

MAINE STATE LEGISLATURE

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M
H. of S.

L.D. 669

2 DATE: 5-19-03

(Filing No. S-200)

4
6 **UTILITIES AND ENERGY**

8 Reported by: *Majority*

10 Reproduced and distributed under the direction of the Secretary
of the Senate.

12
14 **STATE OF MAINE**
SENATE
16 **121ST LEGISLATURE**
FIRST REGULAR SESSION

18
20 COMMITTEE AMENDMENT "A" to S.P. 233, L.D. 669, Bill, "An
Act To Strengthen the Energy Resources Council"

22 Amend the bill by inserting after the title and before the
enacting clause the following:

24
26 **'Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

28
30 **Whereas,** in order to provide adequate time for a study of
vital energy-related matters prior to the beginning of the next
legislative session, this Act must take effect immediately; and

32
34 **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
36 necessary for the preservation of the public peace, health and
safety; now, therefore, '

38
40 Further amend the bill by striking out everything after the
enacting clause and before the summary and inserting in its place
the following:

42
44 **'Sec. 1. 5 MRSA §3327, sub-§3,** as enacted by PL 2001, c. 630,
§1, is amended to read:

COMMITTEE AMENDMENT

2 **3. Quarterly meetings; staff; funding.** The council shall
3 meet at least quarterly. The council shall prepare a work
4 program for each year establishing priorities among its efforts.
5 The State Planning Office, within the Executive Department, shall
6 provide staff support. ~~Each member of the council shall enter
7 into an agreement with the State Planning Office to share in the
8 cost of providing the staff support.~~

10 A. A state agency applying for funds under the State Energy
11 Program of the United States Department of Energy pursuant
12 to 10 Code of Federal Regulations, Part 420 shall, as
13 directed by the council, apply for funds to support the work
14 of the council and its staff.

16 B. To the extent funds available pursuant to paragraph A
17 are insufficient to fund fully staff support for the
18 council, each member of the council shall enter into an
19 agreement with the State Planning Office to share in the
20 cost of providing the staff support.

22 C. The council may seek, and the Public Utilities
23 Commission may provide, funds to the council pursuant to
24 Title 35-A, section 3211-A, subsection 5-A.

26 **Sec. 2. 35-A MRSA §3211-A, sub-§1, ¶C,** as enacted by PL 2001,
27 c. 624, §4, is amended to read:

28 C. "Available funds" means funds available in the program
29 fund but does not include any funds provided to the Energy
30 Resources Council pursuant to subsection 5-A.

32 **Sec. 3. 35-A MRSA §3211-A, sub-§5-A** is enacted to read:

34 5-A. Support for Energy Resources Council. Notwithstanding
35 any other provision of this section:

38 A. The Energy Resources Council established under Title 5,
39 section 3327 may apply to the commission for funding from
40 the program fund to support projects and activities of the
41 council related to energy conservation; and

42 B. The commission may provide up to \$200,000 in any fiscal
43 year to the Energy Resources Council established under Title
44 5, section 3327 from the program fund if the funds are
45 needed for particular projects or activities directed by the
46 Legislature to be undertaken by the council, or the
47 commission finds the projects or activities are generally
48 consistent with the overall purposes of this section.

2 **Sec. 4. Energy review and report.** In addition to its other
3 responsibilities, the Energy Resources Council established under
4 the Maine Revised Statutes, Title 5, section 3327 shall undertake
5 a review of state energy-related policy and its implementation
6 and prepare and submit a report of its findings and
7 recommendations to the Joint Standing Committee on Utilities and
8 Energy no later than January 31, 2004. The council shall review
9 and identify in its report any demand and supply forecasts for
10 electricity that have been compiled by regional entities such as
11 the New England Power Pool or the independent system operator for
12 New England, with particular reference to forecasts specific to
13 this State. In developing its findings and recommendations, the
14 council shall identify the links between energy policy and
15 environmental, transportation and economic development policy.
16 The council also shall identify opportunities for improving the
17 effectiveness of state policy implementation. The council shall
18 focus its review on policies related to energy efficiency and
19 renewable energy.

20
21 The Speaker of the House shall appoint 2 members of the
22 House of Representatives, one from the majority political party
23 and one from a minority political party, who serve on the Joint
24 Standing Committee on Utilities and Energy to participate in the
25 council's deliberations under this section. The President of the
26 Senate shall appoint 2 members of the Senate, one from the
27 majority political party and one from a minority political party,
28 who serve on the Joint Standing Committee on Utilities and Energy
29 to participate in the council's deliberations under this
30 section. All appointments must be made no later than 30 days
31 following the effective date of this Act. The appointing
32 authorities shall notify the Executive Director of the
33 Legislative Council once appointments have been completed.
34 Legislators so appointed are members of the council for the
35 purpose of allowing their full participation in its
36 deliberations, including voting on findings and recommendations,
37 conducted pursuant to this section. Legislators are not members
38 of the council for any other purposes and are not entitled to
39 participate in any other matters of the council. Legislators so
40 appointed are entitled to receive the legislative per diem and
41 reimbursement for travel and other necessary expenses related to
42 their attendance at meetings of the commission.

43
44 The council shall hold at least one public hearing outside
45 of Augusta on its draft findings and recommendations prior to
46 preparing its final draft. As it finds appropriate, the council
47 shall invite additional comments from legislative committees of
48 jurisdiction, stakeholders and the public.

49
50 The council shall request assistance from the Legislative
Council in the preparation of any recommended legislation.

11-25-03

2 In response to the report of the council, the Joint Standing
4 Committee on Utilities and Energy may report out legislation to
6 the Second Regular Session of the 121st Legislature concerning
energy policy.

8 **Sec. 5. Transfer of funds.** Notwithstanding the Maine Revised
10 Statutes, Title 35-A, section 3211-A, the State Controller shall
12 transfer \$2,920 from the Public Utilities Commission's
14 conservation program fund under the Maine Revised Statutes, Title
16 35-A, section 3211-A, subsection 5 to the Legislature at the
beginning of the 2003-04 fiscal year. These funds must be used
for costs incurred to pay the per diem and expenses of
legislative members participating in the review required by this
Act.

18 **Sec. 6. Appropriations and allocations.** The following
appropriations and allocations are made.

20 **LEGISLATURE**

22 **Miscellaneous Studies - Energy Resources Council**

24 Initiative: Provides funds for per diem and expenses of
26 legislative members participating in activities of the Energy
Resources Council for the energy review and report requirement.
28 Funds from the Public Utilities Commission's conservation program
fund must be transferred to the Legislature at the beginning of
the fiscal year to be available for the legislative expenses.

30 Other Special Revenue Funds	2003-04	2004-05
32 Personal Services	\$1,320	\$0
34 All Other	1,600	0
36 Other Special Revenue Funds Total	\$2,920	\$0

38 **LEGISLATURE**

38 DEPARTMENT TOTALS	2003-04	2004-05
40 OTHER SPECIAL REVENUE FUNDS	\$2,920	\$0
42 DEPARTMENT TOTAL - ALL FUNDS	\$2,920	\$0

44 **EXECUTIVE DEPARTMENT**

46 **State Planning Office**

48 Initiative: Provides funds for contractual services to assist

COMMITTEE AMENDMENT "A" to S.P. 233, L.D. 669

the Energy Resources Council established pursuant to the Maine Revised Statutes, Title 5, section 3327 with its comprehensive review of the State's energy policy and for other related purposes.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$197,080	\$200,000
Other Special Revenue Funds Total	\$197,080	\$200,000
EXECUTIVE DEPARTMENT		
DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$197,080	\$200,000
DEPARTMENT TOTAL - ALL FUNDS	\$197,080	\$200,000
SECTION TOTALS		
OTHER SPECIAL REVENUE FUNDS	\$200,000	\$200,000
SECTION TOTAL - ALL FUNDS	\$200,000	\$200,000

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

SUMMARY

This amendment, which is the majority report of the Joint Standing Committee on Utilities and Energy, replaces the bill. The amendment does the following.

1. It changes the funding support for the Energy Resources Council. Currently funding is provided by member agencies. This amendment directs the council to seek federal funding. To the extent such funding is insufficient, member agencies are directed to enter into an agreement to share the costs of staff. It also authorizes the council to seek, and the Public Utilities Commission to provide, up to \$200,000 from the conservation program fund to support legislatively directed activities of the council and projects generally consistent with the purposes of the program fund.

2. It directs the council to undertake a study of energy-related policy and its implementation, with particular focus on energy efficiency and renewable energy. It provides for 4 members of the Legislature to be appointed to participate in the council's study. It requires the council to hold a hearing outside of Augusta and to issue its report by January 31, 2004.

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2 It authorizes the Joint Standing Committee on Utilities and
Energy to report out legislation in response to the report.

4 3. It adds an emergency preamble and emergency clause to
6 the bill and an allocation section.

8

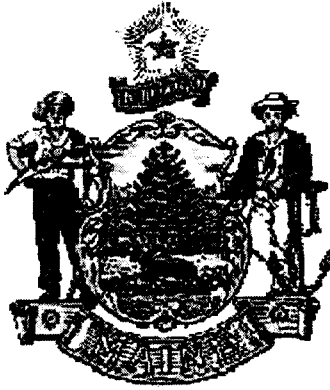
FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 669

An Act to Strengthen the Energy Resources Council



LR 1687(02)

Fiscal Note for Bill as Amended by Committee Amendment *AS-200*

Committee: Utilities and Energy

Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Appropriations/Allocations				
Other Special Revenue Funds	\$200,000	\$200,000	\$200,000	\$200,000
Revenue				
Other Special Revenue Funds	\$200,000	\$200,000	\$200,000	\$200,000

Fiscal Detail and Notes

This bill authorizes the use of up to \$200,000 per fiscal year of the Conservation Program Fund dedicated revenue within the Public Utilities Commission to support certain activities and projects of the Energy Resources Council established pursuant to 5 MRSA section 3327. This bill also requires the Energy Resources Council to undertake a comprehensive review of the State's energy policy and submit a report to the Joint Standing Committee on Utilities and Energy by January 31, 2004. There is sufficient revenue available to cover the proposed allocation for the current biennium.

This bill includes an allocation of Other Special Revenue funds of \$2,920 in fiscal year 2003-04 to the Legislature to authorize expenditures for the per diem and expenses of legislators participating in this Energy review and report requirement. Funds from the Conservation Program Fund will need to be transferred from the Public Utilities Commission to the Legislature at the beginning of the year to support the above mentioned costs. This bill includes language that requires the Public Utilities Commission to transfer these funds.

This bill also changes the funding support for the Energy Resources Council by directing the Council to seek federal funding. Currently, funding is provided by member agencies so the receipt of Federal funds will allow member agencies to experience some savings.