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Resolve, Regarding Biofuel in Number 2 Heating Oil

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

Whereas, this legislation directs the Executive Department, Governor's Energy Office to oversee a study of the feasibility of setting a requirement for the percentage of biofuel to be used in #2 heating oil; and

Whereas, it is imperative that this study begin as soon as possible in order for it to be completed and a report submitted to the Legislature by February 15, 2020; 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 Biofuels in heating oil study. Resolved: That the Executive Department, Governor's Energy Office, 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 #2 heating oil. As used in this section, "biofuel" means any commercially produced liquid or gas used to ignite 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 #2 heating oil;
- C. Consideration of federal regulations and programs, including, but not limited to, the United States Environmental Protection Agency's renewable fuel 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 2015 state comprehensive energy plan.

2. The study must supplement the April 2011 report by the office titled "Biofuels in Heating Oil" and update recommendations regarding the establishment of an alternative fuel incentive program to stimulate the production, distribution and use of biofuels in #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.

By February 15, 2020, the office shall submit a report of its findings and recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Environment and Natural Resources.

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

SUMMARY

This resolve directs the Executive Department, Governor's Energy Office to oversee a study of and report to the Joint Standing Committee on Environment and Natural Resources on the feasibility of setting a requirement for the percentage of biofuel to be used in #2 heating oil.