

# MAINE STATE LEGISLATURE

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(Governor's Bill)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1482

H.P. 1091 House of Representatives, May 8, 1987  
Reference to the Committee on State and Local Government  
suggested and ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative ARMSTRONG of Wilton.  
Cosponsored by Senators USHER of Cumberland, LUDWIG of  
Aroostook and Representative RIDLEY of Shapleigh.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

**AN ACT to Reassign the Duties of the Office  
of Energy Resources.**

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

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;

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

1 State Controller;  
2 Director of the Bureau of Forestry;  
3 Chief of the State Police;  
4 ~~Director, State Planning Office,~~  
5 ~~Director, Energy Resources Office,~~  
6 Public Advocate; and  
7 ~~Commissioner of Defense and Veterans Services,~~  
8 ~~and~~  
9 Director of Human Resources.

10 **Sec. 3. 5 MRSA §1762**, as repealed and replaced  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

12 §1762. No facility constructed without life-cycle  
13 costs

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

35 **Sec. 4. 5 MRSA §1764, sub-§1**, as amended by PL  
36 1981, c. 353, §2, is further amended to read:

1           1. Bureau of Public Improvements to promulgate  
2 rules and procedures. The Bureau of Public Improve-  
3 ments shall promulgate rules and procedures, includ-  
4 ing energy conservation guidelines which conform as a  
5 minimum to the energy efficiency building performance  
6 standards promulgated by the ~~Office of Energy~~  
7 Resources State Development Office under Title 10,  
8 chapter 214, for conducting an energy-related  
9 life-cycle costs analysis of alternative architectural  
10 or engineering designs, or both, and shall evalu-  
11 ate the efficiency of energy utilization for designs  
12 in the construction and lease of public improvements  
13 and public school facilities. Such rules and proced-  
14 ures shall take effect 90 days after the enactment  
15 of this subchapter.

16           Sec. 5. 5 MRSA §3302, sub-§1, ¶F, as enacted by  
17 PL 1967, c. 533, §1, is amended to read:

18           F. Continuing analysis of the economy of the  
19 State; and

20           Sec. 6. 5 MRSA §3302, sub-§1, ¶G is enacted to  
21 read:

22           G. Preparation of state energy resources plans.

23           Sec. 7. 5 MRSA §3303, as enacted by PL 1967, c.  
24 533, §1, is amended to read:

25           §3303. State Planning Office

26           There is established to carry out the purpose of  
27 this chapter a State Planning Office in the Executive  
28 Department which shall be concerned with ~~coordinating~~  
29 ~~and developing the several planning responsibilities~~  
30 ~~of the State Government~~ research, analysis and the  
31 formulation, coordination and management of policy.  
32 The State Planning Office shall be directly responsi-  
33 ble to the Governor and shall serve as an advisory,  
34 consultative, coordinating, administrative and re-  
35 search agency as specified in section 3305. The  
36 State Planning Office shall assist the Governor and  
37 other state agencies in the development of economic,  
38 energy, fiscal and regulatory policy; the management  
39 of the State's natural and physical resources; the  
40 identification of issues and problems of long-term

1 significance to the State; and the coordination of  
2 state policy and its implementation on issues of in-  
3 teragency concern.

4 ~~1.--Responsibility.--A system--of--state--planning~~  
5 ~~and--implementation--being--a--function--and--responsibili-~~  
6 ~~ty--of--the--executive--branch--of--State--Government,--the~~  
7 ~~State--Planning--Office--shall--be--directly--responsible~~  
8 ~~to--the--Governor,--and--shall--serve--as--an--advisory,--con-~~  
9 ~~sultative,--coordinating,--administrative--and--research~~  
10 ~~agency--as--specified--in--section--3305.~~

11 Sec. 8. 5 MRSA §3304, sub-§2, as enacted by PL  
12 1967, c. 533, §1, is amended to read:

13 2. Qualifications. The director shall be quali-  
14 fied by education, training and experience in plan-  
15 ning or public administration with a master's degree  
16 in these or related fields.

17 Sec. 9. 5 MRSA §3304, sub-§3, as amended by PL  
18 1979, c. 127, §36, is further amended to read:

19 3. Powers and duties. The director shall exer-  
20 cise the powers of the State Planning Office and  
21 shall be responsible for the execution of its duties.  
22 The director shall:

23 A. Appoint and remove the staff of the office  
24 and prescribe their duties as may be necessary to  
25 implement the purposes of this chapter. Profes-  
26 sional employees authorized by this chapter shall  
27 be hired as unclassified employees, shall serve  
28 at the pleasure of the director and shall be paid  
29 salaries at rates of pay comparable to those of  
30 state employees with equivalent responsibilities  
31 in other state agencies. All other employees  
32 shall be subject to those civil service and per-  
33 sonnel policies established for state employees  
34 generally and shall be paid salaries at rates of  
35 pay comparable to those of state employees with  
36 equivalent responsibilities in other state agen-  
37 cies.

38 (1) The State Planning Director is autho-  
39 rized to employ professional planning per-  
40 sonnel competent by education, training and

1 experience in the ~~fields of economics, local~~  
2 ~~and regional planning, urban renewal, human~~  
3 ~~resources, natural resources, transportation~~  
4 ~~and engineering fields such as economics,~~  
5 local and regional planning, public policy  
6 and natural resources.

7 (2) The director is authorized to employ  
8 such statistical, clerical and other office  
9 help as required and authorized by the bud-  
10 get;

11 ~~(3) The director is authorized to employ~~  
12 ~~research personnel, competent by education,~~  
13 ~~training and experience, to carry out the~~  
14 ~~purposes of section 3305, subsection 1, par-~~  
15 ~~agraph H.~~

16 B. Supervise and administer the affairs of the  
17 State Planning Office and advise the Governor and  
18 the Legislature with respect to matters affecting  
19 ~~state, regional, and community planning generally~~  
20 ~~and more specifically the extent to which the~~  
21 ~~State should participate in such planning. the~~  
22 ~~State;~~

23 E. Advise the Governor and other officials of  
24 the State Government on all matters of policy,  
25 state-wide planning and public investment and  
26 consult with them in respect to planning matters  
27 and projects which affect the future plans of the  
28 State;

29 F. Be assisted by departments, agencies, author-  
30 ities, boards, commissions, other instrumentali-  
31 ties of the State or other governmental units in  
32 the gathering of information, reports and data  
33 which relate to state planning. The State Plan-  
34 ning Office shall designate staff members of the  
35 office who shall work with the several depart-  
36 ments;

37 G. At his discretion, act for the State in the  
38 initiation of or participation in any  
39 multi-governmental agency program relative to the  
40 purposes of this chapter;

- 1     ~~H. The director shall prepare~~ Prepare and submit  
2     for executive and legislative action thereon the  
3     budget for the State Planning Office;
- 4     I. ~~The director shall make~~ Make reports at least  
5     annually to the Governor and to the Legislature  
6     on the activities of the office and, after con-  
7     sultation with and approval by the Governor, sub-  
8     mit such recommendations for legislative action  
9     as deemed necessary to further the purposes of  
10    this chapter;
- 11    J. Be assisted by departments, agencies, author-  
12    ities, boards, commissions and other instrumen-  
13    talities of State Government in the gathering of  
14    information, reports and data which relate to  
15    state planning and development in the area of en-  
16    ergy resources;
- 17    K. Formulate a biennial state energy resources  
18    plan;
- 19    L. Be empowered, in connection with the perform-  
20    ance of his duties, to apply to the Superior  
21    Court for a subpoena to compel the attendance of  
22    witnesses, the production of books, papers,  
23    records and documents of individuals, firms, as-  
24    sociations and corporations and all officers,  
25    boards, commissions and departments of State Gov-  
26    ernment. The court, before issuing the subpoena,  
27    shall provide adequate opportunity for the direc-  
28    tor and the party against whom the subpoena is  
29    requested to be heard. No such subpoena may be  
30    issued unless the court or judge certifies that  
31    the attendance of the witness or the production  
32    of the books, papers, records or documents is  
33    reasonably necessary to carry out the purposes of  
34    this section and that the director has made rea-  
35    sonable efforts to secure the attendance or the  
36    books, papers, records or documents without re-  
37    course to compulsory process. The director shall  
38    afford confidential treatment to any materials or  
39    information turned over to him which is of a con-  
40    fidential or proprietary nature;
- 41    M. Administer any emergency fuel allocation pro-  
42    gram described in section 3307-D and have the au-



1 thority to collect inventory and product delivery  
2 data from the State's primary storage facilities  
3 of petroleum products, as described in section  
4 3307-C, and shall afford confidential treatment  
5 to that information; and

6 N. Oversee the implementation of any energy pro-  
7 grams assigned to the State Planning Office under  
8 this chapter.

9 **Sec. 10. 5 MRSA §3305, sub-§1, ¶A, as repealed**  
10 **and replaced by PL 1979, c. 672, Pt. A, §4, is**  
11 **amended to read:**

12 A. Coordinate the preparation of goals-and poli-  
13 cies to guide and carry forward the wise and co-  
14 ordinated development of the state's State's  
15 economy and its energy resources, and the conser-  
16 vation of the state's State's natural resources.  
17 These goals-and policies and recommendations for  
18 implementation shall be submitted to the Governor  
19 and Legislature for their approval. They shall be  
20 developed in such areas as: Land use, housing,  
21 natural resource development and conservation and  
22 commerce--and--industrial-development, public in-  
23 vestment and taxation, energy resources and state  
24 regulatory policy.

25 The State Planning Office shall give the public  
26 full opportunity to participate in the formula-  
27 tion of these goals-and policies and these goals  
28 and policies shall not be in direct conflict with  
29 adopted local and regional plans;

30 **Sec. 11. 5 MRSA §3305, sub-§1, ¶B, as repealed**  
31 **and replaced by PL 1979, c. 672, Pt. A, §5, is**  
32 **amended to read:**

33 B. Provide technical assistance to the Governor  
34 and Legislature by undertaking special studies  
35 and plans and-preparing-policy-alternatives, pre-  
36 paring or analyzing policy alternatives and iden-  
37 tifying the immediate and long-range needs and  
38 resources to meet these needs in the areas of en-  
39 ergy and natural resources and socioeconomics.  
40 The office shall prepare the plans and studies at  
41 the request of the Governor, the Legislature or

1 interdepartmental committees, councils and task  
2 forces;

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

5 J. Coordinate the review and comment on all ap-  
6 plications for participation in any federal grant  
7 or loan program and on any proposed federal ac-  
8 tivity subject to Presidential Executive Order  
9 12372; and

10 K. Coordinate the development of energy policy,  
11 including:

12 (1) Collecting and analyzing energy data  
13 from all available energy sources in the  
14 State. The director shall afford confiden-  
15 tial treatment to information, documents and  
16 data dealing with sales of individual compa-  
17 nies which are engaged in the wholesale and  
18 retail trade of petroleum products in the  
19 State, upon request of the individual compa-  
20 nies;

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

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

1           (4) Provision of conservation alternatives  
2           to proposed new electric power generating  
3           plants and assessment of the long-term and  
4           short-term energy savings realized by the  
5           conservation alternatives.

6           Sec. 13. 5 MRSA §§3307-B to 3307-D are enacted  
7 to read:

8           §3307-B. Maine Energy Resources Development Program

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

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

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

30          §3307-C. Definitions; reporting of petroleum inven-  
31          tories and deliveries

32          1. Definitions. As used in this section, unless  
33          the context otherwise indicates, the following terms  
34          have the following meanings.

35           A. "Petroleum products" means propane; gasoline;  
36           unleaded gasoline; gasohol; kerosene; #2 heating  
37           oil; diesel fuel; kerosene-based jet fuel; avia-  
38           tion gasoline; #4, #5 and #6 residual oil for  
39           utility and nonutility uses; and Bunker C oil.

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

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

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

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

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

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

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

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

35 B. Anticipated deliveries of all petroleum  
36 products in this State during the following cal-  
37 endar month; and

38 C. Allocation fractions for all petroleum  
39 products for the following month.

1           4. Penalty provisions. Any owner or lessee of a  
2 primary storage facility or any primary supplier covered  
3 by this section who fails to provide the information  
4 required by this section or who knowingly or  
5 recklessly supplies false or misleading information  
6 is guilty of a violation of Title 17-A, section 453.  
7 Any owner or lessee of a primary storage facility who  
8 supplies false or misleading information is subject  
9 to a civil penalty of \$2,500, payable to the State,  
10 to be recovered in a civil action.

11           §3307-D. State petroleum set aside

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

15           A. "Assignment" means an action taken by the  
16 State Planning Office designating that a prime  
17 supplier of petroleum products supply them to an  
18 authorized consumer, wholesale purchaser-consumer  
19 or wholesale purchaser-reseller to facilitate relief  
20 or emergency and hardship needs, pursuant to  
21 subsection 2.

22           B. "Consumer" means any individual, trustee,  
23 agency, partnership, association, corporation,  
24 company, municipality, political subdivision or  
25 other legal entity which purchases petroleum  
26 products for ultimate consumption in this State.

27           C. "Director" means the Director of the State  
28 Planning Office.

29           D. "Firm" means any association, company, corpo-  
30 ration, estate, individual, joint venture, part-  
31 nership or sole proprietorship or any entity how-  
32 ever organized, including charitable, educational  
33 or eleemosynary institutions and the Federal Gov-  
34 ernment, including federal corporations, depart-  
35 ments and agencies and state and local govern-  
36 ments.

37           E. "Petroleum products" means propane; gasoline;  
38 unleaded gasoline; gasohol; kerosene; #2 heating  
39 oil; diesel fuel; kerosene-based jet fuel; avia-  
40 tion gasoline; #4, #5 and #6 residual oil for  
41 utility and nonutility uses; and Bunker C oil.

1 F. "Prime supplier" means the supplier which  
2 makes the first sale of any petroleum products  
3 subject to the state set aside into the state  
4 distribution system for consumption within the  
5 State.

6 G. "Purchaser" means a wholesale purchaser or  
7 end user, or both.

8 H. "Set aside" means, with respect to a particu-  
9 lar prime supplier, the amount of a petroleum  
10 product, subject to the provisions of this sec-  
11 tion, which is made available from the total sup-  
12 ply of a prime supplier pursuant to subsection 2  
13 for utilization by the State Planning Office to  
14 resolve emergencies and hardships due to fuel  
15 shortages or dislocations in distribution sys-  
16 tems.

17 I. "Supplier" means any firm or any part or sub-  
18 sidary of any firm, other than the Department of  
19 Defense and Veterans' Services, which presently  
20 supplies, sells, transfers or otherwise fur-  
21 nishes, as by consignment, any product subject to  
22 the state set aside to wholesale purchasers or  
23 end users, including refiners, natural gas pro-  
24 cessing plants or fractionating plants, import-  
25 ers, resellers, jobbers and retailers.

26 J. "Wholesale purchaser" means a wholesale pur-  
27 chaser - reseller or wholesale purchaser - con-  
28 sumer, or both.

29 K. "Wholesale purchaser-consumer" means any firm  
30 that is an ultimate consumer which, as part of  
31 its normal business practices, purchases or ob-  
32 tains a product subject to the state set aside  
33 from a supplier and receives delivery of that  
34 product into a storage tank substantially under  
35 the control of that firm at a fixed location.

36 L. "Wholesale purchaser-reseller" means any firm  
37 which purchases, receives through transfers or  
38 otherwise obtains, as by consignment, a product  
39 subject to the state set aside and resells or  
40 otherwise transfers it to other purchasers with-  
41 out substantially changing its form.

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

3           A. The director shall promulgate rules in ac-  
4 cordance with the Maine Administrative Procedure  
5 Act, Title 5, chapter 375, establishing a  
6 set-aside system for petroleum products. These  
7 rules shall direct prime suppliers to set aside a  
8 percentage of the amount of petroleum products  
9 they expect to deliver to consumers in the State  
10 for distribution by the State Planning Office to  
11 meet emergency and hardship needs. These rules  
12 shall meet the requirements of this section.

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

15                   (1) The Federal Government terminates, sus-  
16 pends or fails to implement a national  
17 set-aside program; and

18                   (2) The Governor finds that a set-aside  
19 system is necessary to manage an energy  
20 shortage within the State which threatens  
21 the continuation of essential services and  
22 the needs of priority users. The Governor  
23 shall direct the State Planning Office to  
24 implement only that portion of the state  
25 set-aside program necessary to prevent and  
26 alleviate any energy hardship shortages.

27           C. The director shall notify each prime supplier  
28 of the monthly set-aside percentage, not to ex-  
29 ceed 5%, applicable to each product subject to  
30 the set-aside program.

31           D. The set-aside volume available to the State  
32 Planning Office for a particular month shall be  
33 the sum of the amounts calculated by multiplying  
34 the state set-aside percentage level by each  
35 prime supplier's estimated portion of its total  
36 supply for that month which will be sold into the  
37 State's distribution system for consumption with-  
38 in the State. The set aside for a particular  
39 month may not be accumulated or deferred, but  
40 shall be made available from stocks of prime sup-  
41 plies whether directly or through their wholesale  
42 purchaser-resellers.

1 E. The director shall calculate the set-aside  
2 volume for a particular month from the supplier's  
3 monthly report or in accordance with section  
4 3307-C.

5 F. The director shall establish, as part of the  
6 rules promulgated in accordance with paragraph A,  
7 procedures governing applications for assignment  
8 and assignments by the State Planning Office under  
9 the state set-aside system. Such procedures  
10 shall include criteria for approving and disap-  
11 proving applications and an appeal process.

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

13 (1) At any time during the month, the di-  
14 rector may order the release of part or all  
15 of the other prime supplier's set-aside vol-  
16 ume through the prime supplier's normal dis-  
17 tribution system in the State.

18 (2) The State Planning Office shall release  
19 set aside to meet the emergency and hardship  
20 requirements of all purchaser-consumers and  
21 consumers within the State. In order to fa-  
22 cilitate relief of the hardship and emergen-  
23 cy requirements of wholesale  
24 purchaser-consumers and consumers, the State  
25 Planning Office may direct that a wholesale  
26 purchaser-reseller supply the wholesale  
27 purchaser-consumer and consumers experienc-  
28 ing the hardship or emergency.

29 (3) From time to time, the director may  
30 designate certain geographical areas within  
31 the State as suffering from an intrastate  
32 supply imbalance. At any time during the  
33 month, the director may order some or all of  
34 the prime suppliers with purchasers within  
35 such geographical areas to release part or  
36 all of their set-aside volume through their  
37 normal distribution systems to increase al-  
38 locations of all the supplier's purchasers  
39 located within the areas.

40 (4) Orders issued pursuant to this section  
41 shall be in writing and effective immediate-

ended



1 ly upon presentation to the prime supplier's  
2 designated state representative. Those or-  
3 ders shall represent a call on the prime  
4 supplier's set-aside volumes for the month  
5 of issuance, notwithstanding that delivery  
6 cannot be made until the following month.

7 H. Each prime supplier shall designate a repre-  
8 sentative within the State to act for and in be-  
9 half of the prime supplier with respect to the  
10 state set-aside program. Each prime supplier for  
11 a state shall notify in writing the State Plan-  
12 ning Office of that designation.

13 I. Any assignments or order made under this sec-  
14 tion shall specify that the product be made  
15 available to the consumer, wholesale  
16 purchaser-consumer or wholesale  
17 purchaser-retailer at prices prevailing for simi-  
18 lar classes of purchasers in the locality of the  
19 consumer, wholesale purchaser - consumer or  
20 wholesale purchaser - retailer at the time of the  
21 sale of the product.

22 J. The set-aside program shall remain in effect  
23 no longer than 180 days without approval of the  
24 Legislature. In the event that the Governor  
25 finds that the set-aside system is no longer nec-  
26 essary to manage an energy shortage, he shall  
27 terminate the program.

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

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

34 B. The penalty provided in paragraph A shall be  
35 recovered in an action or special proceeding  
36 brought by the Attorney General.

37 C. Alternately, or in addition to the action or  
38 proceeding to recover the civil penalty provided  
39 by paragraph A, the Attorney General may insti-  
40 tute an action or proceeding to enjoin any viola-

1 tion of or to enforce any provision of this sec-  
2 tion or any rule or order issued under this sec-  
3 tion.

4 Sec. 14. 5 MRSA c. 338, as amended, is repealed.

5 Sec. 15. 5 MRSA §7002, sub-§2, ¶¶N to T are en-  
6 acted to read:

7 N. The director shall administer the following  
8 federally-mandated programs, formerly adminis-  
9 tered by the Office of Energy Resources:

10 (1) State Energy Conservation Program  
11 (SECP);

12 (2) Energy Extension Service (EES); and

13 (3) Institutional Conservation Program  
14 (ICP).

15 O. The director shall adopt energy conservation  
16 standards and promulgate rules for administration  
17 of the standards and the certification of energy  
18 efficient buildings, as defined in Title 10,  
19 chapter 214.

20 P. The director shall provide for the approval  
21 or denial of certificates of energy efficiency,  
22 as required in Title 10, chapter 214.

23 Q. The director shall prepare the Manual of Ac-  
24 cepted Practices, as described in Title 10, chap-  
25 ter 214.

26 R. The director shall provide for the review of  
27 plans and specifications and the inspection of  
28 buildings to determine compliance of the building  
29 with the energy conservation standards, as de-  
30 scribed in Title 10, chapter 214.

31 S. The director shall administer the state stan-  
32 dards for appliance energy efficiency, as estab-  
33 lished by section 7009.

34 T. If the Residential Conservation Service, as  
35 established by the United States Natural Energy

1 Conservation Policy Act, Public Law 95-619, No-  
2 vermber 9, 1978, as amended by the United States  
3 Energy Security Act, Public Law 96-294, June 30,  
4 1980, the United States Code, Title 42, Section  
5 8211 et seq., is repealed or amended so as to  
6 have the effect of removing requirements for pro-  
7 viding energy conservation information and energy  
8 audits and arranging financing for energy conser-  
9 vation improvements for residential customers,  
10 the director may promulgate rules pursuant to the  
11 Maine Administrative Procedure Act, Title 5,  
12 chapter 375, to continue these services. In es-  
13 tablishing these rules, the director shall sim-  
14 plify federal rules, insofar as possible, without  
15 preventing fulfillment of the program objectives  
16 and, in no case, may he impose rules containing  
17 additional requirements for utilities.

18 Until the director promulgates new rules under  
19 this paragraph, the previously existing federal  
20 rules and any state rules implementing them shall  
21 be considered state rules with full force.

22 **Sec. 16. 5 MRSA §7009 is enacted to read:**

23 §7009. State standards for appliance energy effi-  
24 ciency

25 1. Definitions. As used in this section, unless  
26 the context otherwise indicates, the following terms  
27 have the following meanings.

28 A. "ASHRAE standard" means standards established  
29 by the American Society of Heating, Refrigerating  
30 and Air Conditioning Engineers.

31 B. "Manufacturer" means any person or business  
32 entity engaged in the original production or as-  
33 sembly of an appliance.

34 C. "New appliance" means an appliance that is  
35 sold, offered for sale or installed the first  
36 time and specifically includes floor models and  
37 demonstration units.

38 D. With respect to refrigerators,  
39 refrigerator-freezers and freezers:

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(1) "Freezer" means a cabinet designed as a unit for the storage of food at temperatures of about 0° Fahrenheit, having the ability to freeze food and having a source of refrigeration requiring an energy input;

(2) "Refrigerator" means a cabinet designed for the refrigerated storage of food at temperatures above 32° Fahrenheit and having a source of refrigeration requiring an energy input. It may include a cabinet with a compartment for the freezing and storage of food at temperatures below 32° Fahrenheit, but which does not provide a separate low temperature compartment designed for the freezing of and the long-term storage of food at temperatures below 8° Fahrenheit. It has only one exterior door and may have interior doors or compartments; and

(3) "Refrigerator-freezer" means a cabinet which consists of 2 or more compartments with at least one of the compartments designed for the refrigerated storage of foods at temperatures above 32° Fahrenheit and with at least one of the compartments designed for the freezing of and the storage of frozen foods at temperatures of 8° Fahrenheit or below. The source of refrigeration requires energy input.

E. With respect to water heaters:

(1) "Storage-type water heater" means a water heater that heats and stores water within the appliance at a thermostatically controlled temperature for delivery on demand.

2. Efficiency standards. Efficiency standards shall be determined as follows.

A. The following are minimum energy efficiency standards for new residential gas and electric water heaters, oil and gas furnaces and boilers, refrigerators, refrigerator-freezers and freezers. Refrigerators, refrigerator-freezers and freezers shall be certified by the manufac-

1 turer not to exceed the values derived from the  
 2 appropriate formulae where V is the total  
 3 refrigerated volume in cubic feet and EC is the  
 4 energy consumption in kilowatt hours per year:

5	<u>Appliance</u>	<u>Standard</u>
6	(1) <u>Refrigerators</u>	
7	<u>Single door, manual</u>	<u>EC=395 x 28V</u>
8	<u>defrost</u>	
9	<u>Single door, auto-</u>	<u>No standard</u>
10	<u>matic defrost</u>	
11	(2) <u>Refrigerator-freezers</u>	
12	<u>Top freezer, partial</u>	<u>EC=378 x 43V</u>
13	<u>automatic defrost</u>	
14	<u>Top freezer, auto-</u>	<u>EC=378 x 43V</u>
15	<u>matic defrost</u>	
16	<u>Bottom freezer, au-</u>	<u>No standard</u>
17	<u>tomatic defrost</u>	
18	<u>Side-by-side, auto-</u>	<u>EC=565 x 52V</u>
19	<u>matic defrost</u>	
20	(3) <u>Freezers</u>	
21	<u>Upright, manual</u>	<u>EC=289 x 37V</u>
22	<u>defrost, between</u>	
23	<u>11.5 and 21.4 cubic</u>	
24	<u>feet in volume</u>	
25	<u>Upright, automatic</u>	<u>No standard</u>
26	<u>defrost</u>	
27	<u>Chest, manual</u>	<u>EC=315 x 32V</u>
28	<u>defrost</u>	
29	(4) <u>Water heaters</u>	
30	<u>Electric</u>	<u>ASHRAE Stan-</u>
31		<u>dard 90A-1980</u>
32		<u>Section 7</u>
33	<u>Gas</u>	<u>Energy Factor</u>
34		<u>(EF)=48%</u>
35	(5) <u>Furnaces and</u>	
36	<u>boilers</u>	
37	<u>Oil</u>	<u>No standard</u>
38	<u>Gas</u>	<u>No standard</u>

39 B. The following residential appliances are cov-  
 40 ered by this section:

- 1                   (1) Only storage-type water heaters;  
2                   (2) Gas furnaces and boilers; and  
3                   (3) Refrigerators, refrigerator-freezers  
4                   and freezers which can be operated by alter-  
5                   nating current electricity, excluding the  
6                   following types:  
7                           (a) Those with total refrigerated vol-  
8                           ume exceeding 39 cubic feet;  
9                           (b) Those designed to be used without  
10                          doors;  
11                          (c) Those which do not include com-  
12                          pressor and condenser units as an inte-  
13                          gral part of the cabinet assembly; and  
14                          (d) Those with "through the door" fea-  
15                          tures.

16                   C. This section does not apply to:

- 17                           (1) New residential appliances manufactured  
18                           in the State and sold outside the State;  
19                           (2) New appliances manufactured outside the  
20                           State and sold at wholesale in the State for  
21                           final retail sale and installation outside  
22                           the State;  
23                           (3) Appliances installed in mobile homes at  
24                           the time of construction;  
25                           (4) Appliances designed expressly for in-  
26                           stallation and use in recreational vehicles  
27                           or other equipment designed for regular mo-  
28                           bile use; and  
29                           (5) Appliances purchased outside of the  
30                           State by Maine residents when the appliance  
31                           is installed for use by the purchaser or in-  
32                           stalled in a single-family, detached struc-  
33                           ture.

34                   3. Prohibitions. No new appliance may be sold,

1 offered for sale or installed in the State on or af-  
2 ter January 1, 1988, unless it is certified by the  
3 manufacturer to be in compliance with the standards  
4 adopted under subsection 2 or unless there is no  
5 state standard adopted for that type of appliance.

6 4. Test methods. The manufacturer shall cause  
7 the testing of samples of each model of each residen-  
8 tial appliance covered by this section. The State  
9 Development Office shall use the United States De-  
10 partment of Energy approved test methods or, in the  
11 absence of those test methods, other appropriate  
12 nationally-recognized test methods applicable to the  
13 respective appliances.

14 5. State Development Office. In order to reduce  
15 the wasteful, uneconomic, inefficient or unnecessary  
16 consumption of energy, the State Development Office  
17 shall:

18 A. Be responsible for the administration and en-  
19 forcement of the appliance standards established  
20 by this section; and

21 B. Apply to the United States Department of En-  
22 ergy for an exemption from federal preemption,  
23 pursuant to the United States Energy Conservation  
24 Policy Act, Section 327(b), (3), or its succes-  
25 sor.

26 6. Penalty. Any person who violates this sec-  
27 tion either personally or through an agent or employ-  
28 ee is subject to a civil penalty of not more than  
29 \$500 for each violation. For purposes of this sec-  
30 tion, the sale, installation or offer for sale of any  
31 one new appliance which fails to meet the standards  
32 prescribed in subsection 2 shall constitute a viola-  
33 tion.

34 Sec. 17. 5 MRSA §12004, sub-§10, ¶A, sub-¶(21)  
35 is repealed.

36 Sec. 18. 7 MRSA §2, next to last ¶, as amended  
37 by PL 1981, c. 372, is further amended to read:

38 In addition, the commissioner shall be concerned  
39 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  
11 conservation 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. 19. 10 MRSA §1041, sub-§16, as enacted by**  
33 **PL 1985, c. 344, §61, is amended to read:**

34       16. Energy conservation. Provide financial as-  
35 sistance for energy conservation. The ~~Office of Ener-~~  
36 ~~gy--Resources~~ State Development Office shall provide  
37 assistance to the authority in determining technical  
38 eligibility and merit of applications for energy con-  
39 servation loans. Each recipient of a loan under this  
40 section shall provide the authority, within one year,  
41 with detailed information on energy consumption be-  
42 fore and after the completion of the energy conserva-  
43 tion project; and

44       **Sec. 20. 10 MRSA §1063, sub-§2, ¶J, as amended**



1 by PL 1985, c. 714, §35, is further amended to read:

2 J. In the case of an energy generating system,  
3 an energy distribution system or an  
4 industrial-commercial project, any of which in-  
5 cludes hydroelectric facilities deemed necessary  
6 for the production of electricity:

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

10 (2) The Director of Energy--Resources the  
11 State Planning Office has reviewed and com-  
12 mented upon the project proposal. The Direc-  
13 tor of Energy--Resources the State Planning  
14 Office shall make his comments within 30  
15 days after receipt of a notification and  
16 copy of the project proposal from the au-  
17 thority. The authority shall take the com-  
18 ments into consideration in its considera-  
19 tion of the project; and

20 **Sec. 21. 10 MRSA §1413, sub-§7, as enacted by PL**  
21 **1979, c. 503, §2, is amended to read:**

22 **7. Director.** "Director" means the Director of  
23 the Office--of--Energy--Resources State Development  
24 Office.

25 **Sec. 22. 10 MRSA §1413, sub-§11, as enacted by**  
26 **PL 1979, c. 503, §2, is amended to read:**

27 **11. Manual of Accepted Practices.** "Manual of Ac-  
28 cepted Practices" means the Manual of Accepted Prac-  
29 tices prepared by the Office--of--Energy--Resources  
30 State Development Office in conformance with the  
31 State of Maine Energy Conservation Building Stan-  
32 dards.

33 **Sec. 23. 10 MRSA §1414-A, as enacted by PL 1985,**  
34 **c. 370, §3, is amended to read:**

35 §1414-A. Adoption of energy performance building  
36 standards by state agencies

1 Energy performance building standards adopted by  
2 state agencies shall be coordinated with each other,  
3 as far as practicable, so that similar activities and  
4 buildings are treated in a similar way. The Director  
5 of the Office-of-Energy-Resources State Development  
6 Office shall assist other state agencies in develop-  
7 ing energy standards which comply with this section.

8 **Sec. 24. 10 MRSA §1415-B, sub-§4, as enacted by**  
9 **PL 1985, c. 370, §4, is amended to read:**

10 4. Notice of intent. Prior to the construction  
11 or substantial renovation of a building subject to  
12 this section, a notice of intent shall be filed with  
13 the municipal building inspector, or the code en-  
14 forcement officer if there is no municipal building  
15 inspector, in the municipality within which the con-  
16 struction or renovation will take place. The Office  
17 of-Energy-Resources State Development Office shall  
18 provide to the municipalities the form to be filled  
19 out which shall include:

20 A. A signed statement that the building has been  
21 designed and will be constructed or substantially  
22 renovated in compliance with the established min-  
23 imum energy efficiency building performance stan-  
24 dards;

25 B. Information that establishes the location of  
26 this construction or substantial renovation, the  
27 intended use of the building, the names of the  
28 owner, designer and contractor or builder and in-  
29 formation that generally indicates insulation  
30 values and construction methods or materials to  
31 be used in ensuring that the minimum standards  
32 will be met; and

33 C. Such other information as required by the di-  
34 rector pursuant to rules adopted under the Admin-  
35 istrative Procedure Act, Title 5, chapter 375.

36 **Sec. 25. 10 MRSA §1415-B, sub-§§6 and 7, as en-**  
37 **acted by PL 1985, c. 370, §4, are amended to read:**

38 6. Notification to State Development Office.  
39 Within 30 days of the receipt of a signed notice of  
40 intent, the municipal building inspector or code en-

1       forcement officer shall forward to the Office-of--En-  
2 ergy-Resources State Development Office a copy of the  
3 notice.

4       7. Inspections. The Office-of-Energy-Resources  
5 State Development Office or its designee shall be re-  
6 sponsible for the inspection of newly constructed or  
7 substantially renovated buildings in order to ensure  
8 compliance with the minimum standards.

9       Sec. 26. 10 M RSA §1419, as enacted by PL 1979,  
10 c. 503, §2, is repealed.

11       Sec. 27. 10 M RSA §1464, as enacted by PL 1981,  
12 c. 499, §1, is amended to read:

13 §1464. Regional Ride Share Services Matching Fund  
14 Program

15       There is established, to carry out the purposes  
16 of this chapter, a Regional Ride Share Services  
17 Matching Fund Program to be administered by the Of-  
18 office-of-Energy-Resources State Development Office.

19       Sec. 28. 10 M RSA §1485, first ¶, as enacted by  
20 PL 1979, c. 212, is amended to read:

21       The State Office-of-Energy-Resources Development  
22 Office shall prepare, and shall keep current, an in-  
23 formational pamphlet concerning insulation materials  
24 being used in the State. The pamphlet shall discuss  
25 the characteristics of these insulation materials and  
26 the positive and negative effects which may result  
27 following installation of these materials. The pamph-  
28 let shall also include, but shall not be limited to:

29       Sec. 29. 10 M RSA §1485, sub-§5, as enacted by PL  
30 1979, c. 212, is amended to read:

31       5. Other information. Such other information as  
32 the State Office--of--Energy--Resources Development  
33 Office shall deem necessary or appropriate.

34       Sec. 30. 10 M RSA §1485, 3rd ¶ from the end, as  
35 enacted by PL 1979, c. 212, is amended to read:

36       The State Office-of-Energy-Resources Development

1 Office shall furnish this pamphlet, upon request, to  
2 any citizen of this State without charge.

3 **Sec. 31.** 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 State Planning Office. Passive solar energy  
11 systems or those systems using natural means to col-  
12 lect, store and transfer solar energy shall not be  
13 included under this chapter.

14 **Sec. 32.** 10 MRSA §1493, first ¶, as enacted by  
15 PL 1979, c. 299, is amended to read:

16 The Office-of-Energy-Resources State Development  
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. 33.** 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. 34.** 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 Development  
35 Office containing recommended clearances the same as  
36 those prescribed in the National Fire Protection As-  
37 sociation Code #211, The Standards for Chimneys,  
38 Fireplaces, Vents and Solid Fuel Burning Appliances,  
39 as approved by the office of the State Fire Marshal.

1           **Sec. 35. 25 MRSA §2465, sub-§6, as amended by PL**  
2           **1983, c. 231, §2, is further amended to read:**

3           **6. Penalty.** Any person who, for compensation,  
4           constructs or installs chimneys, fireplaces, vents or  
5           solid fuel burning appliances in violation of the  
6           standards, and permits such violation to remain un-  
7           corrected after 30 days days' notice from any offi-  
8           cial empowered to enforce this section, shall be con-  
9           sidered guilty of a civil violation and shall be sub-  
10          ject to a forfeiture of not more than \$500 for each  
11          violation. The court may waive any penalty or cost  
12          against any violator upon satisfactory proof that the  
13          violation was corrected within 30 days of the issu-  
14          ance of a complaint.

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

26          **Sec. 36. 30 MRSA §3862, sub-§6, as enacted by PL**  
27          **1981, c. 122, is amended to read:**

28          **6. Coordinate with other organizations.** To coor-  
29          dinate their efforts with those of other local, re-  
30          gional and state organizations.

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

36          The commission may promote and conduct research, in  
37          furtherance of its purposes, in conjunction with the  
38          planning board, if any, and in the following areas:  
39          Public transportation; van pools and carpools;  
40          recycling; solar power; cogeneration; hydro-electric  
41          power; energy audits; energy conservation and other

1 activities that will make the municipality more ener-  
2 gy self-sufficient through the utilization of renew-  
3 able energy resources.

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

10 **Sec. 37. 30 MRSA §4768**, as enacted by PL 1983,  
11 c. 321, §5, is amended to read:

12 §4768. Eligible conservation projects

13 The state authority in consultation with the Of-  
14 ice-of-Energy--Resources State Development Office  
15 shall develop guidelines defining energy improvements  
16 which may be made with proceeds of home improvement  
17 notes.

18 **Sec. 38. 32 MRSA §8002**, as enacted by PL 1979,  
19 c. 277, §2, is amended to read:

20 §8002. Installation training

21 The Office-of-Energy-Resources State Development  
22 Office shall establish, in cooperation with the the  
23 Plumbers' Examining Board and the Department of Pro-  
24 fessional and Financial Regulation, a voluntary  
25 training program for installers of solar energy  
26 equipment.

27 This training program shall consist of a minimum  
28 of 15 hours of instruction in the various aspects of  
29 solar energy system installation. The course content  
30 for the installation training program shall be devel-  
31 oped by the Office-of-Energy-Resources State Develop-  
32 ment Office, in cooperation with the Plumbers' Exam-  
33 ining Board. The Office-of-Energy-Resources State De-  
34 velopment Office shall, in accordance with the Maine  
35 Administrative Procedure Act, Title 5, chapter 375,  
36 promulgate all necessary rules pertaining to qualifi-  
37 cations, certification and recertification of solar  
38 energy and inspection thereof, consistent with this  
39 chapter ~~and Title 57-section-50057-subsection-17-par-~~

1 agraph-0.

2 Sec. 39. 32 MRSA §8003, as amended by PL 1981,  
3 c. 61, §2, is further amended to read:

4 §8003. Installer certification

5 Upon notice from the Office-of-Energy-Resources  
6 State Development Office, the Department of Business  
7 Professional and Financial Regulation shall issue solar  
8 energy installer's certificates to those individuals  
9 who meet the requirements listed in this section.  
10 The Department of Business Professional and  
11 Financial Regulation shall keep all relevant records.  
12 The following requirements shall be met:

13 1. Training course and examination. Attendance  
14 of a minimum of 15 hours at an Office-of-Energy  
15 Resources a State Development Office sponsored  
16 installation training course and successful completion  
17 of a written examination encompassing solar energy  
18 installation techniques;

19 2. Experience. Proof of at least one year of ex-  
20 perience in the installation of solar energy equip-  
21 ment and proof of installation of at least 5 solar  
22 energy units, subject to an approved inspection by  
23 the Office-of-Energy-Resources State Development  
24 Office; or

25 3. Competency in installation. Completion of a  
26 solar energy installation training course which is  
27 determined by the Office-of-Energy-Resources State  
28 Development Office to equip an individual with the  
29 skills necessary to achieve competency in the instal-  
30 lation of solar energy equipment.

31 Sec. 40. 32 MRSA §8004, first ¶, as repealed and  
32 replaced by PL 1981, c. 61, §4, is amended to read:

33 The Office-of-Energy-Resources State Development  
34 Office, in coordination with the Department of  
35 Business Professional and Financial Regulation, shall  
36 investigate or cause to be investigated all com-  
37 plaints against certified solar energy installers and  
38 all cases of violations of this chapter. The Office  
39 of-Energy-Resources State Development Office may

1 refuse to renew the certification and the Administra-  
2 tive Court may suspend or revoke the certification of  
3 a solar energy installer who is found guilty of:

4       Sec. 41. 32 MRSA §8023, as enacted by PL 1981,  
5 c. 597, is amended to read:

6       §8023. Certification

7       The ~~Office-of-Energy-Resources~~ State Development  
8 Office shall issue energy auditors' certificates to  
9 those individuals who meet the requirements listed in  
10 this section. The ~~Office-of-Energy-Resources~~ State  
11 Development Office shall maintain all relevant  
12 records.

13       1. Examination. Individuals must successfully  
14 complete a written examination administered by the  
15 ~~Office--of-Energy-Resources~~ State Development Office,  
16 or an examination which receives the approval of the  
17 ~~Office--of-Energy-Resources~~ State Development Office,  
18 encompassing energy auditing techniques. Separate  
19 examinations for residential and commercial building  
20 audits shall be administered.

21       2. Experience. Individuals must demonstrate  
22 proof of completion of at least 5 energy audits, sub-  
23 ject to an approval inspection by the ~~Office-of-Ener-~~  
24 gy-Resources State Development Office.

25       3. Existing auditors grandfathered. All energy  
26 auditors certified by the former Office of Energy Re-  
27 sources in accordance with the National Energy Con-  
28 servation and Policy Act, Public Law 95-619, as of  
29 the effective date of this chapter are certified for  
30 purposes of this chapter.

31       Sec. 42. 32 MRSA §8024, as enacted by PL 1981,  
32 c. 597, is amended to read:

33       §8024. Fees

34       The ~~Director-of-the-Office--of--Energy--Resources~~  
35 State Development Office may establish reasonable  
36 fees for the issuance and renewal of energy audi-  
37 tors' certificates, based on the cost of certifica-  
38 tion. The fees shall be paid to the Treasurer of



1 State to be used by the Office-of-Energy-Resources  
2 State Development Office for the purposes of this  
3 chapter.

4 Sec. 43. 32 MRSA §8025, first ¶, as enacted by  
5 PL 1981, c. 597, is amended to read:

6 The Office-of-Energy-Resources State Development  
7 Office shall investigate, or cause to be investi-  
8 gated, all complaints against certified energy audi-  
9 tors and all cases of violations of this chapter.  
10 The Office--of--Energy--Resources State Development  
11 Office may refuse to renew the certification, or the  
12 Administrative Court may suspend or revoke the certi-  
13 fication, of an energy auditor who is found guilty  
14 of:

15 Sec. 44. 32 MRSA §8027, as enacted by PL 1981,  
16 c. 597, is amended to read:

17 §8027. Renewals

18 All certificates shall expire on December 31st of  
19 the 2nd year following issuance or at such other  
20 times as the Director of the Office--of--Energy  
21 Resources State Development Office may designate.

22 The certificates may be renewed on a biennial ba-  
23 sis without further examination upon the payment of  
24 the proper fee. The Office-of-Energy-Resources State  
25 Development Office shall notify each person regis-  
26 tered under this chapter of the date of expiration of  
27 his certificate and the amount of fee required for  
28 the certificate renewal for a 2-year period. The no-  
29 tice shall be mailed to the person's last known ad-  
30 dress at least 30 days prior to the expiration date  
31 of his certificate. Any person, who fails to renew  
32 his certificate within a period of 90 days following  
33 the expiration date, may be required by the Office-of  
34 Energy--Resources State Development Office to take an  
35 examination in order to be recertified.

36 Sec. 45. 32 MRSA §8028, as enacted by PL 1981,  
37 c. 597, is amended to read:

38 §8028. Rules

1           The Office-of-Energy-Resources State Development  
2 Office may, in accordance with the Maine Administra-  
3 tive Procedure Act, Title 5, chapter 375, adopt rules  
4 necessary to implement this chapter.

5           Sec. 46. 35 MRSA §4101, sub-§2, as repealed and  
6 replaced by PL 1985, c. 92, is amended to read:

7           2. Powers. The powers of the agency shall be ex-  
8 exercised by a board of directors. The governing body  
9 or board of directors of any municipality and the  
10 board of trustees or directors of any cooperative  
11 shall each select a single director to serve on the  
12 board, provided that no director may be selected by  
13 more than one cooperative or municipality.

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

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

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

29          Of the directors who are first appointed, 2 directors  
30 shall be appointed for a term ending July 1, 1982; 2  
31 directors shall be appointed for a term ending July  
32 1, 1983; 2 directors shall be appointed for a term  
33 ending July 1, 1984; 2 directors shall be appointed  
34 for a term ending July 1, 1985; and the balance, if  
35 any, of the directors shall be appointed for a term  
36 ending July 1, 1986. Their successors shall serve for  
37 terms of 5 years each. Each director shall hold of-  
38 fice until his successor is appointed and qualified.  
39 A director is eligible for reappointment. Any vacancy  
40 in the office of director occurring other than by ex-  
41 piration of term shall be filled by a successor di-

1 rector, who shall serve for the remaining term of of-  
2 fice so vacated. Each director may be removed from  
3 office by the Governor for cause, after a public  
4 hearing, and may be suspended by the Governor pending  
5 the completion of the hearing.

6 **Sec. 47. 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. 48. 38 MRSA §634**, sub-§3, as enacted by PL  
20 1983, c. 458, §18, is amended to read:

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

27 The commissioner or the director, as appropriate,  
28 shall circulate the application among the Department  
29 of Environmental Protection, Department of Conserva-  
30 tion, Department of Inland Fisheries and Wildlife,  
31 Department of Marine Resources, Department of Trans-  
32 portation, Maine Historic Preservation Commission,  
33 ~~Office of Energy Resources~~ State Planning Office,  
34 Public Utilities Commission and the municipal offi-  
35 cials of the municipality in which the project is lo-  
36 cated. ~~The Office of Energy Resources State Planning~~  
37 ~~Office~~ and the Public Utilities Commission shall sub-  
38 mit written comments on section 636, subsection 7,  
39 paragraph F. For projects within the jurisdiction of  
40 the Maine Land Use Regulation Commission, the direc-  
41 tor may request and obtain technical assistance and

1 recommendations from the staff of the department.  
2 The department shall respond to the requests in a  
3 timely manner. The department's recommendations  
4 shall be considered by the commission in acting upon  
5 a project application.

6 **Sec. 49. Transition provisions.**

7 1. Funds transferred. Notwithstanding the Maine  
8 Revised Statutes, Title 5, sections 1585 and 1586,  
9 all accrued expenditures, assets, liabilities, bal-  
10 ances, appropriations or allocations, transfers, rev-  
11 enues and other available funds in any account or  
12 subdivision of any account of the Office of Energy  
13 Resources or any subunit of that office affected by  
14 this Act are transferred to the State Planning Office  
15 or the State Development Office, as required by the  
16 assignment of responsibilities in this Act.

17 2. Personnel and employment benefits trans-  
18 ferred. All employees of the Office of Energy Re-  
19 sources or any subunit of that office are transferred  
20 to the State Planning Office or the State Development  
21 Office, as required by the assignment of responsibil-  
22 ities in this Act.

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

28 3. Equipment and property transferred. All  
29 equipment, records and property of the State used by  
30 employees and officials of the Office of Energy Re-  
31 sources are transferred to the State Planning Office  
32 or the State Development Office, as required by the  
33 assignment of responsibilities in this Act.

34 4. Financial Order required. The Director of  
35 the State Planning Office and the Director of the  
36 State Development Office shall jointly request, by  
37 Financial Order through the State Budget Office, the  
38 Governor's approval of the funds, positions, equip-  
39 ment and property to be transferred.

40 5. Rules and procedures. All rules and proce-

1 dures currently in effect and in operation pertaining  
2 to the Office of Energy Resources shall remain in ef-  
3 fect until rescinded or amended as provided by state  
4 law.

5 6. Contracts and agreements. All contracts and  
6 agreements currently in effect with respect to the  
7 Office of Energy Resources shall remain in effect un-  
8 til rescinded, terminated or modified as provided by  
9 state law.

10 7. Organization and operation. Notwithstanding  
11 any other provisions of law, any planning or prepara-  
12 tory work may occur prior to the effective date of  
13 this Act, but shall not become binding until the ef-  
14 fective date of this Act.

15 **Sec. 50. Appropriation.** The following funds are  
16 appropriated from the General Fund to carry out the  
17 purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
18		
19	<u>EXECUTIVE DEPARTMENT</u>	
20	Office of Energy Resources	
21	Positions	(-3)           (-3)
22	Personal Services	(\$92,399)   (\$129,627)

23 Eliminates the posi-  
24 tions of: Director,  
25 Office of Energy Re-  
26 sources; Deputy Direc-  
27 tor, Energy Resources;  
28 and Public Relations  
29 Representative, which,  
30 under the provisions of  
31 this Act, will no  
32 longer be required.

1

STATEMENT OF FACT

2           This bill terminates the Office of Energy Re-  
3 sources, but none of its programs, responsibilities  
4 or duties. Those are assigned to either the State  
5 Planning Office or the State Development Office.

6           It abolishes 3 positions: The Director; one of 2  
7 deputy directors; and one Public Relations Special-  
8 ist. It saves \$129,000 per year from the General  
9 Fund.

10           The bill seeks more concentration on and better  
11 coordination of long-term and short-term planning by  
12 transferring to the State Planning Office the respon-  
13 sibility for energy planning, forecasting, emergency  
14 energy allocation, commentary on dam permits and re-  
15 lated functions.

16           It seeks more coordination of energy assistance  
17 programs and demonstration projects by transferring  
18 the federally-funded and mandated Energy Extension  
19 Service, the State Energy Conservation Programs and  
20 the Industrial Conservation Program to the State De-  
21 velopment Office to be conducted in a mutually com-  
22 plementary fashion with similar State Development Of-  
23 fice programs.

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