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Date: (Filing No. H- )

**ENVIRONMENT AND NATURAL RESOURCES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

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

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 38 MRSA §1612** is enacted to read:

**§1612. 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 subsections 2 and 3, 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 the State of California pursuant to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, as those regulations were in effect on January 1, 2021 and as amended on December 9, 2020:

- (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.

**COMMITTEE AMENDMENT**

1           For the purposes of this paragraph, the appliances and products listed in subparagraphs  
2           (1) to (8) have the same meanings as in the California Code of Regulations, Title 20,  
3           Division 2, Chapter 4, Article 4, as those regulations were in effect on January 1, 2021,  
4           except that "general service lamps" means medium-base incandescent light bulbs that  
5           are: reflector lamps that are ER30, BR30, BR40 or ER40 lamps rated at 50 watts or  
6           less; reflector lamps that are BR30, BR40 or ER40 lamps rated at 65 watts; reflector  
7           lamps that are R20 lamps rated at 45 watts or less; B, BA, CA, F and G shape lamps as  
8           defined in American National Standards Institute standard C79.1-2002 with a lumen  
9           output greater than or equal to 200 and rated at 40 watts or less; A and C shape lamps  
10           as defined in American National Standards Institute standard C79.1-2002 with a lumen  
11           output greater than or equal to 200 and less than 310; shatter-resistant lamps; and 3-  
12           way lamps.

13           B. In determining a person's compliance with paragraph A, the department shall, to  
14           the greatest extent practicable and where consistent with the requirements of this  
15           subsection, use information contained in the modernized appliance efficiency database  
16           system established pursuant to the California Code of Regulations, Title 20, Division  
17           2, Chapter 4, Article 4, as those regulations were in effect on January 1, 2021.

18           C. A person who violates paragraph A commits a civil violation for which a fine of  
19           not more than \$100 may be adjudged.

20           **2. Exclusions; federal preemption.** This section does not apply to any appliances  
21           and products listed in subsection 1, paragraph A, subparagraphs (1) to (8) that are  
22           manufactured before January 1, 2023 or that are sold or offered for sale in the State in used  
23           condition. An appliance or product listed in subsection 1, paragraph A is exempt from the  
24           prohibitions in this section and the rules adopted pursuant to this section if state regulation  
25           of the appliance or product is preempted by federal statute or regulation, for as long as that  
26           federal preemption remains in effect.

27           **3. Rules.** The department may adopt rules to amend the prohibition on the sale or  
28           offering for sale in the State of appliances or products described in subsection 1, paragraph  
29           A to incorporate any changes to the California Code of Regulations, Title 20, Division 2,  
30           Chapter 4, Article 4 effective after January 1, 2021. Rules adopted pursuant to this  
31           subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

32           **Sec. 2. Memorandum of understanding regarding technical assistance to**  
33           **consumers and businesses.** The Department of Environmental Protection may enter  
34           into a memorandum of understanding or other formalized agreement with the Efficiency  
35           Maine Trust, established in the Maine Revised Statutes, Title 35-A, chapter 97, for the  
36           provision of technical assistance by the trust to consumers and businesses in the scope and  
37           application of the State's efficiency standards under Title 38, section 1612.

38           **Sec. 3. Appropriations and allocations.** The following appropriations and  
39           allocations are made.

40           **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

41           **Maine Environmental Protection Fund 0421**

42           Initiative: Provides appropriations for one Environmental Specialist III position and  
43           associated costs.

	<b>2021-22</b>	<b>2022-23</b>
<b>GENERAL FUND</b>		
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$85,182
All Other	\$0	\$4,898
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$90,080</b>

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

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### SUMMARY

11 This amendment provides that, beginning January 1, 2023, a person may not sell or  
12 offer for sale in the State any of the following appliances or products manufactured on or  
13 after January 1, 2023 that were prohibited from sale in the State of California under its  
14 appliance efficiency regulations, as those regulations were in effect on January 1, 2021:  
15 computers and computer monitors; certain general service lamps; commercial hot food  
16 holding cabinets; plumbing fittings that are showerheads, lavatory faucets, kitchen faucets,  
17 public lavatory faucets, metering faucets, kitchen replacement aerators and lavatory  
18 replacement aerators; plumbing fixtures that are water closets and urinals; portable electric  
19 spas; spray sprinkler bodies; and water dispensers. The amendment changes the  
20 enforcement of the prohibition from the Governor's Energy Office to the Department of  
21 Environmental Protection. It allows the department, instead of the office, to enter into a  
22 memorandum of understanding or other formalized agreement with the Efficiency Maine  
23 Trust for the provision of technical assistance by the trust to consumers and businesses  
24 regarding this prohibition.

25 Lastly, it allows the department to incorporate by rule changes to the State of  
26 California's appliance efficiency regulations.

27 The amendment also adds an appropriations and allocations section.

28

### FISCAL NOTE REQUIRED

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(See attached)