

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 999, L.D. 1435, Bill, "An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State"

Amend the amendment in the first paragraph after the title in the first to 3rd lines (page 1, lines 23 to 25 in amendment) by striking out the following: "in section 1 in that part designated "§3601." by striking out all of subsection 11 (page 2, lines 38 to 43 in L.D.)" and inserting in its place the following: 'by striking out everything after the enacting clause and inserting in its place the following:

Sec. 1. 35-A MRSA c. 36 is enacted to read:

CHAPTER 36

ENERGY EFFICIENCY STANDARDS

§3601. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. AC. "AC" means alternating current.

2. BTU. "BTU" has the same meaning as in Title 10, section 1413.

3. Commercial clothes washer. "Commercial clothes washer" means a soft mount horizontal-axis or vertical-axis clothes washer that:

A. Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product and no greater than 4.0 cubic feet in the case of a vertical-axis product; and

B. Is designed for use by more than one household, such as in multifamily housing, apartments or coin laundries.

4. Commercial refrigerator, freezer or refrigerator-freezer. "Commercial refrigerator, freezer or refrigerator-freezer" means self-contained refrigeration equipment that:

A. Is not a consumer product as regulated pursuant to 42 United States Code, Section 6291 et seq.;

B. Operates at a chilled, frozen, combination of chilled and frozen or variable temperature for the purpose of storing or merchandising food, beverages or ice;

C. May have transparent or solid hinged doors, sliding doors or a combination of hinged and sliding doors; and

D. Incorporates most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet.

This term does not include units with 85 cubic feet or more of internal volume, walk-in refrigerators or freezers, units with no doors or freezers specifically designed for ice cream.

5. DC. "DC" means direct current.

6. Illuminated exit sign. "Illuminated exit sign" means an internally illuminated sign that is designed to be permanently fixed in place to identify a building exit and consists of an electrically powered integral light source that illuminates the legend "EXIT" and any directional indicators and provides contrast between the legend, any directional indicators and the background.

7. Large packaged air-conditioning equipment. "Large packaged air-conditioning equipment" means electrically operated, air-cooled air-conditioning and air-conditioning heat pump equipment that has a cooling capacity of at least 240,000 BTUs

per hour but less than 760,000 BTUs per hour and that is built as a package and shipped as a whole to end-user sites.

8. Low-voltage dry-type distribution transformer.  
"Low-voltage dry-type distribution transformer" means a distribution transformer that:

- A. Has an input voltage of 600 volts or less;
- B. Is air-cooled;
- C. Does not use oil as a coolant; and
- D. Is rated for operation at a frequency of 60 hertz.

9. Medium-voltage dry-type distribution transformer.  
"Medium-voltage dry-type distribution transformer" means a distribution transformer that:

- A. Has an input voltage of more than 600 volts but less than 34,500 volts;
- B. Is air-cooled;
- C. Does not use oil as a coolant; and
- D. Is rated for operation at a frequency of 60 hertz.

10. Pulldown refrigerator. "Pulldown refrigerator" means a commercial refrigerator specifically designed to rapidly reduce, when fully loaded with beverage containers, all integrated product temperatures from 90 degrees Fahrenheit to 38 degrees Fahrenheit over a 12-hour period.

11. Torchiere lighting fixture. "Torchiere lighting fixture" means a portable electric lighting fixture with a reflective bowl that directs light upward onto a ceiling so as to produce indirect illumination on the surfaces below. A torchiere lighting fixture may include downward-directed lamps in addition to the upward, indirect illumination.

12. Traffic signal module. "Traffic signal module" means a standard 8-inch or 12-inch traffic signal indicator consisting of a light source, a lens and all other parts necessary for operation.

13. Transformer. "Transformer" means a device consisting of 2 or more coils of insulated wire and that is designed to transfer alternating current by electromagnetic induction from

one coil to another to change the original voltage or current value. "Transformer" does not include either:

A. Transformers with multiple voltage taps, with the highest voltage tap equaling at least 20 percent more than the lowest voltage tap; or

B. Transformers that are designed to be used in a special-purpose application and are unlikely to be used in general-purpose applications, such as those commonly known as drive transformers, rectifier transformers, auto-transformers, uninterruptible power system transformers, impedance transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers or testing transformers.

**§3602. Scope**

1. Application. Except as provided in subsection 2, the provisions of this chapter apply to the certification of energy efficiency standards for the following types of new products that are sold or offered for sale in the State and are referred to in this chapter as "covered products":

A. Commercial clothes washers;

B. Commercial refrigerators and freezers;

C. Illuminated exit signs;

D. Large-packaged air-conditioning equipment;

E. Low-voltage dry-type distribution transformers;

F. Medium-voltage dry-type distribution transformers;

G. Torchiere lighting fixtures; and

H. Traffic signal modules.

2. Exclusions. The provisions of this chapter do not apply to:

A. New products manufactured in the State and sold outside the State;

B. New products manufactured outside the State and sold at wholesale inside the State for final retail sale and installation outside the State;

2           C. Products installed in mobile manufactured homes at the  
          time of construction; and

4  
6           D. Products designed expressly for installation and use in  
          recreational vehicles.

8           **§3603. Rulemaking; energy efficiency standards**

10           No later than January 1, 2006, the commission shall adopt  
12           rules establishing minimum efficiency standards for sale of  
14           covered products. Rules adopted pursuant to this section are  
          major substantive rules as defined in Title 5, chapter 375,  
          subchapter 2-A.

16           **§3604. Implementation of energy efficiency rules; varying**  
          effective dates

18           1. Products sold on or after January 1, 2007. The  
20           following covered products may not be sold or offered for sale as  
22           new in the State on or after January 1, 2007 unless the  
24           efficiency of the product meets or exceeds the efficiency  
          standards set forth in the rules adopted pursuant to section 3603:

26           A. Commercial clothes washer;

28           B. Illuminated exit sign;

30           C. Low-voltage dry-type distribution transformer;

32           D. Medium-voltage dry-type distribution transformer;

34           E. Torchiere lighting fixture; and

36           F. Traffic signal module.

38           2. Products sold on or after January 1, 2008. The  
40           following covered products may not be sold or offered for sale as  
42           new in the State on or after January 1, 2008 unless the  
          efficiency of the product meets or exceeds the efficiency  
          standards set forth in the rules adopted pursuant to section 3603:

44           A. Commercial refrigerator or freezer; and

46           B. Large-packaged air-conditioning equipment.

48           **§3605. Testing, certification and identification**

1           1. Testing. The commission shall use United States  
2           Department of Energy approved test methods.

4           2. Certification. Manufacturers of covered products shall  
5           certify to the commission that such products are in compliance  
6           with the provisions of this chapter. Such certifications must be  
7           based on test results. The commission shall adopt rules  
8           governing the certification of such products and shall work in  
9           coordination with the certification programs of other states with  
10          the same standards.

12          3. Identification. The commission shall adopt rules  
13          governing the identification of covered products and packaging  
14          and coordinate the rules with the labeling programs of other  
15          states with the same standards so that there are common  
16          identification rules.

18          4. Rules. The commission may adopt rules necessary to  
19          ensure the proper implementation and enforcement of the  
20          provisions of this chapter. Rules adopted under this subsection  
21          are major substantive rules as defined in Title 5, chapter 375,  
22          subchapter 2-A.

24          **Sec. 2. Rulemaking; establishment of efficiency standards.** The  
25          Public Utilities Commission shall adopt rules pursuant to the  
26          Maine Revised Statutes, Title 35-A, section 3603 that establish  
27          the following minimum energy efficiency standards.

28                 1. Commercial clothes washers must meet the requirements of  
29                 the United States Environmental Protection Agency's Energy Star  
30                 Program for commercial clothes washers.

32                 2. Commercial refrigerators, freezers and  
33                 refrigerator-freezers must meet or exceed the minimum efficiency  
34                 requirements of the United States Environmental Protection  
35                 Agency's Energy Star Program for commercial refrigerators,  
36                 freezers and refrigerator freezers.

38                 3. Illuminated exit signs must have an input power demand  
39                 of 5 watts or less per illuminated face.

42                 4. Large packaged air-conditioning equipment must meet  
43                 large packaged air-conditioning equipment minimum energy  
44                 efficiency ratios of the United States Environmental Protection  
45                 Agency's Energy Star Program for large packaged air-conditioning  
46                 equipment.

48                 5. Low-voltage dry-type distribution transformers must meet  
49                 the Class 1 efficiency levels for low-voltage distribution  
50                 transformers specified in Table 4-2 of the "Guide for Determining

Energy Efficiency for Distribution Transformers" published by the  
National Electrical Manufacturers Association (NEMA Standard  
TP-1-2002).

6. Medium-voltage dry-type distribution transformers must  
meet the Class 1 efficiency levels for medium-voltage  
distribution transformers specified in Table 4-2 of the "Guide  
for Determining Energy Efficiency for Distribution Transformers"  
published by the National Electrical Manufacturers Association  
(NEMA Standard TP-1-2002).

7. Torchiere lighting fixtures may not use more than 190  
watts.

8. Traffic signal modules must meet the specification of  
the Energy Star Program Requirements for Traffic Signals  
developed by the United States Environmental Protection Agency,  
which took effect in February 2001. Traffic signal modules must  
be installed with compatible, electrically connected signal  
control interface devices and conflict monitoring systems.

**Sec. 3. Review of other states' laws.** No later than January 1,  
2006, the Public Utilities Commission shall determine for each  
covered product, as defined in the Maine Revised Statutes, Title  
35-A, section 3602, whether at least 3 New England states other  
than Maine have established efficiency standards that are the  
same as those set forth for that product in section 2 of this  
Act. If the commission determines that such standards for a  
covered product have not been established by at least 3 New  
England states other than Maine, one of which must be New  
Hampshire, the Public Utilities Commission shall submit emergency  
legislation to the Second Regular Session of the 122nd  
Legislature to amend the effective date contained in Title 35-A,  
section 3604 for that product by advancing the relevant effective  
date by one year.'

Further amend the amendment by striking out all of the 2nd  
to 7th paragraphs after the title (page 1, lines 27 to 47 and  
page 2, lines 2 and 3 in amendment)

## SUMMARY

This amendment removes from the list of covered products  
required to meet energy efficiency standards the following:  
automatic commercial ice-makers; ceiling fans and ceiling fan  
light kits; commercial prerinse spray valves; digital television  
adapters; residential boilers and residential furnaces; furnace  
air handlers; high-intensity discharge lamp ballasts; metal  
halide lamp fixtures; single-voltage external AC-to-DC power



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2 supplies; state-regulated incandescent reflector lamps; and unit  
3 heaters. This amendment also removes the authority of the Public  
4 Utilities Commission to add other products to the list of covered  
5 products.

6 This amendment also removes the prohibition on the  
7 installation of covered products that do not meet energy  
8 efficiency standards. The amendment changes the date after  
9 which commercial refrigerators or freezers or large-packaged  
10 air-conditioning equipment that does not meet energy efficiency  
11 standards may not be sold in Maine from January 1, 2010 to  
12 January 1, 2008.

14 This amendment removes the authority of the commission to  
15 make inspections of retailers to determine compliance and  
16 investigations and enforcement and requires the commission to use  
17 test methods approved by the United States Department of Energy.  
18 All rulemaking authority is changed to major substantive  
19 rule-making.

20 The amendment changes the requirement in the bill that the  
21 commission review at least 3 other states' laws for similar  
22 energy efficiency requirements by requiring that the 3 other  
23 states be New England states, one of which must be New  
24 Hampshire. Finally, the amendment removes the requirement that  
25 the commission and the Attorney General examine federal law for  
26 federal preemption of the standards for residential boilers,  
27 furnaces and furnace air handlers.

30  
31  
32 SPONSORED BY:   
33 (Representative FLETCHER)

34 TOWN: Winslow  
35  
36