

MAINE STATE LEGISLATURE

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UTILITIES AND ENERGY

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT B to S.P. 407, L.D. 1261, Bill, "An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment"

Amend the bill by striking out the title and substituting the following:

'An Act Relating to Energy Policy'

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

Sec. 1. 5 MRSA §3327, sub-§3. ¶C, as enacted by PL 2003, c. 487, §1, is repealed.

Sec. 2. 30-A MRSA c. 201, sub-c. 11-A, as amended, is repealed.

Sec. 3. 35-A MRSA §3153-A, sub-§1, ¶E, as amended by PL 2001, c. 624, §2, is further amended to read:

E. Transmission and distribution utility financing or subsidization of capital improvements undertaken by ratepayers to conserve electricity used by the ratepayers in the future. This paragraph applies to future programs for utility financing of energy conservation or load management as long as the goal of such programs is to economically defer or eliminate the need for transmission and distribution plant upgrades,--In--addition--to--programs undertaken--pursuant--to--this--paragraph,--programs--may--be undertaken--pursuant--to--section--3211-A--to--achieve--goals--other than--that--identified--in--this--paragraph;

COMMITTEE AMENDMENT

2 **Sec. 4. 35-A MRSA §3211-A**, as amended by PL 2003, c. 217,
3 §1; c. 219, §1; c. 275, §§1 and 2; and c. 487, §§2 and 3, is
4 repealed.

6 **Sec. 5. 35-A MRSA §3211-B**, as enacted by PL 2003, c. 20, Pt.
7 RR, §10 and affected by §18, is amended to read:

8 **§3211-B. Energy conservation programs**

10 ~~In addition to the programs and activities specified in~~
11 ~~section 3211-A, subsection 2, the~~ The commission shall administer
12 the following energy conservation programs.

14 **1. Federally mandated programs.** The director shall
15 administer the following federally mandated programs, formerly
16 administered by the Department of Economic and Community
17 Development, Office of Business Development:

18 A. State Energy Conservation Program;

19 B. Energy Extension Service; and

20 C. Institutional Conservation Program.

21 **2. Energy conservation standards.** The commission shall
22 adopt energy conservation standards and adopt rules for
23 administration of the standards and the certification of
24 energy-efficient buildings, as defined in Title 10, chapter 214.

25 **3. Approval; denial of certificates.** The commission shall
26 provide for the approval or denial of certificates of compliance
27 with energy standards, as required in Title 10, chapter 214.

28 **4. Preparation of manual.** The commission shall prepare the
29 Manual of Accepted Practices, as described in Title 10, section
30 1415-F.

31 **5. Review; inspection.** The commission may review plans and
32 specifications and may inspect buildings to determine compliance
33 with the energy conservation standards established in Title 10,
34 chapter 214.

35 **6. Rule-making authority.** If the Residential Conservation
36 Service, as established by the federal National Energy
37 Conservation Policy Act, Public Law 95-619, (1978), 92 Stat. 3206
38 as amended by the federal Energy Security Act, Public Law 96-294,
39 (1980), 94 Stat. 611, is repealed or amended by deleting the
40 requirements for providing energy conservation information and
41 energy audits and arranging financing for energy conservation
42

2 improvements for residential customers, the commission may adopt
3 routine technical rules pursuant to Title 5, chapter 375,
4 subchapter 2-A to continue these services. In establishing these
5 rules, the commission shall simplify federal rules without
6 preventing fulfillment of the program objectives and the
7 commission may not impose rules containing additional
8 requirements for utilities.

9
10 Until the commission adopts new rules under this subsection, the
11 previously existing federal regulations and any state rules
12 implementing them are deemed state rules with full force and
13 effective until changed.

14 **Sec. 6. 35-A MRSA §3214**, as enacted by PL 1997, c. 316, §3,
15 is repealed.

16 **Sec. 7 P&SL 2001, c. 45, §1**, as amended by PL 2001, c. 667, Pt.
17 E, §5 and affected by §6, is repealed.

18 **Sec. 8. P&SL 2001, c. 45, §2** is repealed.

19
20 **Sec. 9. Return of funds.** The Public Utilities Commission shall
21 develop and implement a plan to return to ratepayers in an
22 equitable manner all funds collected from ratepayers pursuant to
23 the Maine Revised Statutes, Title 35-A, sections 3211-A and 3214
24 that have not been spent or contractually obligated prior to the
25 effective date of this Act.

26
27 **Sec. 10. Appropriations and allocations.** The following
28 appropriations and allocations are made.

29
30 **PUBLIC UTILITIES COMMISSION**

31
32 **Conservation Program Fund**

33 Initiative: Deallocates funds required due to the repeal of the
34 conservation program fund.

35	Other Special Revenue Funds	2003-04	2004-05
36	All Other	\$0	(\$7,200,000)
37			
38	Other Special Revenue Funds Total	\$0	(\$7,200,000)

39
40 **Conservation Administrative Fund**

41 Initiative: Deallocates funds required due to the repeal of the
42 conservation administrative fund.

43	Other Special Revenue Funds	2003-04	2004-05
44	Positions - Legislative Count	(0.000)	(-3.000)

COMMITTEE AMENDMENT "B" to S.P. 407, L.D. 1261

2	Personal Services	\$0	(\$352,210)
	All Other	0	(947,790)
4	Other Special Revenue Funds Total	<hr/>	<hr/>
		\$0	(\$1,300,000)
6	PUBLIC UTILITIES COMMISSION		
	DEPARTMENT TOTALS	2003-04	2004-05
8			
	OTHER SPECIAL REVENUE FUNDS	\$0	(\$8,500,000)
10		<hr/>	<hr/>
	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$8,500,000)
12			

14 **SUMMARY**

16 This amendment, which is the minority report of the Joint
18 Standing Committee on Utilities and Energy, replaces the bill and
changes the title to reflect the content of the amendment. The
20 amendment:

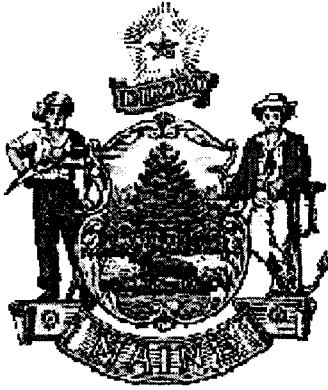
22 1. Repeals provisions of law relating to the Public
Utilities Commission's energy efficiency and low-income
24 assistance programs and directs the commission to return to
ratepayers unspent money collected pursuant to these programs; and

26 2. Repeals provisions of a private and special law enacted
in 2001 that granted, with conditions and limitations, Great
28 Northern Paper, Inc. and its successors in interest the authority
to sell rights granted by the Legislature to Great Northern
30 Paper, Inc. and its predecessors in interest relating to
hydropower facilities and the right to sell to 3rd parties
32 electricity generated by those hydropower facilities.

34 **FISCAL NOTE REQUIRED**
36 **(See attached)**

38

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1261

**An Act To Support Clean and Efficient Energy for the Future of Maine's
Economy and Environment**

LR 1317(03)

Fiscal Note for Bill as Amended by Committee Amendment 'B'

Committee: Utilities and Energy

Fiscal Note Required: Yes

Minority Report

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Appropriations/Allocations				
Other Special Revenue Funds	\$0	(\$8,500,000)	(\$8,691,250)	(\$8,908,531)

Fiscal Detail and Notes

Repealing the Public Utilities Commission's energy efficiency and low-income assistance programs will require Other Special Revenue deallocations of \$8,500,000 in fiscal year 2004-05, \$8,691,250 in fiscal year 2005-06 and \$8,908,531 in fiscal year 2006-07. These deallocations are due to the elimination of the Conservation Program Fund and Conservation Administrative Fund as required by this bill. Costs associated with developing and implementing a plan to return unspent monies collected pursuant to these programs to ratepayers can be absorbed by the Public Utilities Commission utilizing existing budgeted resources. The fiscal impact of repealing P&S 2001, Chapter 45, sections 1 and 2 can not be determined at this time.