

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 891

Date: 2-26-10

(Filing No. S-386)

NATURAL RESOURCES

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STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

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 bill by striking out the title and substituting the following:

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

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Sec. 1. Creation of carbon-neutral building standards. Resolved: That the Department of Environmental Protection, referred to in this resolve as "the department," in consultation with the Efficiency Maine Trust Board, the Technical Building Codes and Standards Board within the Department of Public Safety, technical experts in energy efficiency and other interested parties, shall compile from existing sources a set of standards for the design and operation 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. The standards must be selected based on a demonstration that a building designed, constructed and operated under the standards will have net emissions, taking into account mitigation efforts, that are carbon-neutral over the building's useful life. By January 1, 2011, the department shall submit a report on its compilation of the standards 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

COMMITTEE AMENDMENT

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. By January 1, 2011, the department shall report on the
4 development of the best management practices to the joint standing committee of the
5 Legislature having jurisdiction over natural resources matters; and be it further

6 **Sec. 3. Evaluation of current energy and carbon-efficient building**
7 **practices. Resolved:** That the department, in consultation with the Efficiency Maine
8 Trust Board, the Technical Building Codes and Standards Board within the Department
9 of Public Safety and technical experts, shall evaluate the energy performance of the
10 Maine Uniform Building and Energy Code in relation to other commonly used
11 benchmarking systems, such as the United States Green Building Council's "LEED"
12 system, and Energy Star and the Home Energy Rating System established by the United
13 States Department of Energy and the United States Environmental Protection Agency, in
14 order to make recommendations as to whether developments subject to the jurisdiction of
15 the site location of development laws in the Maine Revised Statutes, Title 38, chapter 3,
16 subchapter 1, article 6 should have a different standard in order to further meet the goals
17 of the State's climate action plan. By January 1, 2011, the department shall report its
18 recommendations to the joint standing committee of the Legislature having jurisdiction
19 over natural resources matters; and be it further

20 **Sec. 4. Authority to submit a bill. Resolved:** That the joint standing
21 committee of the Legislature having jurisdiction over natural resources matters may
22 submit a bill to the First Regular Session of the 125th Legislature to implement
23 recommendations in the reports submitted pursuant to sections 1, 2 and 3 of this resolve;
24 and be it further

25 **Sec. 5. Creation of carbon-neutral and energy-efficient development.**
26 **Resolved:** That the Maine Land Use Regulation Commission shall, in the course of
27 implementing its comprehensive land use plan pursuant to the Maine Revised Statutes,
28 Title 12, section 685-C, identify alternative approaches and provide recommendations
29 regarding ways to ensure that the design, construction and operation of future
30 development in the unorganized and deorganized areas of the State minimize overall
31 energy use, reduce greenhouse gas emissions and maximize energy efficiency. The
32 department shall, in the course of developing its reports pursuant to this resolve, provide
33 the Maine Land Use Regulation Commission information regarding energy-efficient
34 design, construction and operation of developments. By January 1, 2012, the Maine Land
35 Use Regulation Commission shall submit a report on its progress and any
36 recommendations to the joint standing committee of the Legislature having jurisdiction
37 over natural resources matters and the joint standing committee of the Legislature having
38 jurisdiction over agriculture, conservation and forestry matters. The joint standing
39 committee of the Legislature having jurisdiction over agriculture, conservation and
40 forestry matters is authorized to submit a bill to implement the recommendations to the
41 Second Regular Session of the 125th Legislature.

42 SUMMARY

43 This amendment is the majority report of the committee. The amendment replaces
44 the bill with a resolve.

1 1. It directs the Department of Environmental Protection, in consultation with others,
2 to compile from existing sources a set of standards for the design and operation of
3 developments subject to the site location of development laws such that the emissions of
4 a building designed, constructed and operated under the standards will be carbon-neutral.

5 2. It directs the Department of Environmental Protection, in consultation with others,
6 to develop a series of best management practices for the design and site layout of
7 developments subject to the site location of development laws that will contribute to
8 minimizing the emission of greenhouse gases and maximizing energy efficiency.

9 3. It directs the Department of Environmental Protection, in consultation with others,
10 to evaluate the energy performance of the Maine Uniform Building and Energy Code in
11 relation to other energy benchmarking systems in order to recommend whether
12 developments subject to the site location of development laws should have a different
13 standard.

14 4. It requires the Department of Environmental Protection to report on each of the 3
15 subject areas to the joint standing committee of the Legislature having jurisdiction over
16 natural resources matters by January 1, 2011 and authorizes the committee to submit a
17 bill relating to the reports to the First Regular Session of the 125th Legislature.

18 5. It directs the Maine Land Use Regulation Commission to recommend ways to
19 ensure that the location of future development in the commission's jurisdiction minimizes
20 overall energy use, reduces greenhouse gas emissions and maximizes energy efficiency.
21 It requires the commission to report to the joint standing committee of the Legislature
22 having jurisdiction over natural resources matters and the joint standing committee of the
23 Legislature having jurisdiction over agriculture, conservation and forestry matters by
24 January 1, 2012 and authorizes the joint standing committee of the Legislature having
25 jurisdiction over agriculture, conservation and forestry matters to submit a bill relating to
26 the report to the Second Regular Session of the 125th Legislature.

FISCAL NOTE REQUIRED
(See attached)



Approved: 02/23/10 *MAC*

124th MAINE LEGISLATURE

LD 891

LR 524(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Natural Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Conservation, Land Use Regulation Commission, Department of Environmental Protection, the State Planning Office and Efficiency Maine Trust associated with inter-agency consultation and the making of recommendations on best practices to ensure that the location of future development minimizes overall energy use, reduces greenhouse gas emissions and maximizes energy efficiency can be absorbed within existing budgeted resources.