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No. 1221

H.P. 839

House of Representatives, April 2, 2015

**An Act To Enhance Energy Cost Reduction and Facilitate Heating
Alternatives in furtherance of the Omnibus Energy Act**

(EMERGENCY)

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FREDETTE of Newport.
Cosponsored by Representative: DUNPHY of Embden.

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

3 **Whereas,** it is imperative that the costs of energy be reduced and heating
4 alternatives be provided to the citizens of the State; and

5 **Whereas,** in order to enable the Efficiency Maine Trust to carry out its mission,
6 funding for the trust must be authorized in sufficient time to allow the trust to budget
7 accordingly; and

8 **Whereas,** this legislation makes corrections to the law to provide such necessary
9 funding to the Efficiency Maine Trust; and

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

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

15 **Sec. 1. 2 MRSA §9,** as amended by PL 2013, c. 415, §§1 to 4 and c. 541, §1, is
16 repealed.

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

19 **3. Administration of trust; director.** ~~The board shall appoint, using a full and~~
20 ~~competitive search process, a qualified full-time director of the trust. The Governor shall~~
21 appoint the Director of the Efficiency Maine Trust, subject to review by the joint standing
22 committee of the Legislature having jurisdiction over energy matters and approval by the
23 Senate. The director serves at the pleasure of the board and shall apprise the
24 Commissioner of the Maine Energy Office regarding the execution of the director's
25 responsibilities. The director must have demonstrated experience in the planning, design
26 or delivery of energy efficiency programs or the management of organizations that plan,
27 design or deliver those programs. The board shall establish the rate and amount of
28 compensation of the director and all other employees of the trust. The director:

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

31 B. Is responsible for:

32 (1) Establishing an office for the trust;

33 (2) Hiring and organizing staff for the trust and determining their qualifications
34 and duties; and

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

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

3 **Sec. 3. 35-A MRSA §10104, sub-§4**, as amended by PL 2013, c. 369, Pt. A,
4 §§10 to 13, is further amended to read:

5 **4. Triennial plan.** The board shall vote on a detailed, triennial, energy efficiency,
6 alternative energy resources and conservation plan that includes the quantifiable measures
7 of performance developed under subsection 3 and make a full report of the vote to the
8 commission in accordance with this subsection. The triennial plan must provide
9 integrated planning, program design and implementation strategies for all energy
10 efficiency, alternative energy resources and conservation programs administered by the
11 trust, including but not limited to the electric efficiency and conservation programs under
12 section 10110, the natural gas efficiency and conservation programs under section 10111,
13 the Regional Greenhouse Gas Initiative Trust Fund under section 10109, the Heating
14 Fuels Efficiency and Weatherization Fund under section 10119 and any state or federal
15 funds or publicly directed funds accepted by or allocated to the trust for the purposes of
16 this chapter. The triennial plan must include provisions for the application of appropriate
17 program funds to support workforce development efforts that are consistent with and
18 promote the purposes of the trust. Beginning January 1, 2011, the triennial plan must
19 specify the appropriate participation of the State in national and regional carbon markets.
20 The plan must be consistent with the comprehensive state energy plan pursuant to ~~Title 2,~~
21 section 9 10205, subsection ~~3,~~ paragraph C 2.

22 A. The triennial plan must be developed by the trust, in consultation with entities and
23 agencies engaged in delivering efficiency programs in the State, to authorize and
24 govern or coordinate implementation of energy efficiency and weatherization
25 programs in the State. The triennial plan must identify all achievable cost-effective
26 energy efficiency savings and related programs that could be implemented pursuant
27 to sections 10110 and 10111, the costs and benefits of such programs and the basis
28 and support for such identified costs and benefits. The trust shall conduct an
29 evaluation of all cost-effective potential for electrical and natural gas energy
30 efficiency savings in the State at least once every 5 years.

31 (1) Transmission and distribution utilities and natural gas utilities shall furnish
32 data to the trust that the trust requests under this subsection to develop and
33 implement the triennial plan or conduct the evaluation of all cost-effective
34 potential for electrical and natural gas energy efficiency savings subject to such
35 confidential treatment as a utility may request and the board determines
36 appropriate pursuant to section 10106. The costs of providing the data are
37 deemed reasonable and prudent expenses of the utilities and are recoverable in
38 rates.

39 B. In developing the triennial plan, the staff of the trust shall consult the board and
40 provide the opportunity for the board to provide input on drafts of the plan.

41 B-1. In developing the triennial plan, the trust shall provide the joint standing
42 committee of the Legislature having jurisdiction over energy matters an opportunity
43 to provide input on the plan, which may occur at the same time the trust consults with
44 other entities in the development of the plan.

1 C. The board shall review and approve the triennial plan by affirmative vote of 2/3 of
2 the trustees upon a finding that the plan is consistent with the statutory authority for
3 each source of funds that will be used to implement the plan, advances the state
4 energy efficiency targets in paragraph F and reflects the best practices of program
5 administration under subsection 2. The plan must include, but is not limited to,
6 efficiency and conservation program budget allocations, objectives, targets, measures
7 of performance, program designs, program implementation strategies, timelines and
8 other relevant information.

9 D. Prior to submission of the triennial plan to the commission, the trust shall offer to
10 provide a detailed briefing on the draft plan to the joint standing committee of the
11 Legislature having jurisdiction over energy matters and, at the request of the
12 committee, shall provide such a briefing and opportunity for input from the
13 committee. After providing such opportunity for input and making any changes as a
14 result of any input received, the board shall deliver the plan to the commission for its
15 review and approval. The commission shall open an adjudicatory proceeding and
16 issue an order either approving the plan and issuing the appropriate orders to
17 transmission and distribution utilities and gas utilities or rejecting the plan and stating
18 the reasons for the rejection. The commission shall reject elements of the plan that
19 propose to use funds generated pursuant to sections 3210-C, 10110, 10111 or 10119
20 if the plan fails to reasonably explain how these elements of the program would
21 achieve the objectives and implementation requirements of the programs established
22 under those sections or the measures of performance under subsection 3. Funds
23 generated under these statutory authorities may not be used pursuant to the triennial
24 plan unless those elements of the plan proposing to use the funds have been approved
25 by the commission. The commission shall approve all elements of the triennial plan
26 it determines to be cost-effective, reliable and achievable and shall incorporate into
27 gas utility and transmission and distribution rates sufficient revenue to provide for the
28 procurement of energy efficiency resources identified within the plan pursuant to
29 section 10110, subsection 4-A and section 10111, subsection 2. The commission shall
30 approve or reject the entire plan or elements of the plan within 120 days of its
31 delivery to the commission. The board, within 30 days of final commission approval
32 of its plan, shall submit the plan to the joint standing committee of the Legislature
33 having jurisdiction over energy matters together with any explanatory or other
34 supporting material as the committee may request and, at the request of the
35 committee, shall provide a detailed briefing on the final plan. After receipt of the
36 plan, the joint standing committee of the Legislature having jurisdiction over energy
37 matters may submit legislation relating to the plan.

38 E. The trust shall determine the period to be covered by the triennial plan except that
39 the period of the plan may not interfere with the delivery of any existing contracts to
40 provide energy efficiency services that were previously procured pursuant to
41 efficiency and conservation programs administered by the commission.

42 F. It is an objective of the triennial plan to design, coordinate and integrate sustained
43 energy efficiency and weatherization programs that are available to all energy
44 consumers in the State and to users of all fuel types. The plan must set forth the costs
45 and benefits of energy efficiency programs that advance the following goals, and
46 funding necessary to meet those goals:

- 1 (1) Reducing energy costs, including residential heating costs;
- 2 (2) Weatherizing substantially all homes whose owners or occupants are willing
3 to participate in and share the costs of cost-effective home weatherization to a
4 minimum standard of weatherization, as defined by the trust, by 2030;
- 5 (3) Reducing peak-load demand for electricity through trust programs by 300
6 megawatts by 2020;
- 7 (4) By 2020, achieving electricity and natural gas program savings of at least
8 20% and heating fuel savings of at least 20%, as defined in and determined
9 pursuant to the measures of performance approved by the commission under
10 section 10120;
- 11 (5) Creating stable private sector jobs providing alternative energy and energy
12 efficiency products and services in the State by 2020; and
- 13 (6) Reducing greenhouse gas emissions from the heating and cooling of buildings
14 in the State by amounts consistent with the State's goals established in Title 38,
15 section 576.

16 The trust shall preserve when possible and appropriate the opportunity for carbon
17 emission reductions to be monetized and sold into a voluntary carbon market. Any
18 program of the trust that supports weatherization of buildings must be voluntary and
19 may not constitute a mandate that would prevent the sale of emission reductions
20 generated through weatherization measures into a voluntary carbon market.

21 Except when specifically provided in the individual goals under this paragraph, the
22 trust may consider expected savings from market effects not attributable to the trust
23 as well as efforts by other organizations, including but not limited to federally funded
24 low-income weatherization programs.

25 As used in this paragraph, "heating fuel" means liquefied petroleum gas, kerosene or
26 #2 heating oil, but does not include fuels when used for industrial or manufacturing
27 processes.

28 **Sec. 4. 35-A MRSA §10110, sub-§4-A**, as enacted by PL 2013, c. 369, Pt. A,
29 §20 and affected by §30, is amended to read:

30 **4-A. Procurement of cost-effective energy efficiency resources.** The commission
31 shall ensure that transmission and distribution utilities on behalf of their ratepayers
32 procure all electric energy efficiency resources found by the commission to be cost-
33 effective, reliable and achievable pursuant to section 10104, subsection 4, except that the
34 commission may not require the inclusion in rates under this subsection of a total amount
35 that exceeds 4% of the total retail electricity supply and transmission and distribution
36 sales in the State as determined by the commission by rule. The cost of procurement of
37 cost-effective electric energy efficiency resources is a just and reasonable element of
38 rates. The commission may issue any appropriate orders to transmission and distribution
39 utilities necessary to achieve the goals of this subsection. When determining the amount
40 of cost-effective electric energy efficiency resources to be procured under this subsection,
41 the commission shall:

1 A. Consider electric energy efficiency resources that are reasonably foreseeable to be
2 acquired by the trust using all other sources of revenue, including, but not limited to,
3 the Regional Greenhouse Gas Initiative Trust Fund under section 10109;

4 B. Ensure that calculations of avoided energy costs and the budget identified by the
5 trust in its triennial plan as needed to capture all cost-effective electric energy
6 efficiency resources are reasonable, based on sound evidence and make use of best
7 practices across the region; and

8 C. Maximize total electricity savings for all ratepayers.

9 The commission shall consider gross efficiency savings for the purpose of determining
10 savings that are cost-effective, reliable and achievable and shall consider both net and
11 gross efficiency savings for the purpose of determining the appropriateness of the amount
12 identified by the trust in its triennial plan as needed to capture all cost-effective electric
13 energy efficiency resources.

14 Rules adopted under this subsection are routine technical rules under Title 5, chapter 375,
15 subchapter 2-A.

16 **Sec. 5. 35-A MRSA Pt. 9** is enacted to read:

17 **PART 9**

18 **MAINE ENERGY OFFICE**

19 **CHAPTER 101**

20 **MAINE ENERGY OFFICE**

21 **§10201. Definitions**

22 As used in this Part, unless the context otherwise indicates, the following terms have
23 the following meanings.

24 **1. Board.** "Board" means the Efficiency Maine Trust Board, established in Title 5,
25 section 12004-G, subsection 10-C.

26 **2. Commissioner.** "Commissioner" means the Commissioner of the Maine Energy
27 Office.

28 **3. Office.** "Office" means the Maine Energy Office.

29 **4. Trust.** "Trust" means the Efficiency Maine Trust established in section 10103.

30 **§10202. Office established**

31 **1. Establishment.** The Maine Energy Office is established in the Executive
32 Department to carry out responsibilities of the State relating to energy resources, planning
33 and development. The office is directly responsible to the Governor.

1 **§10203. Commissioner; deputy commissioner; staff**

2 The office is under the control and supervision of the Commissioner of the Maine
3 Energy Office, who reports directly to the Governor.

4 **1. Commissioner.** The commissioner is appointed by the Governor, subject to
5 review by the joint standing committee of the Legislature having jurisdiction over energy
6 matters and to confirmation by the Senate. The commissioner serves at the pleasure of the
7 Governor.

8 **2. Deputy commissioner.** The deputy commissioner is appointed by the Governor,
9 subject to review by the joint standing committee of the Legislature having jurisdiction
10 over energy matters and to confirmation by the Senate. The deputy commissioner serves
11 at the pleasure of the Governor.

12 **3. Staff.** The commissioner may employ personnel as necessary to carry out the
13 work of the office.

14 **§10204. Funding**

15 The office is funded in accordance with this section.

16 **1. Federal funds.** The office is funded by federal funds that are available to and
17 received by the office. Such federal funds may be applied to support the personal services
18 and all other costs of the office.

19 **2. Efficiency Maine Trust funds.** An amount equal to \$300,000 from the trust must
20 be transferred annually to the office.

21 **3. Additional funds.** Any additional funding of the office must be provided from
22 the General Fund or other available resources.

23 **§10205. Powers and duties of commissioner**

24 The commissioner is responsible for the execution of the duties of the office. The
25 commissioner shall:

26 **1. Energy policy.** In collaboration with the relevant state agencies, coordinate state
27 energy policy and actively foster cooperation with the trust;

28 **2. Comprehensive state energy plan.** In consultation with the board, prepare and
29 submit an updated comprehensive state energy plan to the Governor and the Legislature
30 by January 15th of every odd-numbered year. Within the comprehensive state energy
31 plan, the commissioner shall identify opportunities to lower the total cost of energy to
32 consumers in this State and transmission capacity and infrastructure needs and
33 recommend appropriate actions to lower the total cost of energy to consumers in this
34 State and facilitate the development and integration of new renewable energy generation
35 within the State and support the State's renewable resource portfolio requirements
36 specified in section 3210 and wind energy development goals specified in section 3404.
37 The comprehensive state energy plan must include a section that specifies the State's

1 progress in meeting the oil dependence reduction targets in section 10207. The office
2 shall make recommendations, if needed, for additional legislative and administrative
3 actions to ensure that the State can meet the reduction targets in section 10207. The
4 recommendations must include a cost and resource estimate for technology development
5 needed to meet the reduction targets.

6 A. Beginning in 2015, the update to the plan must:

7 (1) Be submitted to the joint standing committee of the Legislature having
8 jurisdiction over utilities and energy matters and the joint standing committee of
9 the Legislature having jurisdiction over natural resources matters;

10 (2) Address the association between energy planning and meeting the
11 greenhouse gas reduction goals in the state climate action plan pursuant to Title
12 38, section 577. The commissioner shall consult with the Department of
13 Environmental Protection in developing this portion of the plan;

14 (3) Include a section devoted to wind energy development, including:

15 (a) The State's progress toward meeting the wind energy development goals
16 established in section 3404, subsection 2, including an assessment of the
17 likelihood of achieving the goals and any recommended changes to the goals;

18 (b) Examination of the permitting process and any recommended changes to
19 the permitting process;

20 (c) Identified successes in implementing the recommendations contained in
21 the February 2008 final report of the Governor's Task Force on Wind Power
22 Development created by executive order issued May 8, 2007;

23 (d) A summary of tangible benefits provided by expedited wind energy
24 developments, including, but not limited to, documentation of community
25 benefits packages and community benefit agreement payments provided;

26 (e) A review of the community benefits package requirement under section
27 3454, subsection 2, the actual amount of negotiated community benefits
28 packages relative to the statutorily required minimum amount and any
29 recommended changes to community benefits package policies;

30 (f) Projections of wind energy developers' plans, as well as technology
31 trends and their state policy implications;

32 (g) Recommendations, including, but not limited to, identification of places
33 within the State's unorganized and deorganized areas for inclusion in the
34 expedited permitting area established pursuant to chapter 34-A and the
35 creation of an independent siting authority to consider wind energy
36 development applications;

37 (4) Include a description of activities undertaken pursuant to subsection 8; and

38 (5) Include a description of the State's activities relating to the expansion of
39 natural gas service, any actions taken by the office to expand access to natural
40 gas in the State and any recommendations for actions by the Legislature to
41 expand access to natural gas in the State.

1 The joint standing committee of the Legislature having jurisdiction over utilities and
2 energy matters may report out legislation by February 1st of each odd-numbered year
3 relating to the content of the plan. The joint standing committee of the Legislature having
4 jurisdiction over natural resources matters may make recommendations regarding that
5 legislation to the joint standing committee of the Legislature having jurisdiction over
6 energy matters.

7 **3. Annual report.** By January 15th of each year, prepare and submit to the joint
8 standing committee of the Legislature having jurisdiction over utilities and energy
9 matters an annual report that describes the activities of the office during the previous
10 calendar year in carrying out its duties under this subsection and describes the State's
11 progress in implementation of the state energy plan prepared pursuant to subsection 2.
12 After receipt and review of the annual report required under this subsection, the joint
13 standing committee of the Legislature having jurisdiction over utilities and energy
14 matters may submit legislation relating to energy policy;

15 **4. Collect and analyze data.** In collaboration with other relevant state agencies,
16 private industry and nonprofit organizations, collect and analyze energy data, including,
17 but not limited to, data on energy supply, demand and costs in this State with
18 consideration of all available energy sources;

19 **5. Information to public.** Coordinate the dissemination of energy information to
20 the public and the media;

21 **6. Information to Governor, Legislature.** Provide technical assistance and
22 information to the Governor and the Legislature regarding the State's short-range and
23 long-range energy needs and the resources to meet those needs;

24 **7. Funds.** Seek, accept and administer funds from public and private sources and
25 develop partnerships with public and private entities to support the goals of the office,
26 including, but not limited to, promoting energy efficiency, demand-side management and
27 distributed generation;

28 **8. Agreements.** Work with transmission and distribution utilities, state agencies
29 involved in the permitting of energy generation facilities and other relevant entities to
30 negotiate agreements that create value for electricity consumers with developers of
31 renewable generation who are interested in building energy generation facilities or
32 developing or utilizing energy transmission infrastructure in this State. This subsection
33 does not authorize the commissioner to be a signatory to any such agreement unless that
34 authority is otherwise granted by law;

35 **9. Make recommendations.** Monitor energy transmission capacity planning and
36 policy affecting this State and the regulatory approval process for the development of
37 energy infrastructure pursuant to section 122 and make recommendations to the Governor
38 and the Legislature as necessary for changes to the relevant laws and rules to facilitate
39 energy infrastructure planning and development; and

1 **10. Additional action.** Take action as necessary to carry out the goals and
2 objectives of the state energy plan prepared pursuant to subsection 2, including lowering
3 the total cost of energy to consumers in this State.

4 **§10206. Advice to state agencies**

5 The commissioner shall advise state agencies regarding energy-related principles for
6 agencies to consider, along with the laws and policies governing those agencies, in
7 conjunction with the sale, lease or other allowance for use of state-owned land or assets
8 for the purpose of development of energy infrastructure. For the purposes of this section,
9 "state-owned" and "energy infrastructure corridor" have the same meanings as in section
10 122, subsection 1. At a minimum, the commissioner shall consider the following
11 principles in advising state agencies under this subsection:

12 **1. Public interest.** The principles for the determination of the long-term public
13 interest of the State as specified in section 122, subsection 1-D, paragraph B;

14 **2. Constitution of Maine.** Avoiding wherever possible the use of lands subject to
15 the provisions of the Constitution of Maine, Article IX, Section 23;

16 **3. Strategic location.** Maximizing the benefit realized from the State's strategic
17 location within New England and the northeastern region; and

18 **4. Memorandum of agreement.** Complying with the provisions of the
19 memorandum of agreement between the Maine Turnpike Authority and the Department
20 of Transportation under section 122, subsection 1-C, when applicable.

21 Nothing in this section alters any of the responsibilities or limits any of the authority
22 of the Department of Administrative and Financial Services, Bureau of General Services
23 pursuant to Title 5. Nothing in this section alters or limits the ability of departments or
24 agencies of the State, along with the Bureau of General Services pursuant to Title 5, to
25 generate or cogenerate energy at state facilities for use on site and elsewhere.

26 **§10207. Oil dependence reduction plan**

27 The office, with input from stakeholders and in consultation with the trust, shall
28 develop a plan to reduce the use of oil in all sectors of the economy in this State. The plan
29 must:

30 **1. Targets for reducing oil consumption.** Be designed to achieve the targets of
31 reducing the State's consumption of oil by at least 30% from 2007 levels by 2030 and by
32 at least 50% from 2007 levels by 2050;

33 **2. Policies; infrastructure.** Focus on near-term policies and infrastructure changes
34 that set the State on a reasonable trajectory to meet the 2030 and 2050 targets in
35 subsection 1;

36 **3. Alternative energy sources.** Prioritize the improvement of energy efficiency and
37 the transition to the use of alternative energy sources for heating and transportation; and

1 **4. Existing data.** Draw on existing state data and studies rather than new analyses,
2 including, but not limited to, analyses and data from the State's climate action plan
3 pursuant to Title 38, section 577 and the progress updates to the climate action plan under
4 Title 38, section 578, the comprehensive state energy plan pursuant to section 10205,
5 subsection 2, the trust's triennial plan pursuant to section 10104, subsection 4 and
6 analyses completed by the Federal Government, nonprofit organizations and other
7 stakeholders.

8 **§10208. Maine Energy Resources Development Program**

9 The Maine Energy Resources Development Program, referred to in this section as
10 "the program," is established to promote energy research and demonstration activities
11 related to both the use of indigenous, renewable resources and more efficient use of
12 energy. The office, as funding allows, shall administer the program. The commissioner
13 may accept private money for the purpose of funding the program.

14 **1. Report.** The commissioner shall include, in the comprehensive state energy plan
15 under section 10205, subsection 2, a report that specifies, in regard to the program, the
16 expenditure of program funds, the purposes for which the funds were used and the
17 amount of the funds and the sources from which the funds were derived.

18 **2. Approval.** For all proposed program expenditures of \$10,000 or more, the
19 commissioner shall seek approval for those expenditures from the Governor. If the
20 Governor approves, the commissioner shall seek approval for those expenditures from the
21 Legislature under the procedures authorizing the transfer of funds set forth in Title 5,
22 section 1585.

23 **§10209. Reporting of petroleum inventories and deliveries**

24 The following provisions govern the reporting of petroleum inventories and
25 deliveries.

26 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
27 following terms have the following meanings:

28 A. "Petroleum product" means propane; gasoline; unleaded gasoline; gasohol;
29 kerosene; #2 heating oil; diesel fuel; kerosene-based jet fuel; aviation gasoline; #4, #5
30 and #6 residual oil for utility and nonutility uses; and Bunker C oil;

31 B. "Primary storage facility" means a facility that receives petroleum products into
32 the State by pipeline or by ship; and

33 C. "Primary supplier" means a refiner, marketer, distributor, firm or person who
34 makes the first sale of any petroleum product to resellers or consumers in this State.

35 **2. Primary storage facility; report.** Each owner or lessee of a primary storage
36 facility in the State shall make an accurate report of petroleum inventories and deliveries
37 on the first and 3rd Monday of each month to the office on a form provided by the
38 commissioner. The form must contain a conspicuous statement of the penalties provided
39 in subsection 4 and must require, with regard to the owner's or lessee's primary storage
40 facility, the following information:

1 A. The total inventory of each petroleum product stored in the State, as measured
2 within not more than 3 working days prior to the reporting date; and

3 B. The quantities of each petroleum product delivery expected into the State within
4 15 days of the reporting date or within any longer period established by the
5 commissioner.

6 **3. Primary supplier; report.** Each primary supplier of petroleum products shall
7 make an accurate report of actual and anticipated deliveries on the 3rd Monday of each
8 month to the office on a form provided by the commissioner, unless the report is already
9 being submitted in accordance with federal regulations. The form must contain a
10 conspicuous statement of the penalties provided in subsection 4 and must require the
11 following information:

12 A. Actual deliveries of all petroleum products in this State during the preceding
13 calendar month;

14 B. Anticipated deliveries of all petroleum products in this State during the following
15 calendar month or during any longer period established by the commissioner; and

16 C. Allocation fractions for all petroleum products for the following month or for any
17 longer period established by the commissioner.

18 **4. Violation.** A person who violates this section is subject to the following penalties.

19 A. An owner or lessee of a primary storage facility or a primary supplier who fails to
20 provide the information required by this section commits a Class D crime. Violation
21 of this paragraph is a strict liability crime as defined in Title 17-A, section 34,
22 subsection 4-A.

23 B. An owner or lessee of a primary storage facility or a primary supplier who
24 knowingly or recklessly supplies false or misleading information is guilty of a
25 violation of Title 17-A, section 453. An owner or lessee of a primary storage facility
26 who supplies false or misleading information commits a civil violation for which a
27 fine of \$2,500 may be adjudged.

28 **5. Report to Legislature.** The office shall provide reports to the joint standing
29 committee of the Legislature having jurisdiction over utilities and energy matters as
30 follows:

31 A. If the office determines, based on available information, that there is or may be a
32 significant shortfall in supply inventories or anticipated deliveries into the State of
33 home heating oil or kerosene, the office shall provide a report including:

34 (1) The information that suggests a supply shortfall;

35 (2) Current and anticipated inventories of home heating oil and kerosene storage
36 supplies;

37 (3) Any recommendations of the office for actions by the State in response to the
38 anticipated supply shortfall; and

39 (4) A report on inventories, deliveries, curtailments, shortfalls or other matters
40 relating to the availability of petroleum products in this State, at the request of the

