

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1178

S.P. 415

In Senate, March 26, 2013

An Act To Encourage the Use of Biofuels in the State

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator: JACKSON of Aroostook.

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. Sale of biomass-based diesel blends and biodiesel blends**

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

6 A. "Biodiesel" means the mono-alkyl esters of long chain fatty acids derived from
7 plant or animal matter that meets the requirements of the American Society of
8 Testing and Materials Standard D6751.

9 B. "Biomass-based diesel" means a diesel fuel substitute produced from
10 nonpetroleum renewable resources that meets the registration requirements for fuels
11 and fuel additives established by the United States Environmental Protection Agency
12 under 42 United States Code, Section 7545 (2012).

13 C. "Biomass-based diesel blend" and "biodiesel blend" mean a blend of biomass-
14 based diesel or biodiesel and petroleum-based diesel fuel.

15 **2. Number 2 heating oil.** For purposes of this section, all references to diesel
16 include #2 heating oil.

17 **3. Transfer document.** A person that sells or otherwise transfers title to a biomass-
18 based diesel blend or biodiesel blend to any other person for resale of the product shall
19 prepare a document evidencing the transfer. This transfer document may be in the form
20 of an invoice, bill of lading, bill of sale or other written instrument meeting the
21 requirements of this subsection. This transfer document must include the name of the
22 transferor, the name of the transferee, the date of the transfer, the volume in gallons of the
23 product transferred and either the volume in gallons or the percentage of biomass-based
24 diesel or biodiesel that is contained in the blended product. A person making such a
25 transfer shall maintain the transfer document required by this subsection for a period of 4
26 years from the transfer date. As used in this subsection, the term "resale" does not
27 include a sale of product purchased at a retail outlet.

28 **4. Transferee not liable.** A transferee of a biomass-based diesel blend or biodiesel
29 blend is not liable for failing to verify the accuracy of the information included in any
30 transfer document conforming to the requirements of subsection 3 or for any other
31 liability arising from the transferee's reliance on such information.

32 **5. Supplement other requirements.** The requirements of this section are in
33 addition to any other requirements or standards in state law.

34 **SUMMARY**

35 This bill requires that a seller provide documentation of the amount of biofuel in
36 certain blended products at the time of sale. It allows a buyer of these blended products
37 to rely on the information contained in this documentation and relieves the buyer of
38 liability arising from this reliance.