

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND SPECIAL SESSION-2004

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Legislative Document

No. 1949

S.P. 791

In Senate, March 30, 2004

### **An Act Relating to Certain Energy Responsibilities of the Public Utilities Commission**

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The Joint Standing Committee on Utilities and Energy, pursuant to Public Law 2003, chapter 497, section 4 and Resolve 2003, chapter 101, section 3, Reports the Same Ought to Pass.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

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

**Sec. 1. 5 MRSA §13063-B, sub-§1-A,** as enacted by PL 2003, c. 2, Pt. L, §1, is repealed.

**Sec. 2. 10 MRSA §1413, sub-§11,** as amended by PL 1991, c. 824, Pt. A, §13, is repealed.

**Sec. 3. 10 MRSA §1415-E, sub-§1,** as amended by PL 1991, c. 824, Pt. A, §15, is further amended to read:

**1. Administration.** The Department of Economic and Community Development is responsible for the administration and enforcement of the standards established in this chapter. In administering these standards, the Department of Economic and Community Development shall:

A. Work cooperatively with other state, regional and local agencies interested in or affected by these standards and may, by rules promulgated ~~adopted~~ in accordance with the ~~Maine Administrative Procedure Act~~, Title 5, chapter 375, distribute to regional planning councils funds made available for this purpose.

~~B.--- Revise the Manual of Accepted Practices to incorporate these mandatory provisions and make this and other relevant publications available to the towns and cities of this State; and~~

~~C.--- Collect data from municipalities and regional planning agencies on the energy construction characteristics of the residential units built after January 1, 1989 and include an analysis of that data in its biennial energy resources plan.~~

**Sec. 4. 10 MRSA §1415-F,** as amended by PL 1991, c. 824, Pt. C, §2, is repealed.

**Sec. 5. 10 MRSA §1485,** as amended by PL 1989, c. 501, Pt. DD, §§26 to 28, is repealed.

**Sec. 6. 10 MRSA §1493,** as amended by PL 1989, c. 501, Pt. DD, §30, is repealed.

**Sec. 7. 32 MRSA cc. 87 and 88,** as amended, are repealed.

**Sec. 8. 35-A MRSA §1311-B,** as enacted by PL 2001, c. 135, §1, is repealed.

**Sec. 9. 35-A MRSA Pt. 8** is enacted to read:

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PART 8

ENERGY EFFICIENCY

CHAPTER 95

ENERGY EFFICIENCY

10 §10001. Provision of public information

12 1. General. The commission shall provide to the public  
14 information about energy technologies and energy efficiency  
16 practices, including any state building energy standards and  
18 their implementation. In providing public information, the  
20 commission shall consider:

22 A. The aspects of energy technologies, energy efficiency  
24 practices and building energy standards and their  
26 implementation about which the public needs information;

28 B. The most effective means of providing the information;  
30 and

32 C. The members of the public who would most benefit from  
34 public information.

36 2. Specific programs. The commission shall examine and  
38 consider developing:

40 A. Instructional or informational manuals, including but  
42 not limited to a manual of accepted practices to assist  
44 builders of residential buildings to comply with any state  
46 building energy standards;

48 B. Fact sheets, including but not limited to fact sheets on  
50 insulation materials and the positive and negative effects  
that may result from their installation;

C. A training or certification program for persons who  
install, maintain or use energy technologies or who must  
comply with energy-related standards or practices required  
by statute; and

D. Any other means of providing information that will  
accomplish the purposes of this section.

3. Funding. The commission may seek federal funding for the  
purposes of this section and, to the extent necessary, may charge  
reasonable fees to cover the costs of training or other services  
provided pursuant to this section. All fees must be paid to the

2 Treasurer of State and used to reimburse the commission for its  
3 expenses in providing the service for which the fee is charged.

4 **§10002. Training for installers of solar equipment**

6 **1. Installation training.** To the extent that funds and  
7 resources allow, the commission shall establish voluntary  
8 training programs for installers of solar equipment that most  
9 effectively meet the needs of the public. The commission:

10 A. May develop separate programs for different solar  
11 technologies or applications when the commission determines  
12 that the skills or training for the installation of those  
13 technologies or applications merit the distinction;

14 B. Shall confer with the Plumbers' Examining Board and the  
15 Electricians' Examining Board when it develops the course  
16 content and requirements;

17 C. Shall determine the content of the training, the hours  
18 required for course completion and the manner in which  
19 applicants must demonstrate proficiency in solar equipment  
20 installation;

21 D. Shall issue a certificate of completion to individuals  
22 who meet the requirements the commission has established;

23 E. May establish reasonable course fees. All fees must be  
24 paid to the Treasurer of State to be used by the commission  
25 for the purposes of this section;

26 F. Shall determine terms for the expiration and renewal of  
27 an applicant's certificate of completion; and

28 G. Shall determine an appropriate means of maintaining  
29 recognition of the training received by persons holding  
30 certificates issued pursuant to former Title 32, chapter 87.

31 **2. Qualifications for installing solar equipment.** A  
32 certificate of completion issued by the commission pursuant to  
33 subsection 1 does not exempt the holder from any applicable  
34 licensing requirements for activities involved in installing  
35 solar equipment, including but not limited to licensing  
36 requirements established in Title 32, chapter 17 or 49.

37 **§10003. Training for energy auditors**

38 **1. Auditor training.** To the extent that funds and resources  
39 allow, the commission shall establish voluntary training programs  
40 for energy auditors that most effectively meet the needs of the  
41 public.

2 public. For the purpose of this subsection, an energy auditor is  
3 a person who is trained to prepare a report that delineates the  
4 energy consumption characteristics of a building, identifies  
5 appropriate energy efficiency operations and maintenance  
6 procedures and recommends appropriate energy efficiency  
7 measures. The commission:

8 A. May develop separate programs for audits of different  
9 building types and functions when the commission determines  
10 that the skills or training needed to perform these audits  
11 merit the distinction;

12 B. Shall determine the content of the training, the hours  
13 required for course completion and the manner in which  
14 applicants must demonstrate proficiency in energy auditing;

15 C. Shall issue a certificate of completion to individuals  
16 who meet the requirements the commission has established;

17 D. May establish reasonable course fees. All fees must be  
18 paid to the Treasurer of State to be used by the commission  
19 for the purposes of this section;

20 E. Shall determine terms for the expiration and renewal of  
21 an applicant's certificate of completion; and

22 G. Shall determine an appropriate means of maintaining  
23 recognition of the training received by persons holding a  
24 certificate issued pursuant to former Title 32, chapter 88.

25 **§10004. Federal energy programs**

26 1. Administration of programs. The commission shall  
27 administer:

28 A. The United States Department of Energy State Energy  
29 Program; and

30 B. Other federally funded programs related to functions that  
31 the commission performs.

32 **§10005. Energy Conservation Small Business Revolving Loan**  
33 **Program; Energy Conservation Small Business**  
34 **Revolving Loan Fund**

35 1. Program and fund. The commission shall implement the  
36 Energy Conservation Small Business Revolving Loan Program,  
37 referred to in this subsection as "the program," and the Energy  
38 Conservation Small Business Revolving Loan Fund, referred to in  
39 this subsection as "the fund." The fund consists of federal  
40

2 capitalization grants and awards made to the State for the  
3 purposes for which the fund is established; any amounts deposited  
4 by the commission into the fund from the conservation program  
5 fund established in section 3211-A, subsection 5; principal and  
6 interest received from the repayment of loans made from the fund  
7 and any interest earned on investment of fund balances; and any  
8 other funds from any public or private source received for use of  
9 any of the purposes for which the fund is established. The fund  
10 is a nonlapsing revolving fund account.

11 A. The commission shall credit all repayments of loans made  
12 to businesses, including interest, penalties and other fees  
13 and charges related to fund loans to the fund account.

14 B. Money in the fund not needed to meet the current  
15 obligations of the program must be deposited with the  
16 Treasurer of State to the credit of the fund account and may  
17 be invested in such manner as is provided by law. Interest  
18 received on that investment must be credited to the fund  
19 account.

20 C. At the end of each fiscal year, all unencumbered  
21 balances in the fund account may be carried forward to be  
22 used for the purposes specified in this subsection.

## 26 SUMMARY

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30 This bill, which is reported by a majority of the Joint  
31 Standing Committee on Utilities and Energy pursuant to its  
32 authority under Public Law 2003, chapter 497, repeals various  
33 energy-related responsibilities of the Department of Economic and  
34 Community Development and moves the substance of most of those  
35 responsibilities to the Public Utilities Commission. The bill  
36 gives greater flexibility to the commission in administering  
37 these responsibilities.

38  
39 In particular, the bill repeals law relating to a manual of  
40 accepted practices for building energy standards, an information  
41 fact sheet concerning insulation materials, a solar equipment  
42 warranty, a solar energy equipment installers voluntary  
43 certificate program; and an energy auditors voluntary certificate  
44 program. The bill requires the Public Utilities Commission to  
45 provide public information about energy technologies and energy  
46 efficiency practices; to examine and consider developing  
47 information manuals, including a manual of accepted practices,  
48 fact sheets, including a fact sheet on insulation materials, and  
49 training programs for persons who install, maintain or use energy  
50 technologies or must comply with energy-related standards; and to

2 establish, to the extent funds and resources are available, a  
3 voluntary training program for installers of solar equipment and  
4 a voluntary training program for energy auditors. The bill  
5 directs the commission to seek federal funding sources to support  
6 the provision of such services and authorizes the commission to  
7 charge reasonable fees for such services if federal funding is  
8 not available or sufficient.

9  
10 The bill also repeals a provision of law relating to federal  
11 programs that the Public Utilities Commission is required to  
12 administer and instead directs the commission to administer the  
13 United States Department of Energy State Energy Program and other  
14 federally funded programs related to functions that the  
15 commission performs.

16 The bill moves responsibility for the federally funded  
17 Energy Conservation Small Business Revolving Loan Program from  
18 the Department of Economic and Community Development to the  
19 Public Utilities Commission. This move was intended to be  
20 accomplished by legislation passed in a prior session but for  
21 technical reasons was not fully accomplished.

FISCAL NOTE REQUIRED  
(See attached)





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

**LD xxxx - New Draft**

**An Act Relating to Certain Energy Responsibilities of the Public Utilities  
Commission**

**LR 2853(01)**

**Fiscal Note for New Draft**

**Committee: Utilities and Energy**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - Other Special Revenue Funds

**Fiscal Detail and Notes**

This bill moves certain energy-related responsibilities from the Department of Economic and Community Development to the Public Utilities Commission and directs the commission to seek federal funds to assist in the administration of these programs. It also moves the Energy Conservation Small Business Revolving Loan program to the Public Utilities Commission.

To allow for the continuation of the Energy Conservation Revolving Loan program and pursuant to 35-A MRSA, section 3211-B, \$361,702 in the All Other line category was transferred, by journal entry, by the Public Utilities Commission to the existing PUC - Conservation Administration dedicated account through financial order #00934 F4 approved by the Governor on February 11, 2004.

LD 1919, the Governor's second proposed supplemental budget, includes a deallocation of \$150,000 in fiscal year 2003-04 and \$160,000 in fiscal year 2004-05 in the Energy Conservation Division program within the Department of Economic and Community Development to reflect the transfer of the Energy Conservation Revolving Loan Program to the Public Utilities Commission.

Additional costs to the Plumbers' Examining Board and the Electricians' Examining Board within the Department of Professional and Financial Regulation associated with conferring with the commission on course content and requirements for voluntary training programs can be absorbed utilizing existing budgeted resources.