

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

Penmor Lithographers

Lewiston, Maine

2006

CHAPTER 569

S.P. 731 - L.D. 1931

An Act To Encourage Energy Independence for Maine

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

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

A. The commission shall consider, without limitation, conservation programs that:

- (1) Increase consumer awareness of cost-effective options for conserving energy;
- (2) Create more favorable market conditions for the increased use of efficient products and services; ~~and~~
- (3) Promote sustainable economic development and reduced environmental damage; and
- (4) Reduce the price of electricity over time for all consumers by achieving reductions in demand for electricity during peak use periods.

Sec. 2. 35-A MRSA §3211-A, sub-§2, ¶J is enacted to read:

J. The commission shall encourage school facility managers to complete an energy efficiency training and certification program established and conducted by the commission under this section. To the extent the commission determines necessary and appropriate to meet the goals of this paragraph, the commission may, in accordance with the requirements of this section, establish incentive mechanisms to encourage participation in this program. For purposes of this paragraph, "school facility managers" means persons employed by school administrative units in this State who are responsible for the design or operation of school administrative unit facilities or the heating, ventilation or air conditioning systems or equipment used in such facilities.

Sec. 3. 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. 4. 35-A MRSA §3211-A, sub-§11, ¶C, as enacted by PL 2001, c. 624, §4, is amended to read:

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

Sec. 5. 35-A MRSA §3211-A, sub-§11, ¶D is enacted to read:

D. The status of the progress towards meeting the goals of subsection 2, paragraph J and the strategies that have been implemented to meet those goals. The report also must include an accounting, to the extent available, of the energy savings that have been achieved by school administrative units after their school facility managers have been certified pursuant to subsection 2, paragraph J. A school administrative unit is not required to incur additional costs in order to supply information to the commission for its report.

Sec. 6. 35-A MRSA §3211-A, sub-§12 is enacted to read:

12. Independent analysis of programs. The commission shall arrange for an independent evaluation of each major program implemented under this section. Each major program must be evaluated at least once every 5 years. The evaluation must include an accounting audit of the program and an evaluation of the program's effectiveness in meeting the goals of this section. The evaluations must be conducted by a competent professional with expertise in energy efficiency matters, including the management of cost-effective energy efficiency programs. The commission shall include the results of all evaluations conducted under this subsection in the annual report submitted pursuant to subsection 11. For purposes of this subsection, "major program" means a program with an annual budget of more than \$500,000.

Sec. 7. Public Utilities Commission Efficiency Maine program. The Public Utilities Commission shall develop a plan for using revenues from any increase in the assessment on transmission and distribution utilities pursuant to the Maine Revised Statutes, Title 35-A, section 3211-A, subsection 4. The plan must include a description of how the funds would contribute to the goals of increasing energy efficiency for program participants and reducing electricity prices for all consumers. The commission shall consider using funds resulting from any increased assessments to increase the per-business incentive cap imposed on large businesses under the business program established pursuant to Title 35-A, section 3211-A.

The commission shall submit its plan, together with any recommendations for increases in the assessment consistent with that plan and any suggested legislation to implement its recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee may report out legislation regarding energy efficiency to the First Regular Session of the 123rd Legislature.

Sec. 8. Public Utilities Commission analysis of certain programs. By December 31, 2007, the Public Utilities Commission shall arrange for and complete in accordance with the Maine Revised Statutes, Title 35-A, section 3211-A, subsection 12 an independent evaluation of the following programs established by the commission pursuant to Title 35-A, section 3211-A: the business program, the low-income appliance replacement program and the residential lighting program.

Sec. 9. Home heating. The Governor's Office of Energy Independence and Security in the Executive Department shall examine and submit a report concerning the state of home heating in Maine to the Joint Standing Committee on Utilities and Energy by November 30, 2006. The report must include recent trends in:

1. Total statewide and average Maine household annual consumption of heating energy by fuel type;
2. Prices, including taxes, fees and other charges assessed on home heating fuels sold in Maine;
3. Total statewide and average Maine household annual expenditures for home heating by fuel type;
4. Policies and programs to reduce home heating bills currently employed in Maine and outside of Maine, including changes in the Low-income Home Energy Assistance Program to provide benefits to low-income persons whose heating costs are included in their rent;

5. The energy efficiency and cost of home heating equipment sold and used in Maine; and

6. The point of origin for energy sources used in home heating in Maine.

See title page for effective date.

CHAPTER 570

H.P. 1351 - L.D. 1910

An Act To Create Employment Opportunities for People with Disabilities

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

PART A

Sec. A-1. 5 MRSA Pt. 29 is enacted to read:

PART 29

EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

CHAPTER 611

DUTIES OF THE STATE

§23001. Duties of State

In order to provide equal opportunity in all aspects of State Government to qualified individuals with disabilities, each department, agency and instrumentality of the State shall:

1. Periodic review. Review, on a periodic basis, the adequacy of hiring, placement and advancement practices within that department, agency or instrumentality of the State with respect to individuals with disabilities;

2. Plan. Develop by January 1, 2007 and update annually thereafter a plan to increase the opportunities for individuals with disabilities to be employed by that department, agency or instrumentality of the State. This plan must include a description of the extent to which the special needs of employees who are individuals with disabilities are being met;

3. Outsourcing; leases. In its contracts governing functions and duties that are outsourced and in its contracts governing leased space, include provisions that encourage the employment of individuals with disabilities;