

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 556

H.P. 394

House of Representatives, February 12, 2009

### Resolve, Relating to Federal Stimulus Funds for Energy Programs

(EMERGENCY)

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Reported by Representative MARTIN of Eagle Lake for the Joint Select Committee on  
Maine's Energy Future pursuant to Joint Order 2009, H.P. 63.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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, federal legislation providing stimulus funds to the State is expected soon  
4 to be enacted; and

5           Whereas, the State must ensure that such funds designated for critical energy  
6 purposes are carefully applied in a timely fashion within the parameters established under  
7 federal law; and

8           Whereas, in the judgment of the Legislature, these facts create an emergency within  
9 the meaning of the Constitution of Maine and require the following legislation as  
10 immediately necessary for the preservation of the public peace, health and safety; now,  
11 therefore, be it

12           **Sec. 1. Legislative review of expenditures of federal stimulus funds**  
13 **relating to energy. Resolved:** That, except as otherwise provided in this resolve, a  
14 state agency or authority may not expend or encumber any temporary increase in federal  
15 funds received by the State or by the agency or authority pursuant to a federal economic  
16 stimulus law that are expressly designated for energy-related purposes, referred to in this  
17 resolve as "energy stimulus funds," whether or not such funds are subject to state  
18 legislative allocation, unless:

19           1. In the case of energy stimulus funds subject to state legislative allocation, an  
20 allocation of those funds has been made. A financial order may not allow the expenditure  
21 of such funds prior to the enactment of such an allocation; and

22           2. In the case of energy stimulus funds not subject to state legislative allocation,  
23 either legislation authorizing a plan for the use of the funds is enacted or the Legislature  
24 fails to act upon a proposed plan submitted in accordance with section 2 during the  
25 legislative session in which that plan is submitted or during any subsequent session to  
26 which the legislative instrument allowing for review and action on that proposed plan is  
27 carried over.

28           For purposes of this resolve, "state agency or authority" includes but is not limited to  
29 the Governor, a state agency, a state department, the Public Utilities Commission and the  
30 Maine State Housing Authority. For purposes of this resolve, "energy-related purposes"  
31 includes but is not limited to purposes relating to energy efficiency or conservation,  
32 weatherization, fuel assistance, system conversion or augmentation to reduce fossil fuel  
33 utilization, the development or support of renewable energy resources or energy  
34 transmission or distribution systems or any other energy-related purposes. For purposes  
35 of this resolve, "federal economic stimulus law" means the finally enacted version of the  
36 federal American Recovery and Reinvestment Act of 2009, pending in Congress on  
37 February 11, 2009, or any successor or substantially similar legislation enacted by  
38 Congress prior to the repeal of this resolve; and be it further

39           **Sec. 2. Submission of plans for use of new federal funds relating to**  
40 **energy. Resolved:** That a state agency or authority receiving or expecting to receive

1 or apply for energy stimulus funds shall, no later than 30 days after the enactment of a  
2 federal economic stimulus law, submit to the Legislature a proposed plan for the use of  
3 those funds together with a copy of all relevant federal laws or regulations governing the  
4 use of the funds and a written description of any discretion permitted in the application of  
5 the funds.

6 1. If the energy stimulus funds are subject to state legislative allocation, the state  
7 agency or authority shall submit the plan and required documents to the Joint Standing  
8 Committee on Appropriations and Financial Affairs, the Joint Standing Committee on  
9 Utilities and Energy and the Joint Select Committee on Maine's Energy Future.

10 2. If the energy stimulus funds are not subject to state legislative allocation, the state  
11 agency or authority shall submit 30 copies of the proposed plan and required documents  
12 to the Executive Director of the Legislative Council, who shall immediately notify the  
13 Revisor of Statutes, who shall draft an appropriate legislative instrument to allow for  
14 legislative review and action upon the proposed plan. The Executive Director of the  
15 Legislative Council shall provide the copies of the proposed plan and the required  
16 documents to the committee of the Legislature to which the legislative instrument is  
17 referred; and be it further

18 **Sec. 3. Application. Resolved:** That the requirements of sections 1 and 2 do not  
19 apply to any energy stimulus funds that are subject to federal requirements or conditions  
20 that are inconsistent with the requirements of this resolve such that the application of this  
21 resolve to such funds would materially interfere with the State's receipt of such funds.  
22 The state agency or authority that receives or expects to receive or apply for energy  
23 stimulus funds subject to such federal requirements or conditions shall submit no later  
24 than 30 days after the enactment of a federal economic stimulus law a report to the Joint  
25 Standing Committee on Appropriations and Financial Affairs, the Joint Standing  
26 Committee on Utilities and Energy and the Joint Select Committee on Maine's Energy  
27 Future that identifies such funds, the relevant federal requirements or conditions and the  
28 applicable inconsistencies; and be it further

29 **Sec. 4. Repeal. Resolved:** That this resolve is repealed June 17, 2009.

30 **Emergency clause.** In view of the emergency cited in the preamble, this  
31 legislation takes effect when approved.

32 **SUMMARY**

33 This resolve, reported by the Joint Select Committee on Maine's Energy Future  
34 pursuant to Joint Order 2009, H.P. 63, provides for legislative review and approval of  
35 state spending of expected federal economic stimulus funds designated for energy  
36 purposes.

**FISCAL NOTE REQUIRED**  
(See attached)



# 124th MAINE LEGISLATURE

LD *556* LR 1905(01)

**Resolve, Relating to Federal Stimulus Funds for Energy Programs**

**Fiscal Note for Original Bill**

**Committee: Joint Select Committee on Maine's Energy Future**

**Fiscal Note Required: Yes**

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## Fiscal Note

No net fiscal impact

### Fiscal Detail and Notes

This bill requires legislative review and approval of expenditures proposed to be made from certain federal economic stimulus funds designated for energy purposes. Although the purposes for which the funds are spent may be altered as a result of this legislation, the amount received and expended will not be impacted.