

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

CHAPTER 66

H.P. 1028 - L.D. 1465

**Resolve, Regarding Legislative
Review of Portions of Chapter 127:
New Motor Vehicle Emission
Standards, a Major Substantive Rule
of the Bureau of Air Quality**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 127: New Motor Vehicle Emission Standards, a provisionally adopted major substantive rule of the Department of Environmental Protection, Bureau of Air Quality that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is amended as follows.

1. Section 4, subsection D is amended by changing the date by which a manufacturer who opts to utilize the alternative compliance mechanisms must notify the commissioner from March 1, 2005 to October 1, 2005.

2. Section 4, subsection D, paragraph (1), subparagraph (b) is amended to replace reference to the California Alternative Requirements for Large Volume Manufacturers as identified in the California Code of Regulations, Title 13, section 1962(b)(2)(B) with reference to the California Requirements for Large Volume Manufacturers as identified in the California Code of Regulations, Title 13, section 1962(b)(2).

3. Section 4, subsection D, paragraph (1), subparagraph (d) is amended to require that starting with model year 2007 each manufacturer that opts into a compliance path described in subsection D, paragraph (1) shall make available for purchase or lease in Maine any PZEV, AT PZEV and ZEV models, except Type III ZEVs placed in service pursuant to the California Code of Regulations, Title 13, section 1962(b)(2), sold or leased in California.

4. Section 4, subsection D, paragraph (1), subparagraph (e) is amended by adding language to:

A. Require the commissioner to establish ZEV compliance accounts for each manufacturer and allocate the credits earned to the compliance accounts, including separate accounts for PZEV, AT PZEV, NEV, Type 0 ZEVs, Type I ZEVs, Type II ZEVs, Type III ZEVs, transportation system and extended service; and

B. Require the commissioner to calculate the difference and apply a number of credits equal to the difference to the manufacturer's compliance account for each account if the number of credits earned pursuant to subparagraph (e) is less than the number of credits that would have been awarded to a manufacturer under section 4, subsection D, paragraph (2) of the rule described in subsection 6 of this section of this resolve.

5. Section 4, subsection D, paragraph (1) is amended by adding a new subparagraph (f) to provide that a manufacturer is entitled to full credit for each Type III ZEV placed in service prior to model year 2012 in any state that has adopted the California ZEV mandate.

6. Section 4, subsection D is amended by adding a new paragraph (2) that adds language to:

A. Require the commissioner to set aside a number of Maine ZEV credits proportionally equivalent to the number of ZEV credits possessed by the requesting manufacturer for use in the State of California at the beginning of the 2009 model year;

B. Provide that the setting aside of credits will be performed only after all credit obligations for model years 2008 and earlier have been satisfied in California;

C. Provide that the manufacturer's California credit balances must be multiplied by the ratio of the average number of PCs and LDT1s produced and delivered for sale in Maine to the combined average number of PCs and LDT1s produced and delivered for sale in California in model years 2003 to 2005 or, alternatively, by the ratio of PCs

and LDT1s produced and delivered for sale in California in model year 2009;

D. Provide that the time period used to determine the credit transfer ratio will also be used to determine model year 2009 ZEV sales requirements in Maine;

E. Require the commissioner to establish ZEV compliance accounts for each manufacturer and allocate the credits calculated under new paragraph (2) of the rule described in this subsection of this section of this resolve to the compliance accounts, including separate accounts for PZEV, AT PZEV, NEV, Type 0 ZEVs, Type I ZEVs, Type II ZEVs, Type III ZEVs, transportation system and extended service;

F. Require the commissioner to notify the manufacturer of the number of ZEV credits available for use by July 31, 2009 and annually thereafter;

G. Provide that credits issued pursuant to new paragraph (2) of the rule described in this subsection of this section of this resolve may be used in Maine only for compliance with the ZEV provisions of section 4, subsection C of the rule and are subject to the same requirements and limitations on credit use set forth in the California Code of Regulations, Title 13, section 1962 adjusted for Maine-specific vehicle numbers;

H. Provide that a manufacturer is entitled to full credit for each Type III ZEV placed in service prior to model year 2012 in any state that has adopted the California ZEV mandate;

I. Require each manufacturer operating under the compliance path described in new paragraph (2) of the rule described in this subsection of this section of this resolve to:

(1) By May 1, 2009 provide the commissioner with the total number of PC and LDT1 vehicles produced and delivered for sale in Maine and California for 2003 to 2005 model years or, alternatively, provide the commissioner with the total projected number of PC and LDT1 vehicles to be produced and delivered for sale in Maine and California in model year 2009, and by March 1, 2010 provide the commissioner with actual 2009 model year PC and LDT1 vehicles produced and delivered for sale in Maine and California;

(2) By May 1, 2009 provide the commissioner with the total number of banked California credits after all 2008 model year and earlier obligations have been met; and

(3) Starting with model year 2009, make available for purchase or lease in Maine any PZEV, AT PZEV and ZEV models, including all ZEVs except Type III ZEVs placed in service pursuant to the California Code of Regulations, Title 13, section 1962(b)(2), that are sold, leased or offered for sale in California; and

J. Require the commissioner, by May 31, 2010, to adjust and notify a manufacturer who provides the alternative notification described in paragraph I of this section of this resolve of the number of ZEV credits established based on actual 2009 model year data.

7. Section 8, subsection B, paragraph (4) is amended by adding or modifying language to require each manufacturer to submit a compliance report to the commissioner no later than May 1st following the completed model year demonstrating compliance with section 4, paragraph C or section 4, paragraph D.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective May 31, 2005.

CHAPTER 67

H.P. 1120 - L.D. 1584

Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Wiscasset

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Town of Wiscasset is the host community to the Maine Yankee Atomic Power Company, which owned and operated a nuclear electricity generating station that is currently being decommissioned and which currently owns and operates an independent storage facility for the interim storage of high-level nuclear waste and spent nuclear fuel generated during the operating lifetime of the Maine Yankee Nuclear Power Station; and

Whereas, there are fewer than 25 decommissioned or decommissioning commercial nuclear power reactors nationwide and fewer than 25 independent spent fuel storage facilities nationwide, most of which are located on the site of operating nuclear power plants, causing the valuation of those facilities and the real estate on which they are located to pose unprecedented assessment challenges; and