

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 755

H.P. 514

House of Representatives, February 26, 2009

### **An Act To Help the State Achieve Energy Independence and Security**

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Reference to the Joint Select Committee on Maine's Energy Future suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FLETCHER of Winslow.  
Cosponsored by Senator SMITH of Piscataquis and  
Representatives: BEAULIEU of Auburn, FITTS of Pittsfield, JOHNSON of Greenville,  
LANGLEY of Ellsworth, NUTTING of Oakland, SARTY of Denmark, TILTON of  
Harrington, Senator: SHERMAN of Aroostook.

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

2 **Sec. 1. 2 MRSA §9, sub-§3, ¶I,** as enacted by PL 2007, c. 656, Pt. C, §1, is  
3 amended to read:

4 I. Monitor energy transmission capacity planning and policy affecting this State and  
5 the regulatory approval process for the development of energy infrastructure pursuant  
6 to Title 35-A, section 122 and make recommendations to the Governor and the  
7 Legislature as necessary for changes to the relevant laws and rules to facilitate energy  
8 infrastructure planning and development; and

9 **Sec. 2. 2 MRSA §9, sub-§3, ¶J,** as enacted by PL 2007, c. 656, Pt. C, §1, is  
10 amended to read:

11 J. Take action as necessary to carry out the goals and objectives of the state energy  
12 plan prepared pursuant to paragraph C; and

13 **Sec. 3. 2 MRSA §9, sub-§3, ¶K** is enacted to read:

14 K. In consultation with the Public Utilities Commission and the Maine State Housing  
15 Authority, certify energy efficiency equipment, nonfossil fuel systems and  
16 weatherization materials that significantly improve the State's energy independence  
17 and security for purposes of Title 36, section 5219-DD. The director may adopt  
18 routine technical rules as defined in Title 5, chapter 375, suchapter 2-A to implement  
19 this paragraph.

20 **Sec. 4. 36 MRSA §5219-DD** is enacted to read:

21 **§5219-DD. Fuel efficiency credit**

22 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
23 following terms have the following meanings.

24 A. "Energy efficiency equipment" means equipment that is installed on an existing  
25 system to provide ambient heating or cooling to a structure in the State that is  
26 certified by the office under Title 2, section 9, subsection 3, paragraph K as  
27 significantly improving the State's energy independence and security.

28 B. "Office" means the Governor's Office of Energy Independence and Security  
29 established in Title 2, section 9.

30 C. "Qualifying system" means a system designed to provide ambient heating or  
31 cooling to a structure in the State using solely nonfossil fuel and certified by the  
32 office under Title 2, section 9, subsection 3, paragraph K as significantly improving  
33 the State's energy independence and security.

34 D. "Qualifying taxpayer" means an individual who qualified for a benefit under  
35 chapter 907 during the preceding calendar year.

36 E. "Weatherization materials" means materials that are incorporated into a structure  
37 in the State that are certified by the office under Title 2, section 9, subsection 3,  
38 paragraph K as significantly improving the State's energy independence and security.

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2. Credit. A qualifying taxpayer is allowed a credit against the tax imposed by this Part equal to 10% of the costs of installation during the tax year of energy efficiency equipment, a qualifying system or weatherization materials. The credit may not exceed \$250 per tax return per structure. The credit may not reduce taxes otherwise due under this Part below zero.

3. Funding. By June 15th annually the State Tax Assessor shall determine the total amount of credits granted under this section for the previous taxable year and certify that amount to the State Controller, who shall, before the end of the fiscal year, transfer that amount, up to a maximum of \$750,000, from the Energy and Carbon Savings Trust Fund established under Title 38, section 10008, subsection 2 to the General Fund.

**Sec. 5. Application.** This Act applies to tax years beginning on or after January 1, 2009.

**SUMMARY**

This bill enacts an income tax credit for persons eligible for a benefit under the Circuitbreaker Program for 10% of the cost of the installation of energy efficiency equipment, qualifying nonfossil fuel energy systems and weatherization materials on a structure in the State. The credit is limited to \$250 per tax return per structure. Funding for the credit of up to \$750,000 must be transferred to the General Fund from the Energy and Carbon Savings Trust Fund.