

MAINE STATE LEGISLATURE

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L.D. 21

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MAJORITY
NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 11, L.D. 21, Bill, "An Act to Eliminate the Use of MTBE in Maine"

Amend the bill by striking out the title and substituting the following:

'An Act Relating to MTBE'

Further 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 §2413 is enacted to read:

§2413. Gasoline labeling

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Federal RFG" means the reformulated gasoline blend approved by the United States Environmental Protection Agency under 42 United States Code, Section 7545(k) for sale and use in states other than California.

B. "Motor fuel dispenser" means a commercial motor fuel dispenser that dispenses automobile gasoline for retail sale.

C. "MTBE" means the gasoline-oxygenate methyl tertiary butyl ether.

2 2. Prohibition. A person may not own or operate a motor
3 fuel dispenser in this State that dispenses automobile gasoline
4 containing MTBE in a measurable quantity unless the dispenser has
5 affixed on it in a position clear and conspicuous to a customer a
6 label stating "contains MTBE" in a type at least 1/2 inch in
7 height and at least 1/16 inch in width of stroke. The label may
8 contain other information about the amount of MTBE in the
9 gasoline, including a comparison with the amount found in federal
10 RFG, as long as the information is accurate.

12 **Sec. 2. 38 MRSA §585-H is enacted to read:**

14 **§585-H. MTBE monitoring and reductions**

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

20 The department shall promote and actively participate in
21 regional efforts by state regulatory agencies in the Northeast to
22 develop alternatives to the use of MTBE as a gasoline additive.
23 In these efforts, the department shall work toward the goal of
24 the elimination of MTBE in gasoline sold in the State by January
25 1, 2003 in a manner that:

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

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

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

39 Further amend the bill by inserting at the end before the
40 summary the following:

42 **·FISCAL NOTE**

43 The Department of Environmental Protection will incur some

minor additional costs to monitor MTBE levels and to submit an annual report to the Legislature. These costs can be absorbed within the department's existing budgeted resources.

This bill may increase the number of civil violations filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may also increase General Fund revenue by minor amounts.'

SUMMARY

This amendment, which is the majority report of the Joint Standing Committee on Natural Resources, replaces the bill and changes the title to reflect the content of the amendment. This amendment:

1. Establishes certain labeling requirements for motor fuel dispensers that dispense automobile gasoline containing MTBE;

2. Requires the Department of Environmental Protection to monitor and report on the levels of MTBE being brought into the State;

3. Directs the department to undertake all reasonable efforts to promote and be an active participant in regional efforts by state regulatory agencies in the Northeast to develop alternatives to the use of MTBE as a gasoline additive;

4. Establishes as a goal for the department in its work in regional forums the elimination of MTBE in gasoline sold in Maine by January 1, 2003 in a manner that adequately accounts for market constraints related to supply and pricing and, based on thorough analysis and evaluation of alternatives to the use of MTBE, ensures the lowest possible total environmental impact;

5. Requires the department to make annual reports to the Joint Standing Committee on Natural Resources on progress made in regional efforts to remove MTBE from gasoline;

6. Authorizes the Joint Standing Committee on Natural Resources to report out legislation on MTBE in gasoline; and

7. Adds a fiscal note.