

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 1945

H.P. 1381

House of Representatives, December 18, 2007

### An Act To Update the Regional Greenhouse Gas Initiative

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2007. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KOFFMAN of Bar Harbor.  
Cosponsored by Senator MARTIN of Aroostook.

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

2 **Sec. 1. 35-A MRSA §10008, sub-§4**, as enacted by PL 2007, c. 317, §15, is  
3 amended to read:

4 **4. Money invested.** Any revenue received from the sale of carbon dioxide  
5 allowances, pursuant to Title 38, section 580-B, and any forward capacity market  
6 payments administered by the regional transmission organization or other capacity  
7 payments that may be attributable to projects funded by the trust are the property of the  
8 trust and must be deposited in the trust fund. Money in the trust fund not currently needed  
9 to meet obligations under Title 38, section 580-B or for the purposes of this section must  
10 be deposited with the Treasurer of State to the credit of the trust fund and may be  
11 invested as provided by law. Interest on these investments must be credited to the trust  
12 fund. The State may not assess any indirect charges on any revenue received from the  
13 sale of carbon dioxide allowances pursuant to this section.

14 **Sec. 2. 35-A MRSA §10008, sub-§6, ¶G**, as enacted by PL 2007, c. 317, §15, is  
15 amended to read:

16 G. No more than 5% of trust fund receipts in any one year may be used for the total  
17 administrative costs:

18 (1) Of the trust related to this section;

19 (2) Of the Department of Environmental Protection ~~in~~ for participating in the  
20 regional organization as defined in Title 38, section 580-A, subsection 20 and for  
21 administering the allowance auction under Title 38, chapter 3-B; and

22 (3) Of the Attorney General, including activities pertaining to the tracking and  
23 monitoring of allowance trading activity and managing and evaluating the trust's  
24 funding of conservation programs.

25 Of the trust fund receipts used for administrative costs under this paragraph, no more  
26 than 40% in any one year may be used for the administration of the trust.

27 **Sec. 3. 38 MRSA §579, first ¶**, as amended by PL 2007, c. 317, §16, is further  
28 amended to read:

29 The department may participate in the regional greenhouse gas initiative as described  
30 in the climate action plan required in section 577. The commissioner and the members of  
31 the Public Utilities Commission are authorized to act as representatives for the State in  
32 the regional organization as defined in section 580-A subsection 20, may contract with  
33 organizations and entities when such arrangements are necessary to efficiently carry out  
34 the purposes of this section and may coordinate its the State's efforts with other states and  
35 jurisdictions participating in that initiative, with respect to:

36 **Sec. 4. 38 MRSA §580-A, sub-§3**, as enacted by PL 2007, c. 317, §17, is  
37 amended to read:



1       1. It specifies that the State may not assess any indirect charges on any revenue  
2 received from the sale of carbon dioxide allowances.

3       2. It clarifies that funds from the Energy and Carbon Savings Trust, which under  
4 current law may be used by the Department Of Environmental Protection for  
5 administering the allowance auction, may also be used by the Department of  
6 Environmental Protection for participating in the regional organization.

7       3. It specifies that the Commissioner of Environmental Protection and the members  
8 of the Public Utilities Commission may act as representatives for the State in the regional  
9 organization and may contract with organizations and entities to carry out the purposes of  
10 the regional greenhouse gas initiative.

11       4. It amends the definition of "fossil fuel fired" to reflect changes to that definition  
12 that were incorporated into the regional greenhouse gas initiative model rules.

13       5. It requires the Department of Environmental Protection to set aside a portion of the  
14 State's annual carbon dioxide emissions budget in a voluntary renewable market set-aside  
15 account.