

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Biofuel in Number 2 Heating Oil'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 10 MRSA §1663 is enacted to read:

§ 1663. State biofuel goals

It is the goal of the State that all number 2 heating oil sold in the State contain at least 2% biofuel by July 1, 2013 and at least 5% biofuel by July 1, 2015. As used in this section, "biofuel" means any commercially produced liquid or gas used to fire a heating device or a stationary power device or otherwise substitute for liquid or gaseous fuels that is derived from renewable biomass, including, but not limited to, agricultural crops and residues, forest products and by-products and separated food waste, as distinct from petroleum or other fossil carbon sources.

Sec. 2. Biofuel study. The Executive Department, Governor's Office of Energy Independence and Security, referred to in this section as "the office," shall oversee a study of the energy, environmental and economic feasibility of setting a requirement for the percentage of biofuel to be used in number 2 heating oil. As used in this section, "biofuel" means any commercially produced liquid or gas used to fire a heating device or a stationary power device or otherwise substitute for liquid or gaseous fuels that is derived from renewable biomass, including, but not limited to, agricultural crops and residues, forest products and by-products and separated food waste, as distinct from petroleum or other fossil carbon sources.

1. The study must include, but is not limited to, the following:

- A. The feasibility of linking annual production of biofuel in the State to use goals and requirements;
- B. Consideration of biofuel supply, price and infrastructure issues for number 2 heating oil;
- C. Consideration of federal regulations and programs, including, but not limited to, the United States Environmental Protection Agency's renewable fuels standard and the United States Department of Agriculture's biomass crop assistance program;
- D. Consideration of relevant legislative proposals and actions in the United States Congress, including, but not limited to, low-carbon fuel standards;
- E. Consideration of relevant policies in other states, particularly in other New England states; and
- F. Conformance of goals with the office's State of Maine Comprehensive Energy Plan.

2. The study must supplement the January 2008 report by the office titled "Liquid Biofuels Policy for Maine" and update recommendations regarding the establishment of an alternative fuel incentive program to stimulate the production, distribution and use of biofuels in number 2 heating oil.

3. In carrying out the study, the office shall consult with the Department of Environmental Protection, the Public Utilities Commission and the Efficiency Maine Trust Board.

4. Performance of the study's examination of supply goals and requirements and price considerations under subsection 1 is dependent on receipt of funding through a 3rd-party grant or donation. Performance of the study's update of policy recommendations to stimulate the production, distribution and use of biofuels, with supply goals and price considerations, must be undertaken by the office regardless of funding source.

5. By February 15, 2011, the office shall submit a report of its findings and recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

Sec. 3. Authority to submit legislation. The joint standing committee of the Legislature having jurisdiction over natural resources matters may submit a bill relating to the subject matter of the report submitted pursuant to section 2 to the First Regular Session of the 125th Legislature.'

SUMMARY

This amendment replaces the bill and changes the title. The amendment establishes state goals for the percentage of biofuel that number 2 heating oil must contain. The amendment also directs the Executive Department, Governor's Office of Energy Independence and Security to oversee a study of and report on the feasibility of setting a requirement for the percentage of biofuel to be used in number 2 heating oil. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to submit a bill related to the subject matter of the report.