



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
OFFICE OF THE COMMISSIONER
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

ORDER OF THE COMMISSIONER

*An Order Establishing Alternative Standards for
Motor Fuel Conveyed for Consumption in Maine.*

WHEREAS, Maine Revised Statutes, Title 10: COMMERCE AND TRADE, Part 6: WEIGHTS AND MEASURES Chapter 501: WEIGHTS AND MEASURES LAW, Subchapter 7-A: SALE OF COMMODITIES §2631 provides that the engine fuel and automotive lubricants requirements, as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology uniform regulation “Uniform Engine Fuels and Automotive Lubricants Regulation,” apply to any internal combustion engine fuels, lubricating oils or other similar products stored, sold, distributed, transported, exposed for sale or offered for sale, distribution or transportation in the State, except as specifically modified, amended or rejected by a regulation issued by the state sealer;

WHEREAS, Maine Revised Statutes, Title 10: COMMERCE AND TRADE, Part 6: WEIGHTS AND MEASURES Chapter 501: WEIGHTS AND MEASURES LAW, Subchapter 3: STATE SEALER, §2402 establishes the powers and duties authorizing the Commissioner of Agriculture, Conservation and Forestry to grant any exemptions from Title 10, Chapter 501 or any regulations promulgated pursuant thereto, when appropriate to the maintenance of good commercial practices within the State;

WHEREAS, the President of the United States issued a declaration of a national state of emergency on March 13, 2020;

WHEREAS, Governor Janet T. Mills issued a Proclamation of State of Civil Emergency to Further Protect Public Health in response to the COVID-19 pandemic on March 15, 2020;

WHEREAS, due to the COVID-19 public health threat and the resulting decrease in public driving habits and gasoline consumption, there is an oversupply of gasoline meeting winter season volatility requirements;

WHEREAS, the unexpected oversupply of higher volatility fuel is occupying bulk fuel storage systems, in many cases preventing distributors from being able to shift their supplies to the lower volatility fuel; and

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WHEREAS, an exemption from the ASTM Class D-4 standards required by 10 M.R.S §2631 is necessary and appropriate for the maintenance of good commercial practices by authorizing the distribution of the winter season fuel currently occupying bulk fuel tanks in order to allow for the shift to the lower volatility fuel;

NOW THEREFORE, I, Amanda Beal, Commissioner of the Maine Department of Agriculture, Conservation and Forestry, by virtue of the power and authority vested in me by the laws of the State of Maine, do hereby order and direct that:

Beginning April 1, 2020 and ending April 30, 2020, Maine grants an exemption from the ASTM Class D-4 requirements and extends the ASTM Class E-5 requirements for gasoline in order that consumers will have adequate fuel supplies, so that the existing oversupply of winter season fuel currently occupying bulk terminal fuel storage tanks can be depleted to make room for the delivery of season appropriate fuel, and so that refineries may have greater flexibility in making supplies available to the State of Maine.

IT IS SO ORDERED, this 31st day of March, 2020.

Amanda Beal



Commissioner, Department of Agriculture, Conservation and Forestry