

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 313 - L.D. 755

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

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

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

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

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

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

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

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

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

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

**3. Transfer document.** A person that sells or otherwise transfers title to a fuel containing biodiesel, biomass-based diesel blend or, biomass-based diesel blend or biodiesel blend to any other person for resale of the product shall prepare a document

evidencing the transfer. This transfer document may be in the form of an invoice, bill of lading, bill of sale or other written instrument meeting the requirements of this subsection. This transfer document must include the name of the transferor, the name of the transferee, the date of the transfer, the volume in gallons of the product transferred and either the volume in gallons or the percentage of biomass-based diesel or biodiesel that is contained in the blended product. A person making such a transfer shall maintain the transfer document required by this subsection for a period of 4 years from the transfer date. As used in this subsection, the term "resale" does not include a sale of product purchased at a retail outlet.

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

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