

MAINE STATE LEGISLATURE

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L.D. 1482

(Filing No. H-320)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1091, L.D. 1482, Bill, "AN ACT to Reassign the Duties of the Office of Energy Resources."

Amend the bill by striking out all of the title and inserting in its place the following:

'AN ACT to Consolidate Energy Planning'

Further amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 2 MRSA §6, sub-§1, as amended by PL 1985, c. 785, Pt. A, §1, is further amended to read:

1. Range 91. The salaries of the following state officials and employees shall be within salary range 91:

- Commissioner of Transportation;
- Commissioner of Conservation;
- Director of State Development Office;
- Commissioner of Finance;
- Commissioner of Administration;
- Commissioner of Educational and Cultural Services;
- Commissioner of Environmental Protection;
- Commissioner of Human Services;

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- 1 Commissioner of Mental Health and Mental Retarda-
2 tion;
- 3 Commissioner of Public Safety;
- 4 Commissioner of ~~Business, Occupational and Pro-~~
5 essional and Financial Regulation;
- 6 Commissioner of Labor;
- 7 Commissioner of Agriculture, Food and Rural Re-
8 sources;
- 9 Commissioner of Inland Fisheries and Wildlife;
- 10 Commissioner of Marine Resources; and
- 11 Commissioner of Corrections; and
- 12 Director of the State Planning Office.
- 13 **Sec. 2. 2 MRSA §6, sub-§3,** as amended by PL
14 1985, c. 785, Pt. B, §1, is further amended to read:
- 15 3. Range 89. The salaries of the following
16 state officials and employees shall be within salary
17 range 89:
- 18 Director of Public Improvements;
- 19 State Budget Officer;
- 20 State Controller;
- 21 Director of the Bureau of Forestry;
- 22 Chief of the State Police;
- 23 ~~Director, State Planning Office;~~
- 24 Director, Energy Resources Office;

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1 Public Advocate; and
2 Commissioner of Defense and Veterans' Services;
3 and
4 Director of Human Resources.

5 Sec. 3. 5 MRSA §3302, sub-§1, as enacted by PL
6 1967, c. 533, §1, is repealed and the following en-
7 acted in its place:

8 1. Comprehensive planning. "Comprehensive plan-
9 ning" includes, but is not limited to:

10 A. Preparation of strategic and long-range plans
11 and goals for human and physical resources devel-
12 opment and utilization, but does not include
13 preparation of an economic development strategy;

14 B. Standards and procedures for programming and
15 financing plans for capital improvements;

16 C. Coordination of related departmental plans;

17 D. Intergovernmental coordination of related
18 planning activities;

19 E. Preparation of regulatory and administrative
20 measures in support of paragraphs A to D;

21 F. Continuing analysis of the economy of the
22 State in conjunction with the Department of Eco-
23 nomics and Community Development; and

24 G. Preparation of state emergency resources
25 plans.

26 Sec. 4. 5 MRSA §3303, as enacted by PL 1967, c.
27 533, §1, is amended to read:

28 §3303. State Planning Office

1 There is established to carry out the purpose of
2 this chapter a State Planning Office in the Executive
3 Department which shall be concerned with ~~coordinating~~
4 ~~and-developing-the-several-planning-responsibilities~~
5 ~~of--the--State--Government~~ research, analysis and the
6 formulation, coordination and management of policy.
7 The State Planning Office shall be directly responsi-
8 ble to the Governor and shall serve as an advisory,
9 consultative, coordinating, administrative and re-
10 search agency as specified in section 3305. The
11 State Planning Office shall assist the Governor and
12 other state agencies in the development of economic,
13 energy, fiscal and regulatory policy; the management
14 of the State's natural and physical resources; the
15 identification of issues and problems of long-term
16 significance to the State; and the coordination of
17 state policy and its implementation on issues of in-
18 teragency concern.

19 ~~1.--Responsibility.--A--system--of--state--planning~~
20 ~~and-implementation-being-a-function-and-responsibili-~~
21 ~~ty-of-the-executive-branch-of-State--Government,--the~~
22 ~~State--Planning--Office--shall--be--directly--responsible~~
23 ~~to-the-Governor,--and--shall--serve--as--an--advisory,--con-~~
24 ~~sultative,--coordinating,--administrative--and--research~~
25 ~~agency--as--specified--in--section--3305.~~

26 Sec. 5. 5 MRSA §3304, sub-§2, as enacted by PL
27 1967, c. 533, §1, is amended to read:

28 2. Qualifications. The director shall be quali-
29 fied by education, training and experience in plan-
30 ning or public administration ~~with-a-master's--degree~~
31 ~~in-these-or-related-fields.~~

32 Sec. 6. 5 MRSA §3304, sub-§3, as amended by PL
33 1979, c. 127, §36, is further amended to read:

34 3. Powers and duties. The director shall exer-
35 cise the powers of the State Planning Office and
36 shall be responsible for the execution of its duties.
37 The director shall:

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1 A. Appoint and remove the staff of the office
2 and prescribe their duties as may be necessary to
3 implement the purposes of this chapter. Profes-
4 sional employees authorized by this chapter shall
5 be hired as unclassified employees. All other
6 employees shall be subject to those civil service
7 and personnel policies established for state em-
8 ployees generally and shall be paid salaries at
9 rates of pay comparable to those of state employ-
10 ees with equivalent responsibilities in other
11 state agencies.

12 (1) The State Planning Director is autho-
13 rized to employ professional planning per-
14 sonnel competent by education, training and
15 experience in ~~the fields of economics, local~~
16 ~~and regional planning, urban renewal, human~~
17 ~~resources, natural resources, transportation~~
18 ~~and engineering fields such as economics,~~
19 local and regional planning, public policy
20 and natural resources.

21 (2) The director is authorized to employ
22 such statistical, clerical and other office
23 help as required and authorized by the bud-
24 get;

25 ~~(3) The director is authorized to employ~~
26 ~~research personnel, competent by education,~~
27 ~~training and experience, to carry out the~~
28 ~~purposes of section 3305, subsection 1, par-~~
29 ~~agraph H.~~

30 B. Supervise and administer the affairs of the
31 State Planning Office and advise the Governor and
32 the Legislature with respect to matters affecting
33 ~~state, regional, and community planning generally~~
34 ~~and more specifically the extent to which the~~
35 ~~State should participate in such planning; the~~
36 State;

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1 E. Advise the Governor and other officials of
2 the State Government on all matters of state-wide
3 policy, statewide planning and public investment
4 and consult with them in respect to planning mat-
5 ters and projects which affect the future plans
6 of the State;

7 F. Be assisted by departments, agencies, author-
8 ities, boards, commissions, other instrumentalities
9 of the State or other governmental units in
10 the gathering of information, reports and data
11 which relate to state planning. The State Plan-
12 ning Office shall designate staff members of the
13 office who shall work with the several depart-
14 ments;

15 G. At his discretion, act for the State in the
16 initiation of or participation in any
17 multi-governmental agency program relative to the
18 purposes of this chapter;

19 ~~H. The director shall prepare~~ Prepare and submit
20 for executive and legislative action thereon the
21 budget for the State Planning Office;

22 ~~I. The director shall make~~ Make reports at least
23 annually to the Governor and to the Legislature
24 on the activities of the office and, after con-
25 sultation with and approval by the Governor, sub-
26 mit such recommendations for legislative action
27 as deemed necessary to further the purposes of
28 this chapter;

29 J. Be assisted by departments, agencies, author-
30 ities, boards, commissions and other instrumen-
31 talities of State Government in the gathering of
32 information, reports and data which relate to
33 state planning and development in the area of en-
34 ergy resources;

35 K. Formulate a biennial state energy resources
36 plan;

R. of S.

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1 L. Be empowered, in connection with the perform-
2 ance of his duties, to apply to the Superior
3 Court for a subpoena to compel the attendance of
4 witnesses, the production of books, papers,
5 records and documents of individuals, firms, as-
6 sociations and corporations and all officers,
7 boards, commissions and departments of State Gov-
8 ernment. The court, before issuing the subpoena,
9 shall provide adequate opportunity for the direc-
10 tor and the party against whom the subpoena is
11 requested to be heard. No such subpoena may be
12 issued unless the court or judge certifies that
13 the attendance of the witness or the production
14 of the books, papers, records or documents is
15 reasonably necessary to carry out the purposes of
16 this section and that the director has made rea-
17 sonable efforts to secure the attendance or the
18 books, papers, records or documents without re-
19 course to compulsory process. The director shall
20 afford confidential treatment to any materials or
21 information turned over to him which is of a con-
22 fidential or proprietary nature;

23 M. Administer any emergency fuel allocation pro-
24 gram described in section 3307-D and have the au-
25 thority to collect inventory and product delivery
26 data from the State's primary storage facilities
27 of petroleum products, as described in section
28 3307-C, and shall afford confidential treatment
29 to that information; and

30 N. Oversee the implementation of any energy pro-
31 grams assigned to the State Planning Office under
32 this chapter.

33 Sec. 7. 5 MRSA §3305, sub-§1, 1A, as repealed
34 and replaced by PL 1979, c. 672, Pt. A, §4, is
35 amended to read:

36 A. Coordinate the preparation of ~~goals~~ and poli-
37 cies to guide and carry forward the wise and co-

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1 ordinated development of the ~~state's~~ State's
2 economy and its energy resources, and the conser-
3 vation of the ~~state's~~ State's natural resources.
4 These ~~goals-and~~ policies and recommendations for
5 implementation shall be submitted to the Governor
6 and Legislature for their approval. They shall be
7 developed in such areas as: Land use, ~~housing,~~
8 natural resource development and conservation ~~and~~
9 ~~commerce-and-industrial-development~~, public in-
10 vestment and taxation, energy resources and state
11 regulatory policy.

12 The State Planning Office shall give the public
13 full opportunity to participate in the formula-
14 tion of these ~~goals-and~~ policies and these ~~goals~~
15 and policies shall not be in direct conflict with
16 adopted local and regional plans;

17 **Sec. 8. 5 MRSA §3305, sub-§1, ¶B,** as repealed
18 and replaced by PL 1979, c. 672, Pt. A, §5, is
19 amended to read:

20 B. Provide technical assistance to the Governor
21 and Legislature by undertaking special studies
22 and plans ~~and preparing policy alternatives, pre-~~
23 paring or analyzing policy alternatives and iden-
24 tifying the immediate and long-range needs and
25 resources to meet these needs in the areas of en-
26 ergy and natural resources and socioeconomics.
27 The office shall prepare the plans and studies at
28 the request of the Governor, the Legislature or
29 interdepartmental committees, councils and task
30 forces;

31 **Sec. 9. 5 MRSA §3305, sub-§1, ¶C,** as enacted by
32 PL 1967, c. 533, §1, is repealed and the following
33 enacted in its place:

34 C. Conduct, in conjunction with the Department
35 of Economic and Community Development, continuing
36 economic analysis of the economy and resources of
37 the State, including economic forecasting, and

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1 collect and collate all pertinent data and sta-
2 tistics relating thereto; establish and maintain
3 an up-to-date data base, collect, in particular,
4 such data as required to measure and monitor pov-
5 erty and economic social conditions throughout
6 the State; and assist the Governor, the Legisla-
7 ture and the various state departments in formu-
8 lating economic goals and programs and policies
9 to achieve such goals.

10 (1) All state agencies shall cooperate with
11 the State Planning Office with respect to
12 the provisions of this paragraph; and

13 (2) In implementing the provisions of this
14 paragraph, the State Planning Office may use
15 secondary data made available to the office
16 by other state agencies or other organiza-
17 tions;

18 **Sec. 10. 5 MRSA §3305, sub-§1, ¶G, as amended by**
19 **PL 1979, c. 672, Pt. A, §6, is further amended to**
20 **read:**

21 **G. As coordinating agency:**

22 (1) Act as the coordinating agency between
23 the several officers, authorities, boards,
24 commissions, departments and divisions of
25 the State in matters relative to the physi-
26 cal development of the State, and review the
27 proposals of ~~said~~ those agencies in the
28 light of their relationship to the adopted
29 goals and policies and incorporate such re-
30 views in the reports of the office. Noth-
31 ing⁷ in this section shall may be construed
32 as limiting the powers and duties of any of-
33 ficer, authority, board, commission, depart-
34 ment or political subdivision of the State;
35 and to

36 (2) Provide general coordination and review

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1 of plans in functional areas of State Gov-
2 ernment as may be necessary for receipt of
3 federal funds;

4 Sec. 11. 5 MRSA §3305, sub-§1, ¶H, as amended by
5 PL 1983, c. 477, Pt. E, sub-pt. 26, §1, is repealed
6 and the following enacted in its place:

7 H. Compile, analyze and maintain information
8 useful to the development of industry in the
9 State concerning resources, sites, space, equip-
10 ment, adequate housing, contracts, materials,
11 transportation, markets, labor supply, population
12 trends and other economic considerations, and
13 shall measure and monitor economic distress and
14 poverty in Maine on an ongoing basis. The State
15 Planning Office, in conjunction with the Depart-
16 ment of Economic and Community Development, shall
17 study problems peculiar to the industry and econ-
18 omy of Maine with a view toward the broader uti-
19 lization of our natural resources, which studies
20 shall be advanced by coordination of research
21 with existing private and governmental agencies
22 and educational institutions, and may be advanced
23 by contractual relations with persons or organi-
24 zations equipped to conduct the needed research.
25 The State Planning Office, upon request from the
26 Governor or any state department, shall assist in
27 the preparation of reports regarding the respon-
28 sibilities and duties provided by this subsec-
29 tion, including regular analysis of poverty and
30 economic distress. The State Planning Office
31 shall coordinate its activities pursuant to this
32 paragraph with the Division of Community Services
33 to meet the annual reporting needs of the divi-
34 sion.

35 Sec. 12. 5 MRSA §3305, sub-§1, ¶¶J and K are en-
36 acted to read:

37 J. Coordinate the review and comment on all ap-
38 plications for participation in any federal grant

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1 or loan program and on any proposed federal ac-
2 tivity subject to Presidential Executive Order
3 12372; and

4 K. Coordinate the development of energy policy,
5 including:

6 (1) Collecting and analyzing energy data
7 from all available energy sources in the
8 State. The director shall afford confidential
9 treatment to information, documents and
10 data dealing with sales of individual compa-
11 nies which are engaged in the wholesale and
12 retail trade of petroleum products in the
13 State, upon request of the individual compa-
14 nies;

15 (2) Preparation of an energy resources plan
16 to be submitted to the Governor and the Leg-
17 islature every 2 years, that shall include a
18 description of historical energy demand by
19 end-use sector and energy resources used to
20 meet that demand; and a forecast of energy
21 demand by end-use sector for the next 5
22 years, 10 years and 20 years, which shall
23 include an electric and gas forecast;

24 (3) Encouragement and direction or sponsor-
25 ship of research, experiments and demonstra-
26 tion projects within the State to develop
27 alternate energy sources, particularly, but
28 not limited to, those sources which rely on
29 renewable natural resources of the State,
30 such as solar energy, water of tides and
31 rivers, forests, winds and other sources
32 which to date have not been fully explored
33 or utilized; and

34 (4) Provision of conservation alternatives
35 to proposed new electric power generating
36 plants and assessment of the long-term and
37 short-term energy savings realized by the

1 conservation alternatives.

2 Sec. 13. 5 MRSA §§3307-B to 3307-D are enacted
3 to read:

4 §3307-B. Maine Energy Resources Development Program

5 The State Planning Office, as funding allows,
6 shall administer a program of energy research and
7 demonstration activities related to both the use of
8 indigenous, renewable resources and more efficient
9 use of energy. The Director of the State Planning
10 Office may accept private money for the purpose of
11 pursuing this program.

12 1. Report to Legislature. The director shall
13 include, in the biennial comprehensive energy plan, a
14 report which specifies, in regard to the Maine Energy
15 Resources Development Program, the expenditure of the
16 funds, the purposes for which the funds were used and
17 the amount of as well as the sources from which the
18 funds were derived.

19 2. Expenditures requiring approval. For all
20 programs involving expenditures of \$10,000 or more,
21 the director shall recommend those expenditures to
22 the Governor. If the Governor approves, he shall
23 recommend those expenditures to the Legislature under
24 the procedures authorizing the transfer of funds set
25 forth in section 1585.

26 §3307-C. Definitions; reporting of petroleum inven-
27 tories and deliveries

28 1. Definitions. As used in this section, unless
29 the context otherwise indicates, the following terms
30 have the following meanings.

31 A. "Petroleum products" means propane; gasoline;
32 unleaded gasoline; gasohol; kerosene; #2 heating
33 oil; diesel fuel; kerosene-based jet fuel; avia-
34 tion gasoline; #4, #5 and #6 residual oil for

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1 utility and nonutility uses; and Bunker C oil.

2 B. "Primary storage facilities" means any facil-
3 ity which receives petroleum products into the
4 State either by pipeline or ship.

5 C. "Primary supplier" means any refiner,
6 marketer, distributor, firm or person who makes
7 the first sale of any petroleum product to
8 resellers or consumers in this State.

9 2. Reporting. Each owner or lessee of primary
10 storage facilities or petroleum products in the State
11 shall make an accurate report on the first and 3rd
12 Monday of each month to the State Planning Office on
13 a form provided by the director. This form shall
14 contain a conspicuous statement of the penalties pro-
15 vided in subsection 4 and shall require the following
16 information:

17 A. The total inventory of each petroleum product
18 stored in the State, as measured within not more
19 than 3 working days prior to the reporting date;
20 and

21 B. The quantities of each petroleum product de-
22 livery expected into the State within 15 days of
23 the reporting date.

24 3. Reporting of primary suppliers. Each primary
25 supplier of petroleum products shall make an accurate
26 report on the 3rd Monday of each month to the State
27 Planning Office on a form provided by the director,
28 unless the report is already being submitted in ac-
29 cordance with federal regulations.

30 This form shall contain a conspicuous statement of
31 the penalties provided in subsection 4 and shall re-
32 quire the following information:

33 A. Actual deliveries of all petroleum products
34 in this State during the preceding calendar

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1 month;

2 B. Anticipated deliveries of all petroleum
3 products in this State during the following cal-
4 endar month; and

5 C. Allocation fractions for all petroleum
6 products for the following month.

7 4. Penalty provisions. Any owner or lessee of a
8 primary storage facility or any primary supplier cov-
9 ered by this section who fails to provide the infor-
10 mation required by this section or who knowingly or
11 recklessly supplies false or misleading information
12 is guilty of a violation of Title 17-A, section 453.
13 Any owner or lessee of a primary storage facility who
14 supplies false or misleading information is subject
15 to a civil penalty of \$2,500, payable to the State,
16 to be recovered in a civil action.

17 §3307-D. State petroleum set aside

18 1. Definitions. As used in this section, unless
19 the context otherwise indicates, the following terms
20 have the following meanings.

21 A. "Assignment" means an action taken by the
22 State Planning Office designating that a prime
23 supplier of petroleum products supply them to an
24 authorized consumer, wholesale purchaser-consumer
25 or wholesale purchaser-reseller to facilitate re-
26 lief or emergency and hardship needs, pursuant to
27 subsection 2.

28 B. "Consumer" means any individual, trustee,
29 agency, partnership, association, corporation,
30 company, municipality, political subdivision or
31 other legal entity which purchases petroleum
32 products for ultimate consumption in this State.

33 C. "Director" means the Director of the State
34 Planning Office.

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1 D. "Firm" means any association, company, corpo-
2 ration, estate, individual, joint venture, part-
3 nership or sole proprietorship or any entity how-
4 ever organized, including charitable, educational
5 or eleemosynary institutions and the Federal Gov-
6 ernment, including federal corporations, depart-
7 ments and agencies and state and local govern-
8 ments.

9 E. "Petroleum products" means propane; gasoline;
10 unleaded gasoline; gasohol; kerosene; #2 heating
11 oil; diesel fuel; kerosene-based jet fuel; avia-
12 tion gasoline; #4, #5 and #6 residual oil for
13 utility and nonutility uses; and Bunker C oil.

14 F. "Prime supplier" means the supplier which
15 makes the first sale of any petroleum products
16 subject to the state set aside into the state
17 distribution system for consumption within the
18 State.

19 G. "Purchaser" means a wholesale purchaser or
20 end user, or both.

21 H. "Set aside" means, with respect to a particu-
22 lar prime supplier, the amount of a petroleum
23 product, subject to the provisions of this sec-
24 tion, which is made available from the total sup-
25 ply of a prime supplier pursuant to subsection 2
26 for utilization by the State Planning Office to
27 resolve emergencies and hardships due to fuel
28 shortages or dislocations in distribution sys-
29 tems.

30 I. "Supplier" means any firm or any part or sub-
31 siary of any firm, other than the Department of
32 Defense and Veterans' Services, which presently
33 supplies, sells, transfers or otherwise fur-
34 nishes, as by consignment, any product subject to
35 the state set aside to wholesale purchasers or
36 end users, including refiners, natural gas pro-

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1 cessing plants or fractionating plants, import-
2 ers, resellers, jobbers and retailers.

3 J. "Wholesale purchaser" means a wholesale pur-
4 chaser - reseller or wholesale purchaser - con-
5 sumer, or both.

6 K. "Wholesale purchaser-consumer" means any firm
7 that is an ultimate consumer which, as part of
8 its normal business practices, purchases or ob-
9 tains a product subject to the state set aside
10 from a supplier and receives delivery of that
11 product into a storage tank substantially under
12 the control of that firm at a fixed location.

13 L. "Wholesale purchaser-reseller" means any firm
14 which purchases, receives through transfers or
15 otherwise obtains, as by consignment, a product
16 subject to the state set aside and resells or
17 otherwise transfers it to other purchasers with-
18 out substantially changing its form.

19 2. General provisions. The general provisions
20 of this section are as follows.

21 A. The director shall promulgate rules in ac-
22 cordance with the Maine Administrative Procedure
23 Act, Title 5, chapter 375, establishing a
24 set-aside system for petroleum products. These
25 rules shall direct prime suppliers to set aside a
26 percentage of the amount of petroleum products
27 they expect to deliver to consumers in the State
28 for distribution by the State Planning Office to
29 meet emergency and hardship needs. These rules
30 shall meet the requirements of this section.

31 B. The set-aside system established pursuant to
32 this section shall not be implemented unless:

33 (1) The Federal Government terminates, sus-
34 pends or fails to implement a national
35 set-aside program; and

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1 (2) The Governor finds that a set-aside
2 system is necessary to manage an energy
3 shortage within the State which threatens
4 the continuation of essential services and
5 the needs of priority users. The Governor
6 shall direct the State Planning Office to
7 implement only that portion of the state
8 set-aside program necessary to prevent and
9 alleviate any energy hardship shortages.

10 C. The director shall notify each prime supplier
11 of the monthly set-aside percentage, not to ex-
12 ceed 5%, applicable to each product subject to
13 the set-aside program.

14 D. The set-aside volume available to the State
15 Planning Office for a particular month shall be
16 the sum of the amounts calculated by multiplying
17 the state set-aside percentage level by each
18 prime supplier's estimated portion of its total
19 supply for that month which will be sold into the
20 State's distribution system for consumption with-
21 in the State. The set aside for a particular
22 month may not be accumulated or deferred, but
23 shall be made available from stocks of prime sup-
24 plies whether directly or through their wholesale
25 purchaser-resellers.

26 E. The director shall calculate the set-aside
27 volume for a particular month from the supplier's
28 monthly report or in accordance with section
29 3307-C.

30 F. The director shall establish, as part of the
31 rules promulgated in accordance with paragraph A,
32 procedures governing applications for assignment
33 and assignments by the State Planning Office un-
34 der the state set-aside system. Such procedures
35 shall include criteria for approving and disap-
36 proving applications and an appeal process.

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1 G. The release of set aside shall be as follows.

2 (1) At any time during the month, the di-
3 rector may order the release of part or all
4 of the other prime supplier's set-aside vol-
5 ume through the prime supplier's normal dis-
6 tribution system in the State.

7 (2) The State Planning Office shall release
8 set aside to meet the emergency and hardship
9 requirements of all purchaser-consumers and
10 consumers within the State. In order to fac-
11 ilitate relief of the hardship and emergen-
12 cy requirements of wholesale
13 purchaser-consumers and consumers, the State
14 Planning Office may direct that a wholesale
15 purchaser-reseller supply the wholesale
16 purchaser-consumer and consumers experienc-
17 ing the hardship or emergency.

18 (3) From time to time, the director may
19 designate certain geographical areas within
20 the State as suffering from an intrastate
21 supply imbalance. At any time during the
22 month, the director may order some or all of
23 the prime suppliers with purchasers within
24 such geographical areas to release part or
25 all of their set-aside volume through their
26 normal distribution systems to increase al-
27 locations of all the supplier's purchasers
28 located within the areas.

29 (4) Orders issued pursuant to this section
30 shall be in writing and effective immediate-
31 ly upon presentation to the prime supplier's
32 designated state representative. Those or-
33 ders shall represent a call on the prime
34 supplier's set-aside volumes for the month
35 of issuance, notwithstanding that delivery
36 cannot be made until the following month.

37 H. Each prime supplier shall designate a repre-

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1 sentative within the State to act for and in be-
2 half of the prime supplier with respect to the
3 state set-aside program. Each prime supplier for
4 a state shall notify in writing the State Plan-
5 ning Office of that designation.

6 I. Any assignments or order made under this sec-
7 tion shall specify that the product be made
8 available to the consumer, wholesale
9 purchaser-consumer or wholesale
10 purchaser-retailer at prices prevailing for simi-
11 lar classes of purchasers in the locality of the
12 consumer, wholesale purchaser - consumer or
13 wholesale purchaser - retailer at the time of the
14 sale of the product.

15 J. The set-aside program shall remain in effect
16 no longer than 180 days without approval of the
17 Legislature. In the event that the Governor
18 finds that the set-aside system is no longer nec-
19 essary to manage an energy shortage, he shall
20 terminate the program.

21 3. Violations; penalties. Violation and penal-
22 ties of this section are as follows.

23 A. Any person who violates any provision of this
24 section or any rule or order issued pursuant to
25 this section shall be subject to a civil penalty
26 of not more than \$10,000 for each violation.

27 B. The penalty provided in paragraph A shall be
28 recovered in an action or special proceeding
29 brought by the Attorney General.

30 C. Alternately, or in addition to the action or
31 proceeding to recover the civil penalty provided
32 by paragraph A, the Attorney General may insti-
33 tute an action or proceeding to enjoin any viola-
34 tion of or to enforce any provision of this sec-
35 tion or any rule or order issued under this sec-
36 tion.

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1 **Sec. 14. 5 MRSA §5002**, as enacted by PL 1973, c.
2 770, §2, is repealed.

3 **Sec. 15. 5 MRSA §5003**, as enacted by PL 1973, c.
4 770, §2, is amended to read:

5 §5003. Office of Energy Resources

6 There is established, to carry out the purposes
7 of this chapter, an Office of Energy Resources in the
8 Executive Department which shall be concerned with
9 carrying out the responsibilities of State Government
10 relating to energy ~~resources-planning-and-development~~
11 resource conservation, public information and rebate
12 programs. The Office of Energy Resources shall be di-
13 rectly responsible to the Governor.

14 Any energy conservation, public information or
15 rebate programs shall be administered by the Office
16 of Energy Resources.

17 **Sec. 16. 5 MRSA §5004, sub-§3, ¶F**, as repealed
18 and replaced by PL 1975, c. 587, §1, is amended to
19 read:

20 F. Be responsible for the coordination of all
21 state energy conservation, public information and
22 rebate programs and the coordination of state
23 these programs with programs and plans developed
24 by private organizations and the Federal Govern-
25 ment.

26 **Sec. 17. 5 MRSA §5004, sub-§3, ¶G**, as repealed
27 and replaced by PL 1975, c. 587, §1, is repealed and
28 the following enacted in its place:

29 G. Be responsible for the administration of all
30 federal energy conservation and outreach pro-
31 grams.

32 **Sec. 18. 5 MRSA §5004, sub-§3, ¶I**, as amended by

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1 PL 1981, c. 701, §2, is repealed.

2 **Sec. 19.** 5 MRSA §5005, sub-§1, ¶A, as amended by
3 PL 1985, c. 481, Pt. A, §16, is repealed and the fol-
4 lowing enacted in its place:

5 A. Work in conjunction with and assist the State
6 Planning Office with respect to the following:

7 (1) A description of historical energy de-
8 mand by end use sector and energy resources
9 used to meet that demand;

10 (2) A forecast of energy demand by end use
11 sector for the next 5, 10 and 20 years, in-
12 cluding an electricity demand forecast and
13 the unit cost of the resources that may be
14 utilized to meet that demand. A description
15 of the assumptions upon which the forecasts
16 are based and the probability of error shall
17 also be provided. This forecast shall in-
18 clude an electric and gas usage forecast;

19 (3) A description and quantification of po-
20 tentially available energy resources for use
21 in the State;

22 **Sec. 20.** 5 MRSA §5005, sub-§1, ¶B, as repealed
23 and replaced by PL 1981, c. 701, §5, is repealed.

24 **Sec. 21.** 5 MRSA §5005, sub-§1, ¶B-1, as enacted
25 by PL 1981, c. 701, §6, is repealed.

26 **Sec. 22.** 5 MRSA §5005, sub-§1, ¶D, as repealed
27 and replaced by PL 1979, c. 388, §2, is repealed.

28 **Sec. 23.** 5 MRSA §5005, sub-§1, ¶E, as repealed
29 and replaced by PL 1975, c. 587, §2, is repealed.

30 **Sec. 24.** 5 MRSA §5005, sub-§1, ¶G, as repealed
31 and replaced by PL 1977, c. 685, §1, is repealed.

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1 **Sec. 25. 5 MRSA §5005, sub-§1, ¶J,** as enacted by
2 PL 1977, c. 376, §2, is repealed.

3 **Sec. 26. 5 MRSA §5005, sub-§1, ¶M,** as amended by
4 PL 1985, c. 481, Pt. A, §16, is repealed.

5 **Sec. 27. 5 MRSA §5005, sub-§1, ¶O,** as amended by
6 PL 1985, c. 481, Pt. A, §16, is further amended to
7 read:

8 O. In cooperation with the Plumbers' Examining
9 Board and the Department of Business, Occupation-
10 al and Professional Regulation, establish a vol-
11 untary training and certification program for in-
12 stallers of solar energy equipment; and

13 **Sec. 28. 5 MRSA §5005, sub-§1, ¶P,** as amended by
14 PL 1985, c. 481, Pt. A, §16, is repealed.

15 **Sec. 29. 5 MRSA §5006,** as enacted by PL 1985, c.
16 481, Pt. A, §17, is repealed.

17 **Sec. 30. 5 MRSA §5007,** as amended by PL 1985, c.
18 763, Pt. A, §9, is repealed.

19 **Sec. 31. 5 MRSA §5008,** as amended by PL 1985, c.
20 763, Pt. A, §10, is repealed.

21 **Sec. 32. 5 MRSA §5010,** as amended by PL 1981, c.
22 134, §§1 to 4, is repealed.

23 **Sec. 33. 5 MRSA §5011,** as enacted by PL 1981, c.
24 664, is repealed.

25 **Sec. 34. 5 MRSA 12004, sub-§10, ¶A, sub-¶(21)** is
26 repealed.

27 **Sec. 35. 7 MRSA §2, next to last ¶,** as amended
28 by PL 1981, c. 372, is further amended to read:

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

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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~~ State Planning
14 Office. To accomplish these objectives, the commis-
15 sioner is authorized for, or on behalf of, Maine's
16 farmers and rural community: To engage in research
17 and educational programs; to participate directly or
18 indirectly in ~~program~~ programs to encourage and en-
19 able individuals to enter agricultural or other rural
20 enterprises; to institute litigation or upon request
21 to represent farmers or other members of the rural
22 community in litigation where he determines that such
23 litigation may be beneficial to agricultural industry
24 as a whole; and to exercise all other powers of an
25 agency of State Government. The commissioner may
26 study such issues and, consistent with statute, take
27 such actions either individually, for, or on behalf
28 of, the state's farmers or rural residents, or joint-
29 ly with such other persons, agencies or organizations
30 as he determines may benefit the state's farmers and
31 rural communities.

32 **Sec. 36. 10 MRSA §1063, sub-§2, ¶J, as amended**
33 **by PL 1985, c. 714, §35, is further amended to read:**

34 J. In the case of an energy generating system,
35 an energy distribution system or an
36 industrial-commercial project, any of which in-
37 cludes hydroelectric facilities deemed necessary
38 for the production of electricity:

39 (1) The Public Utilities Commission has

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1 certified that all required licenses have
2 been issued or that none are required; and

3 (2) The Director of Energy-Resources the
4 State Planning Office has reviewed and com-
5 mented upon the project proposal. The Direc-
6 tor of Energy-Resources the State Planning
7 Office shall make his comments within 30
8 days after receipt of a notification and
9 copy of the project proposal from the au-
10 thority. The authority shall take the com-
11 ments into consideration in its considera-
12 tion of the project; and

13 **Sec. 37. 10 MRSA §1492, sub-§1, as enacted by PL**
14 **1979, c. 299, is amended to read:**

15 1. Solar energy equipment. "Solar energy equip-
16 ment" means all controls, tanks, pumps, heat
17 exchangers, collectors and all other equipment neces-
18 sary for the collection, transfer and storage of so-
19 lar energy, as determined by the ~~Office--of--Energy~~
20 Resources State Planning Office. Passive solar energy
21 systems or those systems using natural means to col-
22 lect, store and transfer solar energy shall not be
23 included under this chapter.

24 **Sec. 38. 36 MRSA §2915, as enacted by PL 1983,**
25 **c. 852, §5, is amended to read:**

26 §2915. Report to the Legislature

27 The State Tax Assessor shall report to the Legis-
28 lature by January 31, 1987, and each subsequent year
29 until 1990 on the amount of revenue losses due to the
30 ethanol tax exemption provided in section 2903, sub-
31 ~~section 2. The report shall also include information~~
32 ~~provided by the Office of Energy Resources on ethanol~~
33 ~~sales in other states; revenue losses to those states~~
34 ~~from similar ethanol tax exemption and any other rei-~~
35 ~~levant information on the market for ethanol-blended~~
36 ~~gasoline requested by the legislature.~~

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1 **Sec. 39. 38 MRSA §634, sub-§3**, as enacted by PL
2 1983, c. 458, §18, is amended to read:

3 3. Application review. Within 10 working days
4 of receiving a completed application, the Commission-
5 er of Environmental Protection or the Director of the
6 Maine Land Use Regulation Commission, as appropriate,
7 shall notify the applicant of the official date on
8 which the application was accepted.

9 The commissioner or the director, as appropriate,
10 shall circulate the application among the Department
11 of Environmental Protection, Department of Conserva-
12 tion, Department of Inland Fisheries and Wildlife,
13 Department of Marine Resources, Department of Trans-
14 portation, Maine Historic Preservation Commission,
15 ~~Office-of-Energy--Resources~~ State Planning Office,
16 Public Utilities Commission and the municipal offi-
17 cials of the municipality in which the project is lo-
18 cated. The ~~Office-of-Energy-Resources~~ State Planning
19 Office and the Public Utilities Commission shall sub-
20 mit written comments on section 636, subsection 7,
21 paragraph F. For projects within the jurisdiction of
22 the Maine Land Use Regulation Commission, the direc-
23 tor may request and obtain technical assistance and
24 recommendations from the staff of the department.
25 The department shall respond to the requests in a
26 timely manner. The department's recommendations
27 shall be considered by the commission in acting upon
28 a project application.

29 **Sec. 40. Transition provisions.**

30 1. Funds transferred. Notwithstanding the Maine
31 Revised Statutes, Title 5, sections 1585 and 1586,
32 all accrued expenditures, assets, liabilities, bal-
33 ances, appropriations or allocations, transfers, rev-
34 enues and other available funds in any account or
35 subdivision of any account of the Office of Energy
36 Resources or any subunit of that office affected by
37 this Act are transferred to the State Planning Office

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1 or the State Development Office, as required by the
2 assignment of responsibilities in this Act.

3 2. Personnel and employment benefits trans-
4 ferred. All employees of the Office of Energy Re-
5 sources or any subunit of that office are transferred
6 to the State Planning Office, as required by the as-
7 signment of responsibilities in this Act.

8 All accrued fringe benefits, including vacation and
9 sick leave, health and life insurance and retirement
10 of these personnel shall remain with them. No
11 employee's pay or promotional rights and opportuni-
12 ties may be adversely affected due to this transfer.

13 3. Equipment and property transferred. All
14 equipment, records and property of the State used by
15 employees and officials of the Office of Energy Re-
16 sources, affected by this Act, are transferred to the
17 State Planning Office, as required by the assignment
18 of responsibilities in this Act.

19 4. Financial order required. The Director of
20 the State Planning Office and the Director of the Of-
21 fice of Energy Resources, shall jointly request, by
22 financial order through the State Budget Office, the
23 Governor's approval of the funds, positions, equip-
24 ment and property to be transferred.

25 5. Rules and procedures. All rules and proce-
26 dures currently in effect and in operation pertaining
27 to the Office of Energy Resources shall remain in ef-
28 fect until rescinded or amended as provided by state
29 law.

30 6. Contracts and agreements. All contracts and
31 agreements currently in effect with respect to the
32 Office of Energy Resources shall remain in effect un-
33 til rescinded, terminated or modified as provided by
34 state law.

35 7. Organization and operation. Notwithstanding

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1 any other provisions of law, any planning or prepara-
2 tory work may occur prior to the effective date of
3 this Act, but shall not become binding until the ef-
4 fective date of this Act.

5 **Sec. 41. Appropriation.** The following funds are
6 appropriated from the General Fund to carry out the
7 purposes of this Act.

8 1987-88 1988-89

9 EXECUTIVE DEPARTMENT

10 Office of Energy Resources

11	Positions	(-2)	(-2)
12	Personal Services	(\$42,400)	(\$59,300)

13 Eliminates the posi-
14 tions of: Deputy Di-
15 rector, Energy Re-
16 sources; and Public Re-
17 lations Representative,
18 which, under the provi-
19 sions of this Act, will
20 no longer be required.'

21 STATEMENT OF FACT

22 This amendment allows the transfer of 4 profes-
23 sional planners and one clerical position from the
24 Office of Energy Resources to the State Planning Of-
25 fice as the means of consolidating planning activi-
26 ties in State Government. This amendment abolishes 2
27 positions within the Office of Energy Resources; one
28 of 2 deputy directors and one public relations spe-
29 cialist.

30 The amendment provides more emphasis on better
31 coordination of long-term and short-term planning by

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1 transferring to the State Planning Office the respon-
2 sibility for energy planning, forecasting, emergency
3 energy allocation, commentary on dam permits and re-
4 lated functions.

5

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