

MAINE STATE LEGISLATURE

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Date: 3-25-10

(Filing No. S-475)

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STATE OF MAINE
SENATE
124TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "B" 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 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
development laws in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article

6 that will contribute to minimizing or avoiding the emission of greenhouse gases and maximizing energy efficiency and reducing dependence on fossil fuels. By January 1, 2011, the department shall report on the development of the best management practices to the joint standing committee of the Legislature having jurisdiction over natural resources matters; and be it further

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

Sec. 4. Reporting of energy-efficient and carbon-efficient development practices. Resolved: That the Maine Land Use Regulation Commission shall, within existing resources, identify alternative approaches and provide recommendations regarding ways to ensure that the design, construction and operation of future development 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. The department shall, in the course of developing its reports pursuant to this resolve, provide the Maine Land Use Regulation Commission information regarding energy-efficient design, construction and operation of developments. By January 1, 2012, the Maine Land Use Regulation Commission shall submit a report on its progress and any recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters.'

SUMMARY

This amendment requires the Department of Environmental Protection to determine whether a set of practices for the design and operation of development can achieve carbon-efficient emissions, taking into consideration mitigation efforts, and directs the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters. This amendment also alters language requiring the Maine Land Use Regulation Commission to identify alternative approaches to reduce

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 341, L.D. 891

1 greenhouse gas emissions and maximize energy efficiency to remove reference to the
2 comprehensive land use plan. This amendment also removes authority for the joint
3 standing committee of the Legislature having jurisdiction over natural resources matters
4 to submit a bill to the First Regular Session of the 125th Legislature and the joint standing
5 committee of the Legislature having jurisdiction over agriculture, conservation and
6 forestry matters to submit a bill to the Second Regular Session of the 125th Legislature.

7 SPONSORED BY: _____

8 (Senator GOODALL)

9 COUNTY: Sagadahoc