

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1187

S.P. 391

In Senate, March 6, 2003

An Act To Establish Minimum Energy Efficiency Standards for Products Sold in the State

Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HALL of Lincoln.
Cosponsored by Representative O'NEIL of Saco and
Representatives: BLISS of South Portland, PELLON of Machias, RICHARDSON of
Brunswick, THOMPSON of China.

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

4 Sec. 1. 35-A MRSA c. 34 is enacted to read:

6 **CHAPTER 34**

8 **ENERGY EFFICIENCY STANDARDS**

10 **§3401. Definitions**

12 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

14 1. **Ceiling fan.** "Ceiling fan" means a nonportable device that is suspended from a ceiling for circulating air via the rotation of fan blades.

18 2. **Ceiling fan light kit.** "Ceiling fan light kit" means the equipment used to provide light from a ceiling fan. This equipment may be:

22 A. Integral such that the ceiling fan light kit is hardwired to the ceiling fan; or

24 B. Attachable such that the ceiling fan light kit is not, at the time of sale, physically attached to the fan, regardless of whether the kit is included inside a ceiling fan package at the time of sale or sold separately for subsequent attachment to a fan.

30 3. **Commercial clothes washer.** "Commercial clothes washer" means a soft mount front-loading or soft mount top-loading clothes washer that is designed for use in:

34 A. Applications where the occupants of more than one household will be using it, such as in multifamily housing common areas and coin laundries; or

38 B. Other commercial applications if the clothes container compartment is no greater than 3.5 cubic feet for a horizontal-axis clothes washer or no greater than 4.0 cubic feet for a vertical-axis clothes washer.

44 4. **Commercial refrigerators and freezers.** "Commercial refrigerators and freezers" means reach-in cabinets, pass-through cabinets, roll-in cabinets and roll-through cabinets that have less than 85 cubic feet of capacity and that are not walk-in models or consumer products regulated under the National Appliance Energy Conservation Act of 1987, Public Law 100-12.

2 **5. Digital cable television box.** "Digital cable television
4 box" means a device that acts as a tuner for cable television
 programming and that converts digital signals received from a
 cable service provider to a signal usable by a television set.

6 **6. Digital television converter box.** "Digital television
8 converter box" means a device that receives and decodes digital
 signals for display by an analog television set.

10 **7. Illuminated exit sign.** "Illuminated exit sign" means
12 an internally illuminated sign that is designed to be permanently
 fixed in place and used to identify an exit; a light source
14 illuminates the sign or letters from within, and the background
 of the exit sign is not transparent.

16 **8. Large packaged air-conditioning equipment.** "Large
18 packaged air-conditioning equipment" means packaged
 air-conditioning equipment having 240,000 BTU/hour or more of
20 cooling capacity.

22 **9. Low voltage dry-type distribution transformer.** "Low
24 voltage dry-type distribution transformer" means a distribution
 transformer that:

26 A. Has an input voltage of 600 volts or less;

28 B. Is between 14 kilovolt amperes and 2,501 kilovolt
 amperes in size;

30 C. Is air-cooled; and

32 D. Does not use oil as a coolant.

34 **10. Multifunction device.** "Multifunction device" means a
36 physically integrated device that has the core function of a
 satellite television set-top box, digital cable television box,
38 wireless television receiver or digital television converter box
 plus one or more major additional functionalities, such as an
40 Internet access device or video game console.

42 **11. Packaged air-conditioning equipment.** "Packaged
44 air-conditioning equipment" means air-conditioning equipment that
 is built as a package and shipped as a whole to end-user sites.

46 **12. Pass-through cabinet.** "Pass-through cabinet" means a
48 commercial refrigerator or commercial freezer with hinged or
 sliding doors on both the front and rear of the refrigerator or
 freezer.

2 13. Reach-in cabinet. "Reach-in cabinet" means a
commercial refrigerator, commercial refrigerator-freezer or
4 commercial freezer with hinged or sliding doors or lids.
"Reach-in cabinet" does not include roll-in or roll-through
6 cabinets and pass-through cabinets.

8 14. Roll-in or roll-through cabinet. "Roll-in or
roll-through cabinet" means a commercial refrigerator or
10 commercial freezer with hinged or sliding doors that allows
wheeled racks of product to be rolled into or through the
12 refrigerator or freezer.

14 15. Television set-top box. "Television set-top box" means
a digital cable television box, wireless television receiver or
16 digital television converter box.

18 16. Torchiere lighting fixture. "Torchiere lighting
fixture" means a portable electric lighting fixture with a
20 reflector bowl giving light directed upward so as to give
indirect illumination.

22 17. Traffic signal module. "Traffic signal module" means a
standard 8-inch or 12-inch round traffic signal indicator. A
24 traffic signal module consists of a light source, lens and all
parts necessary for operation and communicates movement messages
26 to drivers through red, amber and green colors. Arrow modules in
the same colors are used to indicate turning movement messages.

28 18. Transformer. "Transformer" means a device consisting
30 essentially of 2 or more coils of insulated wire that transfers
alternating current by electromagnetic induction from one coil to
32 another in order to change the original voltage or current value.

34 19. Unit heater. "Unit heater" means a self-contained
fan-type heater that uses natural gas, propane or fuel oil and
36 that is designed to be installed within a heated space. "Unit
heater" includes an apparatus or appliance to supply heat and a
38 fan for circulating air over a heat exchange surface, all
enclosed in a common casing. "Unit heater" does not include warm
40 air furnaces as defined under the federal Energy Policy Act of
1992, Public Law 102-486.

42 20. Wireless television receiver. "Wireless television
44 receiver" means a device used in conjunction with a dish antenna
to receive satellite or other wireless television programming and
46 that converts signals from a dish antenna for use by a television
set.

48 **§3402. Scope**

50

1. Application. Except as provided in subsection 2, the provisions of this chapter apply to the testing, certification and enforcement of energy efficiency standards for the following new products that are sold, offered for sale or installed in the State and are referred to in this chapter as "covered products":

A. Traffic signal modules;

B. Illuminated exit signs;

C. Large packaged air-conditioning equipment;

D. Commercial clothes washers;

E. Commercial refrigerators and freezers;

F. Nonresidential unit heaters and duct heaters;

G. Low voltage dry-type distribution transformers;

H. Ceiling fans and ceiling fan light kits;

I. Television set-top boxes, wireless television receivers and digital television converter boxes, except multifunction devices;

J. Torchiere lighting fixtures; and

K. Such other products as may be designated by the commission in accordance with section 3405.

2. Exclusions. The provisions of this chapter do not apply to:

A. New products manufactured in the State and sold outside the State;

B. New products manufactured outside the State and sold at wholesale inside the State for final retail sale and installation outside the State;

C. Products installed in mobile manufactured homes at the time of construction; or

D. Products designed expressly for installation and use in recreational vehicles.

§3403. Energy efficiency standards

2 The commission, in consultation with the Energy Resources
4 Council established in Title 5, section 3327, shall adopt rules
 establishing minimum energy efficiency standards for covered
 products.

6 **§3404. Implementation**

8 On or after January 1, 2005, no covered product may be sold
10 or offered for sale in the State unless the efficiency of the
 product meets or exceeds the energy efficiency standards set
12 forth in the rules adopted pursuant to section 3403. On or after
 January 1, 2006, no covered product may be installed in the State
14 unless the energy efficiency of the new product meets or exceeds
 the energy efficiency standards set forth in the rules adopted
16 pursuant to section 3403.

18 **§3405. New and revised standards**

20 The commission may by rule establish higher than the minimum
 energy efficiency standards for covered products and may
22 establish standards for products not specifically listed in
 section 3402. The commission shall consult with the Energy
24 Resources Council before revising any energy efficiency standard
 or establishing any new standards for other products. The
26 commission may revise a standard or add a new standard for other
 products upon determination that the standard would serve to
28 promote energy conservation in the State and would be
 cost-effective for consumers who purchase and use such products.
30 A new or increased energy efficiency standard adopted by the
 commission may not take effect less than one year following the
32 adoption of the rule establishing the new or increased energy
 efficiency standard. The commission may apply for a waiver of
34 federal preemption in accordance with federal procedures under 42
 United States Code, Section 6297(d) for those products regulated
36 by the Federal Government.

38 **§3406. Testing, certification, labeling and enforcement**

40 1. Testing. The commission, in consultation with the
 Energy Resources Council, shall adopt procedures for testing the
42 energy efficiency of covered products. The commission shall use
 United States Department of Energy approved test methods or, in
44 the absence of such test methods, other appropriate nationally
 recognized test methods. The manufacturers of such products
46 shall cause samples of the products to be tested in accordance
 with the test procedures adopted pursuant to this subsection.

48 2. Certification. Manufacturers of covered products shall
 certify to the commission that such products are in compliance
50 with the provisions of this chapter. The commission shall adopt
 rules governing the certification of such products and may work

2 in coordination with the certification programs of other states
3 with like standards.

4 3. Identification. Manufacturers of covered products shall
5 identify each product offered for sale or installed in the State
6 as in compliance with the provisions of this chapter by means of
7 a mark, label or tag on the product and packaging at the time of
8 sale or installation. The commission shall adopt rules governing
9 the identification of such products and packaging and may
10 coordinate the rules with the labeling programs of other states
11 with like standards.

12 4. Commission testing. The commission may test covered
13 products using an accredited testing facility. If products so
14 tested are found not to be in compliance with the minimum energy
15 efficiency standards established under section 3403, the
16 commission shall:

17 A. Charge the manufacturer of such a product for the cost
18 of product purchase and testing; and

19 B. Provide information to the public on the product found
20 not to be in compliance with the standards.

21 5. Inspections. The commission may make periodic
22 inspections of distributors or retailers of covered products in
23 order to determine compliance with the provisions of this
24 chapter. The commission shall work with the Department of
25 Administrative and Financial Services to coordinate inspections
26 for covered products that are installed as part of public
27 improvements as defined in Title 5, section 1741.

28 6. Investigations; enforcement. The commission shall
29 investigate complaints concerning violations of this chapter and
30 shall report the results of such investigations to the Attorney
31 General. The Attorney General may institute proceedings to
32 enforce the provisions of this chapter. A manufacturer,
33 distributor or retailer who violates any provision of this
34 chapter must be issued a warning for a first violation and, for
35 any subsequent violation, is subject to a civil fine of not more
36 than \$250. Each violation constitutes a separate offense, and
37 each day the violation continues constitutes a separate offense.
38 Fines assessed under this subsection are in addition to costs
39 assessed under subsection 4.

40 7. Rules. The commission may adopt rules necessary to
41 ensure the proper implementation and enforcement of the
42 provisions of this chapter. Rules adopted under this section are
43 routine technical rules as defined in Title 5, chapter 375,
44 subchapter 2-A.

2 **Sec. 2. Rulemaking.** By January 1, 2004, the Public Utilities
3 Commission shall adopt rules pursuant to the Maine Revised
4 Statutes, Title 35-A, section 3403 that establish the following
5 minimum energy efficiency standards.

6
7 1. Ceiling fans and ceiling fan light kits must meet the
8 Tier 1 criteria of the product specification, Version 1.1, of the
9 "Energy Star Program Requirements for Residential Ceiling Fans"
10 developed by the United States Environmental Protection Agency.

11
12 2. Commercial clothes washers must meet the requirements
13 shown in Table P-3 of section 1605.3 of the California Code of
14 Regulations, Title 20: Division 2, Chapter 4, Article 4:
15 Appliance Efficiency Regulations, which took effect November 27,
16 2002.

17
18 3. Commercial refrigerators and freezers must meet the
19 August 1, 2004 requirements shown in Table A-6 of section 1605.3
20 of the California Code of Regulations, Title 20: Division 2,
21 Chapter 4, Article 4: Appliance Efficiency Regulations, which
22 took effect November 27, 2002.

23
24 4. Illuminated exit signs must meet the product
25 specification, Version 2.0, of the "Energy Star Program
26 Requirements for Exit Signs" developed by the United States
27 Environmental Protection Agency.

28
29 5. Large packaged air-conditioning equipment must meet the
30 Tier 2 efficiency levels of the "Minimum Equipment Efficiencies
31 for Unitary Commercial Air Conditioners" and "Minimum Equipment
32 Efficiencies for Heat Pumps" developed by the Consortium for
33 Energy Efficiency, Boston, MA that took effect July 1, 2002.

34
35 6. Low voltage dry-type distribution transformers must meet
36 or exceed the energy efficiency values shown in Table 4-2 of
37 National Electrical Manufacturers Association Standard
38 TP-1-2002. For purposes of this subsection, "low-voltage
39 dry-type distribution transformer" does not include those types
40 of transformers specifically excluded from the definition of
41 "low-voltage dry-type distribution transformer" published in the
42 California Code of Regulations, Title 20: Division 2, Chapter 4,
43 Article 4: Appliance Efficiency Regulations, as amended in
44 November 2002.

45
46 7. Television set-top boxes must meet the Tier 1 criteria
47 of the product specification of the United States Environmental
48 Protection Agency's "Energy Star Program Requirements for Set-top
49 Boxes" that took effect on January 1, 2001. Multifunction
50 devices are exempt from this standard.

2 8. Torchiere lighting fixtures may not consume more than
4 190 watts and may not be capable of operating with lamps that
total more than 190 watts.

6 9. Traffic signal modules must meet the product
8 specifications of the "Energy Star Program Requirements for
10 Traffic Signals" developed by the United States Environmental
Protection Agency, which took effect in February 2001.

12 10. Unit heaters may not have pilot lights and must have
either power venting or an automatic flue damper.

14 SUMMARY

16 This bill sets minimum energy efficiency standards for
18 products in Maine, including exit signs, traffic signals and
ceiling fans.

20 This bill authorizes the Public Utilities Commission to
22 establish higher energy efficiency standards and to adopt
standards for additional products and directs the Public
24 Utilities Commission to monitor and enforce compliance with the
standards.