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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION

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

Amend the amendment by striking out all of section 1 and inserting the following:

Sec. 1. 38 MRSA §1613 is enacted to read:

§1613. 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 subsection 2, 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 rules adopted by the department in accordance with subsection 3:

- (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.

For the purposes of this paragraph, the appliances and products listed in subparagraphs (1) to (8) have the same meanings as in rules adopted by the department under subsection 3, except that "general service lamps" means medium-base incandescent light bulbs that are: reflector lamps that are ER30, BR30, BR40 or ER40 lamps rated at 50 watts or less; reflector lamps that are BR30, BR40 or ER40 lamps rated at 65 watts; reflector lamps that are R20 lamps rated at 45 watts or less; B, BA, CA, F and G shape lamps as defined in American National Standards Institute standard

SENATE AMENDMENT

1 C79.1-2002 with a lumen output greater than or equal to 200 and rated at 40 watts or
2 less; A and C shape lamps as defined in American National Standards Institute standard
3 C79.1-2002 with a lumen output greater than or equal to 200 and less than 310; shatter-
4 resistant lamps; and 3-way lamps.

5 B. In determining a person's compliance with paragraph A, the department shall, to
6 the greatest extent practicable and where consistent with the requirements of this
7 subsection, use information available from other states that regulate the same
8 appliances and products.

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

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

18 **3. Rules.** The department may adopt rules to prohibit the sale or offering for sale in
19 the State of appliances or products described in subsection 1, paragraph A. Rules adopted
20 pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375,
21 subchapter 2-A.'

22 Amend the amendment in section 2 in the last line (page 2, line 37 in amendment) by
23 striking out the following: "1612" and inserting the following: '1613'

24 Amend the amendment by striking out all of section 3 and inserting the following:

25 '**Sec. 3. Appropriations and allocations.** The following appropriations and
26 allocations are made.

27 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

28 **Maine Environmental Protection Fund 0421**

29 Initiative: Provides appropriations for one Environmental Specialist III position and
30 associated costs.

| 31 GENERAL FUND | 2021-22 | 2022-23 |
|----------------------------------|----------------|----------------|
| 32 POSITIONS - LEGISLATIVE COUNT | 0.000 | 1.000 |
| 33 Personal Services | \$0 | \$85,182 |
| 34 All Other | \$0 | \$18,000 |
| 35 | | |
| 36 GENERAL FUND TOTAL | \$0 | \$103,182 |

37 '

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

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SUMMARY

This amendment changes a statutory allocation, from the Maine Revised Statutes, Title 38, section 1612 to section 1613, to prevent a conflict with Public Law 2021, chapter 94. The amendment provides that, beginning January 1, 2023, a person may not sell or offer for sale in the State certain appliances or products manufactured on or after January 1, 2023 that are prohibited from sale in major substantive rules adopted by the Department of Environmental Protection. The committee amendment prohibited the sale of such appliances or products that were prohibited from sale in the State of California under its appliance efficiency regulations.

The amendment also replaces the appropriations and allocations section.

SPONSORED BY: _____

(Senator BRENNER, S.)

COUNTY: Cumberland