

§10203. Commercial PACE programs

1. Establishment; administration. The trust, a 3rd party contracted by the trust or a municipality that has adopted a commercial PACE ordinance may establish a commercial PACE program. Notwithstanding any provision of law to the contrary, the trust may use funds from its administrative fund, program funds or fees on commercial PACE assessments to pay reasonable administrative expenses of the trust or to pay a 3rd party contracted by the trust for costs incurred to carry out the purposes of this chapter.

[PL 2021, c. 142, §1 (NEW).]

2. Energy savings improvement financing. Financing for energy savings improvements may be provided by any funds available for those improvements, except for proceeds from the regional greenhouse gas initiative as defined in Title 38, section 580-A, subsection 19. If funds are provided by a nongovernmental lender, including, but not limited to, banks and investment firms, the nongovernmental lender has the contractual right to receive commercial PACE assessment payments. Commercial PACE financing may cover up to 100% of an energy savings improvement's costs, including audits, energy savings improvement development and application fees.

[PL 2021, c. 142, §1 (NEW).]

3. Program administration; municipal participation and liability. A commercial PACE program must be administered as follows.

A. A municipality that has adopted a commercial PACE ordinance may:

(1) Administer the functions of a commercial PACE program, including, but not limited to, entering into commercial PACE agreements with commercial property owners and collecting commercial PACE assessments; or

(2) Enter into a contract with the trust to administer some or all functions of the commercial PACE program for the municipality, including billing and collection of commercial PACE assessments, except that the trust may not administer the collection of commercial PACE assessments in default pursuant to section 10205, subsection 5. [PL 2021, c. 142, §1 (NEW).]

B. The trust may enter into a contract with a municipality that has adopted a commercial PACE ordinance to administer commercial PACE program functions in the municipality. [PL 2021, c. 142, §1 (NEW).]

C. The trust may enter into a contract with a 3rd-party administrator to administer part or all of a commercial PACE program for a municipality. [PL 2021, c. 142, §1 (NEW).]

D. Notwithstanding any provision of law to the contrary, staff or trustees of the trust, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the trust or to any other person for claims, of whatever kind or nature, under or related to a commercial PACE program established under subsection 1, including, without limitation, claims for or related to uncollected commercial PACE assessments. [PL 2021, c. 142, §1 (NEW).]

E. Other than the fulfillment of its obligations specified in a commercial PACE agreement, neither the trust nor a municipality has any liability to a commercial property owner for or related to energy savings improvements financed under a commercial PACE program. [PL 2021, c. 142, §1 (NEW).]

F. The trust may collect fees necessary to administer commercial PACE programs. [PL 2021, c. 142, §1 (NEW).]

[PL 2021, c. 142, §1 (NEW).]

4. Quality assurance system. Subject to the availability of funds, the trust shall, within one year of the establishment of a commercial PACE program under subsection 1, adopt by rule a quality

assurance system for the commercial PACE program. In developing a quality assurance system under this subsection, the trust shall consult with industry stakeholders, including, but not limited to, representatives of clean energy and energy efficiency programs, contractors and environmental, energy efficiency and labor organizations.

[PL 2021, c. 142, §1 (NEW).]

5. Terms and conditions. The trust may, by rule, establish terms and conditions under which municipalities and commercial property owners may participate in a commercial PACE program established under subsection 1, which may include, but are not limited to, terms and conditions related to program design, implementation and administration, cost sharing, collection of commercial PACE assessments and recording of liens. The trust may vary the terms and conditions established under this subsection applicable to a participating municipality from those of other participating municipalities by mutual agreement with that municipality. Any terms or conditions established by the trust may not conflict with other provisions of this chapter.

A commercial PACE assessment may be used to secure financing for the construction of a new building or facility. Financing secured by a commercial PACE assessment for the construction of a new building or facility must be used for energy savings improvements on the property that significantly exceed the energy standards of the Maine Uniform Building and Energy Code, adopted pursuant to Title 10, section 9722, subsection 6, paragraph B, or the applicable energy code in the municipality where the project is located, as determined by the trust. A lender under this chapter may disburse funds for new construction projects before project completion.

[PL 2021, c. 142, §1 (NEW).]

6. Model documents; educational materials. The trust shall develop and provide to municipalities model commercial PACE ordinances, model commercial PACE agreements, other model forms and documents and educational materials for use by municipalities in the implementation of commercial PACE programs.

[PL 2021, c. 142, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 142, §1 (NEW).

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