

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

**Sec. 1. 35-A MRSA §4301, sub-§2,** as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**2. Costs.** The Legislature finds that there are many uncertain future costs associated with nuclear power plants, including the costs of low-level and high-level waste disposal, decommissioning and long-term care. These costs will be borne by the consumers and reductions in these costs will serve to benefit consumers.

**Sec. 2. 38 MRSA c. 14-C,** as enacted by PL 1993, c. 664, §20 and 1995, c. 333, §6, is repealed.

**Sec. 3. PL 1993, c. 400, §§3 and 4** are repealed.

**Sec. 4. Withdrawal from Texas Low-Level Radioactive Waste Disposal Compact.** Pursuant to Sections 7.03 and 7.05 of the Texas Low-Level Radioactive Waste Disposal Compact, the State of Maine hereby unilaterally and irrevocably withdraws from and terminates its agreements under that compact. The State of Maine takes this step due to:

1. The closure of the State's largest generator of low-level radioactive waste in 1997, obviating the need for Maine's membership in the compact; and

2. The inability to date of the State of Texas to cause a facility to be built in a timely manner pursuant to Section 4.04 of the compact and in recognition of the remedies provided under Section 7.04 of the compact for such inaction.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 5, 2002.

**CHAPTER 630**

**H.P. 506 - L.D. 646**

**An Act to Establish the Energy Resources Council**

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

**Sec. 1. 5 MRSA c. 313-A** is enacted to read:

**CHAPTER 313-A**

**ENERGY RESOURCES COUNCIL**

**§3327. Energy Resources Council**

**1. Council established; membership.** In order to facilitate more effective interagency coordination of the State's activities regarding energy issues, the Energy Resources Council, referred to in this chapter as the "council," is established. The chair of the council is the Director of the State Planning Office who is responsible for ensuring that the council carries out its responsibilities under this chapter. The membership of the council is as follows:

A. The Director of the State Planning Office;

B. The chair of the Public Utilities Commission;

C. The Commissioner of Environmental Protection;

D. The Public Advocate;

E. The Commissioner of Transportation;

F. The Commissioner of Administrative and Financial Services;

G. The Commissioner of Economic and Community Development; and

H. The Director of the Maine State Housing Authority.

**2. Duties; responsibilities.** The council shall advise the Governor, the Legislature and state agencies in the formulation of energy policy, including policy relating to energy use and conservation, development of energy resources and facility siting.

In fulfilling its duties, the council may interact and cooperate with any state, federal, regional or local agency or private organization. The council shall establish and regularly consult with one or more advisory groups composed of individuals with relevant expertise and experience to assist the council in carrying out its responsibilities under this chapter.

The council shall:

A. Recommend coordinated state policy regarding major programs or proposals that affect energy use in the State and that involve the activities of more than one state agency;

B. Support the full implementation of an integrated program to provide a substantially improved energy resources information base for planning purposes;

C. Provide direction to the State's energy planning and regulatory programs and encourage coordination of these efforts through review and comment on agency program plans, specific projects and legislative proposals that involve or affect more than one agency;

D. Periodically evaluate, in consultation with affected interests, the State's regulatory systems as they affect the generation, transmission, delivery or use of energy, and recommend appropriate action, as needed, to improve energy planning and coordination;

E. Study specific energy issues and problems of state-level significance in order to develop sound, coordinated policies; and

F. Seek cooperation from federal agencies with jurisdiction over energy matters to ensure that their programs and projects serve the best interests of the State.

**3. Quarterly meetings; staff.** The council shall meet at least quarterly. The council shall prepare a work program for each year establishing priorities among its efforts. The State Planning Office, within the Executive Department, shall provide staff support. Each member of the council shall enter into an agreement with the State Planning Office to share in the cost of providing the staff support.

**4. Report; legislative oversight.** By January 15th of each year, the chair of the council shall prepare and submit to the Governor and to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters an annual report describing the council's activities during the previous calendar year and an outline of anticipated activities for the current calendar year. The report must also include an evaluation of the council's effectiveness in meeting the requirements of this chapter and the adequacy of available staffing resources. The report may include recommendations for changes to law. After receiving a report under this subsection, the joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out legislation relating to energy policy.

**5. Examination of state energy use.** The council shall monitor and evaluate energy use by State Government. The council shall examine and provide guidance and advice to relevant agencies on how the State may use energy more efficiently, consume less energy and purchase energy, including electricity, more economically. The council shall coordinate its activities with the Clean Government Initiative established under Title 38, section 343-H. The council shall evaluate the progress of the State in meeting the energy reduction goal established under section 1770, subsection 1 and advise the Department of Administrative and Financial Services on means of achieving that goal. In its annual report submitted pursuant to subsection 4, the council shall describe its activities pursuant to this subsection.

**6. Energy planning assistance for small businesses.** The council shall develop information resources and coordinate the activities of member agencies to help small businesses use energy more efficiently, consume less energy and purchase energy, including electricity, more economically. The council shall form an advisory group of persons with relevant expertise and experience to advise the council in undertaking its responsibilities under this subsection. In its annual report submitted pursuant to subsection 4, the council shall describe its activities pursuant to this subsection.

See title page for effective date.

---



---

## CHAPTER 631

H.P. 1533 - L.D. 2036

### An Act to Increase Home Ownership

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

**Sec. 1. 30-A MRSA §4907, sub-§1,** as amended by PL 1997, c. 491, §1, is further amended to read:

**1. Limitations on amount of outstanding principal.** The Maine State Housing Authority may not at any time have an aggregate principal amount outstanding, in excess of ~~\$1,650,000,000~~ \$2,150,000,000 of mortgage purchase bonds secured by the Housing Reserve Fund or a Capital Reserve Fund to which section 4906, subsection 3, paragraph A applies. Mortgage purchase bonds of the Maine State Housing Authority secured by capital reserve funds to which section 4906, subsection 3, paragraph A does not apply, bond or mortgage insurance, direct or indirect contract with the United States, purchase or repurchase agreement of guaranty with a banking or other financial organization or other credit arrangements securing the bonds may be issued up to \$100,000,000 per calendar year in an aggregate principal amount outstanding at any time not to exceed \$300,000,000.

**Sec. 2. Maine State Housing Authority to adopt policy.** The Maine State Housing Authority, referred to in this section as "MSHA," shall adopt a policy to prohibit the owner of a former MSHA-financed multifamily housing project from participating in MSHA programs funded with bond proceeds backed by the State's moral obligation if the owner defaulted under the MSHA financing, resulting in a foreclosure or acceptance of a deed in lieu of foreclosure of the mortgage securing the MSHA financing. The policy may allow a waiver of the policy for public policy reasons. The waiver must be in writing, be