

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of H.P. 1375, L.D. 1938)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2191

8
9 H.P. 1553 House of Representatives, March 17, 1986
10 Reported by Representative Brown from the Committee on Education
11 and printed under Joint Rule 2. Original bill sponsored by Representative
12 Bost of Orono. Cosponsored by Senator Brown of Washington,
Representative Handy of Lewiston and Representative Roberts of Farmington.

EDWIN H. PERT, Clerk

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
18

19 AN ACT to Authorize the Use of Energy Service
20 Companies and 3rd-party Financing for
21 Conservation Improvements at School
22 Administrative Units.
23

24 Emergency preamble. Whereas, Acts of the Legis-
25 lature do not become effective until 90 days after
26 adjournment unless enacted as emergencies; and

27 Whereas, this new draft authorizes counties and
28 school administrative districts to enter contracts
29 for 3rd-party financing of energy conservation im-
30 provement projects at county facilities and schools;
31 and

32 Whereas, there are numerous projects which could
33 benefit from this method of financing resulting in
34 significant energy savings to the counties and school
35 administrative districts; and

1 Whereas, if this new draft does not become effective immediately, counties and school administrative districts will be hindered in their budget planning process; and

5 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

13 Sec. 1. 20-A MRSa §15915 is enacted to read:

14 §15915. Energy service companies and 3rd-party financing

16 1. Initial agreement. Any school administrative unit may enter into an agreement of up to 20 years with a private party, such as an energy service or 3rd-party financing company, for the design, installation, operation, maintenance and financing of energy conservation improvements at school administrative unit facilities.

23 2. Future operation. Any school administrative unit, at the termination of the agreement with the private party pursuant to this section, may acquire, operate and maintain the improvement, may renew the agreement with the private party or may make an agreement with another private party to operate and maintain the improvement.

30 Sec. 2. 30 MRSa §428 is enacted to read:

31 §428. Authority to contract for energy conservation improvements

33 1. Agreement with energy service and 3rd-party financing companies. County commissioners may enter into an agreement with a private party, such as an energy service or 3rd-party financing company for the design, installation, operation, maintenance and fi-

1 nancing of energy conservation improvements at county
2 facilities.

3 2. Future operation. The county commissioners,
4 at the termination of the agreement with the private
5 party pursuant to this section, may acquire, operate
6 and maintain the improvement, renew the agreement
7 with the private party or make an agreement with an-
8 other private party to operate and maintain the im-
9 provement.

10 3. Budgetary approval. Expenditures by the coun-
11 ty commissioners under this section are subject to
12 the normal county budgetary approval process.

13 Emergency clause. In view of the emergency cited
14 in the preamble, this Act shall take effect when ap-
15 proved.

16 STATEMENT OF FACT

17 The purpose of this new draft is to extend autho-
18 rization to county commissioners to contract with
19 private parties for construction and operation of en-
20 ergy conservation improvements at county facilities.
21 Energy conservation projects may be necessary at many
22 county facilities, such as courthouses and jails. Ex-
23 penditures by the county commissioners would be sub-
24 ject to the normal budgetary approval process. Cur-
25 rent law authorizes state agencies to do so; munici-
26 palities may do so under home rule. The original bill
27 authorizes school administrative units to enter such
28 agreements.

29 This new draft also adds an emergency clause and
30 effective date.

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