

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1711

H. P. 1468

House of Representatives, April 25, 1977

Referred to Committee on Energy. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Davies of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Encourage Energy Conservation in Maine.

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

Sec. 1. 5 MRSA § 7, as last amended by PL 1973, c. 788, § 10, is further amended by adding before the last paragraph, the following new paragraph:

All state-owned automobiles purchased by the State after the effective date of this Act shall be subcompact automobiles as defined in Title 29, section 1, subsection 7, and shall obtain a minimum of 25 miles per gallon according to the United States Environmental Protection Agency rating for city driving.

Sec. 2. 5 MRSA c. 4 is enacted to read:

CHAPTER 4

ENERGY CONSERVATION EMPLOYMENT SCHEDULE

§ 51. State employee employment schedule; 10-hour day

Except as herein provided, employees of state departments and agencies shall be employed for 10 hours per day, on Monday through Thursday. Department commissioners, including the Commissioners of Public Safety, Human Services and Mental Health and Corrections, may exempt employees from the provisions of this chapter provided that the tasks performed by these employees are necessary to preserve the public peace, health and safety of the citizens of Maine.

§ 52. Departments and agencies subject to the employment schedule

1. Agencies affected. The following departments, commissions and authorities are subject to the employment schedule:

Department of Agriculture;
 Department of Attorney General;
 Department of Audit;
 Department of Business Regulation;
 Department of Conservation;
 Department of Defense and Veterans Services;
 Department of Educational and Cultural Services;
 Department of Environmental Protection;
 Department of Finance and Administration;
 Department of Human Services;
 Department of Indian Affairs;
 Department of Inland Fisheries and Wildlife;
 Department of Manpower Affairs;
 Department of Marine Resources;
 Department of Mental Health and Corrections;
 Department of Personnel;
 Department of Public Safety;
 Department of Secretary of State;
 Department of Transportation;
 Department of Treasurer of State;
 Maine Guarantee Authority;
 Maine Municipal Bond Bank;
 Maine State Housing Authority;
 Maine State Retirement System;
 Public Utilities Commission;
 State Liquor Commission; and
 State Lottery Commission;

2. Executive offices and agencies. The following offices and agencies of the Executive Department are subject to the employment schedule:

Advisory Council on the Status of Women;
 Division of Community Services;
 Governor's Committee on Children and Youth;
 Governor's Committee on Employment of the Handicapped;
 Maine Criminal Justice Planning and Assistance Agency;
 Manpower Planning and Coordination;
 Office of Energy Resources;
 Office of State Employee Relations;
 State Development Office; and
 State Planning Office.

3. Independent agencies and authorities affected. The following independent agencies and authorities are subject to the employment schedule:

Advisory Committee on Maine Public Broadcasting;
 Arborist Examining Board;
 Baxter State Park Authority;
 Board of Accountancy;
 Board of Chiropractic Examination and Registration;
 Board of Commissioners of the Profession of Pharmacy;

Board of Dental Examiners ;
Board of Emergency Municipal Finance ;
Board of Examiners for the Examination of Applicants for Admission to the Bar ;
Board of Examiners in Physical Therapy ;
Board of Licensure of Administrators of Medical Care Facilities other than Hospitals ;
Board of Osteopathic Examination and Registration ;
Board of Registration in Medicine ;
Board of Sanitation, Licensing and Inspection ;
Board of Trustees, Group Accident and Sickness or Health Insurance ;
Board of Trustees of the Maine Maritime Academy ;
Board of Trustees of the University of Maine ;
Board of Visitors (to the state institutions) ;
Capitol Planning Commission ;
Civil Air Patrol ;
Coastal Island Trust Commission ;
District Health Officers ;
Educational Leave Advisory Board ;
Examiners of Podiatrists ;
Forestry Appeals Board ;
Health Facilities Advisory Council ;
Industrial Accident Commission ;
Inspector of Dams and Reservoirs ;
Interstate Boundary Commission ;
Maine-Canadian Exchange Office ;
Maine Committee on Problems of the Mentally Retarded ;
Maine Health Facilities Authority ;
Maine Labor Relations Board ;
Maine Medical Laboratory Commission ;
Maine Sardine Council ;
Maine State Board for Registration for Architects ;
Maine Turnpike Authority ;
Maine Vocational Development Commission ;
Mountain Resorts Airport Authority ;
Municipal Valuation Appeals Board ;
Office of CETA Planning and Coordination ;
Passenger Tramway Safety Board ;
Penobscot Bay and River Pilotage Commission ;
Plumbers' Examining Board ;
Post-secondary Education Commission of Maine ;
Saco River Corridor Commission ;
Soil and Water Conservation Commission ;
State Board of Cosmetology ;
State Board of Barbers ;
State Board of Funeral Service ;
State Board of Nursing ;
State Board of Optometry ;
State Board of Registration for Land Surveyors ;
State Board of Registration for Professional Engineers ;

State Board of Registration for Professional Foresters;
 State Board of Social Worker Registration;
 State Employees Appeals Board;
 State Government Internship Program Advisory Committee;
 State Historian; and
 State Planning and Advisory Council on Developmental Disabilities.

4. All other state agencies and independent state agencies. All other state agencies and independent state agencies not heretofore mentioned shall be subject to the energy conservation employment schedule. Employees shall be subject to the conditional exemptions set forth in section 51.

Sec. 3. 5 MRSA § 1825 is enacted to read:

§ 1825. Purchase of recycled supplies to conserve energy

The State Purchasing Agent shall purchase recycled paper, recycled oil and any other product that demonstrates energy savings compared to similar substitutes in lieu of products or supplies that consume more energy in the process of fabrication. Every state agency and department shall use the recycled or energy-conserving products provided by the Bureau of Purchases in lieu of the products or supplies that consume more energy in the process of fabrication, unless the agency or department provides sufficient evidence to the satisfaction of the State Purchasing Agent that energy-conserving products or supplies cannot be used by the agency or department.

Sec. 4. 5 MRSA § 5005, sub-§ 1, §§ J, K and L are enacted to read:

J. Provide conservation alternatives to proposed new power plants and render an account of the long and short term energy savings realized by the conservation alternatives;

K. Study, in conjunction with the Department of Transportation, car pooling parking facilities throughout the State, determine the need for such facilities and report its findings and any necessary legislation to the Legislature; and

L. Compile a list of all the statutes pertaining to energy and energy conservation. The list shall include the Title and section affected and the content of each provision.

Sec. 6. 10 MRSA c. 302 is enacted to read:

CHAPTER 302

APPLIANCES

§ 1521. Retail sale of gas stoves

The retail sale of new gas cooking stoves fueled by propane or natural gas and ignited by a continuously lit pilot light is hereby prohibited after the effective date of this chapter. Gas cooking stoves fueled by propane or natural gas with an automatic ignition spark shall be the only type of new gas cooking stove offered for sale in Maine.

§ 1522. Penalty

Any person, firm or corporation found in violation of this chapter shall be punished by a fine of not less than \$200 and not more than \$1,000 for each new gas cooking stove sold in violation of this chapter.

§ 1523. Retail sale of open freezers and refrigerator units

The retail sale of open freezers and refrigeration units to grocery stores or to stores in which groceries are sold and the installation of open freezers and refrigerator units in grocery stores after the effective date of this chapter is prohibited. Any owner of a grocery store or store which sells groceries who violates any of the provisions of this section shall be punished by a fine of not less than \$200 and not more than \$1,000 for each unit sold or purchased.

§ 1524. Retail sale of appliances

No new appliance shall be offered at retail following the effective date of this chapter unless the appliance bears a certificate displayed clearly to the purchaser that states the number of BTUs consumed per minute by the appliance and the cost of the appliance for BTU minute.

Sec. 7. 10 MRSA § 1552 is amended by adding at the end the following new paragraph:

No person shall sell natural gas for nonessential use, such as heating swimming pools, decorative lighting or the exterior lighting of grounds or land.

Sec. 8. 20 MRSA § 1222-A is enacted to read:

§ 1222-A. Instructions on energy conservation

1. Instruction required. Pupils in the free public high schools of the State shall be given instruction on the need for energy conservation and the means by which they and their families can conserve energy.

Sec. 9. 23 MRSA § 4206, sub-§ 1, ¶ J is enacted to read:

J. In consultation with the Office of Energy Resources, to encourage and promote mass transportation systems throughout the State to include bus, railroad and car-pooling systems. The commission shall use the moneys deposited in the Mass Transis Fund created in Title 36, section 3025-B, to develop mass transit systems throughout the State.

Sec. 10. 30 MRSA § 2151, sub-§ 4, ¶ C, sub-¶ (4), as last amended by PL 1973, c. 681, § 10, is further amended to read:

(4) An application for a permit shall be in writing and shall be signed by the applicant and directed to the building inspector. The failure of the building inspector to issue a written notice of his decision, directed to the applicant, within 30 days from the date of filing of the application constitutes a refusal of the permit. The building inspector shall not

issue any permit for a building or use for which the applicant is required to obtain a license pursuant to Title 38, section 412 until the applicant has obtained such license; nor shall the building inspector issue any permit for a building or use within a land subdivision, as defined in section 4956, unless that subdivision has been approved in accordance with that section; nor shall the building inspector issue any permit for a building unless that building complies with energy conservation provisions as found in sections 2100 through 2103 of the Building Officials and Code Administrators, International Code.

Sec. 11. 30 MRSA § 3851, as last amended by PL 1971, c. 544, § 106, is further amended by adding at the end the following new paragraph:

Every park commission or conservation commission shall monitor energy consumption in the municipalities in which they operate and may propose energy conservation measures to the municipal officers. The municipal officers, in conjunction with the conservation commission, shall develop an energy conservation plan for the municipality in which they reside.

Sec. 12. 32 MRSA § 2715, sub-§ 7, is enacted to read:

7. Illumination prohibited. All on-premise advertisements or signs and all advertising structures and signs, except highway direction signs, shall not be illuminated. Any violation of this subsection shall incur a fine of not less than \$300 and not more than \$1,000.

Sec. 13. 32 MRSA c. 59, sub-c. IV is enacted to read:

SUBCHAPTER IV

REQUIREMENTS OF SALE

§ 4131. Information on heating costs

Prior to contracting for sale of any real estate on which a building is located, any real estate broker or salesman licensed under this chapter shall provide the prospective buyer with information on the costs for heating that building for the most recent 2-year period during which time that building was occupied or used.

Sec. 14. 35 MRSA § 51, as last amended by PL 1975, c. 409, is further amended by adding at the end the following new paragraph:

In determining just and reasonable rates for electric and gas utilities, the commission shall approve rates that increase in proportion to the amount of electricity or gas consumed by each service customer. The commission shall not approve declining rates per kilowatt hour of electricity or per cubic foot of gas for the greater the volume of electricity or gas consumed.

Sec. 15. 36 MRSA § 1482, sub-§ 1, ¶ C, sub-¶ (4) is enacted to read:

(4) In addition to the excise tax imposed by this paragraph, there shall be levied a tax surcharge in the following amounts according to the gasoline consumption of each automobile with a seating capacity of not more than 8 persons.

Miles per gallon	1978	1979	1980	1981
20 and over	—	—	—	—
19	—	—	—	\$ 100
18	—	—	\$ 100	200
17	—	\$ 100	200	300
16	\$ 100	200	300	450
15	200	350	450	650
14	350	500	650	850
13	550	700	900	1,100
Under 13	800	1,100	1,200	1,400

Miles per gallon for each model type shall be the final economy figure established for each model type of the Environmental Protection Agency in compliance with Section 503 of P.L. 94-163, the 1976 Energy Policy and Conservation Act. This tax surcharge will be imposed on all automobiles manufactured in model year 1977 and thereafter.

Sec. 16. 36 MRSA § 1760, sub-§§ 37 and 38 are enacted to read:

- 37. Radial tires. Sales of radial tires offered at retail; and
- 38. Recycled oil. Sales of recycled oil offered at retail.

Sec. 17. 36 MRSA c. 213-A is enacted to read:

CHAPTER 213-A

ENERGY CONSERVATION SALES SURTAX

§ 1821. Energy conservation sales surtax

There shall be an energy conservation sales surtax imposed at a rate equal to twice that of the current sales tax on all tangible property identified in section 1822 which is sold at retail in this State after January 1, 1978. This tax shall be in addition to all other taxes.

§ 1822. Taxable property

The energy conservation surtax shall be applied to the following:

- 1. Gas appliances. Gas appliances, except stoves, with a pilot light;
- 2. Dishwashers. Dishwashers with drying cycles; and
- 3. Television sets. Television sets with instant-on control switch.

§ 1823. Administration; collection

The State Tax Assessor shall have the authority to promulgate rules and regulations necessary for the purpose of administering and collecting the energy conservation tax. In the absence of such rules and regulations, provisions relating to the assessment, administration and collection of the sales tax as found in chapters 211 to 225 shall apply to this chapter.

Sec. 18. 36 MRSA § 3025, as last amended by PL 1971, c. 529, § 7, is further amended to read:

§ 3025. Levy of tax; exemptions; credit to Highway Fund

An excise tax is imposed on all users of fuel upon the use of such fuel by any person within this State, only when such fuel is used in an internal combustion engine for the generation of power to propel motor vehicles of any kind or character on the public highways or turnpikes operated and maintained by the Maine Turnpike Authority, at the rate of ~~9¢~~ **12¢** per gallon, to be computed in the manner set forth in this chapter. No tax is imposed upon the use of any fuel if the Constitution of the United State or of this State precludes such tax. ~~All~~ **Seventy-five percent of taxes collected under this section shall be credited to the General Highway Fund, and 25% of the taxes collected under this section shall be credited to the Mass Transit Fund created by section 3025-B.**

Sec. 19. 36 MRSA § 3025-B is enacted to read:

§ 3025-B. Mass Transit Fund

There is created a Mass Transit Fund to be maintained as a separate account by the Treasurer of State. The Mass Transit Fund shall be funded by the use fuel tax of which **3¢** of every per gallon tax shall be deposited in the Mass Transit Fund.

Sec. 20. 36 MRSA § 3035, 3rd ¶, 1st sentence, as amended by PL 1971, c. 529, § 8, is further amended to read:

At the time of the filing of said report, each use fuel dealer shall pay to the State Tax Assessor a tax of ~~9¢~~ **12¢** upon each gallon so reported as sold or used, and the State Tax Assessor shall pay over all receipts from such tax to the Treasurer of State daily.

Sec. 21. 36 MRSA § 3035, 4th ¶, 1st sentence, as last amended by PL 1975, c. 10, is further amended to read:

Each dealer shall, within 15 days after demand made on him by the State Tax Assessor, pay a tax of ~~9¢~~ **12¢** per gallon upon each gallon of such fuels upon which the tax has not been paid which, upon an audit, the State Tax Assessor may find to have been received into the State during the preceding 2 years by the dealer and not properly accounted for in a dealer's report or in accordance with law.

Sec. 22. 36 MRSA § 3035, 5th ¶, as last amended by PL 1971, c. 529, § 8, is further amended to read:

Each dealer paying or becoming liable to pay the tax imposed by this section shall be entitled to charge and collect ~~9¢~~ **12¢** per gallon only as a part of the selling price of the fuels subject to the tax.

STATEMENT OF FACT

The purpose of this bill is to encourage energy conservation by developing a comprehensive conservation program in Maine. Maine's significant dependence upon imported oil, the scarce world supply of energy resources and the spiraling costs of energy to heat and light Maine homes and industry mandate the immediate implementation of an energy conservation program.