

MAINE STATE LEGISLATURE

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L.D. 1931

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DATE: 3-28-06

(Filing No. S-523)

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UTILITIES AND ENERGY

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Reported by:

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**STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION**

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COMMITTEE AMENDMENT "A" to S.P. 731, L.D. 1931, Bill, "An
Act To Encourage Energy Independence for Maine"

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24
Amend the bill by striking out all of sections 1, 2 and 3
and inserting in their place the following:

26
'Sec. 1. 35-A MRSA §3211-A, sub-§2, ¶A, as enacted by PL 2001,
c. 624, §4, is amended to read:

28
30
A. The commission shall consider, without limitation,
conservation programs that:

32
(1) Increase consumer awareness of cost-effective
options for conserving energy;

34
(2) Create more favorable market conditions for the
increased use of efficient products and services; and

36
38
(3) Promote sustainable economic development and
reduced environmental damage; and

40
42
(4) Reduce the price of electricity over time for all
consumers by achieving reductions in demand for
electricity during peak use periods.

44
Sec. 2. 35-A MRSA §3211-A, sub-§2, ¶J is enacted to read:

2 J. The commission shall encourage school facility managers
4 to complete an energy efficiency training and certification
6 program established and conducted by the commission under
8 this section. To the extent the commission determines
10 necessary and appropriate to meet the goals of this
12 paragraph, the commission may, in accordance with the
14 requirements of this section, establish incentive mechanisms
16 to encourage participation in this program. For purposes of
 this paragraph, "school facility managers" means persons
 employed by school administrative units in this State who
 are responsible for the design or operation of school
 administrative unit facilities or the heating, ventilation
 or air conditioning systems or equipment used in such
 facilities.'

18 Further amend the bill by striking out all of sections 6 to
 9 and inserting in their place the following:

20 'Sec. 6. 35-A MRSA §3211-A, sub-§11, ¶D is enacted to read:

22 D. The status of the progress towards meeting the goals of
24 subsection 2, paragraph J and the strategies that have been
26 implemented to meet those goals. The report also must
28 include an accounting, to the extent available, of the
30 energy savings that have been achieved by school
32 administrative units after their school facility managers
 have been certified pursuant to subsection 2, paragraph J.
 A school administrative unit is not required to incur
 additional costs in order to supply information to the
 commission for its report.

34 Sec. 7. 35-A MRSA §3211-A, sub-§12 is enacted to read:

36 12. Independent analysis of programs. The commission shall
38 arrange for an independent evaluation of each major program
40 implemented under this section. Each major program must be
42 evaluated at least once every 5 years. The evaluation must
44 include an accounting audit of the program and an evaluation of
46 the program's effectiveness in meeting the goals of this
48 section. The evaluations must be conducted by a competent
 professional with expertise in energy efficiency matters,
 including the management of cost-effective energy efficiency
 programs. The commission shall include the results of all
 evaluations conducted under this subsection in the annual report
 submitted pursuant to subsection 11. For purposes of this
 subsection, "major program" means a program with an annual budget
 of more than \$500,000.

2 **Sec. 8. Public Utilities Commission Efficiency Maine program.** The
3 Public Utilities Commission shall develop a plan for using
4 revenues from any increase in the assessment on transmission and
5 distribution utilities pursuant to the Maine Revised Statutes,
6 Title 35-A, section 3211-A, subsection 4. The plan must include
7 a description of how the funds would contribute to the goals of
8 increasing energy efficiency for program participants and
9 reducing electricity prices for all consumers. The commission
10 shall consider using funds resulting from any increased
11 assessments to increase the per-business incentive cap imposed on
12 large businesses under the business program established pursuant
13 to Title 35-A, section 3211-A.

14 The commission shall submit its plan, together with any
15 recommendations for increases in the assessment consistent with
16 that plan and any suggested legislation to implement its
17 recommendations to the joint standing committee of the
18 Legislature having jurisdiction over utilities and energy matters
19 by January 1, 2007. The joint standing committee may report out
20 legislation regarding energy efficiency to the First Regular
21 Session of the 123rd Legislature.

22 **Sec. 9. Public Utilities Commission analysis of certain programs.**
23 By December 31, 2007, the Public Utilities Commission shall
24 arrange for and complete in accordance with the Maine Revised
25 Statutes, Title 35-A, section 3211-A, subsection 12 an
26 independent evaluation of the following programs established by
27 the commission pursuant to Title 35-A, section 3211-A: the
28 business program, the low-income appliance replacement program
29 and the residential lighting program.

30 **Sec. 10. Home heating.** The Governor's Office of Energy
31 Independence and Security in the Executive Department shall
32 examine and submit a report concerning the state of home heating
33 in Maine to the Joint Standing Committee on Utilities and Energy
34 by November 30, 2006. The report must include recent trends in:

- 35 1. Total statewide and average Maine household annual
36 consumption of heating energy by fuel type;
- 37 2. Prices, including taxes, fees and other charges assessed
38 on home heating fuels sold in Maine;
- 39 3. Total statewide and average Maine household annual
40 expenditures for home heating by fuel type;
- 41 4. Policies and programs to reduce home heating bills
42 currently employed in Maine and outside of Maine, including
43 changes in the Low-income Home Energy Assistance Program to
44

2 provide benefits to low-income persons whose heating costs are
included in their rent;

4 5. The energy efficiency and cost of home heating equipment
sold and used in Maine; and

6
8 6. The point of origin for energy sources used in home
heating in Maine.'

10 Further amend the bill by relettering or renumbering any
12 nonconsecutive Part letter or section number to read
consecutively.

14
SUMMARY

16 This amendment accomplishes the following.

18
20 1. It requires the Public Utilities Commission to encourage
22 school facility managers to receive energy efficiency training
24 under the commission's so-called "Efficiency Maine" program. It
26 also authorizes the commission to establish incentive mechanisms in
order to encourage participation in this program. It also
28 defines "school facility managers" to mean persons employed by
30 school administrative units and responsible for the design or
operation of school facilities or the heating, ventilation or air
conditioning systems or equipment used in such facilities. It
requires the commission to report annually on its progress in
meeting these goals and, to the extent possible, on energy
savings achieved as a result of such training;

32 2. It amends the so-called "Efficiency Maine" program to
34 require the commission to consider conservation programs that
36 reduce peak demand. It also directs the commission to develop a
38 plan for using revenues from any increase in the assessment on
transmission and distribution utilities pursuant to the Maine
40 Revised Statutes, Title 35-A, section 3211-A, subsection 4. It
42 directs the commission to consider using funds resulting from any
increased assessments to increase the per-business incentive cap
44 imposed on large businesses. The commission is required to
submit its plan, together with any recommendations for increases
46 in the assessment consistent with that plan and any suggested
legislation to implement its recommendations, to the joint
standing committee of the Legislature having jurisdiction over
48 utilities and energy matters by January 1, 2007. The joint
standing committee is authorized to report out legislation on
this matter to the First Regular Session of the 123rd Legislature.

50 3. It removes those portions of the bill relating to
adoption of the model energy building code, the development of a

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2 new compensation method for transmission and distribution
utilities, standards for boilers and furnaces and the examination
of fuel-saving tires; and

4

6 4. It adds a provision requiring the Governor's Office of
Energy Independence and Security in the Executive Department to
compile a report on home heating issues.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 03/23/06 *MAC*

122nd MAINE LEGISLATURE

LD 1931

LR 2695(02)

An Act To Encourage Energy Independence for Maine

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Utilities and Energy

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

The additional costs associated with this legislation can be absorbed by the Public Utilities Commission and the Office of Energy Independence and Security utilizing existing budgeted resources.