

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1306

H.P. 929

House of Representatives, February 16, 1999

**An Act to Require Legislative Review of Motor Vehicle Fuel Standards.**

(EMERGENCY)

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Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DAIGLE of Arundel.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, on October 13, 1998, the Governor submitted a request to opt out of the federal reformulated gasoline program to the United States Environmental Protection Agency; and

Whereas, the request to opt out was a result of a groundwater study done by the Department of Human Services and the Maine Geological Survey showing a significant concern about methyl tertiary butyl ether, or MTBE, in groundwater; and

Whereas, the United States Environmental Protection Agency granted the Governor's proposal contingent upon the State identifying a replacement fuel; and

Whereas, due to the potential widespread public health concerns associated with reformulated gasoline, it is imperative that the Legislature be given oversight of the selection of any alternative fuels; and

Whereas, the ozone season for Maine begins on May 1, 1999; and

Whereas, fuel distributors need sufficient time to prepare for the distribution of any alternative fuel to be supplied in Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §585-A, last ¶, as enacted by PL 1997, c. 531, §1, is amended to read:**

The department shall confer with the joint standing committee of the Legislature having jurisdiction over natural resource matters before it proposes any revisions to the state implementation plan, required in the federal Clean Air Act, Section 110, 42 United States Code, Section 7410, that would require the State to implement new emissions reduction strategies or programs or substantially revise or terminate existing emissions reduction strategies or programs. Notwithstanding any other parts of this section, rules adopted pursuant to this section relating to motor vehicle fuel standards are major

2 substantive rules as defined in Title 5, chapter 375, subchapter  
3 II-A.

4  
5 **Emergency clause.** In view of the emergency cited in the  
6 preamble, this Act takes effect when approved.

8  
9 **SUMMARY**

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11 This bill provides that any rules relating to motor vehicle  
12 fuel standards are subject to legislative review as major  
13 substantive rules pursuant to the Maine Administrative Procedure  
14 Act.