

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 627

H.P. 404

House of Representatives, February 14, 2023

**An Act to Promote Clean and Affordable Maine-sourced Bioenergy
by Amending the Law Regarding Outdoor Wood Boilers and
Outdoor Pellet Boilers**

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative ARDELL of Monticello.
Cosponsored by Senator STEWART of Aroostook and
Representatives: BABIN of Fort Fairfield, BLIER of Buxton, CYRWAY of Albion.

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

2 **Sec. 1. 38 MRSA §610-B, sub-§2-A**, as enacted by PL 2009, c. 209, §4, is amended
3 to read:

4 **2-A. Voluntary, technology-forcing emission standard.** An outdoor wood boiler
5 meeting a particulate matter emission limit of ~~0.06~~ 0.32 pounds per million British Thermal
6 Units heat output is not subject to a setback requirement as long as it meets the stack height
7 requirements for an outdoor wood boiler meeting the emission standard in subsection 2 in
8 accordance with rules adopted by the department.

9 **Sec. 2. 38 MRSA §610-B, sub-§5** is enacted to read:

10 **5. Rules.** The department shall adopt rules to implement this section. Rules adopted
11 pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375,
12 subchapter 2-A.

13 A. Notwithstanding section 592-A, the rules must include a definition of "nuisance
14 condition" specifically relating to the operation of outdoor wood boilers.

15 B. The rules may not prohibit the emission of a smoke plume from an outdoor wood
16 boiler, regardless of whether such emission remains upon the property of the owner of
17 the outdoor wood boiler or crosses onto any adjacent land or buildings not owned by
18 the owner.

19 **Sec. 3. 38 MRSA §610-B, first ¶**, as enacted by PL 2007, c. 442, §2, is repealed.

20 **SUMMARY**

21 This bill amends the law regulating outdoor wood boilers, which include outdoor pellet
22 boilers, as follows.

23 1. It allows an outdoor wood boiler meeting a particulate matter emission limit of 0.32
24 pounds per million British Thermal Units heat output to be exempt from property setback
25 requirements as long as it meets applicable stack height requirements under Department of
26 Environmental Protection rules.

27 2. It prohibits the department from adopting rules applicable to outdoor wood boilers
28 that prohibit the emission of a smoke plume from an outdoor wood boiler, regardless of
29 whether such emission remains upon the property of the owner of the outdoor wood boiler
30 or crosses onto any adjacent land or buildings not owned by the owner.