

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 276

S.P. 93

In Senate, February 3, 2009

**An Act To Protect the Integrity of the State's Carbon Dioxide  
Budget Trading Program and Auction Process and To Provide  
Allocations to the Energy and Carbon Savings Trust Fund**

(EMERGENCY)

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Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.  
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 BARTLETT of Cumberland.  
Cosponsored by Representative MARTIN of Eagle Lake and  
Senator: GOODALL of Sagadahoc, Representatives: ADAMS of Portland, EBERLE of South  
Portland, FLETCHER of Winslow, HAMPER of Oxford, HINCK of Portland, SAVIELLO of  
Wilton, VAN WIE of New Gloucester.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** the Maine State Legislature enacted the Regional Greenhouse Gas  
4 Initiative Act of 2007, or RGGI, which is designed to stabilize and then reduce  
5 anthropogenic emissions of carbon dioxide, a greenhouse gas, from large electrical  
6 generating sources using a cap-and-trade mechanism; and

7           **Whereas,** the cap-and-trade mechanism uses an auction platform to sell state  
8 allocations of carbon dioxide allowances that will generate revenue for the State for  
9 purposes of electrical and fossil fuel conservation; and

10          **Whereas,** RGGI established the Energy and Carbon Savings Trust to oversee the  
11 expenditure of auction revenue on cost-effective electrical and fossil fuel conservation  
12 measures, investments and arrangements that will provide the citizens of the State with  
13 measurable economic and greenhouse gas reduction benefits; and

14          **Whereas,** RGGI also established the Energy and Carbon Savings Trust Fund, for the  
15 Energy and Carbon Savings Trust, to receive and expend revenue money associated with  
16 the auctioned sale of RGGI allowances but did not provide for allocation for receipt and  
17 expenditure of the auction revenues within the Energy and Carbon Savings Trust Fund;  
18 and

19          **Whereas,** the participating RGGI states conducted an auction in September 2008  
20 and an auction in December 2008, and auctions are expected to continue at quarterly  
21 intervals in the future; and

22          **Whereas,** this much-needed revenue could be used to decrease electrical and  
23 heating energy costs beginning this winter for the State's citizens; and

24          **Whereas,** the Governor has declared that emergency conditions exist this winter for  
25 many citizens due to the unprecedented increases in petroleum product prices; and

26          **Whereas,** in addition, the primary purpose of the RGGI auction platform is to sell  
27 the State's allocations of carbon dioxide allowances at prices that are reflective of a  
28 competitive market that is free from collusion and market manipulation among the  
29 auction participants; and

30          **Whereas,** the release of RGGI information specific to any one account holder,  
31 including all auction bids and awards, carbon dioxide allowance and carbon dioxide  
32 offset allowance holdings and transactions or any applications and financial security  
33 information or summaries thereof, has the potential to increase collusive or market  
34 manipulative behavior in RGGI auctions; and

35          **Whereas,** there is an immediate need to ensure future RGGI auctions will have  
36 robust competitive market conditions; and

1           **Whereas**, Public Law 2007, chapter 317, section 15 established a system under  
2 which the proceeds from the sale of carbon dioxide allowances are returned to electric  
3 customers as direct credits on their bills; and

4           **Whereas**, in the judgment of the Legislature, these facts create an emergency within  
5 the meaning of the Constitution of Maine and require the following legislation as  
6 immediately necessary for the preservation of the public peace, health and safety; now,  
7 therefore,

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

9           **Sec. 1. 1 MRSA §402, sub-§3, ¶N**, as amended by PL 2005, c. 381, §2, is further  
10 amended to read:

11           N. Social security numbers in the possession of the Department of Inland Fisheries  
12 and Wildlife; and

13           **Sec. 2. 1 MRSA §402, sub-§3, ¶O**, as amended by PL 2007, c. 597, §1, is further  
14 amended to read:

15           O. Personal contact information concerning public employees, except when that  
16 information is public pursuant to other law. For the purposes of this paragraph:

17                   (1) "Personal contact information" means home address, home telephone  
18 number, home facsimile number, home e-mail address and personal cellular  
19 telephone number and personal pager number; and

20                   (2) "Public employee" means an employee as defined in Title 14, section 8102,  
21 subsection 1, except that "public employee" does not include elected officials;  
22 and

23           **Sec. 3. 1 MRSA §402, sub-§3, ¶P** is enacted to read:

24           P. Records containing information specific to any one account holder including all  
25 auction bids and awards, carbon dioxide allowance and carbon dioxide offset  
26 allowance holdings and transactions or any applications and financial security  
27 information or summaries thereof submitted or developed in association with the  
28 carbon dioxide cap-and-trade program established in Title 38, section 580-B. These  
29 excepted records do not include any emission, offset or allowance tracking  
30 information submitted for the purpose of demonstrating compliance with the State's  
31 carbon dioxide budget trading program and rules adopted to implement the program.  
32 This paragraph protects records from disclosure only for the duration necessary, in  
33 the discretion of the Commissioner of Environmental Protection, to protect the  
34 integrity of individual auctions administered under the carbon dioxide budget trading  
35 program described in Title 38, section 580-B, subsections 4 and 7, and thereafter a  
36 record containing any such information constitutes a public record subject to  
37 disclosure under this chapter.

38           **Sec. 4. Public Law 2007, c. 317, §24, sub-§3** is repealed.

