

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 755

S.P. 313

In Senate, February 16, 2023

An Act to Promote Higher Blends of Biofuel by Regulating the Sale or Transfer of Biofuels

Reference to the Committee on Innovation, Development, Economic Advancement and Business 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 DAUGHTRY of Cumberland.
Cosponsored by Representative THERIAULT of Fort Kent and
Senators: HARRINGTON of York, President JACKSON of Aroostook, STEWART of
Aroostook, VITELLI of Sagadahoc, Representatives: CLOUTIER of Lewiston, FOSTER of
Dexter.

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

2 **Sec. 1. 10 MRSA §1663**, as enacted by PL 2013, c. 124, §1, is amended to read:

3 **§1663. Sale of biodiesel, biomass-based diesel, biomass-based diesel blends and**
4 **biodiesel blends**

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

7 A. "Biodiesel" means ~~the~~ a renewable, biodegradable mono-alkyl esters of long chain
8 fatty acids derived from plant oils or animal matter fats that meets the requirements of
9 the American Society of Testing and Materials Standard most recent ASTM
10 International standard D6751. "Biodiesel" includes fuel that otherwise meets the
11 requirements of this paragraph and also contains up to 1% diesel fuel.

12 A-1. "Biodiesel blend" means a blend of diesel fuel that contains greater than 5% by
13 volume of biodiesel and meets the requirements of the most recent ASTM International
14 standard D7467.

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

19 C. "Biomass-based diesel blend" ~~and "biodiesel blend" mean~~ means a blend of diesel
20 fuel that contains greater than 5% by volume of biomass-based diesel or biodiesel and
21 petroleum-based diesel fuel.

22 **2. Number 2 heating oil.** For purposes of this section, all references to diesel include
23 #2 heating oil.

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

36 **4. Transferee not liable.** A transferee of fuel containing a biodiesel, biomass-based
37 diesel, biomass-based diesel blend or biodiesel blend is not liable for failing to verify the
38 accuracy of the information included in any a transfer document conforming to the
39 requirements of subsection 3 or for any other liability arising from the transferee's reliance
40 on such that information.

41 **5. Supplement other requirements.** The requirements of this section are in addition
42 to any other requirements or standards in ~~state~~ law.

SUMMARY

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This bill amends definitions applicable to the sale of biodiesel, biomass-based diesel, biomass-based diesel blends and biodiesel blends. It requires a person that transfers fuel containing biodiesel, biomass-based diesel, biomass-based diesel blends and biodiesel blends to prepare and maintain a transfer document.