SENATE DOCKET, NO. 85 FILED ON: 1/11/2013

SENATE . . . . . No. 1568

The Commonwealth of Massachusetts

PRESENTED BY:

Gale D. Candaras

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the sale of heating oil.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Gale D. Candaras	*First Hampden and Hampshire*
Michael O. Moore	*Second Worcester*

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SENATE . . . . . No. 1568

By Ms. Candaras, a petition (accompanied by bill, Senate, No. 1568) of Gale D. Candaras and Michael O. Moore for legislation to sell heating oil. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1647* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to the sale of heating oil.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 94 of the General Laws is hereby amended by inserting after Section 249H- the following section

Section 249H- "Sale of Heating Oil" (a) Any individual or business, or any agent or employee thereof who sells heating oil pursuant to the standards adopted under Sections 249H and 249H- and offers deliver of the same shall not deny delivery based solely on a customer failing to meet a minimum price or quantity of such heating oil between November 15 and March 15.

(b) No surcharge or any other fee may be charged to any customer who otherwise would be denied delivery of heating oil pursuant to subsection (a)

(c) Violation of this section shall result in a fine of not more than $1000 or by imprisonment for not more than 6 months or both.

(d) An individual claiming to be aggrieved by a violation of this section may, 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred.

17 (e) The director of standards shall promulgate rules and regulations as
18 necessary to carry out this section.