

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Title)
New Draft of S. P. 447, L. D. 1558

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1913

S. P. 549

In Senate, June 2, 1975

Reported by Senator Cianchette of Somerset from Committee on Energy
and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

**IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE**

AN ACT Concerning the Office of Energy Resources.

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

Whereas, the United States is in the initial stages of a far-reaching energy crisis and is seeking new and alternative sources of energy; and

Whereas, Maine and the Northeast are dependent upon expensive foreign oil which has a significant effect on the State and regional economies; and

Whereas, the Federal Government is encouraging the several states to develop energy conservation programs and to administer programs to help reduce the severity of the energy crisis; and

Whereas, Maine's Office of Energy Resources is presently not functioning, which has a serious impact on the State and denies the State millions of dollars of federal funds for energy conservation and development; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of the State 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Sec. 1. 5 MRSA § 5004, as enacted by PL 1973, c. 770, § 2, is repealed and the following enacted in place thereof:

§ 5004. Director of Office of Energy Resources

1. **Appointment.** The Governor, with the approval of the Executive Council, shall appoint a full-time Director of the Office of Energy Resources. 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. **Qualifications.** The Director of the Office of Energy Resources shall have a background in engineering and economics and shall be qualified to evaluate energy conservation or development proposals in terms of technical and economic feasibility.

3. **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 the Personnel Law.

C. Be assisted by the New England Power Pool and 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;

E. Be empowered, in connection with the performance of his duties, to apply to the Superior Court for a subpoena to compel the attendance of witnesses, the production of books, papers, records and documents of individuals, firms, associations and corporations and all officers, boards, commissions and departments of the State. Said court shall, before issuing such subpoena, provide adequate opportunity for the director and the party against whom the subpoena is requested to be heard. No such subpoena shall be issued unless the court or judge certifies that the attendance of such witness or the production of such books, papers, records or documents is reasonably necessary to carry out the purposes of this section and that the director has made reasonable efforts to secure such attendance or such books, papers, records or documents without recourse to compulsory process. The director shall afford confidential treatment to any materials or information turned over to him which is of a confidential or proprietary nature.

F. Be responsible for the coordination of all state energy programs and the coordination of state programs with programs and plans developed by private organizations and the Federal Government.

G. Be responsible for the administration of all federal energy programs to be implemented in Maine. This includes, but is not limited to, the Fuel Allocation and Conservation Program and all related activities.

H. Be responsible for the dissemination of energy related information to the public. Upon request, the director shall provide information to public and private groups in the field of energy.

I. Be responsible for the formulation of a comprehensive state energy resources plan and a state energy policy.

4. Annual report. The Director of the Office of Energy Resources shall prepare an annual report to be presented to the Legislature in every regular and special session of the Legislature. The annual report shall include, but is not limited to, the following: The programs developed and implemented by the Office of Energy Resources, the stage of development of the programs, the stage of implementation of the State Energy Plan and the direction of programs planned for the ensuing year.

Sec. 2. 5 MRSA § 5005, as enacted by PL 1973, c. 770, § 2, is repealed and the following enacted in place thereof:

§ 5005. Office of Energy Resources

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

A. Prepare a comprehensive energy resources plan to be revised and updated at least annually and more often as the Director of the Office of Energy Resources or the State Legislature deem necessary.

(1) The comprehensive plan shall include, but is not limited to, a description and quantification of the present supply, rates of use and energy needs of the State; a description and quantification of the projected needs, rate of use and availability of various energy resources to meet future state needs; a cost analysis of providing energy to meet the state's future needs; a description of the assumptions upon which the predictions and costs are based and the probability of error in the projections in the plan;

B. Prepare a state energy policy to include, but is not limited to, the following: The direction or directions most feasible for Maine to pursue in the field of energy resource use and development, feasible alternatives to implement the state energy plan and long range as well as short range energy programs;

C. Encouragement of voluntary energy conservation among state and local government, industry, business and the public for the most efficient utilization of available energy;

D. The Director of Energy Resources shall be responsible for collecting and analyzing energy data from all available energy sources in and outside the State;

E. Provide technical assistance to the Governor and the Legislature in identifying the emergency and long-range needs and resources to meet these needs for the State;

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

G. Encourage and direct or sponsor research and experiments within the State 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;

H. 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;

I. The Office of Energy Resources, with the consent of the Governor, may employ such expert and professional consultants as it deems necessary within the limit of funds available and consistent with the powers and duties of the office.

Sec. 3. 5 MRSA § 5006, as enacted by PL 1973, c. 770, § 2, is repealed and the following enacted in place thereof:

§ 5006. Maine Energy Resources Development Fund

All federal and private moneys received by the Office of Energy Resources for energy research and development shall be deposited in the Maine Energy Resources Development Fund. The Maine Energy Resources Development Fund shall be administered by the Director of the Office of Energy Resources and shall be used only to carry out the provisions of this Act.

1. Report to Legislature. The Director of Energy Resources shall report annually to the Legislature in January of every regular and special session of the Legislature in regard to expenditure of funds, the purposes for which said funds were used and the amount of as well as the sources from which the funds were derived.

Sec. 4. 5 MRSA § 5007, as enacted by PL 1973, c. 770, § 2, is repealed and the following enacted in place thereof:

§ 5007. State Energy Resources Advisory Board

1. Appointment. The Governor shall appoint a State Energy Resources Advisory Board 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 Board shall consist of the following: One member of the House of Representatives to be appointed by the Speaker of the House and one member of the Senate to be appointed by the President of the Senate and one representative of the Public Utilities Commission and with said Legislators to serve ex officio; and the

following 6 members to be appointed by the Governor, with the advice and consent of the Council, such 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 of industry, one representative of labor, one representative of the academic community, 2 representatives of the general public and one representative of the business community.

Sec. 5. 5 MRSA §§ 5008 and 5009 are enacted to read:

§ 5008. Duties

The State Energy Resources Advisory Board 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 board 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 board shall act only in an advisory capacity and shall have no power to control the activities of the office.

§ 5009. Restrictions on employee interests

No member, officer or employee of the Office of Energy Resources shall acquire any interest, direct or indirect, in any contract or proposed contract negotiated or proposed by the Office of Energy Resources, nor shall any member, officer or employee participate in any decision or any contract entered into by the authority if he or she has an interest, direct or indirect, in any firm, partnership, corporation or association which will be party to such contract or financially involved in any transaction with the authority.

Sec. 7. **Appropriation.** There is appropriated from the General Fund to the Office of Energy Resources the sum of \$70,000 for the biennium and to the Maine Energy Development Fund the sum of \$50,000 for the biennium to carry out the purposes of this Act. The breakdown shall be as follows:

	1975-76	1976-77
EXECUTIVE DEPARTMENT		
Office of Energy Resources		
Personal Services	(3) \$32,000	(3) \$32,000
All Other	3,000	3,000
Capital Expenditures	—	—
Maine Energy Development Fund		
Unallocated	\$25,000	\$25,000
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Total	\$60,000	\$60,000

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 new draft is to combine several bills and to revitalize the now defunct Office of Energy Resources. This bill is intended to establish a highly qualified Office of Energy Resources that will provide feasible long and short-range programs for the State and help resolve Maine's energy problems.