

MAINE STATE LEGISLATURE

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Date: 4-4-08

(Filing No. S-567)

NATURAL RESOURCES

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STATE OF MAINE

SENATE

123RD LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “**A**” to S.P. 891, L.D. 2263, Bill, “An Act Establishing an Outdoor Wood Boiler Fund”

Amend the bill in section 1 in subsection 4 by striking out the first paragraph and inserting the following:

‘4. Emergency powers. If the commissioner finds after investigation that an outdoor wood boiler is being operated in a manner that creates a nuisance condition or may create or creates a danger to public health or safety, the commissioner may order the owner or any person operating that outdoor wood boiler to immediately cease or prevent that operation, and the commissioner may take such action as may be necessary to terminate or mitigate the danger or likelihood of danger.’

Amend the bill in section 2 in §610-C in subsection 1 in the 3rd line (page 1, line 35 in L.D.) by inserting after the following: “department to” the following: ‘upgrade.’

Amend the bill in section 2 in §610-C in subsection 3 in the 2nd line (page 2, line 8 in L.D.) by inserting after the following: “the” the following: ‘upgrade.’

Amend the bill in section 2 in §610-C by inserting after subsection 3 the following:

‘4. Repeal. This section is repealed August 31, 2013.’

Amend the bill by inserting after section 2 the following:

‘Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Air Quality 0250

Initiative: Allocates general operating expenses for the Outdoor Wood Boiler Fund.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 891, L.D. 2263

1	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
2	All Other	\$0	\$200,000
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/>	<hr/>
5		\$0	\$200,000

6 **SUMMARY**

7 This amendment clarifies the emergency powers of the Commissioner of
8 Environmental Protection relating to outdoor wood boilers that create a nuisance
9 condition or a danger to public health or safety. The amendment adds the upgrade of
10 outdoor wood boilers to the authorized uses of the Outdoor Wood Boiler Fund. The
11 amendment also repeals the section of law that establishes the Outdoor Wood Boiler
12 Fund on August 31, 2013. This amendment adds an appropriations and allocations
13 section to the bill.

14 **FISCAL NOTE REQUIRED**
15 (See attached)



123rd MAINE LEGISLATURE

LD 2263

LR 3582(02)

An Act Establishing an Outdoor Wood Boiler Fund

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

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	\$200,000	\$200,000	\$200,000
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$200,000	\$200,000	\$200,000
Revenue				
General Fund	\$0	(\$200,000)	(\$200,000)	(\$200,000)
Other Special Revenue Funds	\$0	\$200,000	\$200,000	\$200,000

Fiscal Detail and Notes

This bill establishes the Outdoor Wood Boiler Fund which consists of money received from General Fund appropriations, contributions from outside sources and deposit of up to \$200,000 of civil penalties for violations of air quality laws or rules administered by the Department of Environmental Protection. Historically, civil penalties for violations of Maine's air improvement and protection laws have been deposited into the General Fund. Under this bill, up to \$200,000 in certain air quality related penalties could be deposited into the Outdoor Wood Boiler Fund rather than the General Fund at the discretion of the violators paying the penalties. The fiscal note assumes the full \$200,000 will be deposited to the Outdoor Wood Boiler Fund annually. Included in the bill is an annual Other Special Revenue Funds allocation to the Department of Environmental Protection of \$200,000 beginning in fiscal year 2008-09 to allow expenditure of the \$200,000. The additional costs associated with carrying out administrative and oversight provisions can be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.