

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1824

H.P. 1272

House of Representatives, April 4, 2007

**An Act To Declare a Moratorium on the Sale and Installation of
High-emissions Outdoor Wood Boilers That Do Not Meet the
Current Federal Environmental Protection Agency Standards for
Wood Stoves**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BERRY of Bowdoinham.
Cosponsored by Senator BENOIT of Sagadahoc and
Representatives: CANAVAN of Waterville, DUCHESNE of Hudson, EBERLE of South
Portland, KOFFMAN of Bar Harbor, MIRAMANT of Camden, Senator: PERRY of
Penobscot.

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

2 **Sec. 1. 38 MRSA §582, sub-§8-C** is enacted to read:

3 **8-C. Outdoor wood boiler.** "Outdoor wood boiler" means a fuel burning device:

4 A. Designed to burn wood or other solid fuels;

5 B. That the manufacturer specifies for outdoor installation or in structures not
6 normally occupied by humans; and

7 C. That heats building space and water through the distribution, typically through
8 pipes, of a fluid heated in the device, typically water or a mixture of water and
9 antifreeze.

10 **Sec. 2. 38 MRSA §610-B** is enacted to read:

11 **§610-B. Outdoor wood boilers**

12 **1. Moratorium.** The commissioner may adopt a moratorium on the sale of new
13 outdoor wood boilers until:

14 A. The department has adopted rules to control the sale, installation, siting and use of
15 outdoor wood boilers at residences and places of business and to implement
16 minimum standards of performance for outdoor wood boilers sold, purchased and
17 installed in the State. Rules adopted pursuant to this paragraph are routine technical
18 rules as defined in Title 5, chapter 375, subchapter 2-A; or

19 B. The department has adopted rules for new outdoor wood boilers that conform to
20 the federal standards for woodstoves and fireplaces under 40 Code of Federal
21 Regulations, Part 60, Subpart AAA (2006), Standards of Performance for New
22 Residential Wood Heaters.

23 The moratorium may not apply to an outdoor wood boiler that meets or exceeds the
24 particulate standards established under 40 Code of Federal Regulations, Part 60, Subpart
25 AAA (2006).

26 **2. Restrictions.** An outdoor wood boiler manufactured prior to October 31, 2007
27 may not be operated if a local health officer makes a determination that the outdoor wood
28 boiler is a public health nuisance. By October 31, 2007, the Department of Health and
29 Human Services, Maine Center for Disease Control and Prevention, in consultation with
30 the department, shall develop guidelines to be used by a local health officer in
31 determining whether an outdoor wood boiler is causing a public health nuisance.

32 **3. Phase out.** Effective November 1, 2010, an outdoor wood boiler may not be
33 operated in the State unless it meets the standards specified in subsection 1.

34 **4. Municipal ordinance.** Nothing in this section may be construed as preemption
35 by the State. A municipality may adopt and enforce outdoor wood boiler ordinances that
36 are more restrictive than this section or prohibit the use of outdoor wood boilers.

