

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1632

H.P. 1160

House of Representatives, December 23, 2009

**An Act To Establish Biofuel and Ultra-low Sulfur Requirements for
Number 2 Home Heating Oil**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2009. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BUTTERFIELD of Bangor.
Cosponsored by Senator BARTLETT of Cumberland and
Representatives: DUCHESNE of Hudson, WALSH INNES of Yarmouth, KNAPP of Gorham,
WELSH of Rockport, Senator: GOODALL of Sagadahoc.

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

2 Sec. 1. 10 MRSA §1663 is enacted to read:

3 **§1663. Biofuel and ultra-low sulfur requirements for heating oil**

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

6 A. "Biofuel" has the same meaning as in Title 36, section 5219-X, subsection 1.

7 B. "Number 2 heating oil" means fuel oil classified as number 2 according to ASTM
8 Standard Specification for Classification of Fuel Oils by ASTM D396-84 that is used
9 in residential, commercial or industry heating applications.

10 C. "Ultra-low sulfur content heating fuel" means number 2 heating oil that has a
11 sulfur content of no more than 15 parts per million.

12 **2. Biofuel requirements.** The biofuel requirements in this subsection apply to
13 number 2 heating oil sold in the State.

14 A. Beginning July 1, 2011, a person may not sell number 2 heating oil for use in the
15 State unless it contains at least 2% biofuel.

16 B. After the first calendar year in which annual production of biofuel in the State is
17 at least 20,000,000 gallons, a person may not sell number 2 heating oil for use in the
18 State unless it contains at least 5% biofuel.

19 C. After the first calendar year in which annual production of biofuel in the State is
20 at least 40,000,000 gallons, a person may not sell number 2 heating oil for use in the
21 State unless it contains at least 10% biofuel.

22 D. If the price of number 2 heating oil meeting the biofuel requirement in this
23 subsection exceeds by 20% or more the price of number 2 heating oil that does not
24 meet the biofuel requirement, the Governor may issue a waiver of the biofuel
25 requirement.

26 **3. Ultra-low sulfur content requirement.** The ultra-low sulfur content requirement
27 in this subsection applies to number 2 heating oil sold in the State.

28 A. Beginning July 1, 2011, a person may not sell number 2 heating oil for use in the
29 State unless it is ultra-low sulfur content heating fuel.

30 B. The Governor may issue a waiver to the ultra-low sulfur content requirement in
31 this subsection if:

32 (1) There is not a sufficient supply of ultra-low sulfur content heating fuel in the
33 State; or

34 (2) The price of ultra-low sulfur content heating fuel in the State exceeds by 20%
35 or more the price of number 2 heating oil that has a sulfur content over 15 parts
36 per million.

SUMMARY

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This bill requires that, beginning July 1, 2011, heating fuel sold for use in the State must have a sulfur content of no more than 15 parts per million and must contain at least 2% biofuel. As production of biofuel in the State increases, the percentage of biofuel required also increases. The bill also authorizes the Governor to waive the ultra-low sulfur and biofuel requirements.