

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

Trustees of the University of Maine System. All revenues credited to this fund must be distributed as need-based scholarships for students attending the University of Maine System. These scholarships may be awarded only to those students who are residents of the State. The fund may not be used for the costs of administering the scholarships. Fees credited from the University of Maine System registration plate pursuant to Title 29-A, section 456 may not be distributed as scholarships to students attending the University of Maine.

Sec. 3. 20-A MRSA c. 419-B, as amended, is repealed.

Sec. 4. 29-A MRSA §456, sub-§2, ¶A, as amended by PL 1995, c. 645, Pt. A, §2 and affected by §18, is further amended to read:

A. Fourteen dollars to the University of Maine System Scholarship Fund established in Title 20-A, section ~~4634~~ 10909; and

Sec. 5. 29-A MRSA §456, sub-§5, ¶A, as enacted by PL 1995, c. 645, Pt. A, §2 and affected by §18, is amended to read:

A. Fourteen dollars to the University of Maine System Scholarship Fund established in Title 20-A, section ~~4634~~ 10909; and

Sec. 6. Transfer of funds. All funds remaining in the University of Maine System Scholarship Fund held by the Finance Authority of Maine must be transferred to the Board of Trustees of the University of Maine System to be deposited on July 1, 2005 in the University of Maine System Scholarship Fund created in the Maine Revised Statutes, Title 20-A, section 10909.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

**UNIVERSITY OF MAINE SYSTEM,
BOARD OF TRUSTEES OF THE**

University of Maine Scholarship Fund (NEW)

Initiative: Allocates funds due to the transfer of the University of Maine System Scholarship Fund and the administration of the scholarship program from the Finance Authority of Maine to the University of Maine System.

OTHER SPECIAL REVENUE FUNDS		
	2005-06	2006-07
All Other	\$137,015	\$2,119,144
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$137,015	\$2,119,144

**UNIVERSITY OF MAINE SYSTEM,
BOARD OF TRUSTEES OF THE**

DEPARTMENT TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$137,015	\$2,119,144

DEPARTMENT TOTAL - ALL FUNDS	\$137,015	\$2,119,144
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FINANCE AUTHORITY OF MAINE

Student Financial Assistance Programs 0653

Initiative: Deallocates funds due to the transfer of the University of Maine System Scholarship Fund and the administration of the scholarship program from the Finance Authority of Maine to the University of Maine System.

OTHER SPECIAL REVENUE FUNDS		
	2005-06	2006-07
All Other	(\$137,015)	(\$2,119,144)
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OTHER SPECIAL REVENUE FUNDS TOTAL	(\$137,015)	(\$2,119,144)

FINANCE AUTHORITY OF MAINE DEPARTMENT TOTALS		
	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	(\$137,015)	(\$2,119,144)

DEPARTMENT TOTAL - ALL FUNDS	(\$137,015)	(\$2,119,144)
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SECTION TOTALS	2005-06	2006-07
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OTHER SPECIAL REVENUE FUNDS		
	2005-06	2006-07
	\$0	\$0
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SECTION TOTAL - ALL FUNDS	\$0	\$0

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

Effective May 13, 2005.

CHAPTER 110

H.P. 300 - L.D. 397

**An Act To Promote the More
Efficient Use of Natural Gas**

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

Sec. 1. 35-A MRSA §4711 is enacted to read:

§4711. Conservation programs

1. Programs. In accordance with rules adopted by the commission, each natural gas utility in the State that serves 5,000 or more residential consumers shall offer cost-effective conservation programs designed to promote the efficient use of natural gas. In determining whether a program is cost-effective, the commis-

sion may consider the extent to which the program promotes sustainable economic development or reduces greenhouse gas emissions to the extent the commission can quantify or otherwise reasonably identify such effects. Consistent with the other requirements of this section, a gas utility, in adopting and implementing conservation programs, shall seek to encourage efficiency in natural gas use, provide incentives for the development of new, energy-efficient business activity in the State and take into account the cost and benefits of energy efficiency and conservation to existing business activity in the State.

A. The gas utility shall consider, without limitation, conservation programs that:

- (1) Increase consumer awareness of cost-effective options for conserving energy;
- (2) Create more favorable market conditions for the increased use of efficient products and services; and
- (3) Promote sustainable economic development and reduced environmental damage.

B. The gas utility shall apportion available funds under subsection 3 in accordance with rules adopted by the commission.

- (1) The commission shall ensure that a reasonable percentage of the available funds is directed to programs for low-income residential consumers, as defined by the commission by rule. The commission shall establish the percentage based on an assessment of the opportunity for cost-effective conservation measures for such consumers, including an assessment of the number of low-income residential consumers that may be eligible for such programs.
- (2) The commission shall ensure that a reasonable percentage of the available funds is directed to programs for small business consumers, as defined by the commission by rule. The commission shall establish the percentage based on an assessment of the opportunity for cost-effective conservation measures for such consumers. In defining "small business" for the purposes of this subparagraph, the commission shall consider definitions of that term used for other programs in this State that assist small businesses.
- (3) The commission shall ensure that, to the greatest extent practicable, the remaining available funds are apportioned in a manner that allows all other consumers to

have a reasonable opportunity to participate in one or more conservation programs.

2. Cost recovery. The commission shall include in rates for a gas utility all costs incurred in compliance with this section and commission rules adopted under this section, as long as such costs have been prudently incurred.

3. Funding level. Each gas utility to which this section applies shall undertake energy efficiency programs designed to operate within a budget, upon full implementation, that is no less than 3% of the gas utility's delivery revenues as defined by the commission by rule.

4. Rules. The commission shall adopt rules necessary to implement this section. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Report. The commission shall report by December 1st of each year to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The report must include:

- A.** A description of actions taken by gas utilities pursuant to this section, including descriptions of all conservation programs implemented during the prior 12 months and all conservation programs that the gas utilities plan to implement during the next 12 months;
- B.** A description of how the commission determines the cost-effectiveness of each conservation program and its assessment of the cost-effectiveness of programs implemented during the prior 12 months;
- C.** For each gas utility to which this section applies, total expenditures for its conservation programs during the prior 12 months and projected expenditures during the next 12 months; and
- D.** Any recommendations for changes to the laws relating to energy conservation by gas utilities.

See title page for effective date.

CHAPTER 111

S.P. 221 - L.D. 685

An Act To Waive Continuing Education Requirements and To Provide an Automatic Extension of a License, Certificate or Registration for Mobilized Military Members