

MAINE STATE LEGISLATURE

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State of Maine
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY

TO: Senator Richard W. Rosen, Senate Chair
Representative Patrick S. A. Flood, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Michael Thibodeau, Senate Chair *MT*
Representative Stacey Fitts, House Chair *SF*
Joint Standing Committee on Energy, Utilities and Technology

DATE: April 6, 2011

RE: Recommendations on LD 1043, FY12-13 Budget Bill

Pursuant to Joint Rule 314, our committee has reviewed the portions of the LD 1043, the FY12-13 budget bill, relating to the committee's subject matter jurisdiction. The following is a summary of our recommendations:

- PUC (Sec. A-64) **Unanimous** support of PUC budget (Ref # 20700,20730,20670)
- OEIS (Sec A-27) **Unanimous** support of OEIS budget Ref. #10740
- OPA (Sec. A-27) **Unanimous** support of OPA budget (baseline budget)
- OPA (Sec. B-1) **Unanimous** support of OPA reclassification Ref # 10680
- OPA (new proposals)** **Unanimous** support of 2 new proposals:
- Directing the balance of **State Nuclear Safety Advisor Acct** within OPA to be **returned to Maine Yankee Atomic Power Company** (see explanation below)
 - Transferring the balance of the **Railroad Freight Service Quality Fund Acct** within OPA **back to the DOT** (see explanation below)
- EMT (Sec. A-24) **Unanimous** support of all provisions (Ref # 9370, 9380, 9390, 9400, 9430, 9470, 9500, 9530, 9560, 9590,9670, 9630, 9640) **except EMT Z100 Account Ref # 9460** (see EUT-5)
- The committee **unanimously supports corrections** in All Other allocations for FY13, as explained below and shown on attached "Policy Committee Document"

- **DIVIDED RPT:**

- *Majority (7 votes)* support the allocations (as corrected) that appear in LD – *Does not support any supplemental SBC assessments and related allocations*
- *Minority (6 votes)* support the allocations (as corrected) **plus supplemental assessments (revenue) and related allocations** of
 - \$6,930,422 in FY12
 - \$19,357,003 in FY13
 (explained below)

Attached is the “Policy Committee Document” for our committee with the votes on those provisions indicated.

OPA -- new proposals explanation

There are currently 2 OPA accounts that funded OPA programs that have ceased to exist; each account has a small balance. The committee recommends the funds in both accounts be returned to the source of the funding for those accounts.

- The Nuclear Safety Advisor position was established at 25 MRSA §52. It was moved to the Office of the Public Advocate by PL 03, Ch 673, Pt S, and an account (0410-04) established. The account was funded through a fee on Maine Yankee (see attached copy of the law as it existed in 2004). The account has a balance of \$55,621.10. *The committee recommends that the OPA be directed to return these excess funds to Maine Yankee Atomic Power Company.*
- The Railroad Freight Service Quality program was established at the OPA by PL 05, Ch. 248. It was a limited program that by its own terms sunset 90 days after the adjournment of the 123rd Legislature. Funding for the program came from revenues that would otherwise have gone to the DOT’s Railroad Preservation and Assistance Fund. The account has a balance of \$20,453.34. *The committee recommends that the funds be returned to DOT’s Railroad Preservation and Assistance Fund.*

EMT – Correction of error in AO allocation (Ref. # 9460)

There is an error in the All Other allocation for FY 13 for EMT’s Z100 Account. It appears on page EUT-5 of the Policy Committee Document, Ref # 9460. The corrections have been noted on the Policy Committee Document (both at Ref #9460 and in the Program Summary on page EUT-6).

There are three sources of revenues on which the allocations are based: An electric SBC, a Natural Gas SBC, and the so-called Renewable Portfolio Standard Alternative Compliance Mechanism (RPS ACM). These revenues are collected by the Public Utilities Commission pursuant to statute and transferred to EMT. The allocations are based on the PUC’s projections for revenues from these three sources. The error was a clerical error in the projected revenues from the electric system benefit charge (SBC).

The following table shows all revenues on which the Z100 allocations are based (errors and corrected numbers highlighted) and all the allocations (errors and corrected numbers highlighted):

Sec. A-24

Z100 Account errors and corrections

		FY 12	FY13	FY12	FY13
Revenue (errors) behind Z100 allocations				Corrected revenues	
Base Electric SBC ¹		13,598,900	13,174,755	13,598,900	13,598,900
Base Nat. Gas SBC ²		523,889	523,889	523,889	523,889
RPS ACM ³		10,000	10,000	10,000	10,000
TOTAL		14,132,789	13,708,644	14,132,789	14,132,789

		Z100 allocation (errors)		Corrected allocations	
BASELINE BUDGET		\$263,400	\$263,400	\$263,400	\$263,400
ref # 9460	AO	\$13,521,632	\$13,081,019	\$13,521,632	\$13,505,164
ref # 9470	PS	\$340,838	\$356,978	\$340,838	\$356,978
ref # 9470	AO	\$6,919	\$7,247	\$6,919	\$7,247
SUMMARY	PS total	\$340,838	\$356,978	\$340,838	\$356,978
	AO total	\$13,791,951	\$13,351,666	\$13,791,951	\$13,775,811
	TOTAL	\$14,132,789	\$13,708,644	\$14,132,789	\$14,132,789

EMT – Divided Report

The committee has divided over one item: *whether the base assessments for the Electric and Natural Gas SBCs, and thus the allocations from EMT's Z100 account, should be increased.*

- MAJORITY REPORT (7 votes).** The majority believes the allocations should not be increased. The current allocations reflect “base assessments” for the Natural Gas and Electric SBCs. These are collected by the PUC and are established in statute. The law permits the PUC to assess higher amounts, but this will not occur unless the Legislature approves higher amounts.⁴ *The majority of the committee specifically does not approve or support any increase in the Natural Gas SBC or the Electric SBC.* The majority believes that increasing any assessment on ratepayers (the SBCs, while imposed on utilities, are ultimately paid by ratepayers) at this time is inappropriate.
- MINORITY REPORT (6 votes).** The minority supports increases in the Natural Gas SBC and the Electric SBC and consequently proposes supplemental allocations.
 - Minority proposes an increase Natural Gas SBC by 25% to produce additional revenues of \$130,972/year
 - Minority proposes an increase in Electric SBC as follows (base assessment is 0.145 cents/kwh):

¹ The electric SBC base assessment is 0.145 cents/kwh (35-A MRSA §10110(4)).

² The natural gas SBC is 3% of delivery revenues (applies only to large gas utilities, of there is currently only one – Unitil) (35-A MRSA §10111(2)).

³ PUC projection.

⁴ An increase in the Natural Gas assessment requires approval by the PUC; in its 2/2/11 supplemental order approving EMT's Triennial Plan, the PUC stated: “...we decline to approve such an increase [in the natural gas assessment] prior to the Legislature's review and approval of the Trust's Plan budget.” The PUC made a similar finding with regard to increasing the electric SBC; in addition, the electric SBC law specifies that “The commission may not increase any assessment under this subsection until the Legislature has approved the Efficiency Maine Trust's budget.” (35-A MRSA §10110(5)).

	Proposed Electric SBC	Electric SBC Increased Revenues
FY 12 proposal	0.2175 cents/kwh	<u>\$6,799,450</u>
FY 13 proposal	0.35 cents/kwh	<u>\$19,226,031</u>

The minority report supports supplemental allocations for EMT in All Other that would account for and specifically authorize these increases in both the Natural Gas and Electric SBCs.

Attached please find:

- Mark-up of **Policy Committee Document** showing committee votes
- **Draft language** showing all new proposals **unanimously supported** by the committee
- Copy of the **Railroad Freight Service Quality law** (background for OPA new proposal)
- Copy of **Nuclear Safety Advisor law** (background for OPA new proposal)
- **Draft language** to implement the **Minority Report** proposal

Thank you for this opportunity to comment. If you have any questions, please let us know.

Attachments

cc: Members, Joint Standing Committee on Appropriations and Financial Affairs
Members, Joint Standing Committee on Energy, Utilities and Technology

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"Policy Committee Document" - EUT

Sec. A-24. Appropriations and allocations.

The following appropriations and allocations are made.

EFFICIENCY MAINE TRUST

Conservation Administration Fund Z098

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND				
All Other	\$0	\$0	\$432,774	\$432,774
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$432,774</u>	<u>\$432,774</u>
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$1,200,000	\$1,200,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$1,200,000</u>	<u>\$1,200,000</u>
FEDERAL EXPENDITURES FUND ARRA				
All Other	\$0	\$0	\$4,576,500	\$4,576,500
FEDERAL EXPENDITURES FUND ARRA TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$4,576,500</u>	<u>\$4,576,500</u>
FEDERAL BLOCK GRANT FUND ARRA				
All Other	\$0	\$0	\$557,725	\$557,725
FEDERAL BLOCK GRANT FUND ARRA TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$557,725</u>	<u>\$557,725</u>

Justification:

Allocations are not required for this program. All necessary allocations for Efficiency Maine Trust are reflected in that program.

Conservation Administration Fund Z098

Initiative: Adjusts funding to correctly reflect financial activity associated with Efficiency Maine Trust program accounts based on Public Law 2009, chapter 372.

Ref. #: 9370

Committee Vote: Unan - in

AFA Vote: _____

	2011-12	2012-13
FEDERAL EXPENDITURES FUND		
All Other	(\$432,774)	(\$432,774)
FEDERAL EXPENDITURES FUND TOTAL	<u>(\$432,774)</u>	<u>(\$432,774)</u>

Ref. #: 9380

Committee Vote: Unan - in

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS

	2011-12	2012-13
All Other	(\$1,200,000)	(\$1,200,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>

Ref. #: 9390

Committee Vote: Unan-in

AFA Vote: _____

FEDERAL EXPENDITURES FUND ARRA

	2011-12	2012-13
All Other	(\$4,576,500)	(\$4,576,500)
FEDERAL EXPENDITURES FUND ARRA TOTAL	<u>(\$4,576,500)</u>	<u>(\$4,576,500)</u>

Ref. #: 9400

Committee Vote: Unan-in

AFA Vote: _____

FEDERAL BLOCK GRANT FUND ARRA

	2011-12	2012-13
All Other	(\$557,725)	(\$557,725)
FEDERAL BLOCK GRANT FUND ARRA TOTAL	<u>(\$557,725)</u>	<u>(\$557,725)</u>

Justification:

This initiative corrects all allocation, expenditure, revenue and transfer amounts associated with Efficiency Maine Trust. It adjusts several accounts' funding by moving Efficiency Maine Trust financial activity into 014-95A-Z100-01, Efficiency Maine Trust account.

**CONSERVATION ADMINISTRATION FUND Z098
PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$0	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$0	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND ARRA	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$0	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND ARRA TOTAL	\$0	\$0	\$0	\$0
FEDERAL BLOCK GRANT FUND ARRA	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$0	\$0	\$0	\$0
FEDERAL BLOCK GRANT FUND ARRA TOTAL	\$0	\$0	\$0	\$0

Conservation Program Fund Z099

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$14,135,334	\$14,135,334
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$14,135,334	\$14,135,334

Justification:

Allocations are not required for this program. All necessary allocations for Efficiency Maine Trust are reflected in that program.

Conservation Program Fund Z099

Initiative: Adjusts funding to correctly reflect financial activity associated with Efficiency Maine Trust program accounts based on Public Law 2009, chapter 372.

Ref. #: 9430

Committee Vote:

Unan - in

AFA Vote:

	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS		
All Other	(\$14,135,334)	(\$14,135,334)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$14,135,334)	(\$14,135,334)

Justification:

This initiative corrects all allocation, expenditure, revenue and transfer amounts associated with Efficiency Maine Trust. It adjusts several accounts' funding by moving Efficiency Maine Trust financial activity into 014-95A-Z100-01, Efficiency Maine Trust account.

CONSERVATION PROGRAM FUND Z099
PROGRAM SUMMARY

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0	\$0

Efficiency Maine Trust Z100

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
Personal Services	\$0	\$320,691	\$0	\$0
All Other	\$700,000	\$14,838,148	\$263,400	\$263,400
OTHER SPECIAL REVENUE FUNDS TOTAL	\$700,000	\$15,158,839	\$263,400	\$263,400

Justification:

Efficiency Maine Trust allocation is for the transferring of various utility assessments collected by the Public Utilities Commission and for personnel services costs related to those Efficiency Maine Trust employees that elected prior to July 1, 2010 to remain State Employees and retain their employee rights, privileges, and benefits.

Efficiency Maine Trust Z100

Initiative: Adjusts funding to correctly reflect financial activity associated with Efficiency Maine Trust program accounts based on Public Law 2009, chapter 372.

Ref. #: 9460

Committee Vote:

Div Rpt

AFA Vote:

OTHER SPECIAL REVENUE FUNDS

All Other

OTHER SPECIAL REVENUE FUNDS TOTAL

(Correction - unanim.)

Maj (7 votes) - in w/correction

Min (6 votes) - increase allocations (new proposed revenue)

2011-12

2012-13

\$13,521,632

\$13,081,019

\$13,521,632

\$13,081,019

\$13,505,164

\$13,505,164

Correction

Justification:

This initiative corrects all allocation, expenditure, revenue and transfer amounts associated with Efficiency Maine Trust.

It adjusts several accounts' funding by moving Efficiency Maine Trust financial activity into 014-95A-Z100-01,

Efficiency Maine Trust account.

Efficiency Maine Trust Z100

Initiative: Continues one Planner II position, one Office Specialist I position, one Public Service Coordinator II position and one Public Service Coordinator III position to provide funding for the Efficiency Maine Trust employees who have elected to remain state employees in accordance with Public Law 2009, chapter 372, Part C. These positions were established in fiscal year 2010-11 by Financial Order 006168 F1.

Ref. #: 9470

Committee Vote:

UNAN - in

AFA Vote:

OTHER SPECIAL REVENUE FUNDS

POSITIONS - LEGISLATIVE COUNT

Personal Services

All Other

2011-12

2012-13

4.000

4.000

\$340,838

\$356,978

\$6,919

\$7,247

OTHER SPECIAL REVENUE FUNDS TOTAL

\$347,757

\$364,225

Justification:

This initiative continues the positions and allocation for those Efficiency Maine Trust employees who elected to remain state employees and retain their employee rights, privileges and benefits provided under Civil Service law or collective bargaining agreements in accordance with Public Law 2009, chapter 372, part C. These positions were set up as limited period positions in fiscal year 2010-11 by Financial Order 006168 F1.

EFFICIENCY MAINE TRUST Z100**PROGRAM SUMMARY****OTHER SPECIAL REVENUE FUNDS**

POSITIONS - LEGISLATIVE COUNT

Personal Services

All Other

OTHER SPECIAL REVENUE FUNDS TOTALHistory
2009-10History
2010-11

2011-12

2012-13

4.000

4.000

\$0

\$320,691

\$340,838

\$356,978

\$700,000

\$14,838,148

\$13,791,951

~~\$13,351,666~~

\$700,000

\$15,158,839

\$14,132,789

~~\$13,708,644~~

\$13,775,811

\$14,133,789

correction

Energy and Carbon Savings Trust Fund Z101

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$0	\$0	\$30,000,000	\$30,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$30,000,000	\$30,000,000

Justification:

Allocations are not required for this program. All necessary allocations for Efficiency Maine Trust are reflected in that program.

Energy and Carbon Savings Trust Fund Z101

Initiative: Adjusts funding to correctly reflect financial activity associated with Efficiency Maine Trust program accounts based on Public Law 2009, chapter 372.

Ref. #: 9500

Committee Vote: UNAN-IM

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	(\$30,000,000)	(\$30,000,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$30,000,000)	(\$30,000,000)

Justification:

This initiative corrects all allocation, expenditure, revenue and transfer amounts associated with Efficiency Maine Trust. It adjusts several accounts' funding by moving Efficiency Maine Trust financial activity into 014-95A-Z100-01, Efficiency Maine Trust account.

**ENERGY AND CARBON SAVINGS TRUST FUND Z101
PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$0	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0	\$0

Energy Conservation Small Business Revolving Loan Fund Z102

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$410,000	\$410,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$410,000</u>	<u>\$410,000</u>

Justification:

Allocations are not required for this program. All necessary allocations for Efficiency Maine Trust are reflected in that program.

Energy Conservation Small Business Revolving Loan Fund Z102

Initiative: Adjusts funding to correctly reflect financial activity associated with Efficiency Maine Trust program accounts based on Public Law 2009, chapter 372.

Ref. #: 9530

Committee Vote: UNANIMOUS

AFA Vote: _____

	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS		
All Other	(\$410,000)	(\$410,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$410,000)</u>	<u>(\$410,000)</u>

Justification:

This initiative corrects all allocation, expenditure, revenue and transfer amounts associated with Efficiency Maine Trust. It adjusts several accounts' funding by moving Efficiency Maine Trust financial activity into 014-95A-Z100-01, Efficiency Maine Trust account.

ENERGY CONSERVATION SMALL BUSINESS REVOLVING LOAN FUND Z102**PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Heating Fuels Efficiency and Weatherization Fund Z103

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$500</u>	<u>\$500</u>

Justification:

Allocations are not required for this program. All necessary allocations for Efficiency Maine Trust are reflected in that program.

Heating Fuels Efficiency and Weatherization Fund Z103

Initiative: Adjusts funding to correctly reflect financial activity associated with Efficiency Maine Trust program accounts based on Public Law 2009, chapter 372.

Ref. #: 9560

Committee Vote: UNAN - YN

AFA Vote: _____

	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS		
All Other	(\$500)	(\$500)
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$500)</u>	<u>(\$500)</u>

Justification:

This initiative corrects all allocation, expenditure, revenue and transfer amounts associated with Efficiency Maine Trust. It adjusts several accounts' funding by moving Efficiency Maine Trust financial activity into 014-95A-Z100-01, Efficiency Maine Trust account.

**HEATING FUELS EFFICIENCY AND WEATHERIZATION FUND Z103
PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Natural Gas Conservation Fund Z104

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$891,000	\$891,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$891,000	\$891,000

Justification:

Allocations are not required for this program. All necessary allocations for Efficiency Maine Trust are reflected in that program.

Natural Gas Conservation Fund Z104

Initiative: Adjusts funding to correctly reflect financial activity associated with Efficiency Maine Trust program accounts based on Public Law 2009, chapter 372.

Ref. #: 9590

Committee Vote: Unanimous

AFA Vote: _____

	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS		
All Other	(\$891,000)	(\$891,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$891,000)	(\$891,000)

Justification:

This initiative corrects all allocation, expenditure, revenue and transfer amounts associated with Efficiency Maine Trust. It adjusts several accounts' funding by moving Efficiency Maine Trust financial activity into 014-95A-Z100-01, Efficiency Maine Trust account.

**NATURAL GAS CONSERVATION FUND Z104
PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0	\$0

Renewable Resource Fund Z107

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$0	\$0	\$75,000	\$75,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$75,000	\$75,000

Justification:

Allocations are not required for this program. All necessary allocations for Efficiency Maine Trust are reflected in that program.

Renewable Resource Fund Z107

Initiative: Adjusts funding to correctly reflect financial activity associated with Efficiency Maine Trust program accounts based on Public Law 2009, chapter 372.

Ref. #: 9670

Committee Vote:

Unan - in

AFA Vote:

OTHER SPECIAL REVENUE FUNDS

	2011-12	2012-13
All Other	(\$75,000)	(\$75,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$75,000)	(\$75,000)

Justification:

This initiative corrects all allocation, expenditure, revenue and transfer amounts associated with Efficiency Maine Trust. It adjusts several accounts' funding by moving Efficiency Maine Trust financial activity into 014-95A-Z100-01, Efficiency Maine Trust account.

**RENEWABLE RESOURCE FUND Z107
PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	History 2009-10	History 2010-11	2011-12	2012-13
All Other	\$0	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0	\$0

Solar Rebate Program Fund Z105

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$750,000	\$750,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$750,000</u>	<u>\$750,000</u>
	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND ARRA				
All Other	\$0	\$0	\$500,000	\$500,000
FEDERAL EXPENDITURES FUND ARRA TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$500,000</u>	<u>\$500,000</u>

Justification:

Allocations are not required for this program. All necessary allocations for Efficiency Maine Trust are reflected in that program.

Solar Rebate Program Fund Z105

Initiative: Adjusts funding to correctly reflect financial activity associated with Efficiency Maine Trust program accounts based on Public Law 2009, chapter 372.

Ref. #: 9630

Committee Vote: Unen-in

AFA Vote: _____

	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS		
All Other	(\$750,000)	(\$750,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$750,000)</u>	<u>(\$750,000)</u>

Ref. #: 9640

Committee Vote: Unen-in

AFA Vote: _____

	2011-12	2012-13
FEDERAL EXPENDITURES FUND ARRA		
All Other	(\$500,000)	(\$500,000)
FEDERAL EXPENDITURES FUND ARRA TOTAL	<u>(\$500,000)</u>	<u>(\$500,000)</u>

Justification:

This initiative corrects all allocation, expenditure, revenue and transfer amounts associated with Efficiency Maine Trust. It adjusts several accounts' funding by moving Efficiency Maine Trust financial activity into 014-95A-Z100-01, Efficiency Maine Trust account.

SOLAR REBATE PROGRAM FUND Z105
PROGRAM SUMMARY

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/> \$0	<hr/> \$0	<hr/> \$0	<hr/> \$0
	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND ARRA				
All Other	\$0	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND ARRA TOTAL	<hr/> \$0	<hr/> \$0	<hr/> \$0	<hr/> \$0

EFFICIENCY MAINE TRUST

~~\$~~ 14,132,789

DEPARTMENT TOTALS

FEDERAL EXPENDITURES FUND
OTHER SPECIAL REVENUE FUNDS
FEDERAL EXPENDITURES FUND ARRA
FEDERAL BLOCK GRANT FUND ARRA

2011-12	2012-13
\$0	\$0
\$14,132,789	\$13,708,644
\$0	\$0
\$0	\$0
<hr/>	<hr/>
\$14,132,789	\$13,708,644

DEPARTMENT TOTAL - ALL FUNDS

14,132,789

(correction)

Sec. A-27. Appropriations and allocations.

The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Governor's Office of Energy Independence and Security Z122

Initiative: Provides funding for the federal State Energy Program grant.

Ref. #: 10740

Committee Vote: Unan-5A

AFA Vote: _____

FEDERAL EXPENDITURES FUND

	2011-12	2012-13
All Other	\$250,000	\$250,000
FEDERAL EXPENDITURES FUND TOTAL	\$250,000	\$250,000

Justification:

Provides funding to aid in the development of new energy policy initiatives focusing on energy efficiency and renewable energy while promoting economic development and protecting the environment.

GOVERNOR'S OFFICE OF ENERGY INDEPENDENCE AND SECURITY Z122

PROGRAM SUMMARY

	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND				
All Other			\$250,000	\$250,000
FEDERAL EXPENDITURES FUND TOTAL			\$250,000	\$250,000

Public Advocate 0410

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	9,000	9,000	9,000	9,000
Personal Services	\$1,138,487	\$1,160,130	\$1,133,242	\$1,157,513
All Other	\$667,081	\$562,549	\$567,081	\$567,081
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,805,568	\$1,722,679	\$1,700,323	\$1,724,594

PUBLIC ADVOCATE 0410

PROGRAM SUMMARY

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	9,000	9,000	9,000	9,000
Personal Services	\$1,138,487	\$1,160,130	\$1,133,242	\$1,157,513
All Other	\$667,081	\$562,549	\$567,081	\$567,081
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,805,568	\$1,722,679	\$1,700,323	\$1,724,594

committee vote unanimous AFA vote _____

EXECUTIVE DEPARTMENT

DEPARTMENT TOTALS	2011-12	2012-13
FEDERAL EXPENDITURES FUND	\$250,000	\$250,000
OTHER SPECIAL REVENUE FUNDS	\$1,700,323	\$1,724,594
DEPARTMENT TOTAL - ALL FUNDS	<u>\$1,950,323</u>	<u>\$1,974,594</u>

Sec. A-64. Appropriations and allocations.

The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION**Emergency Services Communication Bureau 0994**

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	5.000	5.000	5.000	5.000
Personal Services	\$466,959	\$490,048	\$474,764	\$493,470
All Other	\$5,792,545	\$8,399,352	\$8,399,352	\$8,399,352
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,259,504	\$8,889,400	\$8,874,116	\$8,892,822

Justification:

The Emergency Services Communication Bureau (ESCB), originally established as a Public Safety Bureau in 1996 and moved to the Public Utilities Commission in 2003, manages the statewide Enhanced 9-1-1 (E9-1-1) system, which is the component of the statewide emergency response system that displays the telephone number and physical location of an E9-1-1 caller to the calltaker at a Public Safety Answering Point (PSAP).

Emergency Services Communication Bureau 0994

Initiative: Reduces funding for consulting services to align allocations with anticipated resources.

Ref. #: 20700

Committee Vote: Unanimous

AFA Vote: _____

	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS		
All Other	(\$467,131)	(\$487,951)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$467,131)	(\$487,951)

Justification:

Anticipated revenues are less than the fiscal year 2010-11 base for expenditures plus transfers out.

EMERGENCY SERVICES COMMUNICATION BUREAU 0994**PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	5.000	5.000	5.000	5.000
Personal Services	\$466,959	\$490,048	\$474,764	\$493,470
All Other	\$5,792,545	\$8,399,352	\$7,932,221	\$7,911,401
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,259,504	\$8,889,400	\$8,406,985	\$8,404,871

Oversight and Evaluation Fund Z106

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$500	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>

Justification:

Public Law 2009, chapter 372 requires the Public Utilities Commission to establish an oversight fund to be used solely to defray the commission's projected cost of overseeing the Efficiency Maine Trust, including but not limited to reviewing and approving the triennial plan and contracting with expert 3rd-party resources to provide technical assistance or impartial evaluation of the performance of energy efficiency programs administered by the trust.

Oversight and Evaluation Fund Z106

Initiative: Provides funding in the Oversight and Evaluation Fund program to carry out activities associated with overseeing the Efficiency Maine Trust as enacted in Public Law 2009, chapter 372, Part B.

Ref. #: 20730

Committee Vote: Unan - in

AFA Vote: _____

	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS		
All Other	\$138,000	\$138,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$138,000</u>	<u>\$138,000</u>

Justification:

Public Law 2009, Chapter 372, subsection 10120 requires the Public Utilities Commission to establish an oversight fund to be used solely to defray the commission's projected cost of overseeing the Efficiency Maine Trust, including but not limited to reviewing and approving the triennial plan and contracting with expert 3rd-party resources to provide technical assistance or impartial evaluation of the performance of energy efficiency programs administered by the Trust.

OVERSIGHT AND EVALUATION FUND Z106**PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$0	\$500	\$138,500	\$138,500
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$500</u>	<u>\$138,500</u>	<u>\$138,500</u>

Public Utilities - Administrative Division 0184

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND				
All Other	\$50,000	\$50,000	\$50,000	\$50,000
FEDERAL EXPENDITURES FUND TOTAL	\$50,000	\$50,000	\$50,000	\$50,000
	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	55.000	56.000	56.000	56.000
POSITIONS - FTE COUNT	0.250	0.250	0.250	0.250
Personal Services	\$5,955,180	\$6,263,905	\$5,643,623	\$5,933,883
All Other	\$2,029,515	\$1,930,668	\$2,030,668	\$2,030,668
OTHER SPECIAL REVENUE FUNDS TOTAL	\$7,984,695	\$8,194,573	\$7,674,291	\$7,964,551

Justification:

The Maine Legislature established the Public Utilities Commission (Commission) in 1913 as a quasi-judicial independent state agency. The Commission has jurisdiction over approximately 570 utility companies and districts that generate approximately \$1 billion a year in electric, telephone, water and gas utility revenues.

Public Utilities - Administrative Division 0184

Initiative: Reduces funding in the PUC Miscellaneous account, which is no longer being used.

Ref. #: 20670

Committee Vote: Unan - in

AFA Vote: _____

	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS		
All Other	(\$15,000)	(\$15,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$15,000)	(\$15,000)

Justification:

The Public Utilities Commission has discontinued the use of the Miscellaneous Account.

PUBLIC UTILITIES - ADMINISTRATIVE DIVISION 0184
PROGRAM SUMMARY

	History 2009-10	History 2010-11	2011-12	2012-13
FEDERAL EXPENDITURES FUND				
All Other	\$50,000	\$50,000	\$50,000	\$50,000
FEDERAL EXPENDITURES FUND TOTAL	\$50,000	\$50,000	\$50,000	\$50,000
	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
POSITIONS - LEGISLATIVE COUNT	55.000	56.000	56.000	56.000
POSITIONS - FTE COUNT	0.250	0.250	0.250	0.250
Personal Services	\$5,955,180	\$6,263,905	\$5,643,623	\$5,933,883
All Other	\$2,029,515	\$1,930,668	\$2,015,668	\$2,015.668
OTHER SPECIAL REVENUE FUNDS TOTAL	\$7,984,695	\$8,194,573	\$7,659,291	\$7,949,551

PUBLIC UTILITIES COMMISSION

DEPARTMENT TOTALS	2011-12	2012-13
FEDERAL EXPENDITURES FUND	\$50,000	\$50,000
OTHER SPECIAL REVENUE FUNDS	\$16,204,776	\$16,492,922
DEPARTMENT TOTAL - ALL FUNDS	\$16,254,776	\$16,542,922

Sec. B-1. Appropriations and allocations.

The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Public Advocate 0410

Initiative: RECLASSIFICATIONS

Ref. #: 10680

Committee Vote: Unan- in

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS

Personal Services

2011-12

2012-13

\$5,775

\$5,855

All Other

\$27

\$27

OTHER SPECIAL REVENUE FUNDS TOTAL

\$5,802

\$5,882

EXECUTIVE DEPARTMENT

DEPARTMENT TOTALS

2011-12

2012-13

OTHER SPECIAL REVENUE FUNDS

\$5,802

\$5,882

DEPARTMENT TOTAL - ALL FUNDS

\$5,802

\$5,882

Joint Standing Committee on Energy, Utilities and Technology
Items *unanimously recommended*

LD 1043 -- FY 12-13 BUDGET BILL

DRAFT LANGUAGE
Items *unanimously recommended*

EMT – correction in Z100 FY 13 allocations

Sec. A-24.

See mark-up of Policy Committee Document, EUT-5 and EUT-6

OPA – Nuclear Safety Advisor Fund

Sec. _____. **Reimbursement of Maine Yankee.** The Treasurer shall return to the Maine Yankee Atomic Power Company all funds remaining in the State Nuclear Safety Advisor account within the Office of the Public Advocate, Account #014-07H-0410-04.

OPA -- Railroad Service Quality Fund

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

EXECUTIVE DEPARTMENT

Public Advocate – 410-05

Initiative: Deallocates funds remaining in a Railroad Preservation and Assistance Fund of the Public Advocate used for a program created by Public Law 2005, chapter 248 to enhance and promoting railroad service quality in the State. The program by its own terms was terminated in 2008. These funds were derived from revenues that would otherwise have been deposited in the Department of Transportation's Railroad Preservation and Assistance Fund under Title 23, Section 7103, Subsection 1.

OTHER SPECIAL REVENUE FUNDS	2011-12
All Other	(\$20,453.34)

OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$20,453.34)</u>
--	----------------------

**EXECUTIVE DEPARTMENT
DEPARTMENT TOTALS**

OTHER SPECIAL REVENUE FUNDS	(\$20,453.34)
DEPARTMENT TOTAL - ALL FUNDS	<u>(\$20,453.34)</u>

Joint Standing Committee on Energy, Utilities and Technology
Items *unanimously recommended*

TRANSPORTATION, DEPARTMENT OF Railroad Assistance Program 0350

Initiative: Provides for an allocation of funds for general operating expenses of the Railroad Preservation and Assistance Fund. These funds are transferred to the fund from the Public Advocate's Railroad Freight Service Quality Fund, 014-07H-0410-05.

OTHER SPECIAL REVENUE FUNDS	2011-12
All Other	\$20,453.34
OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/> \$20,453.34

**TRANSPORTATION, DEPARTMENT OF
DEPARTMENT TOTALS 2011-12**

OTHER SPECIAL REVENUE FUNDS	<u>\$20,453.34</u>
DEPARTMENT TOTAL - ALL FUNDS	\$20,453.34

SECTION TOTALS 2011-12

OTHER SPECIAL REVENUE FUNDS	\$0
SECTION TOTAL - ALL FUNDS	<hr/> \$0

Joint Standing Committee on Energy, Utilities and Technology

OPA – NEW PROPOSAL

RAILROAD FREIGHT SERVICE QUALITY LAW

Law as enacted in 2005 (PL 05, Ch. 248)

- In 2008, program sunset by its own terms (90 days after adjournment of 123rd, 2nd Reg. Sess.)

An Act Establishing a Role for the Public Advocate in Promoting Railroad Service Quality

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

Sec. 1. 23 MRSA §7103, sub-§1, as amended by PL 2003, c. 498, §3 and affected by §12, is further amended to read:

1. Fund created. There is created the "Railroad Preservation and Assistance Fund," which receives all revenue derived from the tax levied pursuant to Title 36, chapter 361 and taxes paid under Title 36, section 1865, except any taxes deposited pursuant to Title 36, section 2625, subsection 1 in the Railroad Freight Service Quality Fund established under Title 35-A, section 1711. The fund is also eligible to receive grants from other sources. The Treasurer of State shall receive and deposit all revenue to the fund in a separate account to be known as the Railroad Preservation and Assistance Fund.

Sec. 2. 35-A MRSA §1711 is enacted to read:

§1711. Railroad service quality

In addition to the authority and duties otherwise specified in this chapter, the Public Advocate shall seek to promote and enhance railroad freight service quality in accordance with this section. The Public Advocate shall undertake activities under this section only to the extent funding for those activities is available in the fund established under subsection 5.

1. Definition. As used in this section, unless the context otherwise indicates, "shipper" means a person or entity that uses railroad freight service.

2. Tracking service quality. The Public Advocate shall collect data on the quality of railroad freight service in this State. The Public Advocate may conduct surveys or employ other methods to gather information provided on a voluntary basis by shippers. The Public Advocate shall collect and organize the data in accordance with a performance matrix designed to measure service quality. The Public Advocate shall consult with the Department of Transportation and with shippers in developing the performance matrix. On a schedule mutually acceptable to the Public Advocate and the department, the Public Advocate shall provide to the department regular reports on the quality of railroad freight service based on data collected pursuant to this subsection. The Public Advocate shall report the data in a manner that is consistent with subsection 4. Reports provided pursuant to this subsection are public records.

3. Authority to take certain actions. In order to enhance and promote railroad freight service quality in this State the Public Advocate may:

A. Provide information to federal, regional and state agencies, groups and organizations and monitor federal and state regulatory actions of interest to Maine shippers;

B. Provide advice and assistance to shippers;

Joint Standing Committee on Energy, Utilities and Technology

OPA – NEW PROPOSAL

RAILROAD FREIGHT SERVICE QUALITY LAW

Law as enacted in 2005 (PL 05, Ch. 248)

C. With the consent of the parties, facilitate or mediate railroad freight service disputes; and

D. Take any other appropriate actions consistent with the purposes of this section.

4. Protection of persons supplying information; confidentiality. In order to encourage shippers to provide information to the Public Advocate under this section, the Public Advocate shall institute procedures to preserve the anonymity of shippers that provide railroad freight service quality information to the Public Advocate. Those portions of records obtained or kept by the Public Advocate pursuant to this section that the Public Advocate determines would reveal the identity of a shipper that provides information to the Public Advocate under this section are confidential and are not public records pursuant to Title 1, section 402, subsection 3, paragraph B. If the Public Advocate determines that disclosure of information that would reveal the identity of a shipper would assist the Public Advocate in achieving the purposes of this section, the Public Advocate shall, prior to the disclosure, notify the affected shipper to allow the shipper to discuss the proposed disclosure. If the affected shipper objects to the disclosure of the information, the Public Advocate may not disclose the information.

5. Funding. There is created the Railroad Freight Service Quality Fund, referred to in this section as "the fund." Pursuant to Title 36, section 2625, the fund receives \$20,000 each year from the tax levied pursuant to Title 36, chapter 361. Expenditures from the fund are subject to legislative approval in the same manner as appropriations from the General Fund. Any balance in the fund in excess of that required for the purposes of this section does not lapse but is carried forward. Money in the fund may be expended by the Public Advocate only for the purposes of this section.

6. Report. The Public Advocate shall annually, no later than the first Monday in February, submit to the joint standing committees of the Legislature having jurisdiction over utilities and energy and transportation matters a report that includes the following:

A. A summary of railroad freight service quality data collected under subsection 2 and any actions taken pursuant to subsection 3;

B. An evaluation of the effectiveness of any actions taken under subsection 3 and the need for the authority granted under that subsection, together with any recommendations for modifications to that authority; and

C. An accounting of expenditures from the fund, prospective funding needs and any recommendations for changes in funding levels.

7. Repeal and review. This section is repealed 90 days after the adjournment of the Second Regular Session of the 123rd Legislature. In the report submitted that year pursuant to subsection 6, the Public Advocate shall make recommendations with regard to the continued need for the authority granted under this section. After reviewing that report, the joint standing committees of the Legislature having jurisdiction over utilities and energy and transportation matters may jointly

Joint Standing Committee on Energy, Utilities and Technology

OPA – NEW PROPOSAL

RAILROAD FREIGHT SERVICE QUALITY LAW

Law as enacted in 2005 (PL 05, Ch. 248)

report out legislation to the Second Regular Session of the 123rd Legislature concerning the subject matter of this section.

Sec. 3. 36 MRSA §2625, as amended by PL 2003, c. 498, §9 and affected by §12, is further amended to read:

§2625. Return and payment

Every railroad company incorporated under the laws of this State or doing business in this State shall file with the State Tax Assessor annually, on or before April 15th, a railroad excise tax return, on a form prescribed by the State Tax Assessor. The tax must be paid in equal installments on the next June 15th, September 15th and December 15th. The Except as otherwise provided in subsection 1, the Treasurer of State shall deposit all taxes paid under this chapter into the Railroad Preservation and Assistance Fund established under Title 23, section 7103.

1. Railroad Freight Service Quality Fund. The Treasurer of State shall each year deposit \$20,000 of the taxes paid under this chapter in the Railroad Freight Service Quality Fund established under Title 35-A, section 1711.

This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 123rd Legislature.

Sec. 4. **Authority to report legislation.** The Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Transportation may jointly report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature.

Sec. 5. **Appropriations and allocations.** The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Public Advocate

Initiative: Allocates general operating funds to assist the Public Advocate in enhancing and promoting railroad service quality in the State.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$20,000	\$20,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$20,000	\$20,000
EXECUTIVE DEPARTMENT		
DEPARTMENT TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$20,000	\$20,000
DEPARTMENT TOTAL - ALL FUNDS	\$20,000	\$20,000

Joint Standing Committee on Energy, Utilities and Technology

OPA – NEW PROPOSAL

RAILROAD FREIGHT SERVICE QUALITY LAW

Law as enacted in 2005 (PL 05, Ch. 248)

TRANSPORTATION, DEPARTMENT OF Railroad Assistance Program 0350

Initiative: Deallocates general operating funds to reflect a loss of revenue to the Railroad Preservation and Assistance Fund.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	(\$20,000)	(\$20,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$20,000)	(\$20,000)
TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	(\$20,000)	(\$20,000)
DEPARTMENT TOTAL - ALL FUNDS	(\$20,000)	(\$20,000)
SECTION TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
SECTION TOTAL - ALL FUNDS \$0	\$0	

Joint Standing Committee on Energy, Utilities and Technology

OPA -- NEW PROPOSAL

Nuclear Safety Advisor

Law as it existed in 2004

- In 2005 the fee (sub-§3) was repealed by PL 05, Ch 254, Pt3, §11
- In 2008 the entire section was repealed by PL 07, Ch 539, PtKK, §18

25 § 52. State Nuclear Safety Advisor

1. State Nuclear Safety Advisor position established. There is established within the Office of the Public Advocate a State Nuclear Safety Advisor position that is an unclassified, confidential position. The State Nuclear Safety Advisor serves at the pleasure of the Governor. The State Nuclear Safety Advisor must be an individual knowledgeable in the field of nuclear waste disposal at the federal and state levels.

2. Duties. The State Nuclear Safety Advisor has the following duties:

- A. To advise the Governor and the Legislature on issues pertaining to the safe operation of nuclear facilities and the safe transportation and storage of nuclear waste;
- B. To consult with other agencies of State Government or Federal Government whose activities pertain to the issues in paragraph A;
- C. To review and evaluate and to advise the Governor and the Legislature on activities conducted by other states to inspect and monitor the safe operation of nuclear facilities and the safe transportation and storage of nuclear waste; and
- D. To prepare a report of the State Nuclear Safety Advisor's activities under this section to be submitted March 30th of each year to the Governor and the Legislature.

For purposes of this section, "commercial nuclear power facility" or "facility" means a utilization facility situated in this State that holds an operating permit or license issued by the United States Nuclear Regulatory Commission.

3. Fees. In addition to the fee provided in Title 22, section 664, each nuclear power plant licensee whose operations are monitored under this chapter shall pay a fee to the permanent fund established in Title 22, section 680, subsection 7. The amount of the fee for each licensee must be calculated by multiplying the total allocation to the Public Advocate for the fiscal year from the fund established in Title 22, section 680, subsection 7, for the full cost of the State Nuclear Safety Advisor, including the cost to the State for personnel and fringe benefits, by the licensee's proportion of the amount of nuclear waste stored or generated by all licensees subject to this chapter. The cost must include an annual amount not to exceed \$10,000 for support functions associated with this position.

LD 1043 -- FY 12-13 BUDGET BILL

MINORITY REPORT

including DRAFT LANGUAGE

Joint Standing Committee on Energy, Utilities and Technology

Efficiency Maine Trust ("EMT") Z100 EMT program account Ref. # 9460

The Minority Report supports approval of the Governor's Budget Proposal for this portion of the EMT budget, as does the majority report. In addition the minority supports an additional piece that was in EMT's initial budget proposal and would provide more funding for energy efficiency. EMT's proposal was in response to a near unanimous statute calling for plan to pursue "all achievable, cost-effective energy efficiency."

Explanation: Efficiency Maine Trust presented a total electric efficiency program budget of \$30 m. for FY 2012 and \$43.5 for FY 2013. This money is from various sources including what is termed the electric "system benefit charge" ("SBC"). Currently, the SBC is a "base assessment" on electricity is 0.145 cents / kWh. To move toward achieving "all cost-effective energy efficiency" the EMT proposed adding to the Base Assessment a Supplemental Assessment for FY 2012 to a total of 0.2175 cents / kWh and an increase in FY 2013 to 0.35 cents / kWh. Put in perspective, the current rate impact of the "base assessment" to the average residential electricity bills is \$ 0.75/ month. Approval would increase that to \$ 1.82/ month. This increase would be offset by a household by replacing one 100 watt incandescent light bulb with a 23 watt compact fluorescent bulb.

This budget proposal lowers Maine's energy costs. For the dollar invested, this is Maine's best of economic development tool.

Maine has high energy costs – about \$7.5 billion each year. Mostly for imported oil, gas, propane and for electricity (40% from gas and other fossil fuel generation). **Energy efficiency is the lowest cost energy source.** Many market barriers and market distortions interfere with full and easy adoption of energy efficiency.

Energy savings stem dollar drain keeping money in Maine economy. Efficiency Maine's current 3-year plan is projected to increase Gross State Product by \$1 billion net present value.

Using estimates from a report commissioned by Central Maine Power, **maximizing achievable, cost-effective electric energy efficiency** would require at least an annual budget of \$47m for ten years -- well below EMT's original budget amounts totaling just \$30 m annually. (CMP spent more on energy efficiency programs when it had such responsibility in the 1980's than would the current budget. Maine now spends more on tree-trimming along power lines than for energy efficiency programs.)

The full initial EMT budget request was supported by Central Maine Power, as well as the Natural Resources Council of Maine, Conservation Law Foundation and Environment Northeast. There was no testimony against it.

DRAFT LANGUAGE

EMT – Z100 supplemental allocations

Sec. A-24.

- *include correction to Z100 FY13 allocations as indicated in the Policy Committee Document, EUT-5)*

• *additional allocations:*

Efficiency Maine Trust Z100

Initiative: Provides for an allocation of funds to reflect revenues to be collected through an increased gas assessment under Title 35-A, Section 10111(2).

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All other	\$130,972	\$130,972
OTHER SPECIAL REVENUE FUNDS TOTAL	\$130,972	\$130,972

Justification:

This initiative authorizes the Public Utilities Commission to increase the assessment on gas utilities under Title 35-A, Section 10111(2) by 25%.

Efficiency Maine Trust Z100

Initiative: Provides for an allocation of funds to reflect revenues to be collected through an increased assessment on transmission and distribution utilities under Title 35-A, Section 10110(5).

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All other	\$6,799,450	\$19,226,031
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,799,450	\$19,226,031

Justification:

This initiative authorizes the Public Utilities Commission to increase the assessment on transmission and distribution utilities under Title 35-A, Section 10110(5) to 0.2175 cents/kwh for FY 2011-12 and to 0.35 cents/kwh for FY 2012-13.

REVISED PROGAM SUMMARY (changes highlighted):

**EFFICIENCY MAINE TRUST Z100
PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
POSITIONS – LEGISLATIVE COUNT			4.000	4.000
Personal Services	\$0	\$320,691	340,838	\$356,978
All Other	\$700,000	\$14,838,148	\$20,772,373	\$32,132,814
OTHER SPECIAL REVENUE FUNDS TOTAL	\$700,000	\$15,158,839	\$21,063,211	\$32,489,792