

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1931

S.P. 731

In Senate, January 4, 2006

An Act To Encourage Energy Independence for Maine

Reference to the Committee on Utilities and Energy suggested and ordered printed.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BARTLETT of Cumberland.

Cosponsored by Representative BLISS of South Portland and

Senators: BRENNAN of Cumberland, BROMLEY of Cumberland, DAMON of Hancock, DIAMOND of Cumberland, President EDMONDS of Cumberland, GAGNON of Kennebec, MAYO of Sagadahoc, SULLIVAN of York, Representatives: ADAMS of Portland, BABBIDGE of Kennebunk, BARSTOW of Gorham, BRAUTIGAM of Falmouth, BURNS of Berwick, CAIN of Orono, CANAVAN of Waterville, CLARK of Millinocket, CRAVEN of Lewiston, CURLEY of Scarborough, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUDLEY of Portland, DUGAY of Cherryfield, DUPLESSIE of Westbrook, EBERLE of South Portland, EDER of Portland, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FISHER of Brewer, GROSE of Woolwich, KOFFMAN of Bar Harbor, LERMAN of Augusta, MILLER of Somerville, NORTON of Bangor, O'BRIEN of Lewiston, PATRICK of Rumford, PERCY of Phippsburg, PINGREE of North Haven, PIOTTI of Unity, Speaker RICHARDSON of Brunswick, SIMPSON of Auburn, SMITH of Monmouth, THOMPSON of China, WALCOTT of Lewiston, WATSON of Bath, WEBSTER of Freeport, WOODBURY of Yarmouth.

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

4 Sec. 1. 20-A MRSA §264 is enacted to read:

6 §264. Energy efficiency certification

8 1. Program. The commissioner shall ensure that facility
10 managers for school administrative districts complete a building
12 operators certification program established and conducted under
14 the authority of the Public Utilities Commission pursuant to
16 Title 35-A, section 3211-A, subsection 2.

18 2. Goals; implementation. The commissioner shall phase in
20 compliance with the requirements of subsection 1 so that 50% of
22 the facility managers for school administrative districts are
24 certified no later than January 1, 2010 and 100% of the facility
26 managers for school administrative districts are certified no
28 later than January 1, 2015. To achieve these goals, the
30 commissioner, with input from the school administrative
32 districts, shall select the order in which the facility managers
34 are to receive training.

36 3. Rules. The commissioner shall adopt rules to implement
38 the requirements of this section. Rules adopted pursuant to this
40 section are routine technical rules as defined in Title 5,
42 chapter 375, subchapter 2-A.

44 Sec. 2. 35-A MRSA §121, sub-§2, as amended by PL 2005, c. 350,
46 §15, is further amended to read:

48 2. Model code. After the ~~effective date of rules adopted~~
50 pursuant to subsection 1 July 27, 2005, a municipality may not
adopt a building energy code other than the model building energy
code or an amended version of the model building energy code or
fail to adopt a building energy code unless, by January 1, 2008,
that municipality notifies the commission, in writing, of the
municipality's decision not to adopt the model building energy
code. For purposes of this subsection, "amended version of the
model energy building energy code" means a version of the code
that does not include certain parts or portions of the code or
that creates new exemptions from its requirements but does not
include a version of the code that includes modifications to any
standard established in the code. ~~Nothing in this section~~
~~requires a municipality to adopt a building energy code.~~ If
a municipality does not notify the commission prior to January 1,
2008 of the municipality's decision not to adopt the model
building energy code, the municipality shall adopt the model
building energy code. A municipality that has a building energy
code in effect prior to the ~~effective date of the rules~~ July 27,
2005 may continue to keep that code, but if the municipality

replaces its energy code it must adopt the model building energy
code or an amended version of the model energy building energy
code in accordance with this subsection if it does not notify the
commission prior to January 1, 2008 of the municipality's
decision not to adopt the model building energy code.

Sec. 3. 35-A MRSA §3211-A, sub-§4, ¶B, as amended by PL 2005,
c. 459, §1, is repealed and the following enacted in its place:

B. Do not exceed:

(1) Until January 1, 2007, .145 cent per kilowatt-hour;

(2) From January 1, 2007 to December 31, 2007, .2 cent
per kilowatt-hour;

(3) From January 1, 2008 to December 31, 2008, .25
cent per kilowatt-hour; and

(4) From January 1, 2009, .3 cent per kilowatt-hour;

Sec. 4. 35-A MRSA §3211-A, sub-§11, ¶B, as enacted by PL 2001,
c. 624, §4, is amended to read:

B. An accounting of:

(1) Assessments made on each transmission and
distribution utility pursuant to this section during
the prior 12 months and projected assessments during
the next 12 months;

(2) Total deposits into and expenditures from the
program fund during the prior 12 months and projected
deposits into and expenditures from the program fund
during the next 12 months;

(3) The amount and source of any grants or funds
deposited in the program fund pursuant to subsection 5,
paragraph D during the previous 12 months and the
projected amount and source of any such funds during
the next 12 months; and

(4) Total deposits into and expenditures from the
administration fund during the prior 12 months and
projected deposits into and expenditures from the
administration fund during the next 12 months; and

Sec. 5. 35-A MRSA §3211-A, sub-§11, ¶C, as enacted by PL 2001,
c. 624, §4, is amended to read:

2 C. Any recommendations for changes to law relating to energy
conservation; and

4

Sec. 6. 35-A MRSA §3211-A, sub-§11, ¶D is enacted to read:

6

8 D. The status of the progress towards meeting the goals of
9 Title 20-A, section 264, subsection 2 and the strategies
10 that have been implemented to meet those goals. The report
11 must also include an accounting of the energy savings
12 achieved by school administrative districts due to
13 compliance with Title 20-A, section 264, subsection 1.

14 **Sec. 7. Development of new compensation method for transmission**
15 **and distribution utilities.** The Public Utilities Commission shall
16 develop a compensation method for transmission and distribution
17 utilities that is not based on the amount of energy used by the
18 consumer. The commission shall submit its report, along with any
19 necessary implementing legislation, to the joint standing
20 committee of the Legislature having jurisdiction over utilities
21 and energy matters by January 15, 2007. For purposes of this
22 section, "transmission and distribution utility" has the same
23 meaning as in the Maine Revised Statutes, Title 35-A, section
24 102, subsection 20-B.

26 **Sec. 8. Waiver; standards for boilers and furnaces.** The Public
27 Utilities Commission shall seek a waiver from the federal
28 Department of Energy from the minimum energy efficiency standards
29 established by the National Appliance Energy Conservation Act of
30 1987, 42 United States Code, Chapter 77, Subchapter III, Part A
31 for residential furnaces and boilers. The commission shall
32 establish by rule energy standards for boilers and furnaces used
33 in this State. The energy standards must be comparable to the
34 energy standards developed or being developed in other New
35 England states. Rules adopted pursuant to this section are major
36 substantive rules as defined in the Maine Revised Statutes, Title
37 5, chapter 375, subchapter 2-A.

38

39 **Sec. 9. Availability of fuel-saving tires.** The Governor's Office of
40 Energy Independence and Security in the Executive Department,
41 State Planning Office shall monitor efforts in other states to
42 increase the availability of fuel-saving tires used by
43 manufacturers in mileage tests conducted by the federal
44 Environmental Protection Agency. The office may conduct
45 independent research and analysis of efforts to increase the
46 availability of fuel-saving tires. The office shall submit its
47 report and recommendations, along with any necessary implementing
48 legislation, to the joint standing committee of the Legislature
49 having jurisdiction over utilities and energy matters by January
50 15, 2007.

2

SUMMARY

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This bill does the following:

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8 1. It requires the Commissioner of Education to ensure that
10 facility managers for school administrative districts complete
12 the building operators certification program established and
14 conducted under the authority of the Public Utilities
16 Commission. Certification goals of 50% of facility managers by
18 January 1, 2010 and 100% of facility managers by January 1, 2015
are established. The commission is required to annually report
to the joint standing committee of the Legislature having
jurisdiction over utilities and energy matters on the progress
towards the goals and the energy savings that have been realized
in school administrative districts as a result of the facility
managers' completing the program;

20

22 2. It amends current law that prohibits a municipality from
24 adopting a building energy code other than the model building
26 energy code developed by the Public Utilities Commission pursuant
28 to the Maine Revised Statutes, Title 35-A, section 121. Under
this bill, a municipality could opt out of adoption of the model
building energy code by notifying the commission of the
municipality's decision by January 1, 2008. If a municipality
fails to opt out, then it must adopt the model building energy
code;

30

32 3. It expands the funding for the conservation programs
34 established by the Public Utilities Commission, known as
"Efficiency Maine," by increasing the assessment on transmission
and distribution utilities over a 3-year period to a maximum of
.3 cent per kilowatt-hour beginning January 1, 2009;

36

38 4. It requires the Public Utilities Commission to develop a
40 new compensation method for transmission and distribution
42 utilities that is not tied to the amount of electricity
consumed. The commission is required to submit its method to the
joint standing committee of the Legislature having jurisdiction
over utilities and energy matters by January 15, 2007;

44

46 5. It requires the Public Utilities Commission to seek a
48 waiver from the federal Department of Energy for energy standards
for residential furnaces and boilers. The commission is required
to develop new standards for furnaces and boilers based on
standards developed in other New England states; and

50

6. It requires the Governor's Office of Energy Independence
and Security in the Executive Department, State Planning Office

2 to monitor efforts in other states to increase the availability
of fuel-saving tires used by manufacturers in mileage tests
4 conducted by the federal Environmental Protection Agency. The
office is required to report its findings and recommendations to
6 the joint standing committee of the Legislature having
jurisdiction over utilities and energy matters by January 15,
2007.
8