

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

An Act To Declare a Moratorium on the Sale and Installation of High-emissions Outdoor Wood Boilers That Do Not Meet the Current Federal Environmental Protection Agency Standards for Wood Stoves

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

Sec. 1. 38 MRSA §582, sub-§8-C is enacted to read:

8-C. Outdoor wood boiler. "Outdoor wood boiler" means a fuel burning device:

A. Designed to burn wood or other solid fuels;

B. That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans; and

C. That heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

Sec. 2. 38 MRSA §610-B is enacted to read:

§ 610-B. Outdoor wood boilers

1. Moratorium. The commissioner may adopt a moratorium on the sale of new outdoor wood boilers until:

A. The department has adopted rules to control the sale, installation, siting and use of outdoor wood boilers at residences and places of business and to implement minimum standards of performance for outdoor wood boilers sold, purchased and installed in the State. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; or

B. The department has adopted rules for new outdoor wood boilers that conform to the federal standards for woodstoves and fireplaces under 40 Code of Federal Regulations, Part 60, Subpart AAA (2006), Standards of Performance for New Residential Wood Heaters.

The moratorium may not apply to an outdoor wood boiler that meets or exceeds the particulate standards established under 40 Code of Federal Regulations, Part 60, Subpart AAA (2006).

2. Restrictions. An outdoor wood boiler manufactured prior to October 31, 2007 may not be operated if a local health officer makes a determination that the outdoor wood boiler is a public health nuisance. By October 31, 2007, the Department of Health and Human Services, Maine Center for Disease Control and Prevention, in consultation with the department, shall develop guidelines to be used by a local health officer in determining whether an outdoor wood boiler is causing a public health nuisance.

3. Phase out. Effective November 1, 2010, an outdoor wood boiler may not be operated in the State unless it meets the standards specified in subsection 1.

4. Municipal ordinance. Nothing in this section may be construed as preemption by the State. A municipality may adopt and enforce outdoor wood boiler ordinances that are more restrictive than this section or prohibit the use of outdoor wood boilers.

5. Assessment of standards; rules. The department shall review every 3 years and revise as necessary its standards and rules pertaining to outdoor wood boiler emission controls.

SUMMARY

This bill defines "outdoor wood boiler." It permits the Commissioner of Environmental Protection to adopt a moratorium on the sale of high-emissions outdoor wood boilers until the department establishes rules regulating the sale, installation and use of outdoor wood boilers and directs the department to review the rules every 3 years and revise them if necessary. The bill also restricts the use of outdoor wood boilers manufactured prior to October 1, 2007 unless they meet the standards and rules adopted by the department. It directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention in consultation with the Department of Environmental Protection to develop guidelines to determine whether an outdoor wood boiler is causing a public health nuisance.