



# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 502

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H.P. 331

House of Representatives, February 11, 2025

**An Act to Promote Clean and Affordable Maine-sourced Bioenergy  
by Amending the Law Regarding Outdoor Wood Boilers and  
Outdoor Pellet Boilers**

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Received by the Clerk of the House on February 6, 2025. 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 ARDELL of Monticello.  
Cosponsored by Representatives: ALBERT of Madawaska, BLIER of Buxton, DAIGLE of Fort Kent, PAUL of Winterport, PERKINS of Dover-Foxcroft, Senators: BERNARD of Aroostook, HARRINGTON of York.

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

2 **Sec. 1. 38 MRSA §610-B, sub-§2-A**, as enacted by PL 2009, c. 209, §4, is amended  
3 to read:

4 **2-A. Voluntary, technology-forcing emission standard.** An outdoor wood boiler  
5 meeting a particulate matter emission limit of ~~0.06~~ 0.32 pounds per million British Thermal  
6 Units heat output is not subject to a setback requirement as long as it meets the stack height  
7 requirements for an outdoor wood boiler meeting the emission standard in subsection 2 in  
8 accordance with rules adopted by the department.

9 **Sec. 2. 38 MRSA §610-B, sub-§5** is enacted to read:

10 **5. Rules.** The department shall adopt rules to implement this section. Rules adopted  
11 pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375,  
12 subchapter 2-A.

13 A. Notwithstanding section 592-A, the rules must include a definition of "nuisance  
14 condition" specifically relating to the operation of outdoor wood boilers.

15 B. The rules may not prohibit the emission of a smoke plume from an outdoor wood  
16 boiler, regardless of whether such emission remains upon the property of the owner of  
17 the outdoor wood boiler or crosses onto any adjacent land or buildings not owned by  
18 the owner.

19 **Sec. 3. 38 MRSA §610-B, first ¶**, as enacted by PL 2007, c. 442, §2, is repealed.

20 **SUMMARY**

21 This bill amends the law regulating outdoor wood boilers, which include outdoor pellet  
22 boilers, as follows.

23 1. It allows an outdoor wood boiler meeting a particulate matter emission limit of 0.32  
24 pounds per million British Thermal Units heat output to be exempt from property setback  
25 requirements as long as it meets applicable stack height requirements under Department of  
26 Environmental Protection rules.

27 2. It prohibits the department from adopting rules applicable to outdoor wood boilers  
28 that prohibit the emission of a smoke plume from an outdoor wood boiler, regardless of  
29 whether such emission remains upon the property of the owner of the outdoor wood boiler  
30 or crosses onto any adjacent land or buildings not owned by the owner.