

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 2375**

S. P. 832

In Senate, January 16, 1974

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Sewall of Penobscot.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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**AN ACT Establishing the Office of Energy Resources.**

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

Whereas, the State of Maine has been severely affected by the current energy crisis and this situation is likely to continue for the foreseeable future; and

Whereas, it is urgent that the State of Maine formulate emergency and long-range plans and policies for meeting the energy needs of the people of Maine; and

Whereas, Maine has natural resources which can be utilized to develop alternate energy sources, and federal funds will shortly be available for research in the development of such alternate energy sources; and

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 necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., T. 5, Part 13, additional.** Title 5 of the Revised Statutes is amended by adding a new Part 13, to read as follows:

## PART 13

## MAINE STATE ENERGY RESOURCES ACT

## CHAPTER 338

## ENERGY RESOURCES

## § 5001. Title

This chapter shall be known and may be cited as the "Maine State Energy Resources Act."

## § 5002. Policy and purpose

The Legislature finds that at present there exists a shortage of energy within this State which will continue for the foreseeable future.

The Legislature further finds that there is an urgent need for both emergency and long-range planning to prevent inequities in distribution of energy and energy sources to this State and within this State.

The Legislature further finds that within this State there are unique opportunities for the development of new energy sources, using renewable natural resources such as water, both in the rivers and the sea, the winds, the sun and the forests.

Therefore, the Legislature declares it to be in the public interest, for the public benefit and for the good order of the people of this State to institute emergency and long-range planning and management of the energy sources and energy currently available to the people of the State.

The Legislature further declares it to be in the public interest, for the public benefit and for the good order of the people of this State to investigate and encourage the development of new sources of energy within the State and to plan for future use of such energy sources by the people of the State.

The Legislature further declares its intent that any emergency and long-range planning for use of currently available energy and energy sources, and any development of new energy sources, shall take into consideration the wise use and conservation of the natural resources of the State, the protection of the environment, the orderly development of industry, and above all, the present and future well-being of the people of this State.

## § 5003. Office of Energy Resources

There is established, to carry out the purposes of this chapter, an Office of Energy Resources in the Executive Department which shall be concerned with carrying out the responsibilities of State Government relating to energy resources planning and development. The Office of Energy Resources shall be directly responsible to the Governor.

## § 5004. Energy Resources Director

1. Director. The executive head of the Office of Energy Resources shall be the director, who shall be appointed by the Governor with the approval

of the Executive Council. The director shall serve a term coterminous with that of the Governor and until his successor is appointed and qualified, subject to removal for cause by the Governor. The director shall be paid a salary fixed by the Governor and Council.

2. Powers and duties. The director shall exercise the powers of the office and shall be responsible for the execution of its duties. The director shall:

A. Administer the office and adopt such methods of administration not inconsistent with the law as he may determine necessary to render the office efficient;

B. Appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter. Professional employees shall be hired as unclassified employees. All other employees shall be subject to those civil service and personnel policies established for state employees generally;

C. Be assisted by departments, agencies, authorities, boards, commissions and other instrumentalities of State Government in the gathering of information, reports and data which relate to state planning and development in the area of energy resources;

D. Prepare and submit for executive and legislative action thereon the budget for the office.

#### § 5005. Office of Energy Resources

1. Powers and duties. The Office of Energy Resources shall:

A. Prepare a comprehensive emergency energy resources plan and from time to time revise and update a comprehensive emergency energy resources plan. Such comprehensive plan shall be developed with the general purpose of guiding and carrying forward the efforts of State Government to meet its responsibilities relating to the resolution of emergencies created by the energy shortage in this State;

B. State energy policy. Prepare and present for the approval of the Governor and the Legislature and energy policy for the State of Maine, including a comprehensive plan for meeting the projected energy needs of the State. In conjunction with this policy and plan, the office shall prepare and recommend any legislation needed to implement it;

C. Provide technical assistance. Provide technical assistance to the Governor, the Director of Civil Defense and the Legislature in identifying the emergency and long-range energy needs and resources to meet these needs for the State of Maine;

D. Planning assistance. Upon request, provide planning and technical assistance to public and private groups in the field of energy planning;

E. Encourage development of alternate energy sources. Encourage and direct or sponsor research and experiments within the State of Maine to develop alternate energy sources, particularly, but not limited to, those

sources which rely on the renewable natural resources of the State, such as the water of the tides and rivers, the forests, the winds and other sources which to date have not been fully explored or utilized.

F. Encourage practical development of alternate energy sources. Encourage and direct, in conjunction with private industry, the practical development and operation on a small scale of experimental projects involving alternate energy sources, in order to ascertain the potential usefulness of such alternate energy sources and their costs, provided only that such projects shall be subject to the regulations of those state agencies concerned with the protection of the environment and preservation of the natural resources of the State, and with regulation of other energy sources.

## 2. Administrative powers and duties

A. Consultant services. The Office of Energy Resources, with the consent of the Governor, may employ such expert and professional consultants, and contract for such research and development projects, as it deems necessary within the limits of funds available and consistent with the powers and duties of the office.

B. Acceptance of funds. The Office of Energy Resources may apply for and accept on behalf of the State any gifts, or other funds from any source whatever, including the Federal Government, to be used for research and development in the area of alternate energy sources.

C. Agreements. The Office of Energy Resources is authorized and empowered to enter into such agreements with the Federal Government and other agencies and organizations as will promote the objectives of this chapter.

## § 5006. State Energy Resources Advisory Council

1. Appointment. The Governor shall appoint a State Energy Resources Advisory Council to advise the Governor, the Legislature and the Director of the Office of Energy Resources on policy matters relating to this chapter.

2. Membership. The State Energy Resources Advisory Council shall be appointed by the Governor, with the advice and consent of the Council, and shall consist of the following members: Eight members to be selected on the basis of their interest, education and experience in the areas of energy planning, research and development, to include one representative from the business community, one representative of industry, one representative of labor, 2 representatives from the academic community and 3 representatives of the general public; and the following 9 members who shall serve ex officio: The Director of the Bureau of Civil Defense; the Commissioner of Health and Welfare; the Commissioner of Transportation; the Commissioner of Commerce and Industry; the Commissioner of Conservation; the Commissioner of Environmental Protection; the Commissioner of Manpower Affairs; the Chairman of the Public Utilities Commission, the Attorney General, or their designated representatives.

The 8 members to be appointed shall serve for 4-year terms, except that of those first appointed, 2 shall serve a term of one year, 2 shall serve a term of

2 years, 2 shall serve a term of 3 years, and 2 shall serve 4-year terms. Members may be reappointed for one additional 4-year term.

The members shall serve without compensation, but be reimbursed for necessary expenses incurred in the performance of their duties. The chairman of the council shall be elected annually by the council.

§ 5007. Duties

The State Energy Resources Advisory Council shall meet at least 3 times each year and at other times at the request of the Director of the Office of Energy Resources or the Governor. The members of the council shall provide information and assistance in the development of a state energy resources plan and in the research and development phase of the office's activities as requested by the director. The council shall act only in an advisory capacity and shall have no power to control the activities of the office.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Executive Department, Office of Energy Resources, the sum of \$46,500 for the year 1973-74, and \$116,000 for the year 1974-75 to carry out the purposes of this Act. The breakdown shall be as follows:

|                            | 1973-74      | 1974-75      |
|----------------------------|--------------|--------------|
| EXECUTIVE DEPARTMENT       |              |              |
| Office of Energy Resources |              |              |
| Personal Services          | (5) \$21,500 | (5) \$85,000 |
| All Other                  | 15,000       | 25,000       |
| Capital Expenditures       | 10,000       | 6,000        |
|                            | \$46,500     | \$116,000    |

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is reflected in the title and the emergency preamble.