

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 341,
L.D. 891, Bill, "An Act To Amend the Site Location of Development Laws To Include
Consideration of Greenhouse Gas Emissions"

Amend the amendment by striking out the substitute title and replacing it with the
following:

**'Resolve, To Develop Practices for Developments of State and Regional Significance
in Order To Reduce Dependency on Fossil Fuels and Meet the State's Greenhouse
Gas Emissions Reduction Goals'**

Amend the amendment by striking out all of sections 1 to 5 and inserting the
following:

**'Sec. 1. Energy-efficient and carbon-efficient building practices.
Resolved:** That the Department of Environmental Protection, referred to in this resolve
as "the department," in consultation with the Efficiency Maine Trust Board and technical
experts in the field of energy efficiency and other interested parties, shall identify
alternative approaches from existing sources and provide recommendations regarding
ways to ensure that the design and operation of developments, but excluding industrial
and manufacturing processes and equipment contained within these developments, further
the state climate action plan by minimizing overall energy use and dependence on fossil
fuels, avoid or minimize emissions of greenhouse gases while considering mitigation and
maximize energy efficiency. These practices must be evaluated for developments subject
to the jurisdiction of the site location of development laws set forth in the Maine Revised
Statutes, Title 38, chapter 3, subchapter 1, article 6. By January 1, 2011, the department
shall submit a report on the recommended practices to the joint standing committee of the
Legislature having jurisdiction over natural resources matters; and be it further

**Sec. 2. Creation of best management practices for the siting and
construction of developments of state and regional significance that may
substantially affect the environment. Resolved:** That the department, in
consultation with the Executive Department, State Planning Office, the Department of
Transportation, technical experts in architecture, transportation and site development and
other interested parties, shall develop a series of best management practices for the design
and site layout of developments subject to the jurisdiction of the site location of

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1 development laws in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article
2 6 that will contribute to minimizing or avoiding the emission of greenhouse gases and
3 maximizing energy efficiency and reducing dependence on fossil fuels. By January 1,
4 2011, the department shall report on the development of the best management practices to
5 the joint standing committee of the Legislature having jurisdiction over natural resources
6 matters; and be it further

7 **Sec. 3. Evaluation of current energy-efficient and carbon-efficient**
8 **building practices. Resolved:** That the department, in consultation with the
9 Efficiency Maine Trust Board, the Technical Building Codes and Standards Board within
10 the Department of Public Safety and technical experts, shall evaluate the energy
11 performance of the Maine Uniform Building and Energy Code in relation to other
12 commonly used benchmarking systems, such as the United States Green Building
13 Council's "LEED" system, Green Building Initiative's "Green Globes" and Energy Star
14 and the Home Energy Rating System established by the United States Department of
15 Energy and the United States Environmental Protection Agency. The department shall
16 evaluate and make recommendations as to whether developments subject to the
17 jurisdiction of the site location of development laws in the Maine Revised Statutes, Title
18 38, chapter 3, subchapter 1, article 6 that are designed and operated to those
19 benchmarking systems will further the state climate action plan, minimize overall energy
20 use and dependence on fossil fuels, reduce or avoid emissions of greenhouse gases and
21 maximize energy efficiency. The department's report must consider how any
22 recommended practices relate to existing requirements in the Maine Uniform Building
23 and Energy Code. Nothing in the department's recommendations may require changes to
24 the Maine Uniform Building and Energy Code.'

25 **SUMMARY**

26 This amendment requires the Department of Environmental Protection to determine
27 whether a set of practices for the design and operation of development can achieve
28 carbon-efficient emissions, taking into consideration mitigation efforts, and directs the
29 department to report to the joint standing committee of the Legislature having jurisdiction
30 over natural resources matters. This amendment removes language requiring that the
31 Maine Land Use Regulation Commission identify alternative approaches and provide
32 recommendations regarding development under its jurisdiction. This amendment also
33 removes authority for the joint standing committee of the Legislature having jurisdiction
34 over natural resources matters to submit a bill to the First Regular Session of the 125th
35 Legislature and the joint standing committee of the Legislature having jurisdiction over
36 agriculture, conservation and forestry matters to submit a bill to the Second Regular
37 Session of the 125th Legislature

38 **SPONSORED BY:** 
39 **(Representative DUCHESNE)**

40 **TOWN: Hudson**

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 891

LR 524(09)

An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions

Fiscal Note for House Amendment "A" to Committee Amendment "A"

Sponsor: Rep. Duchesne of Hudson

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund

Fiscal Detail and Notes

This amendment removes the requirement that the Department of Conservation, Land Use Regulation Commission, make recommendations on best practices to ensure that the location of future development minimizes overall energy use, reduces greenhouse gas emissions and maximizes energy efficiency, therefore resulting in minor incremental General Fund savings in comparison to the committee amendment.