

# MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1390, L.D. 1870, Bill, "An Act To Prohibit the Sale of Gasoline Containing MTBE"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 10 MRSA §2302, sub-§4-A is enacted to read:

4-A. Motor fuel dispenser. "Motor fuel dispenser" means a commercial motor fuel dispenser that dispenses fuel for retail sale.

Sec. 2. 10 MRSA §2413, as enacted by PL 1999, c. 709, §1, is repealed.

Sec. 3. 38 MRSA §585-H, as enacted by PL 1999, c. 709, §2, is amended to read:

§585-H. MTBE monitoring and reductions

The department shall monitor shipments of gasoline to storage terminals in this State and compile annual reports showing the levels of methyl tertiary butyl ether, referred to in this section as "MTBE," in gasoline brought into this State.

The department shall promote and actively participate in

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COMMITTEE AMENDMENT "A" to H.P. 1390, L.D. 1870

regional efforts by state regulatory agencies in the Northeast to develop alternatives to the use of MTBE as a gasoline additive. In these efforts, the department shall work toward the goal of the elimination of MTBE in gasoline sold in the State by January 1, 2003 in a manner that:

1. Market constraints. Adequately accounts for market constraints related to supply and pricing; and

2. Lowest environmental impact. Based on thorough analysis and evaluation of alternatives to the use of MTBE, ensures the lowest possible total environmental impact.

The department shall annually, no later than February 1st of each year, present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the levels of MTBE in gasoline brought into this State and the progress made in achieving the goal of eliminating MTBE in gasoline sold in the State by January 1, 2003. The committee may report out to any session of any Legislature legislation relating to MTBE use in gasoline.

Sec. 4. 38 MRSA §585-I is enacted to read:

§585-I. MTBE

The following provisions apply to the sale of MTBE in the State.

1. Definition. For purposes of this section, "MTBE" means the gasoline oxygenate methyl tertiary butyl ether.

2. Prohibition on sale. Beginning January 1, 2007, a person may not sell, offer for sale, distribute or blend in this State gasoline that contains more than 1/2 of 1% by volume MTBE that is intended for sale to ultimate consumers in this State.

3. Emergency order. Notwithstanding subsection 2, whenever the commissioner finds that a danger to public health or safety exists due to low supply of gasoline in the State, the commissioner may issue an emergency order waiving the sales prohibition in subsection 2.

Sec. 5. Report. By March 1, 2006, the Department of Environmental Protection shall present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the implementation and status of the prohibition on the sale of gasoline containing more than 1/2 of 1% by volume methyl tertiary butyl ether, or MTBE.'

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**SUMMARY**

This amendment prohibits the sale of gasoline containing more than 1/2 of 1% by volume of the additive known as MTBE by January 1, 2007. It authorizes the Commissioner of Environmental Protection to issue an emergency order that waives the sales prohibition if necessary. It directs the Department of Environmental Protection to present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the implementation and status of the sales prohibition by March 1, 2006. It deletes references in current statute to the State's goal of eliminating MTBE in gasoline by January 1, 2003. It moves a definition from one section of the Maine Revised Statutes, Title 10 to a more appropriate section.

**FISCAL NOTE REQUIRED**  
(See attached)

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1870**

**An Act To Prohibit the Sale of Gasoline Containing MTBE**

**LR 2762(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Natural Resources**

**Fiscal Note Required: Yes**



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**Fiscal Note**

Minor cost increase - General Fund

Minor cost increase - Other Special Revenue Funds

**Fiscal Detail and Notes**

Additional costs associated with implementing this legislation can be absorbed by the Department of Environmental Protection utilizing existing budgeted resources