



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1003

H.P. 704

House of Representatives, March 14, 2017

**Resolve, To Require the State's Mitigation Plan under the
Volkswagen Mitigation Trust Agreement To Include the Use of
Maine-generated Nonfossil Fuel Sources**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RYKERSON of Kittery.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: BERRY of Bowdoinham, CHAPMAN of Brooksville, COOPER of
Yarmouth, DeCHANT of Bath, HARLOW of Portland, SCHNECK of Bangor, SYLVESTER
of Portland, Senator: GRATWICK of Penobscot.

1 **Whereas**, on October 25, 2016, the U.S. District Court for the Northern District of
2 California approved the Volkswagen Partial Consent Decree between plaintiffs United
3 States Environmental Protection Agency and the State of California and defendants
4 Volkswagen AG, Audi AG, Volkswagen Group of America, Inc., and Volkswagen Group
5 of America Chattanooga Operations, LLC, referred to in this preamble as "Volkswagen,"
6 to settle a complaint alleging violations of the federal Clean Air Act related to the
7 operation of certain noncompliant Volkswagen and Audi diesel vehicles; and

8 **Whereas**, Volkswagen admitted that software in certain Volkswagen diesel vehicles
9 enables the vehicles' emission control module to operate emission control systems when
10 undergoing emission testing but to render the emission control systems inoperative when
11 not undergoing emission testing, resulting in emissions that exceed federal levels for
12 nitrogen oxides when the vehicles are driven on the road; and

13 **Whereas**, to fully mitigate the total lifetime excess nitrogen oxide emissions from
14 certain noncompliant Volkswagen and Audi diesel vehicles, Volkswagen agreed to pay
15 funds into the Volkswagen environmental mitigation trust to fund eligible mitigation
16 actions within the United States and its territories; and

17 **Whereas**, there are many noncompliant Volkswagen and Audi diesel vehicles
18 registered in the State; and

19 **Whereas**, in accordance with the terms of the Volkswagen Partial Consent Decree,
20 the State may seek a portion of the Volkswagen environmental mitigation trust to fund
21 specific eligible mitigation actions to mitigate the lifetime excess nitrogen oxide
22 emissions in the State from the noncompliant Volkswagen and Audi diesel vehicles; and

23 **Whereas**, it is the intention of the State to elect to become confirmed as a
24 Volkswagen environmental mitigation trust fund beneficiary by timely filing of the
25 necessary certifications; and

26 **Whereas**, upon the trustee of the environmental mitigation trust confirming the
27 State as a beneficiary under the Volkswagen Partial Consent Decree, the State will
28 prepare and submit to the trustee the required beneficiary mitigation plan, which will
29 describe the measures that the State intends to fund with the Volkswagen environmental
30 mitigation trust proceeds, and will request funds from the trustee for specific eligible
31 mitigation actions; now, therefore, be it

32 **Sec. 1. Inclusion in the beneficiary mitigation plan. Resolved:** That, in
33 order to benefit the public at large, improve the air quality of the State and maximize the
34 economic benefits to the State the beneficiary mitigation plan developed by the State to
35 mitigate the lifetime nitrogen oxide emissions from noncompliant Volkswagen and Audi
36 diesel vehicles must, to the extent possible, include the use of Maine-generated nonfossil
37 fuel sources.

SUMMARY

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This resolve requires that the beneficiary mitigation plan developed by the State to mitigate the lifetime nitrogen oxide emissions from noncompliant Volkswagen and Audi diesel vehicles must, to the extent possible, include the use of Maine-generated nonfossil fuel sources.