prepaid customers, or a letter of credit equal to 100% paid by those customers (10 M.R.S. § 1110).
- Dealers who offer prepaid contracts must register with the Department of Professional and Financial Regulation by June 30.