

MAINE STATE LEGISLATURE

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L.D. 940

(Filing No. S- 267)

Date: 6/14/21

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STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION

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

Amend the amendment by striking out all of section 1 and inserting the following:

'Sec. 1. 38 MRSA §1613 is enacted to read:

§1613. 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 subsection 2, 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 rules adopted
by the department in accordance with subsection 3:

(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.

For the purposes of this paragraph, the appliances and products listed in subparagraphs
(1) to (8) have the same meanings as in rules adopted by the department under
subsection 3, 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

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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 available from other states that regulate the same appliances and products.

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 prohibit the sale or offering for sale in the State of appliances or products described in subsection 1, paragraph A. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the amendment in section 2 in the last line (page 2, line 37 in amendment) by striking out the following: "1612" and inserting the following: '1613'

Amend the amendment by striking out all of section 3 and inserting the following:

'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.

GENERAL FUND

POSITIONS - LEGISLATIVE COUNT

Personal Services

All Other

2021-22

2022-23

0.000

1.000

\$0

\$85,182

\$0

\$18,000

GENERAL FUND TOTAL

\$0

\$103,182

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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SUMMARY

This amendment changes a statutory allocation, from the Maine Revised Statutes, Title 38, section 1612 to section 1613, to prevent a conflict with Public Law 2021, chapter 94. The amendment provides that, beginning January 1, 2023, a person may not sell or offer for sale in the State certain appliances or products manufactured on or after January 1, 2023 that are prohibited from sale in major substantive rules adopted by the Department of Environmental Protection. The committee amendment prohibited the sale of such appliances or products that were prohibited from sale in the State of California under its appliance efficiency regulations.

The amendment also replaces the appropriations and allocations section.

SPONSORED BY: 

(Senator BRENNER, S.)

COUNTY: Cumberland

FISCAL NOTE REQUIRED
(See Attached)



Completed: 06/12/21

130th MAINE LEGISLATURE

LD 940

LR 1431(04)

An Act To Establish Appliance Energy and Water Standards

Fiscal Note for Senate Amendment "A" to Committee Amendment "A" (S-267)

Sponsor: Sen. Brenner of Cumberland

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings) General Fund	\$0	\$13,102	\$13,102	\$13,102
Appropriations/Allocations General Fund	\$0	\$13,102	\$13,102	\$13,102

Fiscal Detail and Notes

This amendment changes the appliance standards from California appliance efficiency regulations to Department of Environmental Protection rules and adds \$13,102 to the fiscal year 2022-23 All Other costs for rule-making.