

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 882

6
7 H.P. 612 House of Representatives, February 28, 1985

8 On Motion of Representative Gwadosky of Fairfield, referred to the
9 Committee on State Government. Sent up for concurrence and ordered
printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Armstrong of Wilton.

11 Cosponsored by Representative Webster of Cape Elizabeth,
Representative Jackson of Harrison and Representative Baker of Orrington.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Abolish the Office of Energy
18 Resources.
19

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

22 Sec. 1. 2 MRSA §6, sub-§3, as repealed and re-
23 placed by PL 1981, c. 705, Pt. L, §§1 to 3, is
24 amended to read:

25 3. Range 89. The salaries of the following
26 state officials and employees shall be within salary
27 range 89:

28 State Director of Public Improvements;

29 State Budget Officer;

30 State Controller;

31 Director of the Bureau of Forestry;

1 Chief of the State Police;
2 Director, State Planning Office;
3 ~~Director, Energy Resources Office,~~
4 Public Advocate; and
5 Commissioner of Defense and Veterans' Services.

6 Sec. 2. 3 MRSA §507, sub-§6, ¶B, as repealed and
7 replaced by PL 1983, c. 819, Pt. A, §1, is amended to
8 read:

9 B. Unless continued or modified by law, the fol-
10 lowing Group C-2 independent agencies shall ter-
11minate, not including the grace period, no later
12 than June 30, 1985:

- 13 (1) Maine Sardine Council;
- 14 (2) Atlantic Sea Run Salmon Commission;
- 15 (3) Public Utilities Commission;
- 16 (4) State Development Office;
- 17 ~~(5) Office of Energy Resources;~~
- 18 (6) Atlantic States Marine Fisheries Com-
19 mission;
- 20 (7) Maine Development Foundation;
- 21 (8) Board of Directors, Maine Municipal and
22 Rural Electrification Cooperative Agency;
- 23 (9) State Energy Resource Advisory Board;
- 24 (10) Low-level Waste Siting Commission;
- 25 (11) Lobster Advisory Council; and
- 26 (12) State Board of Examiners of Psycholo-
27 gists.

28 Sec. 3. 5 MRSA §1762, as repealed and replaced
29 by PL 1981, c. 353, §1, is amended to read:

1 §1762. No facility constructed without life-cycle
2 costs

3 No public improvement, as defined in this chap-
4 ter, public school facility or other building or ad-
5 dition constructed or substantially renovated in
6 whole or in part with public funds or using public
7 loan guarantees, with an area in excess of 5,000
8 square feet, may be constructed without having se-
9 cured from the designer a proper evaluation of
10 life-cycle costs, as computed by a qualified archi-
11 tect or engineer. The requirements of this section
12 with respect to substantial renovation shall pertain
13 only to that portion of the building being renovated.
14 Construction shall proceed only upon disclosing, for
15 the design chosen, the life-cycle costs as determined
16 in section 1764 and the capitalization of the initial
17 construction costs of the facility or building. The
18 life-cycle costs shall be a primary consideration in
19 the selection of the design. As a minimum, the design
20 shall meet the energy efficiency building performance
21 standards promulgated by the Office of Energy
22 Resources State Planning Office under Title 10, chap-
23 ter 214.

24 Sec. 4. 5 MRSA §1764, sub-§1, as amended by PL
25 1981, c. 353, §2, is further amended to read:

26 1. Bureau of Public Improvements to promulgate
27 rules and procedures. The Bureau of Public Improve-
28 ments shall promulgate rules and procedures, includ-
29 ing energy conservation guidelines which conform as a
30 minimum to the energy efficiency building performance
31 standards promulgated by the Office of Energy
32 Resources State Planning Office under Title 10, chap-
33 ter 214, for conducting an energy-related life-cycle
34 costs analysis of alternative architectural or engi-
35 neering designs, or both, and shall evaluate the ef-
36 ficiency of energy utilization for designs in the
37 construction and lease of public improvements and
38 public school facilities. Such rules and procedures
39 shall take effect 90 days after the enactment of this
40 subchapter.

41 Sec. 5. 5 MRSA §3305, sub-§1, ¶J is enacted to
42 read:

1 J. The State Planning Office shall administer
2 any federal fuel allocation program and any fed-
3 eral conservation, production and energy exten-
4 sion service programs.

5 Sec. 6. 5 MRSA §12004, sub-§10, ¶A, sub-¶(16) is
6 repealed.

7 Sec. 7. 7 MRSA §2, 4th ¶, as amended by PL 1981,
8 c. 372, is further amended to read:

9 In addition, the commissioner shall be concerned
10 with the quality of life of Maine farmers and rural
11 communities. The commissioner shall promote: Farm
12 financing and rural development proposals; conserva-
13 tion and preservation of agricultural lands; in-
14 creased and improved production of beef, poultry,
15 sheep, dairy beef and other livestock; expanded and
16 improved production of potatoes, fruits and other
17 vegetables and horticultural ventures; coordinated
18 foreign and domestic marketing of Maine agricultural
19 products; in conjunction with the university, crop
20 development and integrated pest management; and con-
21 servation of nonrenewable energy resources and utili-
22 zation of renewable energy resources ~~in conjunction~~
23 ~~with the Office of Energy Resources~~. To accomplish
24 these objectives, the commissioner is authorized for,
25 or on behalf of, Maine's farmers and rural community:
26 To engage in research and educational programs; to
27 participate directly or indirectly in program to en-
28 courage and enable individuals to enter agricultural
29 or other rural enterprises; to institute litigation
30 or upon request to represent farmers or other members
31 of the rural community in litigation where he deter-
32 mines that such litigation may be beneficial to agri-
33 cultural industry as a whole; and to exercise all
34 other powers of an agency of State Government. The
35 commissioner may study such issues and, consistent
36 with statute, take such actions either individually,
37 for, or on behalf of, the state's farmers or rural
38 residents, or jointly with such other persons, agen-
39 cies or organizations as he determines may benefit
40 the state's farmers and rural communities.

41 Sec. 8. 10 MRSA §1043, sub-§2, ¶G, as amended by
42 PL 1981, c. 698, §63, is further amended to read:

1 G. In the case of an energy generating system,
2 an energy distribution system or an
3 industrial-commercial project which includes hy-
4 droelectric facilities deemed necessary for the
5 production of electricity:

6 (1) The Public Utilities Commission has
7 certified that all required licenses have
8 been issued or that none are required; and

9 (2) The Director of Energy Resources State
10 Planning Director has reviewed and commented
11 upon the project proposal. The Director of
12 Energy Resources State Planning Director
13 shall make his comments within 30 days after
14 receipt of a notification and copy of the
15 project proposal from the authority. The au-
16 thority shall take the comments into consid-
17 eration in its consideration of the project;

18 Sec. 9. 10 MRSA §1043, sub-§2, ¶H, as enacted by
19 PL 1981, c. 698, §64, is amended to read:

20 H. In the case of energy conservation projects,
21 any small business is eligible to apply for a
22 loan of up to \$10,000. The authority shall se-
23 lect these projects according to the following
24 criteria:

25 (1) The gross amount of energy saved by the
26 project expressed in British Thermal Units,
27 BTU's;

28 (2) The ability of the project to serve as
29 an educational demonstration for other simi-
30 lar businesses or industries;

31 (3) The pattern of energy used within the
32 facility and the overall dependence on ener-
33 gy for the conduct of business;

34 (4) The simple payback of the project cal-
35 culated as the annual energy cost savings
36 divided into the project; and

37 (5) The ability of the business or industry
38 to generate capital from sources other than
39 provided by this paragraph.

1 The Office of Energy Resources State Planning
2 Office shall provide assistance to the authority
3 in determining technical eligibility and merit of
4 loan applications.

5 Each recipient of a loan under this paragraph
6 shall provide the authority, within one year,
7 with detailed information on energy consumption
8 before and after the completion of the energy
9 conservation project. The authority shall issue
10 an annual report to the Legislature on loans made
11 under this paragraph, the success of various en-
12 ergy saving techniques employed and the overall
13 energy benefits achieved by the program. The Of-
14 fice of Energy Resources State Planning Office
15 shall assist the authority in preparing this re-
16 port; and

17 Sec. 10. 10 MRSA §1063, sub-§2, ¶J, as enacted
18 by PL 1981, c. 476, §2, is amended to read:

19 J. In the case of an energy generating system,
20 an energy distribution system or an
21 industrial-commercial project which includes hy-
22 droelectric facilities deemed necessary for the
23 production of electricity:

24 (1) The Public Utilities Commission has
25 certified that all required licenses have
26 been issued or that none are required; and

27 (2) The Director of Energy Resources State
28 Planning Director has reviewed and commented
29 upon the project proposal. The Director of
30 Energy Resources State Planning Director
31 shall make his comments within 30 days after
32 receipt of a notification and copy of the
33 project proposal from the authority. The au-
34 thority shall take the comments into consid-
35 eration in its consideration of the project;

36 Any municipality, firm or corporation producing
37 electricity by means of projects in paragraph G
38 or by means of a pollution-control project, rec-
39 reational project, multi-level parking facility
40 or combined project may, without the approval of
41 and regulation by the Public Utilities Commis-

1 sion, generate and distribute electricity solely
2 for its own use or the use of its tenant, but may
3 not sell electricity to other than an electric
4 public utility corporation or cooperative autho-
5 rized to make, generate, sell and distribute
6 electricity; and

7 Sec. 11. 10 MRSA §1413, sub-§§7 and 11, as en-
8 acted by PL 1979, c. 503, §2, are amended to read:

9 7. Director. "Director" means the Director of
10 the Office of Energy Resources State Planning
11 Director.

12 11. Manual of Accepted Practices. "Manual of Ac-
13 cepted Practices" means the Manual of Accepted Prac-
14 tices prepared by the Office of Energy Resources
15 State Planning Office in conformance with the State
16 of Maine Energy Conservation Building Standards.

17 Sec. 12. 10 MRSA §1419, as enacted by PL 1979,
18 c. 503, §2, is amended to read:

19 §1419. Disposition of fees

20 All revenue generated from fees collected by the
21 Office of Energy Resources State Planning Office un-
22 der this chapter shall be deposited with the treasur-
23 er in a separate fund to be expended for the adminis-
24 tration of this chapter. Any revenue not expended at
25 the end of the year during which it is collected
26 shall not lapse but shall be carried forward for the
27 purposes specified in this section.

28 Sec. 13. 10 MRSA §1464, as enacted by PL 1981,
29 c. 499, §1, is amended to read:

30 §1464. Regional Ride Share Services Matching Fund
31 Program

32 There is established, to carry out the purposes
33 of this chapter, a Regional Ride Share Services
34 Matching Fund Program to be administered by the Of-
35 fice of Energy Resources Department of
36 Transportation.

1 Sec. 14. 10 MRSA §1485, as enacted by PL 1979,
2 c. 212, is repealed.

3 Sec. 15. 10 MRSA §1492, sub-§1, as enacted by PL
4 1979, c. 299, is amended to read:

5 1. Solar energy equipment. "Solar energy equip-
6 ment" means all controls, tanks, pumps, heat
7 exchangers, collectors and all other equipment neces-
8 sary for the collection, transfer and storage of so-
9 lar energy; as determined by the Office of Energy
10 Resources. Passive solar energy systems or those sys-
11 tems using natural means to collect, store and trans-
12 fer solar energy shall not be included under this
13 chapter.

14 Sec. 16. 10 MRSA §1493, first ¶, as enacted by
15 PL 1979, c. 299, is amended to read:

16 The Office of Energy Resources State Planning
17 Office shall establish an express warranty for the
18 sale and installation of solar energy equipment in
19 Maine. This express warranty shall, at a minimum, in-
20 clude the following:

21 Sec. 17. 22 MRSA §676, sub-§6, as enacted by PL
22 1983, c. 345, §§13 and 14, is amended to read:

23 6. Energy. The Office of Energy Resources State
24 Planning Office shall serve as liaison with the
25 United States Department of Energy.

26 Sec. 18. 25 MRSA §2465, sub-§5-A, as enacted by
27 PL 1983, c. 231, §1, is amended to read:

28 5-A. Safety information. No new factory-built
29 fireplace, fireplace stove or solid fuel burning room
30 heater may be sold in retail trade, unless the seller
31 provides the buyer, on or before the sale, with an
32 installation instruction manual or, in the case where
33 such a manual is not available, with a publication of
34 the Office of Energy Resources State Fire Marshal
35 containing recommended

36 Sec. 19. 25 MRSA §2465, sub-§6, as amended by PL
37 1983, c. 231, §2, is further amended to read:

1 6. Penalty. Any person who, for compensation,
2 constructs or installs chimneys, fireplaces, vents or
3 solid fuel burning appliances in violation of the
4 standards, and permits such violation to remain un-
5 corrected after 30 days notice from any official em-
6 powered to enforce this section, shall be considered
7 guilty of a civil violation and shall be subject to a
8 forfeiture of not more than \$500 for each violation.
9 The court may waive any penalty or cost against any
10 violator upon satisfactory proof that the violation
11 was corrected within 30 days of the issuance of a
12 complaint.

13 Any person who fails to provide a purchaser with an
14 instruction manual or the authorized publication of
15 the Office of Energy Resources State Fire Marshal, as
16 described in subsection 5-A, commits a civil viola-
17 tion for which a forfeiture of not less than \$200 nor
18 more than \$500 for the first offense and not less
19 than \$500 nor more than \$800 for each subsequent of-
20 fense shall be adjudged. In addition to the civil
21 penalty provided in this subsection, any violation of
22 this chapter constitutes a violation of Title 5,
23 chapter 10.

24 Sec. 20. 30 MRSA §3862, sub-§6, as enacted by PL
25 1981, c. 122, is amended to read:

26 6. Coordinate with other organizations. To coord-
27 inate their efforts with those of other local, re-
28 gional and state organizations.

29 The commission shall keep records of its meetings and
30 activities and shall make an annual report to the mu-
31 nicipality to be published as part of the annual mu-
32 nicipal report. The commission shall also notify the
33 Office of Energy Resources State Planning Office of
34 its formation.

35 The commission may promote and conduct research, in
36 furtherance of its purposes, in conjunction with the
37 planning board, if any, and in the following areas:
38 Public transportation; van pools and carpools;
39 recycling; solar power; cogeneration; hydro-electric
40 power; energy audits; energy conservation and other
41 activities that will make the municipality more ener-
42 gy self-sufficient through the utilization of renew-
43 able energy resources.

1 Municipal energy commissions may seek technical as-
2 sistance from the Office of Energy Resources State
3 Planning Office and that office shall notify local
4 energy commissions in writing, of plans and projects
5 that may affect those commissions, if the commission
6 so requests; and

7 Sec. 21. 30 MRSA §4768, as enacted by PL 1983,
8 c. 321, §5, is amended to read:

9 §4768. Eligible conservation projects

10 The state authority in consultation with the Of-
11 ffice of Energy Resources State Planning Office shall
12 develop guidelines defining energy improvements which
13 may be made with proceeds of home improvement notes.

14 Sec. 22. 32 MRSA §8002, as enacted by PL 1979,
15 c. 277, §2, is amended to read:

16 §8002. Installation training

17 The Office of Energy Resources Department of
18 Business, Occupational and Professional Regulation
19 shall establish a voluntary training program for in-
20 stallers of solar energy equipment.

21 This training program shall consist of a minimum
22 of 15 hours of instruction in the various aspects of
23 solar energy system installation. The course content
24 for the installation training program shall be devel-
25 oped by the Office of Energy Resources Department of
26 Business, Occupational and Professional Regulation in
27 cooperation with the Plumbers' Examining Board. The
28 Office of Energy Resources Department of Business,
29 Occupational and Professional Regulation shall, in
30 accordance with the Maine Administrative Procedure
31 Act, Title 5, chapter 375, promulgate all necessary
32 rules pertaining to qualifications, certification and
33 recertification of solar energy and inspection there-
34 of, consistent with this chapter and Title 5, section
35 5005, subsection 1, paragraph O.

36 Sec. 23. 32 MRSA §8003, as amended by PL 1983,
37 c. 553, §46, is further amended to read:

38 §8003. Installer certification

1 ~~Upon notice from the Office of Energy Resources,~~
2 ~~the~~ The Department of Business, Occupational and Pro-
3 fessional Regulation shall issue solar energy
4 installer's certificates to those individuals who
5 meet the requirements listed in this section. The De-
6 partment of Business, Occupational and Professional
7 Regulation shall keep all relevant records.

8 1. Training course and Examination. Attendance
9 of a minimum of 15 hours at an ~~Office of Energy~~
10 ~~Resources'~~ a department sponsored installation train-
11 ing course and successful completion of a written ex-
12 amination encompassing solar energy installation
13 techniques;

14 2. Experience. Proof of at least one year of ex-
15 perience in the installation of solar energy equip-
16 ment and proof of installation of at least 5 solar
17 energy units, subject to an approved inspection by
18 the ~~Office of Energy Resources~~ department; or

19 3. Competency in installation. Completion of a
20 solar energy installation training course which is
21 determined by the ~~Office of Energy Resources~~
22 department to equip an individual with the skills
23 necessary to achieve competency in the installation
24 of solar energy equipment.

25 Sec. 24. 32 MRSA §8004, first ¶, as amended by
26 PL 1983, c. 553, §46, is further amended to read:

27 The ~~Office of Energy Resources,~~ in coordination
28 with the Department of Business, Occupational and
29 Professional Regulation, shall investigate or cause
30 to be investigated all complaints against certified
31 solar energy installers and all cases of violations
32 of this chapter. The ~~Office of Energy Resources~~
33 department may refuse to renew the certification and
34 the Administrative Court may suspend or revoke the
35 certification of a solar energy installer who is
36 found guilty of:

37 Sec. 25. 32 MRSA §§8023 and 8024, as enacted by
38 PL 1981, c. 597, are amended to read:

39 §8023. Certification

1 The Office of Energy Resources Department of
2 Business, Occupational and Professional Regulation
3 shall issue energy auditors' certificates to those
4 individuals who meet the requirements listed in this
5 section. The Office of Energy Resources Department
6 of Business, Occupational and Professional Regulation
7 shall maintain all relevant records.

8 1. Examination. Individuals must successfully
9 complete a written examination administered by the
10 Office of Energy Resources Department of Business,
11 Occupational and Professional Regulation, or an exam-
12 ination which receives the approval of the Office of
13 Energy Resources Department of Business, Occupational
14 and Professional Regulation, encompassing energy au-
15 diting techniques. Separate examinations for resi-
16 dential and commercial building audits shall be ad-
17 ministered.

18 2. Experience. Individuals must demonstrate
19 proof of completion of at least 5 energy audits, sub-
20 ject to an approval inspection by the Office of Ener-
21 gy Resources Department of Business, Occupational and
22 Professional Regulation.

23 3. Existing auditors grandfathered. All energy
24 auditors certified by the Office of Energy Resources
25 Department of Business, Occupational and Professional
26 Regulation in accordance with the National Energy
27 Conservation and Policy Act, Public Law 95-619, as of
28 the effective date of this chapter are certified for
29 purposes of this chapter.

30 §8024. Fees

31 The Director of the Office of Energy Resources
32 commissioner may establish reasonable fees for the
33 issuance and renewal of energy auditors' certifi-
34 cates, based on the cost of certification. The fees
35 shall be paid to the Treasurer of State to be used by
36 the Office of Energy Resources department for the
37 purposes of this chapter.

38 Sec. 26. 32 MRSA §8025, first ¶, as enacted by
39 PL 1981, c. 597, is amended to read:

1 The Office of Energy Resources department shall
2 investigate, or cause to be investigated, all com-
3 plaints against certified energy auditors and all
4 cases of violations of this chapter. The Office of
5 Energy Resources department may refuse to renew the
6 certification, or the Administrative Court may sus-
7 pend or revoke the certification, of an energy audi-
8 tor who is found guilty of:

9 Sec. 27. 35 MRSA §§8027 and 8028, as enacted by
10 PL 1981, c. 597, are amended to read:

11 §8027. Renewals

12 All certificates shall expire on December 31st of
13 the 2nd year following issuance or at such other
14 times as the Director of the Office of Energy
15 Resources commissioner may designate.

16 The certificates may be renewed on a biennial ba-
17 sis without further examination upon the payment of
18 the proper fee. The Office of Energy Resources
19 department shall notify each person registered under
20 this chapter of the date of expiration of his certifi-
21 cate and the amount of fee required for the certifi-
22 cate renewal for a 2-year period. The notice shall
23 be mailed to the person's last known address at least
24 30 days prior to the expiration date of his certifi-
25 cate. Any person, who fails to renew his certificate
26 within a period of 90 days following the expiration
27 date, may be required by the Office of Energy
28 Resources department to take an examination in order
29 to be recertified.

30 §8028. Rules

31 The Office of Energy Resources department may, in
32 accordance with the Maine Administrative Procedure
33 Act, Title 5, chapter 375, adopt rules necessary to
34 implement this chapter.

35 Sec. 28. 35 MRSA §4101, sub-§2, as amended by PL
36 1983, c. 192, §2, is further amended to read:

37 2. Powers. The powers of the agency shall be ex-
38 exercised by a board of directors. The board shall con-
39 sist of directors appointed by the Governor in the

1 following manner. The governing body or board of di-
2 rectors of any municipality and the board of trustees
3 or directors of any cooperative may submit a list or
4 lists of 3 or more natural persons as recommendations
5 to the Governor for appointment to the agency's board
6 of directors, and the Governor, in his discretion,
7 shall appoint one such person as a director of the
8 agency from the list or lists submitted to him by the
9 governing body or board of directors of each munici-
10 pality and one such person as a director of the agen-
11 cy from the list or lists submitted to him by the
12 board of trustees or directors of each cooperative;
13 provided that no 2 directors may be recommended by
14 the same cooperative or municipality.

15 The Governor shall also appoint as a member a person
16 who is not affiliated with any municipality or coop-
17 erative, as defined in section 4003, subsection 5, to
18 represent the general public.

19 The Director of the Office of Energy Resources State
20 Planning Director, or another employee of the Office
21 of Energy Resources State Planning Office, as the di-
22 rector may from time to time designate in writing
23 filed with the clerk of the agency, shall serve as a
24 member of the board of directors.

25 Each director, before entering upon his duties, shall
26 take and subscribe an oath to perform the duties of
27 office faithfully, impartially and justly to the best
28 of his ability. A record of such oaths shall be filed
29 in the office of the Secretary of State.

30 Of the directors who are first appointed by the Gov-
31 ernor, 2 directors shall be appointed for a term end-
32 ing July 1, 1982; 2 directors shall be appointed for
33 a term ending July 1, 1983; 2 directors shall be ap-
34 pointed for a term ending July 1, 1984; 2 directors
35 shall be appointed for a term ending July 1, 1985;
36 and the balance, if any, of the directors shall be
37 appointed for a term ending July 1, 1986. Their suc-
38 cessors shall serve for terms of 5 years each. Each
39 director shall hold office until his successor is ap-
40 pointed and qualified. A director is eligible for re-
41 appointment. Any vacancy in the office of director
42 occurring other than by expiration of term shall be
43 filled by a successor director, who shall serve for

1 the remaining term of office so vacated. Each direc-
2 tor may be removed from office by the Governor for
3 cause, after a public hearing, and may be suspended
4 by the Governor pending the completion of the hear-
5 ing.

6 Sec. 29. 36 MRSA §2915, as enacted by PL 1983,
7 c. 852, §5, is amended to read:

8 §2915. Report to the Legislature

9 The State Tax Assessor shall report to the Legis-
10 lature by January 31, 1987, and each subsequent year
11 until 1990 on the amount of revenue losses due to the
12 ethanol tax exemption provided in section 2903, sub-
13 section 2. ~~The report shall also include information~~
14 ~~provided by the Office of Energy Resources on ethanol~~
15 ~~sales in other states, revenue losses to those states~~
16 ~~from similar ethanol tax exemption and any other rel-~~
17 ~~evant information on the market for ethanol blended~~
18 ~~gasoline requested by the Legislature.~~

19 Sec. 30. 37-B, §742, sub-§2, ¶B, as enacted by
20 PL 1983, c. 460, §3, is amended to read:

21 B. Upon the issuance of an energy emergency
22 proclamation ~~and after consulting with the Direc-~~
23 ~~tor of Energy Resources~~, the Governor may exer-
24 cise all the powers granted in this chapter, ex-
25 cept as specifically limited by paragraph C. The
26 powers of the Governor shall include, without
27 limitation, the authority to:

28 (1) Establish and implement programs, con-
29 trols, standards, priorities and quotas for
30 the allocation, conservation and consumption
31 of energy resources;

32 (2) Regulate the hours and days during
33 which nonresidential buildings may be open
34 and the temperatures at which they may be
35 maintained;

36 (3) Regulate the use of gasoline and
37 diesel-powered land vehicles, watercraft and
38 aircraft;

1 (4) After consulting, when appropriate,
2 with the New England governors and upon the
3 recommendations of the Maine Public Utili-
4 ties Commission, regulate the generation,
5 distribution and consumption of electricity;

6 (5) Establish temporary state and local
7 boards and agencies;

8 (6) Establish and implement programs and
9 agreements for the purposes of coordinating
10 the emergency energy response of the State
11 with those of the Federal Government and of
12 other states and localities;

13 (7) Temporarily suspend truck weight and
14 size regulations, but not in conflict with
15 federal regulations; and

16 (8) Regulate the storage, distribution and
17 consumption of home heating oil.

18 Sec. 31. 38 MRSA §634, sub-§3, as enacted by PL
19 1983, c. 458, §18, is amended to read:

20 3. Application review. Within 10 working days
21 of receiving a completed application, the Commission-
22 er of Environmental Protection or the Director of the
23 Maine Land Use Regulation Commission, as appropriate,
24 shall notify the applicant of the official date on
25 which the application was accepted.

26 The commissioner or the director, as appropriate,
27 shall circulate the application among the Department
28 of Environmental Protection, Department of Conserva-
29 tion, Department of Inland Fisheries and Wildlife,
30 Department of Marine Resources, Department of Trans-
31 portation, Maine Historic Preservation Commission,
32 ~~Office of Energy Resources~~, Public Utilities Commis-
33 sion and the municipal officials of the municipality
34 in which the project is located. The ~~Office of Ener-~~
35 ~~gy Resources~~ and the Public Utilities Commission
36 shall submit written comments on section 636, subsec-
37 tion 7, paragraph F. For projects within the juris-
38 diction of the Maine Land Use Regulation Commission,
39 the director may request and obtain technical assist-
40 ance and recommendations from the staff of the de-

1 department. The department shall respond to the re-
2 quests in a timely manner. The department's recom-
3 mendations shall be considered by the commission in
4 acting upon a project application.

5 Sec. 32. Transition clause. All existing rules
6 currently in effect and operation in any agency re-
7 ferred to in this Act shall continue in effect until
8 rescinded, amended to changed.

9 All assets, liabilities, revenues, funds, proper-
10 ty and personnel to be reallocated to another agency
11 as a result of this Act, shall be transferred to the
12 proper place in the new structure by the State Con-
13 troller.

14 STATEMENT OF FACT

15 The Office of Energy Resources was originally es-
16 tablished as a temporary office by the 106th Legisla-
17 ture in 1973 and after approximately one year of op-
18 eration the Office of Energy Resources terminated.
19 The 1973 fiscal year budget for the Office of Energy
20 Resources totaled \$46,500 and authorized 5 positions.
21 The Office of Energy Resources was reestablished in
22 1975 and grew to a peak of 48 authorized positions
23 and total annual appropriations and allocations in
24 excess of \$2,700,000 in 1983.

25 Much of the work of the Office of Energy Re-
26 sources has now been accomplished, such as educating
27 the public in energy conservation measures, or has
28 become of questionable value because of the glut of
29 petroleum products in the United States and world
30 markets or because it duplicates efforts of the pri-
31 vate sector or other public-funded entities such as
32 the Extension Service. The purpose of this bill is
33 to allow for the phasing out of the Office of Energy
34 Resources and some of its nonessential functions as
35 of January 1, 1986, and to transfer essential func-
36 tions to appropriate state agencies such as the De-
37 partment of Transportation and the State Planning Of-
38 fice.

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