

# MAINE STATE LEGISLATURE

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Minnis

L.D. 1333

(Filing No. H-515)

Date: 6/2/19

Minority  
NATURAL RESOURCES

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

COMMITTEE AMENDMENT "B" to H.P. 937, L.D. 1333, Bill, "An Act To Establish Climate and Energy Planning in Maine"

Amend the bill by striking out the title and substituting the following:

'An Act Relating to Energy-efficient Buildings'

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

'Sec. 1. 38 MRSA c. 3-C is enacted to read:

CHAPTER 3-C

THE ENERGY-EFFICIENT STATE BUILDING DEVELOPMENT ACT

§580-G. Short title

This chapter may be known and cited as "the Energy-efficient State Building Development Act."

§580-H. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Greenhouse gas. "Greenhouse gas" has the same meaning as in section 574, subsection 1.

2. State authority. "State authority" means any state agency or any state authority, including the University of Maine System, the Maine Maritime Academy and the Maine Community College System.

§580-I. Reducing energy use and greenhouse gas emissions by state authorities

A state authority shall establish policies and guidelines to lower overall energy use, lessen the State's reliance on fossil fuels and reduce greenhouse gas emissions associated

**COMMITTEE AMENDMENT**

1 with state-owned buildings. By January 1, 2011, and every 4 years thereafter, the  
2 Department of Environmental Protection, in consultation with other state authorities, shall  
3 submit a report to the joint standing committee of the Legislature having jurisdiction over  
4 natural resources matters summarizing state authorities' efforts to implement the policies  
5 and guidelines and the savings and reductions achieved.

6 **Sec. 2. Review; relationship among energy use, climate change and land**  
7 **use decisions.**

8 **1. Stakeholder group established.** The Department of Environmental Protection,  
9 referred to in this section as "the department," shall establish and convene a stakeholder  
10 group to evaluate the options, actions and measures available to people and businesses in  
11 this State to reduce reliance on the fossil fuels that contribute to greenhouse gas  
12 emissions, stabilize and reduce greenhouse gas emissions to aid in the achievement of  
13 state greenhouse gas emission reduction goals and incorporate these measures into state  
14 land use and licensing processes for private development. The stakeholder group must  
15 include:

- 16 A. Representatives of state agencies with a current interest in these matters and  
17 likely involvement in the implementation of any recommendations;  
18 B. Representatives of business, industry and trade associations;  
19 C. Representatives of nongovernmental organizations; and  
20 D. Interested citizens of the State.

21 The department shall ensure that a balance of interests is represented in the stakeholder  
22 group's decision making. The department may ask the University of Maine and other  
23 higher education institutions to provide scientific and technical expertise to the  
24 stakeholder group. The department shall also consult with and obtain information from,  
25 as the stakeholder group considers appropriate, the Technical Building Codes and  
26 Standards Board established in the Maine Revised Statutes, Title 10, section 9722, as well  
27 as any stakeholder group established by the Public Utilities Commission to develop or  
28 select a standardized rating system and reporting form for building energy efficiency and  
29 carbon performance.

30 **2. Review; interim report.** In evaluating the options, actions and measures  
31 pursuant to subsection 1, the stakeholder group shall first specifically explore existing  
32 voluntary actions being undertaken by people and businesses in this State to reduce or  
33 stabilize greenhouse gas emissions and the potential for implementation of additional  
34 incentive-based voluntary mechanisms to encourage the incorporation of desirable  
35 greenhouse gas reduction measures into private development.

36 By January 11, 2010, the department shall submit an interim report to the Joint Standing  
37 Committee on Natural Resources describing the findings of the stakeholder group on the  
38 use of existing voluntary measures and the feasibility and recommended elements of  
39 additional incentive-based mechanisms to reduce reliance by private development on  
40 fossil fuels and to stabilize and reduce greenhouse gas emissions in the State. The interim  
41 report must include an analysis of the likely regulatory costs that will be incurred by the  
42 private sector, the outcomes of implementing such incentive-based mechanisms,  
43 including an analysis of the extent to which these mechanisms, together with other factors

1 such as, but not limited to, ongoing voluntary measures, applicable federal law and  
2 projected economic conditions, are likely to result in the achievement of the State's  
3 targeted greenhouse gas emission reduction goals set forth in the Maine Revised Statutes,  
4 Title 38, section 576. The Joint Standing Committee on Natural Resources is authorized  
5 to submit legislation related to the interim report to the Second Regular Session of the  
6 124th Legislature.

7 **3. Regulatory requirements; final report.** Only if the January 11, 2010 interim  
8 report of the stakeholder group concludes that existing or proposed voluntary or  
9 incentive-based mechanisms are not likely to result in the achievement of the State's  
10 targeted medium-term and long-term greenhouse gas emission reduction goals set forth in  
11 the Maine Revised Statutes, Title 38, section 576, the Joint Standing Committee on  
12 Natural Resources may authorize the stakeholder group to explore the design and  
13 recommended elements of regulatory requirements or standards to be proposed through  
14 major substantive rulemaking by the department. In addition to any new regulatory  
15 standards, such rules may include, and the stakeholder group may be directed to consider:

16 A. Thresholds or types of projects or elements of developments or activities that  
17 generate a de minimis amount of greenhouse gas emissions and will not require  
18 review by the department under the new standards;

19 B. Categories of developments or activities that will be exempt from the  
20 standards, such as, but not limited to, certain categories of industrial  
21 development, industrial processes, expansions of existing facilities subject to  
22 reporting requirements, forestry, agriculture, and those projects or activities  
23 subject to federal greenhouse gas requirements;

24 C. A list of qualified measures that when included in the design of a  
25 development or activity means the development or activity meets the new  
26 standards. The qualified measures may relate to the design, construction and  
27 operation of buildings and structures and may include the use of energy-efficient  
28 designs, such as the United States Environmental Protection Agency's Energy  
29 Star standards, or nationally recognized energy and environmental design rating  
30 systems; active and passive renewable energy systems; construction materials  
31 and practices; and site-clearing or land management practices;

32 D. Provisions that allow for other measures that reduce energy use and  
33 greenhouse gas emissions; and

34 E. Provisions that include cost-effective mitigation requirements for those  
35 developments that do not satisfy the new standards. These requirements may  
36 include mitigation through an on-site or off-site compensation, through natural  
37 biological carbon sequestration, such as forestry or agricultural offsets, or  
38 through energy efficiency projects. These provisions may include a fee program  
39 to allow payment of a fee when mitigation of greenhouse gas emissions is not  
40 practicable for an applicant or when an applicant prefers to pay a fee rather than  
41 provide on-site or off-site compensation.

42 By January 11, 2011, the department shall submit to the joint standing committee of the  
43 Legislature having jurisdiction over natural resources matters the final report of the  
44 stakeholder group on any proposed major substantive rules, along with any necessary  
45 implementing legislation. The recommendations in the final report may include

1 proposals for legislation, modifications to existing rules and specific initiatives for one or  
2 more agencies to undertake in collaboration with stakeholder organizations to implement  
3 the recommendations. Any proposed mandatory standards and requirements must be  
4 accompanied by an analysis of both the State's costs to implement and administer the new  
5 standards and the costs to private businesses and individuals to comply with the new  
6 standards, including but not limited to the costs of any required mitigation or  
7 compensation and any new fees that would be required to cover the cost of implementing  
8 the new rules. The cost analysis must be prepared in consultation with those state  
9 agencies or programs, such as the Public Utility Commission's Efficiency Maine or its  
10 successor, charged with promoting energy efficiency measures. The joint standing  
11 committee of the Legislature having jurisdiction over natural resources matters is  
12 authorized to submit legislation related to the final report to the 125th Legislature.

13 **4. Funding.** The department is authorized to accept public and private funds for the  
14 costs incurred to convene the stakeholder group and prepare the reports under this  
15 section. All funds received for these purposes must be deposited into the Maine  
16 Environmental Protection Fund established in the Maine Revised Statutes, Title 38,  
17 section 351 and must be used exclusively for purposes related to the preparation of this  
18 report.

19 **SUMMARY**

20 This amendment is the minority report of the Joint Standing Committee on Natural  
21 Resources. The amendment replaces the bill. The amendment requires state authorities  
22 to establish policies and guidelines to lower energy use, lessen the State's reliance on  
23 fossil fuels and reduce greenhouse gas emissions associated with state-owned buildings.  
24 The amendment requires the Department of Environmental Protection to submit a report  
25 on the policies and guidelines established by state authorities to the joint standing  
26 committee of the Legislature having jurisdiction over natural resources matters every 4  
27 years. The amendment also establishes a stakeholder group to evaluate measures  
28 available to Maine people and businesses to reduce reliance on fossil fuels, to stabilize  
29 and reduce greenhouse gas emissions and to incorporate the measures into land use and  
30 licensing for private development.

31 **FISCAL NOTE REQUIRED**

32 (See attached)



# 124th MAINE LEGISLATURE

LD 1333

LR 570(03)

**An Act To Establish Climate and Energy Planning in Maine**

**Fiscal Note for Bill as Amended by Committee Amendment "B"**

**Committee: Natural Resources**

**Fiscal Note Required: Yes**

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## Fiscal Note

Current biennium cost increase - Other Special Revenue Funds  
Current biennium revenue increase - Other Special Revenue Funds

### Fiscal Detail and Notes

The Department of Environmental Protection (DEP) shall convene a stakeholder group to evaluate the options, actions and measures available to Maine people and businesses to reduce reliance on fossil fuels and incorporate these measures into State land use and licensing processes. The DEP may consult with the University of Maine and other higher education institutions to provide scientific and technical expertise. The DEP is authorized to accept public and private funds for the costs incurred to convene the stakeholder group and prepare the required reports. Any funds received will be deposited into the Maine Environmental Protection fund. No estimate is made at this time of the costs related to these activities. Additional costs to the Department of Public Safety, the State Planning Office and higher education institutions associated with consulting with the stakeholder group and other administrative duties can be absorbed within existing budgeted resources.