

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1498

H.P. 1108

House of Representatives, April 14, 2021

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**An Act To Prevent Increased Heating Fuel, Natural Gas, Gasoline  
and Diesel Fuel Pricing in Maine by Prohibiting Adoption of Rules  
Limiting Greenhouse Gas Emissions**

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Received by the Clerk of the House on April 12, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative STETKIS of Canaan.  
Cosponsored by Representatives: GRIGNON of Athens, MASON of Lisbon, MORRIS of Turner, PERKINS of Oakland, RUDNICKI of Fairfield, THORNE of Carmel, WHITE of Mars Hill.

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

2 **Sec. 1. 38 MRSA §576-A, sub-§4**, as enacted by PL 2019, c. 476, §7, is amended  
3 to read:

4 **4. Monitoring, reporting and compliance rules.** By July 1, ~~2021~~ 2022, the  
5 department shall adopt rules to track and report to the Legislature on gross annual  
6 greenhouse gas emissions and net annual greenhouse gas emissions.

7 Notwithstanding any provision of section 341-H to the contrary, by September 1, ~~2021~~  
8 2022, the board shall adopt rules to ensure compliance with the levels established by  
9 subsections 1 to 3 ~~which~~ that:

10 A. Must be consistent with the climate action plan, as updated pursuant to section 577,  
11 subsection 1;

12 B. Must prioritize greenhouse gas emissions reductions by sectors that are the most  
13 significant sources of greenhouse gas emissions, as identified by the United States  
14 Energy Information Administration and in the department's biennial reports submitted  
15 under section 578, taking into account gross greenhouse gas emissions reductions  
16 achieved by each sector since 1990 measured as a percentage of statewide gross  
17 greenhouse gas emissions and taking into account the cost-effectiveness of future gross  
18 greenhouse gas emissions reductions by each sector;

19 C. Must be fair and equitable and account for and give significant weight to greenhouse  
20 gas emissions reductions already achieved by various sectors; and

21 D. May establish a mechanism for crediting voluntary measures that quantifiably and  
22 reliably sequester additional carbon in forests, farms and coastal lands in the State or  
23 by the use of materials that sequester additional carbon that prioritizes sequestration  
24 that offsets Maine-generated emissions.

25 The Department of Transportation, after consultation with the department, may adopt rules  
26 as necessary to ensure compliance with the levels established by subsections 1 to 3.

27 Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as  
28 defined in Title 5, chapter 375, subchapter 2-A.

29 **Sec. 2. 38 MRSA §576-A, sub-§5** is enacted to read:

30 **5. Exclusions.** Notwithstanding subsection 4, the board, the department or the  
31 Department of Transportation may not adopt a rule that:

32 A. Increases the cost of heating fuel, natural gas, gasoline or diesel fuel by issuing  
33 permits to limit the amount of these fuels sold in the State in order to limit greenhouse  
34 gas emissions;

35 B. Increases the cost of heating fuel, natural gas, gasoline or diesel fuel by imposing a  
36 tax or requiring a permitting fee to reduce greenhouse gas emissions that is based on  
37 the carbon emissions of these fuels;

38 C. Increases the cost of heating fuel, natural gas, gasoline or diesel fuel by imposing a  
39 tax or requiring a permitting fee to reduce greenhouse gas emissions that is based on  
40 the carbon emissions of carbon-based fuels as part of a rebate or dividend program; or

1 D. Causes the State to join a multistate consortium or coalition that requires the State  
2 to implement a policy under paragraph A, B or C as a condition of membership.

3 A proposal to implement by legislation a policy described under paragraph A, B or C may  
4 not become law without the Senate and House of Representatives approving legislation  
5 both adopting that policy and joining a multistate consortium or coalition described under  
6 paragraph D.

## 7 **SUMMARY**

8 This bill makes the rules adopted by the Board of Environmental Protection, the  
9 Department of Environmental Protection and the Department of Transportation to limit  
10 greenhouse gas emissions major substantive rules. It prohibits the adoption by the Board  
11 of Environmental Protection, the Department of Environmental Protection or the  
12 Department of Transportation of a rule that limits the amount of heating fuel, natural gas,  
13 gasoline or diesel fuel sold to limit greenhouse gas emissions, that imposes a tax or requires  
14 a permitting fee to reduce greenhouse gas emissions, including a tax or permitting fee that  
15 is based on the carbon emissions of any carbon-based fuels as part of a rebate or dividend  
16 program, or that causes the State to join a multistate consortium or coalition that requires  
17 the State to implement either of those policies as a condition of membership. It also  
18 requires that a proposal to implement by legislation a policy limiting the sale of gasoline  
19 or diesel fuel to limit greenhouse gas emissions or imposing a tax or permitting fee to  
20 reduce greenhouse gas emissions may not become law without the Senate and House of  
21 Representatives approving legislation both adopting the policy and joining a multistate  
22 consortium or coalition. It also requires that any carbon sequestration policy prioritize the  
23 offset of Maine-generated emissions.