



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1498

H.P. 1108

House of Representatives, April 14, 2021

**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**

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.

Robert 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

