

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT SELECT COMMITTEE ON MAINE'S ENERGY  
FUTURE**

July 2009

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

## Joint Select Committee on Maine's Energy Future

a building with 26 or more units, a maximum of 5 reductions (credits) for that building.

### LD 886 An Act To Secure Maine's Energy Future

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE BARTLETT	ONTP	

This bill establishes a new entity, the Efficiency Maine Trust (EMT) responsible for planning, designing and administering energy efficiency programs. The EMT is designated as a nonprofit, 501(c)(3) charitable organization. The EMT is governed by a 16 member board, 12 of whom are voting members. The board appoints a director, who serves at the pleasure of the board, who manages the EMT programs. The bill provides for certain oversight of the EMT by the PUC: EMT programs must be in accordance with a triennial plan created by EMT and approved by the PUC; the PUC "negotiates" and approves performance measures governing the EMT; the PUC arranges for an independent evaluation of major programs (over \$500,000/year) at least once every three years; each year the EMT is required report to the PUC and the UTE committee an accounting of its activities, funding and expenditures; the PUC is directed to establish a fund to defray its costs in overseeing the EMT.

Under the bill, the oversight or administration of the following programs is given to Efficiency Maine Trust: electric conservation and efficiency programs currently under the jurisdiction of the Public Utilities Commission (PUC) under Title 35-A, section 3211-A (certain aspects of the law governing these programs changed); natural gas conservation and efficiency programs currently administered by the largest gas utility, Unitil, under the direction of the PUC under Title 35-A, section 4711; federal funds and programs for energy efficiency and weatherization (low-income federal programs would remain with the Maine State Housing Authority with approval of spending plans by the EMT); a new Regional Greenhouse Gas Initiative Trust Fund, which replaces the Energy and Carbon Savings Trust and the Maine Energy Conservation Board; a new heating fuels efficiency and weatherization fee and fund program funded by a new and annually increasing heating fuel charge assessed by PUC.

See also LD 1485.

### LD 955 An Act To Transform the Maine Economy and Create Jobs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to create the Energy Trust Authority under the Governor's Office of Energy Independence and Security. The purpose of the authority is to actively pursue and negotiate opportunities to transform the State into the greenest and healthiest state and to create jobs through: actively pursuing opportunities to lease portions of the State's highways and rights-of-way, including Interstate 95 and the Maine Turnpike, for the transmission of energy, including electricity, natural gas or other fossil fuel; ensuring the interconnection between the State's major transit systems of rail, ports and highways to maximize the State's connection to the national and international economy; and developing and implementing specific programs that ensure the State's reduction of its carbon footprint and greatly expanding healthy opportunities for the people and businesses of this State.

## *Joint Select Committee on Maine's Energy Future*

This bill proposes to use the funds generated through the lease of state assets to support a revenue bond to fund:

1. Interest-free revolving loan programs to fund weatherization and conversion of heating systems for both commercial and residential sectors, with the goal of moving the State's energy use from fossil fuel to green energy, specifically green electricity. This conversion will include greatly expanded use of technologies like geothermal and cold-weather heat exchangers. The revolving loan fund will be managed by transmission and distribution utility companies, who have administrative mechanisms for claims and billing already established with each household and building owner;
2. Expanding research and development into wind power, specifically offshore wind. The funds will be used to vertically integrate the wind industry in the State, including development and production of turbines, blades, stanchions and offshore platforms. Funds will be provided to the University of Maine System, the Maine Community College System and the Maine Technology Institute to expand research capacity, develop an educated and skilled workforce, expand business opportunities and create partnerships with local, national and international companies with expertise and capacity in offshore wind development;
3. Development of the Maine Expansion Fund to provide flexible funding for companies seeking to expand, start or locate in the State. The Maine Expansion Fund will be used to assist companies involved with targeted technologies, as defined in the Maine Revised Statutes, Title 5, section 15301, subsection 2, with grants or loans for infrastructure, training support and other financing. Eligible companies receiving funds must create net new jobs that pay at least the average labor market weekly wage and provide at least a 50 percent employer-paid health care benefit, paid sick leave and access to an approved retirement plan. Eligible companies receiving funds must build or renovate their facilities to meet the highest energy efficiency standard to minimize their carbon footprint;
4. Expanding research and development into food production to make the State the food basket of the Northeast. Funds will be provided to the University of Maine System, the Maine Community College System and the Maine Technology Institute to expand research capacity, develop an educated and skilled workforce, expand business opportunities and create partnerships with local, national and international companies with expertise and capacity in food production and the promotion of the Maine brand;
5. Creation of a virtual medical school in the State. Funds will be used to expand opportunities for medical education and graduate school opportunities, as well as research capacity, that develop the State as a laboratory for health and wellness while establishing a relationship with the United States Department of Health and Human Services, National Institutes of Health to fund the research and development of the State as a laboratory for improving health and wellness for the country. The creation of a virtual medical school will be furthered by using partnerships within the State, through hospitals, educational institutions and research facilities, and medical schools outside of the State;
6. Expanding the State's transportation system, including mass transit, to ensure the flow of goods and services and decrease the State's transportation carbon footprint by expanded utilization of ports, rails and other transit opportunities; and
7. Development of the privately funded East-West Highway and utility corridor to improve connectivity of the Northeast to the heartland of the United States and the international marketplace.

The Energy Trust Authority will consist of the following voting members: the Public Advocate; the Director of the Governor's Office of Energy Independence and Security; the Chief Executive Officer of the Finance Authority of Maine; a commissioner of the Public Utilities Commission; a representative from the University of Maine System; a representative from the Maine Community College System; the Commissioner of Economic and Community Development or the commissioner's designee; the Commissioner of Transportation or the commissioner's designee; four public members representing industry, labor, environmental groups, the health care industry and agriculture,

## *Joint Select Committee on Maine's Energy Future*

appointed by the Governor and confirmed by the Legislature; and four Legislators, two Senators appointed by the President of the Senate and two House members appointed by the Speaker of the House. The Energy Trust Authority will be a quasi-state entity, with the broad powers to accomplish its purpose, including the power to develop and implement programs, enter into contracts with public and private entities to accomplish the purpose of the authority, issue revenue bonds through the Maine Municipal Bond Bank, contract with the Finance Authority of Maine or other entities to provide loans or grant funds, develop and adopt rules, set standards for energy efficiency and weatherization funded by the authority, retain certain confidential information under provisions similar to the Finance Authority of Maine's confidentiality exemptions and exercise other responsibilities possessed by and enjoy protections provided to other authorities under state law.

See also LD 1485.

**LD 980      An Act To Provide a Tax Credit for Heating and Cooling System  
Alternatives and Improvements That Benefit the Environment and  
Address Climate Change**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH D	ONTP	

This bill provides an income tax credit of up to \$5,000 for the costs of an alternative fuel heating or cooling system, energy efficiency equipment components and voltage regulation technology. The credit may be claimed for installations in tax years beginning in 2009 or 2010 and may be carried over up to five years. The General Fund costs of the credit are reimbursed from the Energy and Carbon Savings Trust Fund.

**LD 1181      An Act To Create Jobs through Investment in Green Energy**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY BARTLETT	ONTP	

This bill provides funding for cost-effective efficiency and renewable energy technology. It creates an energy efficiency entity called Efficiency Maine to administer a wide range of efficiency and related programs and to leverage private and federal funds. It ensures the provision of training for the jobs that these measures will create. Specifically, the bill accomplishes the following.

Part A requires all agencies of State Government that administer a program related to energy efficiency, load management and distributed renewable energy to contract with Efficiency Maine to administer the program, unless a different cooperative arrangement is more cost-effective. Part A also raises efficiency standards for state-funded construction and state-purchased vehicles.

Part B adds Efficiency Maine project bonds issued by the Finance Authority of Maine to the portion of the State ceiling for private activity bonds allocated to the Finance Authority of Maine. Part B also requires every building and industrial facility in the State, with certain limited exceptions, to get a thorough energy audit within the next 10 years. If the evaluation is done in coordination with Efficiency Maine, the audit must be paid for by Efficiency Maine.