

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 612, L.D. 882)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1597

8 H.P. 1108

House of Representatives, May 28, 1985

9 Reported by the Minority from the Committee on State Government and
10 printed under Joint Rule 2. Original bill presented by Representative
11 Elizabeth, Representative Jackson of Harrison and Representative Baker of
Orrington.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Abolish the Office of Energy
19 Resources.
20

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

23 Sec. 1. 2 MRSA §6, sub-§3, as repealed and re-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

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

29 State Director of Public Improvements;

30 State Budget Officer;

31 State Controller;

32 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6 Sec. 2. 3 MRSA §507, sub-§6, ¶B, as repealed and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 983, 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28 Sec. 3. 5 MRSA §1762, as repealed and replaced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 Re-~~
22 ~~sources under Title 10, chapter 214~~ which shall be
23 consistent with chapter 4 of the ASHRAE 90 STANDARDS.

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 Re-~~
32 ~~sources under Title 10, chapter 214~~ as provided in
33 section 1762, for conducting an energy-related
34 life-cycle costs analysis of alternative architectural
35 or engineering designs, or both, and shall evalu-
36 ate the efficiency of energy utilization for designs
37 in the construction and lease of public improvements
38 and public school facilities. Such rules and proce-
39 dures shall take effect 90 days after the enactment
40 of this subchapter.

41 Sec. 5. 5 MRSA §§5001, 5002 and 5003, as enacted
42 by PL 1973, c. 770, §2, are repealed.

1 Sec. 6. 5 MRSA §5004, as amended by PL 1981, c.
2 701, §§1 to 3, is repealed.

3 Sec. 7. 5 MRSA §5005, as amended by PL 1983, c.
4 553, §46, is repealed.

5 Sec. 8. 5 MRSA §5006, as amended by PL 1981, c.
6 701, §8, is further amended to read:

7 §5006. Maine Energy Resources Development Fund

8 All federal and private ~~moneys~~ money received by
9 the ~~Office of Energy Resources State Development~~
10 ~~Office~~ for energy research and development shall be
11 deposited in the Maine Energy Resources Development
12 Fund. The Maine Energy Resources Development Fund
13 shall be administered by the ~~Director of the Office~~
14 ~~of Energy Resources State Development Director~~ and
15 shall be used only to carry out the provisions of
16 this Act. The ~~Office of Energy Resources State Development~~
17 ~~Office~~ shall be the designated state agency to
18 handle all energy matters within the State which are
19 not the specific responsibility of another state
20 agency under the provisions of federal or state law,
21 and authority is conferred on the director of such
22 office to accept, use and administer all energy
23 funds, including federal, state and private funds, in
24 accordance with established budgetary procedures
25 which become available pursuant to this Act. The
26 ~~director State Development Director~~ may receive on
27 behalf of the ~~Office of Energy Resources State Development~~
28 ~~Office~~ or on behalf of the State any grants or
29 gifts and may accept them.

30 1. Report to Legislature. The ~~Director of Energy~~
31 ~~Resources State Development Director~~ shall report an-
32 nually to the Legislature in January of every regular
33 and special session of the Legislature in regard to
34 expenditure of funds, the purposes for which said
35 funds were used and the amount of as well as the
36 sources from which the funds were derived.

37 2. Expenditures requiring approval. For all
38 programs involving expenditures of \$10,000 or more,
39 the director shall recommend those expenditures to
40 the Governor. If the Governor approves, he shall
41 recommend those expenditures to the Legislature under

1 the procedure authorizing the transfer of funds set
2 forth in section 1585, subsection 3.

3 Sec. 9. 5 MRSA §5007, sub-§1, as amended by PL
4 1983, c. 812, §34, is further amended to read:

5 1. Appointment. The State Energy Resources Ad-
6 visory Board, established by section 12004, subsec-
7 tion 10, shall be appointed by the Governor to advise
8 the Governor, the Legislature and the ~~Director of the~~
9 ~~Office of Energy Resources State Development Director~~
10 on policy matters relating to this chapter.

11 Sec. 10. 5 MRSA §5008, as enacted by PL 1975, c.
12 587, §5, is amended to read:

13 §5008. Duties

14 The State Energy Resources Advisory Board shall
15 meet at least 3 times each year and at other times at
16 the request of the ~~Director of the Office of Energy~~
17 ~~Resources State Development Director~~ or the Governor.
18 The members of the board shall provide information
19 and assistance in the development of a state energy
20 resources plan and in the research and development
21 phase of the office's activities as requested by the
22 director. The board shall act only in an advisory ca-
23 pacity and shall have no power to control the activi-
24 ties of the office.

25 Sec. 11. 5 MRSA §5009, as amended by PL 1979, c.
26 734, §5, is repealed.

27 Sec. 12. 5 MRSA §5010, as amended by PL 1981, c.
28 134, §§1 to 4, is repealed.

29 Sec. 13. 5 MRSA §5011, as enacted by PL 1981, c.
30 664, is repealed.

31 Sec. 14. 5 MRSA §12004, sub-§10, ¶A, sub-¶(16)
32 is repealed.

33 Sec. 15. 7 MRSA §2, 4th ¶, as amended by PL
34 1981, c. 372, is further amended to read:

35 In addition, the commissioner shall be concerned
36 with the quality of life of Maine farmers and rural

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

31 Sec. 16. 10 MRSA §1043, sub-§2, ¶G, as amended
32 by PL 1981, c. 698, §63, is further amended to read:

33 G. In the case of an energy generating system,
34 an energy distribution system or an
35 industrial-commercial project which includes hy-
36 droelectric facilities deemed necessary for the
37 production of electricity:

38 (1) The Public Utilities Commission has
39 certified that all required licenses have
40 been issued or that none are required; and

41 (2) The Director of Energy Resources has
42 reviewed and commented upon the project pre-
43 proposal. The Director of Energy Resources

1 shall make his comments within 30 days after
2 receipt of a notification and copy of the
3 project proposal from the authority. The au-
4 thority shall take the comments into consid-
5 eration in its consideration of the project;

6 Sec. 17. 10 MRSA §1043, sub-§2, ¶H, as enacted
7 by PL 1981, c. 698, §64, is amended to read:

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

13 (1) The gross amount of energy saved by the
14 project expressed in British Thermal Units,
15 BTU's;

16 (2) The ability of the project to serve as
17 an educational demonstration for other simi-
18 lar businesses or industries;

19 (3) The pattern of energy used within the
20 facility and the overall dependence on ener-
21 gy for the conduct of business;

22 (4) The simple payback of the project cal-
23 culated as the annual energy cost savings
24 divided into the project; and

25 (5) The ability of the business or industry
26 to generate capital from sources other than
27 provided by this paragraph.

28 ~~The Office of Energy Resources shall provide as-~~
29 ~~sistance to the authority in determining techni-~~
30 ~~cal eligibility and merit of loan applications.~~

31 Each recipient of a loan under this paragraph
32 shall provide the authority, within one year,
33 with detailed information on energy consumption
34 before and after the completion of the energy
35 conservation project. The authority shall issue
36 an annual report to the Legislature on loans made
37 under this paragraph, the success of various en-
38 ergy saving techniques employed and the overall

1 energy benefits achieved by the program- The Of-
2 fice of Energy Resourees shall assist the author-
3 ity in preparing this report; and

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

6 J. In the case of an energy generating system,
7 an energy distribution system or an
8 industrial-commercial project which includes hy-
9 droelectric facilities deemed necessary for the
10 production of electricity:

11 (1) The Public Utilities Commission has
12 certified that all required licenses have
13 been issued or that none are required; and

14 ~~(2) The Director of Energy Resourees has~~
15 ~~reviewed and commented upon the project pre-~~
16 ~~posal. The Director of Energy Resourees~~
17 ~~shall make his comments within 30 days after~~
18 ~~receipt of a notification and copy of the~~
19 ~~project proposal from the authority. The au-~~
20 ~~thority shall take the comments into consid-~~
21 ~~eration in its consideration of the project;~~

22 Any municipality, firm or corporation producing
23 electricity by means of projects in paragraph G
24 or by means of a pollution-control project, rec-
25 reational project, multi-level parking facility
26 or combined project may, without the approval of
27 and regulation by the Public Utilities Commis-
28 sion, generate and distribute electricity solely
29 for its own use or the use of its tenant, but may
30 not sell electricity to other than an electric
31 public utility corporation or cooperative autho-
32 rized to make, generate, sell and distribute
33 electricity; and

34 Sec. 19. 10 MRSA c. 214, as amended, is re-
35 pealed.

36 Sec. 20. 10 MRSA §1464, as enacted by PL 1981,
37 c. 499, §1, is amended to read:

38 §1464. Regional Ride Share Services Matching Fund
39 Program

1 There is established, to carry out the purposes
2 of this chapter, a Regional Ride Share Services
3 Matching Fund Program to be administered by the ~~Off-~~
4 ~~ice~~ of Energy Resources Department of
5 Transportation.

6 Sec. 21. 10 MRSA §1465, 2nd ¶, as enacted by PL
7 1981, c. 499, §1, is amended to read:

8 The ~~director~~ Commissioner of Transportation
9 shall, in accordance with Title 5, chapter 375, de-
10 velop rules ~~and regulations~~ for the allocation and
11 disbursement of funds provided by this chapter.
12 These rules ~~and regulations~~ include, but are not lim-
13 ited to:

14 Sec. 22. 10 MRSA §1466, as enacted by PL 1981,
15 c. 499, §1, is repealed.

16 Sec. 23. 10 MRSA §1485, as enacted by PL 1979,
17 c. 212, is repealed.

18 Sec. 24. 10 MRSA §1492, sub-§1, as enacted by PL
19 1979, c. 299, is amended to read:

20 1. Solar energy equipment. "Solar energy equip-
21 ment" means all controls, tanks, pumps, heat
22 exchangers, collectors and all other equipment neces-
23 sary for the collection, transfer and storage of so-
24 lar energy; ~~as determined by the Office of Energy~~
25 ~~Resources~~. Passive solar energy systems or those sys-
26 tems using natural means to collect, store and trans-
27 fer solar energy shall not be included under this
28 chapter.

29 Sec. 25. 10 MRSA §1493, first ¶, as enacted by
30 PL 1979, c. 299, is amended to read:

31 The ~~Office of Energy Resources~~ Commissioner of
32 Business, Occupational and Professional Regulation
33 shall ~~establish~~ provide for an express warranty for
34 the sale and installation of solar energy equipment
35 in Maine. This express warranty shall, at a minimum,
36 include the following:

37 Sec. 26. 22 MRSA §676, sub-§6, as enacted by PL
38 1983, c. 345, §§13 and 14, is amended to read:

1 6. Energy. The Office of Energy Resources State
2 Development Office shall serve as liaison with the
3 United States Department of Energy.

4 Sec. 27. 23 MRSA §4206, sub-§1, ¶L, as amended
5 by PL 1983, c. 310, §3, is further amended to read:

6 L. To coordinate efforts for the publication of
7 a consolidated state outdoor recreational map.
8 All state departments shall cooperate with the
9 Department of Transportation for the purpose of
10 this paragraph. The map shall include highway in-
11 formation, outdoor recreational information and
12 such other information as will best promote the
13 safety, convenience and welfare of the people
14 using it and the economic development of the
15 State.

16 Notwithstanding this paragraph or any other pro-
17 vision of law, the Department of Transportation
18 shall not be required to produce a consolidated
19 map of the State if a similar map is produced and
20 marketed by a private publishing company. The
21 similar map shall show expressways, roads, high-
22 ways and interchanges in the State, at a minimum,
23 at the same level of detail as is shown in the
24 most recent official transportation map distrib-
25 uted by the Department of Transportation. Not
26 later than January 15, 1983, the Department of
27 Transportation shall submit to the joint standing
28 committee of the Legislature having jurisdiction
29 over State Government a report on the implementa-
30 tion of this paragraph, including, but not lim-
31 ited to:

32 (1) A comparison and evaluation of the pri-
33 vate map and the most recent official map;

34 (2) A description and evaluation of the ad-
35 equacy of circulation of the private map
36 throughout the State; and

37 (3) Recommendations on continuing or modi-
38 fying the authority contained in this para-
39 graph; and

40 Sec. 28. 23 MRSA §4206, sub-§1, ¶M, as enacted
41 by PL 1983, c. 310, §4, is amended to read:

1 M. Acting upon the advice of the State Tax As-
2 sessor, to negotiate a compact with other states,
3 the District of Columbia and Canadian provinces
4 for the administration of user license fees on
5 condition that the compact provides for:

6 (1) The collection of the annual user li-
7 cense fee for any other state or province by
8 the state or province in which the motor
9 truck is registered;

10 (2) The disbursement of revenues due to
11 other states or provinces subject to the
12 compact;

13 (3) The free exchange of information be-
14 tween and among the states or provinces sub-
15 ject to the compact; and

16 (4) The establishment of identification
17 tags or decals.

18 The compact shall provide for reciprocal enforce-
19 ment of the laws establishing the annual user li-
20 cense fees and for the auditing of all books,
21 records and logs of the operator of a motor truck
22 by the state or province in which the motor truck
23 is registered, which pertains to travel in it and
24 any other state or province subject to the com-
25 pact; and

26 Sec. 29. 23 MRSa §4206, sub-§1, ¶N is enacted to
27 read:

28 N. To develop or encourage development of model
29 car pooling programs and to study car pooling
30 parking facilities throughout the State, deter-
31 mine the need for those facilities and report its
32 findings and any necessary legislation to the
33 Legislature.

34 Sec. 30. 25 MRSa §2465, sub-§5-A, as enacted by
35 PL 1983, c. 231, §1, is amended to read:

36 5-A. Safety information. No new factory-built
37 fireplace, fireplace stove or solid fuel burning room
38 heater may be sold in retail trade, unless the seller

1 provides the buyer, on or before the sale, with an
2 installation instruction manual or, in the case where
3 such a manual is not available, with a publication of
4 the Office of Energy Resources the State Fire Marshal
5 containing recommended clearances the same as those
6 prescribed in the National Fire Protection Association
7 Fireplaces, Vents and Solid Fuel Burning Appliances,
8 as approved by the office of the State Fire Marshal.
9

10 Sec. 31. 25 MRSA §2465, sub-§6, as amended by PL
11 1983, c. 231, §2, is further amended to read:

12 6. Penalty. Any person who, for compensation,
13 constructs or installs chimneys, fireplaces, vents or
14 solid fuel burning appliances in violation of the
15 standards, and permits such violation to remain un-
16 corrected after 30 days notice from any official em-
17 powered to enforce this section, shall be considered
18 guilty of a civil violation and shall be subject to a
19 forfeiture of not more than \$500 for each violation.
20 The court may waive any penalty or cost against any
21 violator upon satisfactory proof that the violation
22 was corrected within 30 days of the issuance of a
23 complaint.

24 Any person who fails to provide a purchaser with an
25 instruction manual or the authorized publication of
26 the Office of Energy Resources the State Fire
27 Marshal, as described in subsection 5-A, commits a
28 civil violation for which a forfeiture of not less
29 than \$200 nor more than \$500 for the first offense
30 and not less than \$500 nor more than \$800 for each
31 subsequent offense shall be adjudged. In addition to
32 the civil penalty provided in this subsection, any
33 violation of this chapter constitutes a violation of
34 Title 5, chapter 10.

35 Sec. 32. 30 MRSA §3862, sub-§6, as enacted by PL
36 1981, c. 122, is amended to read:

37 6. Coordinate with other organizations. To coord-
38 inate their efforts with those of other local, re-
39 gional and state organizations.

40 The commission shall keep records of its meetings and
41 activities and shall make an annual report to the mu-

1 municipality to be published as part of the annual mu-
2 nicipal report. The commission shall also notify the
3 Office of Energy Resources of its formation.

4 The commission may promote and conduct research, in
5 furtherance of its purposes, in conjunction with the
6 planning board, if any, and in the following areas:
7 Public transportation; van pools and carpools;
8 recycling; solar power; cogeneration; hydro-electric
9 power; energy audits; energy conservation and other
10 activities that will make the municipality more ener-
11 gy self-sufficient through the utilization of renew-
12 able energy resources; and

13 Municipal energy commissions may seek technical as-
14 sistance from the Office of Energy Resources and that
15 office shall notify local energy commissions in writ-
16 ing, of plans and projects that may affect these com-
17 missions, if the commission so requests, and

18 Sec. 33. 30 MRSA §4768, as enacted by PL 1983,
19 c. 321, §5, is amended to read:

20 §4768. Eligible conservation projects

21 The state authority in consultation with the Of-
22 fice of Energy Resources shall develop guidelines de-
23 fining energy improvements which may be made with
24 proceeds of home improvement notes.

25 Sec. 34. 32 MRSA cc. 87 and 88, as amended, are
26 repealed.

27 Sec. 35. 36 MRSA §2915, as enacted by PL 1983,
28 c. 852, §5, is amended to read:

29 §2915. Report to the Legislature

30 The State Tax Assessor shall report to the Legis-
31 lature by January 31, 1987, and each subsequent year
32 until 1990 on the amount of revenue losses due to the
33 ethanol tax exemption provided in section 2903, sub-
34 section 2. The report shall also include information
35 provided by the Office of Energy Resources on ethanol
36 sales in other states; revenue losses to these states
37 from similar ethanol tax exemption and any other rel-

1 evant information on the market for ethanol blended
2 gasoline requested by the Legislature.

3 Sec. 36. 37-B MRSA §704, as amended by PL 1983,
4 c. 816, Pt. B, §17, is further amended by adding at
5 the end a new paragraph to read:

6 The bureau shall be responsible for administering
7 any emergency fuel allocation program and any
8 mandated federal conservation, production and energy
9 extension service program.

10 Sec. 37. 37-B MRSA §704-A is enacted to read:

11 §704-A. Definitions; reporting of petroleum invento-
12 ries and deliveries

13 1. As used in the section, unless the context
14 otherwise indicates, the following terms have the
15 following meanings.

16 A. "Petroleum products" means propane, gasoline,
17 unleaded gasoline, gasohol, kerosene, #2 heating
18 oil, diesel fuel, kerosene base jet fuel, avia-
19 tion gasoline, #4, #5 and #6 residual oil for
20 utility and nonutility uses and Bunker C. oil.

21 B. "Primary storage facilities" means any facil-
22 ity which receives petroleum products into the
23 State either by pipeline or ship.

24 C. "Primary supplier" means any refiner,
25 marketer, distributor, firm or person who makes
26 the first sale of any petroleum product to
27 resellers or consumers in this State.

28 2. Reporting. Each owner or lessee of primary
29 storage facilities of petroleum products in the State
30 shall make an accurate report on the first and 3rd
31 Monday of each month to the Director of Civil Emer-
32 gency Preparedness within the division of Defense and
33 Veterans Services on a form provided by the director.
34 This form shall require the following information:

35 A. The total inventory of each petroleum product
36 stored in the State, as measured within no more
37 than 3 working days prior to the reporting date;
38 and

1 B. Quantities of each petroleum product delivery
2 expected into the State within 15 days of the re-
3 porting date; and

4 C. Shall contain a conspicuous statement of the
5 penalties provided in subsection 6.

6 3. Reporting of primary suppliers. Each primary
7 supplier of petroleum products shall make an accurate
8 report on the 3rd Monday of each month to the Direc-
9 tor of Civil Emergency Preparedness on a form pro-
10 vided by the director, unless the report is already
11 being submitted in accordance with federal regula-
12 tions.

13 This form shall require the following information:

14 A. Actual deliveries of all petroleum products
15 in this State during the preceding calendar
16 month;

17 B. Anticipated deliveries of all petroleum
18 products in this State during the following cal-
19 endar month;

20 C. Allocation fractions for all petroleum
21 products for the following month; and

22 D. A conspicuous statement of the penalties pro-
23 vided in subsection 6.

24 4. Penalty provisions. Any owner or lessee of a
25 primary storage facility or any primary supplier cov-
26 ered by this section who fails to provide the infor-
27 mation required by this section or who knowingly or
28 recklessly supplies false or misleading information
29 is guilty of a violation of Title 17-A, section 453.
30 Any owner or lessee of a primary storage facility
31 who, in fact, supplies false or misleading informa-
32 tion is subject to a civil penalty of \$2,500, payable
33 to the State, to be recovered in a civil action.

34 Sec. 38. 38 MRSA §634, sub-§3, as enacted by PL
35 1983, c. 458, §18, is amended to read:

36 3. Application review. Within 10 working days
37 of receiving a completed application, the Commission-

1 er of Environmental Protection or the Director of the
2 Maine Land Use Regulation Commission, as appropriate,
3 shall notify the applicant of the official date on
4 which the application was accepted.

5 The commissioner or the director, as appropriate,
6 shall circulate the application among the Department
7 of Environmental Protection, Department of Conserva-
8 tion, Department of Inland Fisheries and Wildlife,
9 Department of Marine Resources, Department of Trans-
10 portation, Maine Historic Preservation Commission,
11 ~~Office of Energy Resources~~, Public Utilities Commis-
12 sion and the municipal officials of the municipality
13 in which the project is located. The ~~Office of Ener-~~
14 ~~gy Resources~~ and the Public Utilities Commission
15 shall submit written comments on section 636, subsec-
16 tion 7, paragraph F. For projects within the jurisdic-
17 tion of the Maine Land Use Regulation Commission,
18 the director may request and obtain technical assist-
19 ance and recommendations from the staff of the de-
20 partment. The department shall respond to the re-
21 quests in a timely manner. The department's recom-
22 mendations shall be considered by the commission in
23 acting upon a project application.

24 Sec. 39. Transition clause.

25 1. Funds transferred; Ride Share Program. Not-
26 withstanding the Maine Revised Statutes, Title 5,
27 sections 1585 and 1586, all accrued expenditures, as-
28 sets, liabilities, balances or allocations, trans-
29 fers, revenues or other available funds in an account
30 or subdivision of an account of the Office of Energy
31 Resources to be used for the Ride Share Program as
32 defined in Title 10, section 1464, shall be reallo-
33 cated to the Department of Transportation to be used
34 for the same purpose. The Commissioner of Transporta-
35 tion shall determine the account of the department to
36 which these funds shall be allocated.

37 2. Funds transferred; solar energy equipment
38 warranty. Notwithstanding the Maine Revised Statutes,
39 Title 5, sections 1585 and 1586, all accrued expendi-
40 tures, assets, liabilities, balances or allocations,
41 transfers, revenues or other available funds in an
42 account or subdivision of an account of the Office of
43 Energy Resources to be used for the solar energy

1 equipment warranty program as defined in the Maine
2 Revised Statutes, Title 10, section 1492, shall be
3 reallocated to the Department of Business, Occupa-
4 tional and Professional Regulation to be used for the
5 same purpose. The Commissioner of Business, Occupa-
6 tional and Professional Regulation shall determine
7 the account of the department and the organization
8 within the department to which the funds and adminis-
9 trative responsibilities shall be allocated.

10 3. Funds transferred. Notwithstanding the Maine
11 Revised Statutes, Title 5, sections 1585 and 1586,
12 all accrued expenditures, assets, liabilities, bal-
13 ances or allocations, transfers, revenues or other
14 available funds in an account or subdivision of an
15 account of the Office of Energy Resources to be used
16 for the preparation of the installation instruction
17 manual as defined in the Maine Revised Statutes, Ti-
18 tle 25, section 2465, shall be reallocated to the Of-
19 fice of the State Fire Marshal within the Department
20 of Public Safety to be used for the same purpose.

21 4. Funds transferred; Maine Energy Resources De-
22 velopment Fund. The Maine Energy Resources Develop-
23 ment Fund together with any interest, liabilities,
24 accrued balances, shall be transferred to the State
25 Development Office.

26 5. Personnel transferred. Personnel of the Of-
27 fice of Energy Resources which are currently assigned
28 to the preparation of the installation instructional
29 manual as defined in the Maine Revised Statutes, Ti-
30 tle 25, section 2465, the implementation of solar en-
31 ergy equipment warranty program as defined in Title
32 10, section 1492, the administration and operation of
33 the Maine Energy Resources Development Fund as de-
34 fined in Title 5, section 5006, and the Reporting of
35 Petroleum Inventories and Deliveries shall be trans-
36 ferred to the respective departments as described in
37 this Act.

38 6. Rules and procedures. All rules and proce-
39 dures currently in effect and operation pertaining to
40 the Ride Share Program, the installation instruction
41 manual program, the Maine Energy Resources Develop-
42 ment Fund and the Solar Energy Equipment Fund as de-
43 fined in this Act shall continue in effect until re-

1 scinded or amended by the departments to which the
2 respective programs have been transferred.

3 7. Equipment and property transferred. All
4 equipment and property of the State used by employees
5 and officials of the Office of Energy Resources with
6 respect to the Ride Share Program, the Installation
7 Instructional Manual Program, the Solar Energy Equip-
8 ment Warranty Program and the Maine Energy Resources
9 Development Fund as defined in this Act shall be
10 transferred to the respective departments as provided
11 in the Act.

12 8. Data and information files. All data and in-
13 formation files not needed by the various departments
14 to which additional functions are transferred by this
15 Act shall be transferred to the State Development Of-
16 fice.

17 9. Contracts and agreements. All contracts and
18 agreements currently in effect with the Office of En-
19 ergy Resources shall remain in effect unless rescinded,
20 terminated or modified by a department to
21 which the responsibility for the contract or agree-
22 ment has been transferred or by a provision with the
23 contract or agreement that specifies the conditions
24 by which termination of the contract or agreement oc-
25 curs.

26 **Sec. 40. Appropriation.** The following funds are
27 appropriated from the General Fund to carry out the
28 purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
30 <u>EXECUTIVE DEPARTMENT</u>		
31 Office of Energy Resources		
32 Positions	(-15)	(-15)
33 Personal Services	\$(415,295)	\$(433,182)
34 All Other	(145,123)	(155,853)
35 Capital Expenditures	<u>(7,000)</u>	<u>(3,000)</u>
36 Total	\$(567,418)	\$(592,035)
37 Deappropriates funds		
38 to the Office of En-		
39 ergy Resources for		
40 the biennium.		

1		<u>1985-86</u>	<u>1986-87</u>
2	<u>TRANSPORTATION, DEPARTMENT OF</u>		
3	Bureau of Transportation		
4	Services		
5	Personal Services	\$ 5,000	\$ 5,000
6	All Other	<u>15,000</u>	<u>15,000</u>
7	Total	\$20,000	\$20,000
8	This appropriation provides		
9	funds to administer the Ride		
10	Share Program		
11	previously administered by		
12	the Office of		
13	Energy Resources.		
14			
15			
16			
17			

18		<u>1985-86</u>	<u>1986-87</u>
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19 DEFENSE AND VETERANS'
20 SERVICES, DEPARTMENT OF

21	Bureau of Civil Emergency		
22	Preparedness		
23	Administration - Civil		
24	Emergency Preparedness		
25	All Other	\$2,500	\$2,500
26	This appropriation		
27	provides funds for		
28	the Bureau of Civil		
29	Emergency		
30	Preparedness to ad-		
31	minister the report-		
32	ing of petroleum in-		
33	ventories and deliv-		
34	eries previously im-		
35	plemented by the Of-		
36	fice of Energy Re-		
37	sources.		

38 Sec. 41. Allocation. The following funds are al-
39 located from federal funds and other special revenue
40 funds to carry out the purposes of this Act.

1	<u>1985-86</u>	<u>1986-87</u>
2	<u>EXECUTIVE DEPARTMENT</u>	
3	Office of Energy Resources	
4	Positions	(-13) (-13)
5	Personal Services	\$(310,633) \$(326,178)
6	All Other	<u>(141,974) (130,486)</u>
7	Total	<u>\$(452,607) \$(456,664)</u>
8	Deallocates	
9	funds to the Of-	
10	fice of Energy	
11	Resources for	
12	the biennium.	
13	<u>1985-86</u>	
14	<u>TRANSPORTATION, DEPARTMENT OF</u>	
15	Bureau of Transportation	
16	Services	
17	All Other	\$25,000
18	This allocation pro-	
19	vides federal funds	
20	to implement the Van	
21	Loan Subsidy Program	
22	previously adminis-	
23	tered by the Office	
24	of Energy Resources.	
25	<u>1985-86</u>	
26	<u>PUBLIC SAFETY, DEPARTMENT OF</u>	
27	Office of the State Fire	
28	Marshal	
29	All Other	\$2,000 \$2,000
30	This allocation au-	
31	thorizes the State	
32	Fire Marshal to pre-	
33	pare 4 manuals of in-	
34	stallation of in-	
35	struction for new	
36	factory built stoves,	
37	fireplaces, stoves	
38	and etc. previously	
39	implemented by the	

1 Office of Energy Re-
2 sources.

3 1985-86 1986-87

4 DEFENSE AND VETERANS'
5 SERVICES, DEPARTMENT OF

6	Bureau of Civil Emergency		
7	Preparedness		
8	Administration - Civil		
9	Emergency Preparedness		
10	All Other	\$500	\$500
11	This allocation pro-		
12	vides funds to assist		
13	in the administration		
14	of the reporting of		
15	petroleum inventories		
16	and deliveries previ-		
17	ously implemented by		
18	the Office of Energy		
19	Resources.		

20 **Sec. 42. Effective date.** The provisions of this
21 Act shall take effect on January 1, 1986.

22 STATEMENT OF FACT

23 This new draft corrects deficiencies and errors
24 in the original bill. This new draft:

25 1. Authorizes the Bureau of Public Improvements
26 to adopt energy performance standards for considera-
27 tion of life cycle costs of public buildings. The
28 standards are required to meet the minimum standards
29 of chapter 4 of the ASHRAE 90 STANDARDS;

30 2. Abolishes the Office of Energy Resources;

31 3. Transfers administration of the Maine Energy
32 Resources Development Fund to the State Development
33 Office;

34 4. Eliminates the requirement that the Director
35 of Energy Resources review any energy conservation,
36 generation or distribution project to be funded with

1 industrial development bonds;

2 5. Repeals the chapter on Energy Building Per-
3 formance Standards;

4 6. Transfers the administration of the Ride
5 Share Program to the Department of Transportation;

6 7. Repeals the requirement that the Office of
7 Energy Resources publish an informational insulation
8 materials fact sheet;

9 8. Transfers the responsibility of providing
10 warranties for the sale and installation of solar en-
11 ergy equipment to the Department of Business, Occupa-
12 tional and Professional Regulation;

13 9. Transfers the responsibility of preparing a
14 manual of installation of instruction for new factory
15 built stoves, fireplaces, stoves, etc., to the Office
16 of the State Fire Marshal;

17 10. Repeals the training and certification pro-
18 gram for installers of solar energy equipment;

19 11. Repeals the voluntary certification program
20 for energy auditors; and

21 12. Transfers the responsibility for administer-
22 ing any fuel allocation programs or any federal con-
23 servation, production and energy extension service
24 programs to the Bureau of Civil Emergency
25 Preparedness.

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