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Date: (Filing No. H-)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 839, L.D. 1221, Bill, “An Act To Enhance Energy Cost Reduction and Facilitate Heating Alternatives in furtherance of the Omnibus Energy Act”

Amend the amendment by inserting after the title the following:

'Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 13 in L.D.)'

Amend the amendment in the first paragraph after the title (page 1, line 12 in amendment) by striking out the following: "sections 2 and 4." and inserting the following: 'section 2 and inserting the following:'

Amend the amendment by inserting after the first paragraph the following:

'Sec. 2. 35-A MRSA §10103, sub-§3, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

3. Administration of trust; director. The board shall annually appoint, using or reappoint a qualified full-time director of the trust. When making an initial appointment of an individual to the position of director of the trust, the board shall use a full and competitive search process, a qualified full-time director of the trust and a director's initial appointment as director is subject to review by the joint standing committee of the Legislature having jurisdiction over energy matters and to confirmation by the Senate. The Director of the Efficiency Maine Trust serves at the pleasure of the board. The director must have demonstrated experience in the planning, design or delivery of energy efficiency programs or the management of organizations that plan, design or deliver those programs. The board shall establish the rate and amount of compensation of the director and all other employees of the trust. The director:

A. Serves as the president of the trust and as the liaison between the board and any committee of the Legislature having jurisdiction over energy matters;

B. Is responsible for:

- (1) Establishing an office for the trust;
- (2) Hiring and organizing staff for the trust and determining their qualifications and duties; and

HOUSE AMENDMENT

1 (3) Managing the trust's programs, services and staff and performing other duties
2 as the board considers appropriate; and

3 C. May delegate to employees of the trust any powers and duties that the director
4 considers proper.

5 Amend the bill by striking out all of section 4.'

6 Amend the amendment by striking out all of subsection 2 (page 1, lines 15 to 31 in
7 amendment) and inserting the following:

8 **'2. Efficiency Maine Trust funds.** An amount equal to \$300,000 must be
9 transferred annually to the office from the Efficiency Maine Trust, established in section
10 10103, unless federal funds are adequate to meet the funding needs of the office. Funds
11 transferred from the Efficiency Maine Trust may be used only for that portion of the
12 office's activities that support or reasonably relate to programs or activities of the
13 Efficiency Maine Trust. The commissioner shall keep an accounting of the office's
14 resources devoted to its various duties and activities, including that portion of its
15 resources devoted to activities in support of or reasonably related to programs or
16 activities of the Efficiency Maine Trust. The commissioner shall provide the accounting
17 to the joint standing committee of the Legislature having jurisdiction over energy matters
18 as part of its annual report under section 10205, subsection 3. The joint standing
19 committee of the Legislature having jurisdiction over energy matters shall make
20 recommendations to the joint standing committee of the Legislature having jurisdiction
21 over appropriations and financial affairs with regard to any proposed allocation of
22 Efficiency Maine Trust funds to support the office. In accordance with any legislative
23 allocation or deallocation of Efficiency Maine Trust funds to support the office, the
24 commissioner shall request from the Efficiency Maine Trust and the trust shall provide
25 the allocated resources to the office.'

26 Amend the amendment by striking out all of section 8 and inserting the following:

27 **'Sec. 8. Application of change to appointment process.** Notwithstanding the
28 Maine Revised Statutes, Title 35-A, section 10103, subsection 3, the person holding the
29 position of director of the Efficiency Maine Trust on the effective date of this Act
30 remains the director of the trust under the procedure for appointment that was in law prior
31 to the effective date of this Act.

32 **Sec. 9. Appropriations and allocations.** The following appropriations and
33 allocations are made.

34 **EXECUTIVE DEPARTMENT**

35 **Governor's Energy Office Z122**

36 Initiative: Provides allocations to establish a new deputy commissioner position and for
37 related costs.

38	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
39	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
40	Personal Services	\$65,987	\$89,840

1	All Other	\$1,875	\$2,500
2			
3	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$67,862</u>	<u>\$92,340</u>

4 **Governor's Energy Office Z122**

5 Initiative: Provides allocations for activities relating to energy resources, planning and
6 development.

7	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
8	All Other	\$232,138	\$207,660
9			
10	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$232,138</u>	<u>\$207,660</u>

11 **EXECUTIVE DEPARTMENT**
12 **DEPARTMENT TOTALS**

13		2015-16	2016-17
14	OTHER SPECIAL REVENUE FUNDS	\$300,000	\$300,000
15			
16	DEPARTMENT TOTAL - ALL FUNDS	<u>\$300,000</u>	<u>\$300,000</u>

17
18 Amend the amendment by inserting after section 8 the following:

19 'Amend the bill by striking out all of the emergency clause.'

20 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
21 or section number to read consecutively.

22 **SUMMARY**

23 This amendment changes the appointment process for the Director of the Efficiency
24 Maine Trust. Under this amendment, the Efficiency Maine Trust Board will annually
25 appoint or reappoint the director of the trust, and a director's initial appointment is subject
26 to review by the joint standing committee of the Legislature having jurisdiction over
27 energy matters and to confirmation by the Senate. This amendment specifies that the
28 change in the law governing the appointment process does not affect the appointment of
29 the current director of the Efficiency Maine Trust.

30 This amendment also clarifies the language in Committee Amendment "A" regarding
31 the funding transferred to the Maine Energy Office from the Efficiency Maine Trust.
32 Under this amendment, an amount equal to \$300,000 must be transferred annually to the
33 office unless federal funds are adequate to meet the funding needs of the office. This
34 amendment retains the language from Committee Amendment "A" restricting the use of
35 funds from the trust for that portion of the office's activities that support or reasonably
36 relate to programs or activities of the trust. This amendment replaces the appropriations
37 and allocations section.

1 This amendment also strikes the emergency preamble and the emergency clause.

2

FISCAL NOTE REQUIRED

3

(See attached)

4

SPONSORED BY: _____

5

(Representative DUNPHY L)

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TOWN: Embden