

## An Act To Establish Appliance Energy and Water Standards

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

**Sec. 1. ~~2 MRSA §9, sub-§3, ¶I~~**, as enacted by PL 2007, c. 656, Pt. C, §1, is amended to read:

~~I. Monitor energy transmission capacity planning and policy affecting this State and the regulatory approval process for the development of energy infrastructure pursuant to Title 35-A, section 122 and make recommendations to the Governor and the Legislature as necessary for changes to the relevant laws and rules to facilitate energy infrastructure planning and development; and~~

**Sec. 2. ~~2 MRSA §9, sub-§3, ¶J~~**, as amended by PL 2011, c. 55, §2, is further amended to read:

~~J. Take action as necessary to carry out the goals and objectives of the state energy plan prepared pursuant to paragraph C including lowering the total cost of energy to consumers in this State.; and~~

**Sec. 3. ~~2 MRSA §9, sub-§3, ¶K~~** is enacted to read:

~~K. Take action as necessary regarding the appliance and product efficiency standards set forth in subsection 8, including, but not limited to, the enforcement of those standards.~~

**Sec. 41. ~~2 MRSA §9, sub-§8~~ **38 MRSA §1612**** is enacted to read:

**8. Appliance and product efficiency standards.** The following provisions apply to the sale or offering for sale in the State of certain new appliances and products.

A. Beginning January 1, 2023, a person may not sell or offer for sale in the State any of the following appliances and products that are prohibited from sale in the State of California pursuant to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, as those regulations were in effect on January 1, 2021 and as amended on December 9, 2020:

- (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 the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, as those regulations were in effect on January 1, 2021, 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 C79.1-2002 with a lumen output greater than or equal to 200 and rated at 40 watts or less; A and C shape lamps as defined in American National Standards Institute standard C79.1-2002 with a lumen output greater than or equal to 200 and less than 310; shatter-resistant lamps; and 3-way lamps.

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B. In determining a person's compliance with paragraph A, the ~~office~~ Department shall, to the greatest extent practicable and where consistent with the requirements of this subsection, use information contained in the modernized appliance efficiency database system established pursuant to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, as those regulations were in effect on January 1, 2021.

C. A person who violates paragraph A commits a civil violation for which a fine of not more than \$100 may be adjudged for each unit of a product sold or offered for sale in violation of paragraph A.

D. ~~The Department may, by routine technical rulemaking in accordance with Title 38, section 341-H, amend the prohibitions in subsection A to incorporate changes to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4 in effect after January 1, 2021. Beginning January 15, 2022, and annually thereafter, the office shall submit to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters a report describing any recent or anticipated changes to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4 and including recommendations as to whether, based on such changes or for other specified reasons, the provisions of this subsection require amendment. After reviewing the report, the joint standing committee may report out legislation relating to the report.~~

~~This subsection does not apply to any appliances and products listed in paragraph A, subparagraphs (1) to (8) that are manufactured before January 1, 2022 or that are sold or offered for sale in the State in used condition. Any products pre-empted from state regulation by federal statute or regulation shall be exempt from any prohibitions under this section and rules promulgated hereunder so long as the federal pre-emption remains in place~~

**Sec. 52. Memorandum of understanding regarding technical assistance to consumers and businesses.** The ~~Governor's Energy Office~~ Department of Environmental Protection may enter into a memorandum of understanding or other formalized agreement with the Efficiency Maine Trust, established in the Maine Revised Statutes, Title 35-A, chapter 97, for the provision of technical assistance by the trust to consumers and businesses in the scope and application of the State's efficiency standards under Title 2, section 9, subsection 8 ~~38, section 1612~~.

## SUMMARY

This bill provides that, beginning January 1, 2023, a person may not sell or offer for sale in the State any of the following new products that were prohibited from sale in the State of California under its appliance efficiency regulations, as those regulations were in effect on January 1, 2021: computers and computer monitors; certain general service lamps; commercial hot food holding cabinets; plumbing fittings that are showerheads, lavatory faucets, kitchen faucets, public lavatory faucets, metering faucets, kitchen replacement aerators and lavatory replacement aerators; plumbing fixtures that are water closets and urinals; portable electric spas; spray sprinkler bodies; and water dispensers.

~~The Governor's Energy Office~~ Department of Environmental Protection is required to enforce this prohibition, and fines for a violation of the prohibition are specified. The office is authorized to enter into a memorandum of understanding or other formalized agreement with the Efficiency Maine Trust for the provision of technical assistance by the trust to consumers and businesses regarding this prohibition. ~~The office is also required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters describing~~ Department is authorized to incorporate recent or anticipated changes to the California appliance efficiency regulations and including recommendations as to whether, based on such changes or for other specified reasons, the state provision requires amendment ~~through routine technical rulemaking~~.