

MAINE STATE LEGISLATURE

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L.D. 1221

Date: 6-19-15

(Filing No. H-485)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 839, L.D. 1221, Bill, "An Act To Enhance Energy Cost Reduction and Facilitate Heating Alternatives in furtherance of the Omnibus Energy Act"

Amend the amendment by inserting after the title the following:

'Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 13 in L.D.)'

Amend the amendment in the first paragraph after the title (page 1, line 12 in amendment) by striking out the following: "sections 2 and 4." and inserting the following: 'section 2 and inserting the following:'

Amend the amendment by inserting after the first paragraph the following:

'Sec. 2. 35-A MRSA §10103, sub-§3, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

3. Administration of trust; director. The board shall annually appoint, using or reappoint a qualified full-time director of the trust. When making an initial appointment of an individual to the position of director of the trust, the board shall use a full and competitive search process, a qualified full-time director of the trust and a director's initial appointment as director is subject to review by the joint standing committee of the Legislature having jurisdiction over energy matters and to confirmation by the Senate. The Director of the Efficiency Maine Trust serves at the pleasure of the board. The director must have demonstrated experience in the planning, design or delivery of energy efficiency programs or the management of organizations that plan, design or deliver those programs. The board shall establish the rate and amount of compensation of the director and all other employees of the trust. The director:

A. Serves as the president of the trust and as the liaison between the board and any committee of the Legislature having jurisdiction over energy matters;

B. Is responsible for:

- (1) Establishing an office for the trust;
- (2) Hiring and organizing staff for the trust and determining their qualifications and duties; and

HOUSE AMENDMENT

1 (3) Managing the trust's programs, services and staff and performing other duties
2 as the board considers appropriate; and

3 C. May delegate to employees of the trust any powers and duties that the director
4 considers proper.

5 Amend the bill by striking out all of section 4.'

6 Amend the amendment by striking out all of subsection 2 (page 1, lines 15 to 31 in
7 amendment) and inserting the following:

8 '2. Efficiency Maine Trust funds. An amount equal to \$300,000 must be
9 transferred annually to the office from the conservation program fund authorized in
10 section 10110, subsection 7 at Efficiency Maine Trust, established in section 10103,
11 unless federal funds are adequate to meet the funding needs of the office. The
12 commissioner shall keep an accounting of the office's resources devoted to its various
13 duties and activities, including that portion of its resources devoted to activities in support
14 of or reasonably related to programs or activities of the Efficiency Maine Trust. The
15 commissioner shall provide the accounting to the joint standing committee of the
16 Legislature having jurisdiction over energy matters as part of its annual report under
17 section 10205, subsection 3. The joint standing committee of the Legislature having
18 jurisdiction over energy matters shall make recommendations to the joint standing
19 committee of the Legislature having jurisdiction over appropriations and financial affairs
20 with regard to any proposed allocation of Efficiency Maine Trust funds to support the
21 office. In accordance with any legislative allocation or deallocation of Efficiency Maine
22 Trust funds to support the office, the commissioner shall request from the Efficiency
23 Maine Trust and the trust shall provide the allocated resources to the office.'

24 Amend the amendment by striking out all of section 8 and inserting the following:

25 **'Sec. 8. Application of change to appointment process.** Notwithstanding the
26 Maine Revised Statutes, Title 35-A, section 10103, subsection 3, the person holding the
27 position of director of the Efficiency Maine Trust on the effective date of this Act
28 remains the director of the trust under the procedure for appointment that was in law prior
29 to the effective date of this Act.

30 **Sec. 9. Appropriations and allocations.** The following appropriations and
31 allocations are made.

32 **EXECUTIVE DEPARTMENT**

33 **Governor's Energy Office Z122**

34 Initiative: Provides allocations to establish a new deputy commissioner position and for
35 related costs.

36	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
37	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
38	Personal Services	\$65,987	\$89,840
39	All Other	\$1,875	\$2,500
40		<hr/>	<hr/>

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1 OTHER SPECIAL REVENUE FUNDS TOTAL \$67,862 \$92,340

2 **Governor's Energy Office Z122**

3 Initiative: Provides allocations for activities relating to energy resources, planning and
4 development.

5	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
6	All Other	\$232,138	\$207,660
7			
8	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$232,138</u>	<u>\$207,660</u>

9	EXECUTIVE DEPARTMENT		
10	DEPARTMENT TOTALS	2015-16	2016-17
11			
12	OTHER SPECIAL REVENUE FUNDS	\$300,000	\$300,000
13			
14	DEPARTMENT TOTAL - ALL FUNDS	<u>\$300,000</u>	<u>\$300,000</u>

- 15
- 16 Amend the amendment by inserting after section 8 the following:
- 17 'Amend the bill by striking out all of the emergency clause.'
- 18 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
- 19 or section number to read consecutively.

20 **SUMMARY**

21 This amendment incorporates the substance of House Amendment "B" to Committee
22 Amendment "A" except that it specifies that the \$300,000 annual transfer to the Maine
23 Energy Office must come from the conservation program fund for electric efficiency and
24 conservation programs. This amendment also removes the requirement that the
25 transferred funds may only be used by the office for activities that support or relate to
26 programs or activities of the Efficiency Maine Trust.

27 **FISCAL NOTE REQUIRED**

28 (See attached)

29 SPONSORED BY: Garry C. Dunphy 19. Jun. 2015
30 (Representative DUNPHY L)
31 TOWN: Embden

HOUSE AMENDMENT



127th MAINE LEGISLATURE

LD 1221

LR 207(09)

An Act To Enhance Energy Cost Reduction and Facilitate Heating Alternatives in furtherance of the Omnibus Energy Act

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

Sponsor: Rep. Dunphy of Embden

Fiscal Note Required: Yes

Fiscal Note

Transfer from Efficiency Maine Trust to Maine Energy Office

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	(\$90,483)	(\$92,340)	(\$96,934)	(\$99,671)
Appropriations/Allocations				
General Fund	(\$90,483)	(\$92,340)	(\$96,934)	(\$99,671)
Other Special Revenue Funds	\$300,000	\$300,000	\$300,000	\$300,000

Fiscal Detail and Notes

This amendment removes the General Fund appropriations of \$90,483 and \$92,340 in fiscal years 2015-16 and 2016-17, respectively, that were in the committee amendment. It requires \$300,000 to be transferred annually from Efficiency Maine Trust's (EMT) conservation program fund for electric efficiency and conservation programs to the Maine Energy Office (MEO). EMT has indicated that this fund has sufficient resources to absorb this annual transfer. The committee amendment had limited these transfers to a total of \$300,000 over time. The amendment adds Other Special Revenue Funds allocations to the MEO of \$232,138 and \$207,660 in fiscal years 2015-16 and 2016-17, respectively, to fund certain activities related to energy resources, planning and development. The amendment also adds Other Special Revenue Funds allocations of \$67,862 and \$92,340 in fiscal years 2015-16 and 2016-17, respectively, to establish a deputy commissioner position within the MEO. The amendment removes the emergency preamble and clause from the bill and this fiscal note assumes that the bill will become law on October 1, 2015.