

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1717

H.P. 1218

House of Representatives, January 6, 2010

An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative CROCKETT of Augusta.

Cosponsored by Senator BLISS of Cumberland and

Representatives: BERRY of Bowdoinham, BUTTERFIELD of Bangor, CONNOR of Kennebunk, FLEMINGS of Bar Harbor, HINCK of Portland, MacDONALD of Boothbay, WATSON of Bath, Senator: JACKSON of Aroostook.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** funding offered for a limited time under the federal American Recovery
4 and Reinvestment Act of 2009 may be leveraged to provide clean energy improvements
5 on certain properties; and

6 **Whereas,** Maine has a short summer construction season for implementing clean
7 energy improvements; and

8 **Whereas,** there is a need to facilitate the implementation of clean energy
9 improvements by allowing a municipality to establish a clean energy financing program
10 under which financing for a clean energy improvement is secured by a municipal lien on
11 the real estate; and

12 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
13 the meaning of the Constitution of Maine and require the following legislation as
14 immediately necessary for the preservation of the public peace, health and safety; now,
15 therefore,

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

17 **Sec. 1. 30-A MRSA §3110** is enacted to read:

18 **§3110. Clean energy financing programs**

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

21 A. "Clean energy improvement" means an improvement to a qualifying real property
22 authorized by a municipality implementing a program established under subsection 2
23 that creates energy efficiencies identified through the performance of an energy
24 analysis or that generates energy using solar arrays and installations, geothermal
25 installations or wind power installations.

26 B. "Qualifying real property" means a single-family or multifamily residential
27 dwelling or a commercial or industrial building that a municipality implementing a
28 program established under subsection 2 has determined is eligible for the program.

29 **2. Establish program.** Notwithstanding any other provision of law, a municipality
30 may establish on its own or through agreement with other municipalities, counties,
31 nonprofit organizations, private lenders or other entities a clean energy improvement
32 financing program under which financing for a clean energy improvement located on a
33 qualifying real property is secured, with the written agreement of all owners of record of
34 the property, by a municipal lien on the property that takes precedence over all other
35 claims on the property, excepting only claims for property taxes and liens for nonpayment
36 of sewer or water utility services, and that is enforced by the municipality in the same
37 manner as is a municipal property tax lien.

