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## **An Act To Provide Rebates for Renewable Energy Technologies**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the laws governing the solar and wind energy rebate program were repealed effective December 31, 2010; and

**Whereas,** the installation of renewable energy technology is a form of economic activity in this State; and

**Whereas,** funding is immediately available for rebates to provide incentives for this economic activity; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 35-A MRSA §3210, sub-§9, ¶B,** as amended by PL 2009, c. 565, §4 and affected by §9, is further amended to read:

B. The commission shall collect alternative compliance payments made by competitive electricity providers and shall deposit all funds collected under this paragraph in the Renewable Resource Fund established under section 10121, subsection 2 to be used to fund research, development and demonstration projects relating to renewable energy technologies and to fund rebates for cost#effective renewable energy technologies.

**Sec. 2. 35-A MRSA §10121, sub-§1,** as enacted by PL 2009, c. 565, §7 and affected by §9, is amended to read:

#### **1. Funding for renewable resource research and development; community demonstration projects; rebates for cost#effective renewable energy technologies.**

The trust by rule shall establish and administer a program allowing retail consumers of electricity to make voluntary contributions to fund renewable resource research and development ~~and~~, to fund community demonstration projects using renewable energy technologies and to fund rebates for cost#effective renewable energy technologies. The program must:

A. Include a mechanism for customers to indicate their willingness to make contributions;

B. Provide that transmission and distribution utilities collect and account for the contributions and forward them to the trust;

C. Provide for a distribution of the funds through a competitive bid process to the University of Maine System, the Maine Maritime Academy or the Maine Community College System for renewable resource research and development;

D. Provide for a distribution of the funds through a competitive bid process to Maine-based nonprofit organizations that qualify under the federal Internal Revenue Code, Section 501(c)(3), consumer-owned transmission and distribution utilities, community-based nonprofit organizations, community action programs, municipalities, quasi-municipal corporations or districts as defined in Title 30#A, section 2351, community-based renewable energy projects as defined in section 3602, subsection 1 and school administrative units as defined in Title 20#A, section 1 for community demonstration projects using renewable energy technologies; and

E. Provide for an annual distribution of 35% of the funds to the Maine Technology Institute to support the development and commercialization of renewable energy technologies; and

F. Provide rebates for cost-effective renewable energy technologies as determined by the trust.

Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2#A.

**Sec. 3. 35-A MRSA §10121, sub-§2**, as enacted by PL 2009, c. 565, §7 and affected by §9, is amended to read:

**2. Fund established.** There is established the Renewable Resource Fund, referred to in this section as "the fund." The fund is a nonlapsing fund administered by the trust. All funds collected by the trust pursuant to subsection 1 must be deposited in the fund for distribution by the trust in accordance with subsection 1. The trust may seek and accept funding for the program established pursuant to subsection 1 from other sources, public or private. Any funds accepted for use in the program established pursuant to subsection 1 must be deposited in the fund. Funds not spent in any fiscal year remain in the fund to be used for the purposes of this section. Any interest earned on funds in the fund must be credited to the fund.

The trust may allocate funds pursuant to subsection 1, paragraphs C, D and F from the fund to most effectively meet the objectives of the triennial plan pursuant to section 10104, subsection 4.

**Sec. 4. 35-A MRSA §10121, sub-§4** is enacted to read:

**4. Rulemaking.** The trust shall adopt rules to implement this section. The rules must include, but are not limited to:

A. Selection criteria for the competitive bid process pursuant to subsection 1, paragraphs C and D, including, but not limited to, the cost-effectiveness of the project or development and the likelihood that the renewable energy technology will be adopted on a broader scale in this State; and

B. Qualification criteria for rebates for renewable energy technologies pursuant to paragraph F, including, but not limited to, cost-effectiveness and quality assurance requirements.

Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2#A.

**Sec. 5. Use of remaining funds for solar and wind energy rebate program.** The Efficiency Maine Trust, established in the Maine Revised Statutes, Title 35#A, section 10103, shall use any remaining funds collected for purposes of the solar and wind energy rebate program that was terminated on December 31, 2010 pursuant to Title 35#A, former section 10112 for rebates for renewable energy technologies pursuant to Title 35#A, section 10121, subsection 1, paragraph F.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**EFFICIENCY MAINE TRUST**

**Efficiency Maine Trust Z100**

Initiative: Allocates funds to the Efficiency Maine Trust to provide rebates for cost#effective renewable energy technologies utilized by government and nonprofit entities subjected to a competitive bid process.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$0	\$360,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<hr/> \$0	<hr/> \$360,000

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

Effective 90 days following adjournment of the 125th  
Legislature, First Regular Session, unless otherwise indicated.