

# MAINE STATE LEGISLATURE

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Majority  
ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 696, L.D. 940, "An Act To Establish Appliance Energy and Water Standards"

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

'Sec. 1. 38 MRSA §1612 is enacted to read:

**§1612. Appliance and product efficiency standards**

**1. Sale prohibition; appliances and products.** The following provisions apply to the sale or offering for sale in the State of certain new appliances and products.

A. Except as provided in subsections 2 and 3, beginning January 1, 2023, a person may not sell or offer for sale in the State any of the following appliances and products manufactured on or after January 1, 2023 that are prohibited from sale in the State of California pursuant to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, as those regulations were in effect on January 1, 2021 and as amended on December 9, 2020:

- (1) Computers and computer monitors;
- (2) General service lamps;
- (3) Commercial hot food holding cabinets;
- (4) Plumbing fittings that are showerheads, lavatory faucets, kitchen faucets, public lavatory faucets, metering faucets, kitchen replacement aerators and lavatory replacement aerators;
- (5) Plumbing fixtures that are water closets and urinals;
- (6) Portable electric spas;
- (7) Spray sprinkler bodies; and
- (8) Water dispensers.

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For the purposes of this paragraph, the appliances and products listed in subparagraphs (1) to (8) have the same meanings as in the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, as those regulations were in effect on January 1, 2021, except that "general service lamps" means medium-base incandescent light bulbs that are: reflector lamps that are ER30, BR30, BR40 or ER40 lamps rated at 50 watts or less; reflector lamps that are BR30, BR40 or ER40 lamps rated at 65 watts; reflector lamps that are R20 lamps rated at 45 watts or less; B, BA, CA, F and G shape lamps as defined in American National Standards Institute standard C79.1-2002 with a lumen output greater than or equal to 200 and rated at 40 watts or less; A and C shape lamps as defined in American National Standards Institute standard C79.1-2002 with a lumen output greater than or equal to 200 and less than 310; shatter-resistant lamps; and 3-way lamps.

B. In determining a person's compliance with paragraph A, the department shall, to the greatest extent practicable and where consistent with the requirements of this subsection, use information contained in the modernized appliance efficiency database system established pursuant to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, as those regulations were in effect on January 1, 2021.

C. A person who violates paragraph A commits a civil violation for which a fine of not more than \$100 may be adjudged.

**2. Exclusions; federal preemption.** This section does not apply to any appliances and products listed in subsection 1, paragraph A, subparagraphs (1) to (8) that are manufactured before January 1, 2023 or that are sold or offered for sale in the State in used condition. An appliance or product listed in subsection 1, paragraph A is exempt from the prohibitions in this section and the rules adopted pursuant to this section if state regulation of the appliance or product is preempted by federal statute or regulation, for as long as that federal preemption remains in effect.

**3. Rules.** The department may adopt rules to amend the prohibition on the sale or offering for sale in the State of appliances or products described in subsection 1, paragraph A to incorporate any changes to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4 effective after January 1, 2021. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Memorandum of understanding regarding technical assistance to consumers and businesses.** The Department of Environmental Protection may enter into a memorandum of understanding or other formalized agreement with the Efficiency Maine Trust, established in the Maine Revised Statutes, Title 35-A, chapter 97, for the provision of technical assistance by the trust to consumers and businesses in the scope and application of the State's efficiency standards under Title 38, section 1612.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Maine Environmental Protection Fund 0421**

Initiative: Provides appropriations for one Environmental Specialist III position and associated costs.

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1	<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
2	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3	Personal Services	\$0	\$85,182
4	All Other	\$0	\$4,898
5			
6	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$90,080</u>

7  
 8 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
 9 number to read consecutively.

10 **SUMMARY**

11 This amendment provides that, beginning January 1, 2023, a person may not sell or  
 12 offer for sale in the State any of the following appliances or products manufactured on or  
 13 after January 1, 2023 that were prohibited from sale in the State of California under its  
 14 appliance efficiency regulations, as those regulations were in effect on January 1, 2021:  
 15 computers and computer monitors; certain general service lamps; commercial hot food  
 16 holding cabinets; plumbing fittings that are showerheads, lavatory faucets, kitchen faucets,  
 17 public lavatory faucets, metering faucets, kitchen replacement aerators and lavatory  
 18 replacement aerators; plumbing fixtures that are water closets and urinals; portable electric  
 19 spas; spray sprinkler bodies; and water dispensers. The amendment changes the  
 20 enforcement of the prohibition from the Governor's Energy Office to the Department of  
 21 Environmental Protection. It allows the department, instead of the office, to enter into a  
 22 memorandum of understanding or other formalized agreement with the Efficiency Maine  
 23 Trust for the provision of technical assistance by the trust to consumers and businesses  
 24 regarding this prohibition.

25 Lastly, it allows the department to incorporate by rule changes to the State of  
 26 California's appliance efficiency regulations.

27 The amendment also adds an appropriations and allocations section.

28 **FISCAL NOTE REQUIRED**

29 (See attached)



# 130th MAINE LEGISLATURE

LD 940

LR 1431(02)

## An Act To Establish Appliance Energy and Water Standards

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-298)  
 Committee: Environment and Natural Resources

Fiscal Note Required: Yes

### Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$90,080	\$94,081	\$98,278
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$90,080	\$94,081	\$98,278

#### Fiscal Detail and Notes

This bill prohibits the sale of certain appliances in Maine on or after January 1, 2023 that have been prohibited from sale in California under its appliance efficiency regulations. The bill authorizes the Department of Environmental Protection to create the prohibition program, enforce the prohibition and to enter into an agreement with the Efficiency Maine Trust to provide technical assistance to educate customers and businesses regarding the prohibition program. The DEP has indicated that to fulfill the prohibition program requirements it would require additional staff resources. The bill includes General Fund appropriations of \$90,080 in fiscal year 2022-23 for one Environmental Specialist III position and associated costs.