

MAINE STATE LEGISLATURE

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L.D. 1465

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DATE: 5/13/5

(Filing No. H- 361)

NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1028, L.D. 1465, "Resolve, Regarding Legislative Review of Portions of Chapter 127: New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality"

Amend the resolve by striking out all of section 1 and inserting in its place the following:

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 127: New Motor Vehicle Emission Standards, a provisionally adopted major substantive rule of the Department of Environmental Protection, Bureau of Air Quality that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended as follows.

1. Section 4, subsection D is amended by changing the date by which a manufacturer who opts to utilize the alternative compliance mechanisms must notify the commissioner from March 1, 2005 to October 1, 2005.

2. Section 4, subsection D, paragraph (1), subparagraph (b) is amended to replace reference to the California Alternative Requirements for Large Volume Manufacturers as identified in the California Code of Regulations, Title 13, section 1962(b)(2)(B) with reference to the California Requirements for Large Volume Manufacturers as identified in the California Code of Regulations, Title 13, section 1962(b)(2).

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1028, L.D. 1465

3. Section 4, subsection D, paragraph (1), subparagraph (d) is amended to require that starting with model year 2007 each manufacturer that opts into a compliance path described in subsection D, paragraph (1) shall make available for purchase or lease in Maine any PZEV, AT PZEV and ZEV models, except Type III ZEVs placed in service pursuant to the California Code of Regulations, Title 13, section 1962(b)(2), sold or leased in California.

4. Section 4, subsection D, paragraph (1), subparagraph (e) is amended by adding language to:

A. Require the commissioner to establish ZEV compliance accounts for each manufacturer and allocate the credits earned to the compliance accounts, including separate accounts for PZEV, AT PZEV, NEV, Type 0 ZEVs, Type I ZEVs, Type II ZEVs, Type III ZEVs, transportation system and extended service; and

B. Require the commissioner to calculate the difference and apply a number of credits equal to the difference to the manufacturer's compliance account for each account if the number of credits earned pursuant to subparagraph (e) is less than the number of credits that would have been awarded to a manufacturer under section 4, subsection D, paragraph (2) of the rule described in subsection 6 of this section of this resolve.

5. Section 4, subsection D, paragraph (1) is amended by adding a new subparagraph (f) to provide that a manufacturer is entitled to full credit for each Type III ZEV placed in service prior to model year 2012 in any state that has adopted the California ZEV mandate.

6. Section 4, subsection D is amended by adding a new paragraph (2) that adds language to:

A. Require the commissioner to set aside a number of Maine ZEV credits proportionally equivalent to the number of ZEV credits possessed by the requesting manufacturer for use in the State of California at the beginning of the 2009 model year;

B. Provide that the setting aside of credits will be performed only after all credit obligations for model years 2008 and earlier have been satisfied in California;

C. Provide that the manufacturer's California credit balances must be multiplied by the ratio of the average number of PCs and LDTs produced and delivered for sale in

2 Maine to the combined average number of PCs and LDTIs
3 produced and delivered for sale in California in model years
4 2003 to 2005 or, alternatively, by the ratio of PCs and
5 LDTIs produced and delivered for sale in California in model
6 year 2009;

7 D. Provide that the time period used to determine the
8 credit transfer ratio will also be used to determine model
9 year 2009 ZEV sales requirements in Maine;

10 E. Require the commissioner to establish ZEV compliance
11 accounts for each manufacturer and allocate the credits
12 calculated under new paragraph (2) of the rule described in
13 this subsection of this section of this resolve to the
14 compliance accounts, including separate accounts for PZEV,
15 AT PZEV, NEV, Type 0 ZEVs, Type I ZEVs, Type II ZEVs, Type
16 III ZEVs, transportation system and extended service;

17 F. Require the commissioner to notify the manufacturer of
18 the number of ZEV credits available for use by July 31, 2009
19 and annually thereafter;

20 G. Provide that credits issued pursuant to new paragraph
21 (2) of the rule described in this subsection of this section
22 of this resolve may be used in Maine only for compliance
23 with the ZEV provisions of section 4, subsection C of the
24 rule and are subject to the same requirements and
25 limitations on credit use set forth in the California Code
26 of Regulations, Title 13, section 1962 adjusted for
27 Maine-specific vehicle numbers;

28 H. Provide that a manufacturer is entitled to full credit
29 for each Type III ZEV placed in service prior to model year
30 2012 in any state that has adopted the California ZEV
31 mandate;

32 I. Require each manufacturer operating under the compliance
33 path described in new paragraph (2) of the rule described in
34 this subsection of this section of this resolve to:

35 (1) By May 1, 2009 provide the commissioner with the
36 total number of PC and LDT1 vehicles produced and
37 delivered for sale in Maine and California for 2003 to
38 2005 model years or, alternatively, provide the
39 commissioner with the total projected number of PC and
40 LDT1 vehicles to be produced and delivered for sale in
41 Maine and California in model year 2009, and by March
42 1, 2010 provide the commissioner with actual 2009 model
43 year PC and LDT1 vehicles produced and delivered for
44 sale in Maine and California;

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2 (2) By May 1, 2009 provide the commissioner with the
total number of banked California credits after all
4 2008 model year and earlier obligations have been met;
and

6 (3) Starting with model year 2009, make available for
8 purchase or lease in Maine any PZEV, AT PZEV and ZEV
models, including all ZEVs except Type III ZEVs placed
10 in service pursuant to the California Code of
Regulations, Title 13, section 1962(b)(2), that are
12 sold, leased or offered for sale in California; and

14 J. Require the commissioner, by May 31, 2010, to adjust and
notify a manufacturer who provides the alternative
16 notification described in paragraph I of this section of
this resolve of the number of ZEV credits established based
18 on actual 2009 model year data.

20 7. Section 8, subsection B, paragraph (4) is amended by
adding or modifying language to require each manufacturer to
22 submit a compliance report to the commissioner no later than May
1st following the completed model year demonstrating compliance
24 with section 4, paragraph C or section 4, paragraph D.'

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SUMMARY

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This amendment authorizes the final adoption of portions of
30 Chapter 127: New Motor Vehicle Emission Standards, a
provisionally adopted major substantive rule of the Department of
32 Environmental Protection, Bureau of Air Quality that has been
submitted to the Legislature for review pursuant to the Maine
34 Revised Statutes, Title 5, chapter 375, subchapter 2-A, if
certain enumerated changes are made to the rule.

FISCAL NOTE REQUIRED
(See Attached)



122nd MAINE LEGISLATURE

LD 1465

LR 2290(02)

Resolve, Regarding Legislative Review of Portions of Chapter 127: New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality

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

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund