

Office of Policy and Legal Analysis

Date: April 15, 2021
To: Joint Standing Committee on Energy, Utilities and Technology
From: Dan Tartakoff, Legislative Analyst
Re: LD 815, An Act To Support School Decarbonization (Senator Maxmin)

Bill summary

Current law requires the Efficiency Maine Trust to develop and administer a school energy savings program. This bill changes the program to a school decarbonization program and requires the trust to provide technical and financial support to help kindergarten to grade 12 schools become carbon neutral. The bill also repeals the school solar energy program administered by the trust.

List of legislators/entities that submitted written testimony and/or spoke at the hearing

Proponents – Senator Maxmin, Efficiency Maine Trust, Governor’s Energy Office, Maine Youth for Climate Justice, Natural Resources Council of Maine, Office of the Public Advocate, Sierra Club Maine, additional members of the public.

Opponents – none.

Neither for nor against – Maine School Boards Association/Maine School Superintendents Association, Professional Logging Contractors of Maine.

Notes, issues and proposed amendments

- Professional Logging Contractors of Maine, concerns/proposed amendments*
 - Concerned that bill singles out for financing under the program one form of renewable energy – solar – without considering other renewable energy sources.
 - Concerned that the bill would conflict with 20-A MRSA §15908-B (enacted in 2019), which provides that, in approving construction projects for new or substantially renovated schools or school buildings, the State Board of Education shall ensure that school administrative units have considered heating systems that use renewable, locally-sourced wood-based fuels. Suggest striking phrase “solar power purchases” from page 1, line 12 as a means of addressing this concern.
 - Recommends striking the phrase “natural gas conservation projects” from existing law on page 1, line 25 and instead referencing “carbon neutral electronic heating projects,” stating that natural gas is not technically carbon neutral and not considered a form of renewable energy in Maine.
- Cost/time frame concerns, Maine School Boards Association/Maine School Superintendents Association* – concerned over timetable for this decarbonization process and the costs associated with that process. Suggests input from the Department of Education regarding costs and the recommended carbon neutral alternatives to fossil fuel heating (e.g., solar, heat pumps, etc.).
- School solar energy program* – the bill in section 2 repeals the existing law at 35-A MRSA §10127 that established a school solar energy program through the EMT.

As noted by the EMT in its written testimony, following the enactment of the school solar energy program, the EMT discovered a number of issues with that program that made it more complicated and less economically attractive for schools to use the program compared to the options available to schools on the open market through under the state’s net energy billing or renewables “procurement” policies.

4. *Sierra Club Maine, proposed amendments –*

- Recommends including technical assistance in the program for energy-saving performance contracting or ESPC as one method of funding school decarbonization projects.
- Recommends engaging teachers and students in school decarbonization projects to the extent possible.

Request for work session

At the hearing, Representative Foster requested additional input/information from the Department of Education on how this bill’s proposed school decarbonization program would factor into or impact the school construction projects, whether new construction or retrofits/improvements, that it facilitates.

Fiscal information

Not yet available from OFPR.